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STATEMENT OF COMPLIANCE WITH ALL APPLICABLE GOALS, OBJECTIVES AND POLICIES OF THE “PLAN 2040” COMPREHENSIVE PLAN

Applicant: NTS Development Company

Owners: Oxmoor Farm Holdings, LLC

Project Name/Location: Christian Way Apartments/Block 089M, Lot 14

Current Zoning: R-6 & C-1, Campus Form District

Engineers, Land Planners, Landscape Architects: Qk4, Louisville, c/o Ashley Bartley

Building Architects: Niles Bolton, Inc., Atlanta, c/o Eric Letbetter

Traffic Engineer: Diane B. Zimmerman Traffic Engineering, LLC

INTRODUCTION

The Revised General and Detailed District Development Plan (RGDDP and DDDP) filed with this application is for an already R6 and C1 zoned 14.29 acre parcel of land that is part of the Oxmoor Farm GDDP approved in 2002. The proposed 306 unit apartment community will occupy the site of an open field which for many years was utilized by youth soccer leagues under a license arrangement with the Oxmoor Farm owners. It is being developed under a joint venture arrangement between the Oxmoor Farm ownership entity and NTS, which recently developed a like-sized parcel of Oxmoor Farm land for a similarly sized apartment community to the west of this one along the east side of I-264, called Upton at Oxmoor.

All of NTS’s prior development projects, which include several apartment communities, have involved high quality design, this one being no different than the others, except that it represents NTS’s latest design iteration and one particularly designed to be sensitive to the interests of Hurstbourne neighbors.

This site, like the Upton at Oxmoor, is also within a prime growth area that adapts well for development of the proposed kind because of these factors: (a) the existing Oxmoor Mall, including many new retail stores and entertainment facilities, such as Top Golf; (b) the continuing Louisville Metro demand for added rental housing, especially in close proximity to retail shopping and entertainment opportunities; (c) the existence of decent and planned improved roads, sidewalks and connectivity; (d) the availability of sanitary sewers to accommodate environmentally positive growth; (e) the presence nearby of both public and parochial schools;

and (f) the proximity of this site to good local streets, arterials and interstate highways which help move traffic to and from other major employment centers.

PLAN ELEMENT 4.1: COMMUNITY FORM

This application complies with Plan Element 4.1, its 5 Goals and their Objectives plus the following Policies.

As to Goal 1, Policies 2, 2.1, 3.1.11, 4, 5, 6, 7, 9 10, 11, 12, 14, 16, 17, 18, 19, 20 and 23, the application complies as follows, in addition to the other ways set forth above and below:

The site is located in the Campus Form District which is characterized by a mix of clustered land uses that may include multi-family residential housing, especially if serving the people who work in the Campus Form District. The proposed apartment community perfectly fits this Form District, where a million square feet of Oxmoor Mall retail, office, restaurant and entertainment uses already exists. Proposed densities at 17.4 dwelling units per acre in the R6 portion of the site and 34.74 du/a within the C1 portion of the site are within the densities permitted by the Land Development Code (LDC) for those zoning districts. At 3 stories within the R6 portion of the site and 4 stories within the C1 portion of the site, buildings do not require height variances, although Binding Element (BE) Amendments for certain relatively minor deviations from the 2002 approved GDDP and Oxmoor Farm "Design Guidelines" appear to be required and therefore are being requested. By separate explanatory letter filed with this Compliance Statement, those plan changes and BE Amendments are justified. As said, all LDC restrictions and requirements with respect to building design, street frontages, building and parking setbacks, building heights, open spaces, recreation areas, landscaping, tree canopy, parking minimums and maximums, lighting and signage will be met.

Also, located as this proposed apartment community is within a sizable office-retail-entertainment activity center and walking distances from same as well as from churches and both JCPS and parochial schools, travel distances for purposes of work, shopping, worship, and school are reduced, and walking and biking become very real possibilities, as sidewalks are both available and will be enhanced. This also helps contribute to improved air quality.

Proposed quality masonry components and traditional style and design of the planned apartment buildings, plus landscaping, screening and buffering beyond the bare minimums and designed in consultation with both adjoining Hurstbourne neighbors and elected officials, help assure compatibility with nearby single-family houses. The building elevations and other design exhibits filed with this application further demonstrate that. Furthermore, as a residential community itself, the proposed apartment community is not designed with the kinds of negative impacts that might harm the quiet enjoyment of its own residents, since they surely merit protection from nuisances as well.

As to Goal 2, Policies 1, 2, 3, 6, 7, 8, 9, 11, 12, 13, 14, 15, 16 and 17, the application complies as follows, in addition to the other ways set forth above and below:

As said, the proposed apartment community is located within the Campus Form District where office, retail, entertainment and other rental apartment buildings already exist and where churches, schools and other office and retail developments exist really close by. Also, a senior living facility is located next door. As such and with good and improving pedestrian and vehicular access to all of these existing uses and with good street and sidewalk connections to the aforementioned uses as well, the proposed apartment community is part of a very large mixed use activity center that extends west down Shelbyville Road from the I-64/I-264 interchange to St Matthews, east through the City of Hurstbourne to Hurstbourne Parkway and its interchange with I-64, and north to the the heart of Lyndon and the UofL Shelbyhurst campus. As such, it will add to the opportunities existing and planned in this high density/intensity area to reside in close and convenient proximity to many places of employment, food, shopping, education and health care.

As to Goal 3, Policies 1, 2, 3, 6, 9, 10 and 13, the application complies as follows, in addition to the other ways set forth above and below:

The DDDP for this apartment community includes a clubhouse, pool, outdoor recreation area and dog park, with 65,500 sq feet of recreational area and 94,000 sq feet of open space provided, both more than regulatorily required.

As to Goal 4, this exact site does not contain historic buildings, although the larger Oxmoor Farm does, which are being protected.

As to Goal 5, this proposed apartment community site is not public enough to include an element of public art.

PLAN ELEMENT 4.2: MOBILITY

This application complies with Plan Element 4.2, its 3 Goals and their Objectives plus the following Policies.

As to Goal 1, Policies 1, 2, 3, 4 and 6; Goal 2, Policies 1, 2, 3, 4, 5, 6, 7 and 8; and Goal 3, Policies 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 14, 15, 17, 18, 19, 20 and 21, the application complies as follows, in addition to the other ways set forth above and below:

This proposed apartment community (located as it is within a Campus Form District which continues to evolve over time with ever more diversity of mixed uses) is part of a good plus well-planned and improving road and sidewalk network that assures excellent connectivity to these internal uses plus nearby churches, public and parochial schools, restaurants, retail shopping, offices and more.

Internal parking lot streets will be private and as such will be privately maintained. No stub street connections are proposed or required, although two points of access will be provided to Christian Way in order to meet LDC requirements and to assure excellent access and internal circulation.

Also, bike racks and handicapped parking spots will be installed as and where required. And all of its drive lanes, parking spaces and both internal and external connections will be designed in accordance with Metro Public Work and Transportation Planning (MPW&TP) requirements. These are preliminarily depicted on the development plan filed with this application.

Also a Traffic Impact Study (TIS) was prepared and is being filed herewith by Diane Zimmerman, P.E. It was prepared and submitted in accordance with MPW&TP requirements. What it demonstrates is that the minor amount of additional traffic generated by this proposed apartment community will not adversely impact existing roads and roadway intersections.

TARC service is available in this area with TARC stops already existing.

Further, all necessary utilities are located proximate to this site and accessible by it via public right of way or easements.

PLAN ELEMENT 4.3: COMMUNITY FACILITIES

This application complies with Plan Element 4.3, its 3 Goals and their Objectives plus the following Policies.

As to Goal 2, Policies 1, 2 and 3, the application complies as follows, in addition to the other ways set forth above and below:

As noted, two parochial schools (both Catholic and Lutheran) and one public elementary school (Lowe Elementary) are located very short driving (actually even walking/biking) distances from this site. Public and parochial middle and high schools are also located short driving distances away.

PLAN ELEMENT 4.4: ECONOMIC DEVELOPMENT

This application complies with Plan Element 4.4, its 2 Goals and their Objectives, plus the following Policies.

As to Goal 2, Policies 1 and 3, the application complies as follows, in addition to the other ways set forth above and below:

As Louisville Metro's population continues to grow, so does demand for housing of all types. This proposed apartment community is part of a developer response to that demand and as such both stabilizes and offers increased opportunities for employment in the building trades and associated

industries. It also increases the Metro Louisville tax base essential to the provision of government services, especially important after the 2009-2014 Great Recession and recent COVID crisis. If Louisville and Kentucky are to fully economically rebound over time, especially from Covid's devastating economic setbacks, it will be because new growth opportunities are afforded, like this one. That is why this Plan Element of the Comp Plan takes on such overriding significance at this point in Louisville's recently troubled history.

PLAN ELEMENT 4.5: LIVEABILITY

This application complies with Plan Element 4.5, its 4 Goals and their Objectives plus the following Policies.

As to Goal 1, Policies 5, 7, 8, 10, 11, 12, 13, 15, 16, 23, 26, 27, 28, 29, 30, 31, 32, 33 and 35; and Goal 4, Policies 1 and 2, the application complies as follows, in addition to the other ways set forth above and below:

This application contemplates that storm water will be accommodated by virtue of an on-site basin to which drainage will flow as it drains to and is captured in on-site catch basins. As such, post development peak rates of run-off will not exceed pre-development conditions.

Sanitary sewer service is also available. It can be accessed via lateral extension to and from existing nearby manhole.

Measures will also be taken to assure that erosion and sediment impacts are fully controlled and/or mitigated.

As mentioned above, given the location of this proposed apartment community is part of a Campus Form District and large existing and ever-expanding mixed use activity center, air quality impacts will be minimized because vehicle miles travelled are reduced.

PLAN ELEMENT 4.6: HOUSING

This application complies with Plan Element 4.6, its 3 Goals and their Objectives, plus the following Policies.

As to Goal 1, Policies 1, 2 and 3; Goal 2, Policies 1, 2 and 3; and Goal 3, Policies 1, 3 and 4, the application complies as follows, in addition to the other ways set forth above:

In bringing more brand new, high quality apartments to the described area, NTS expects to serve a diversity of renters, taking advantage of the site's proximity to all of the many different, aforementioned uses. And because of the lifestyle changes that the Great Real Estate Recession of 2009-2014 and COVID crisis of 2020 have caused, moving ever more people from ownership to rental housing communities, NTS's apartment buildings will

be multigenerational. Thus, this community can probably expect both familiars and both young and elderly empty-nesters to be among its diverse occupants.

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For all of the above-stated reasons, those shown on the detailed district development plan and those to be explained at the Planning Commission hearing at which this application package will be discussed, this application complies with all other applicable Goals, Objectives and Policies of the “Plan 2040” Comprehensive Plan.

Respectfully submitted,

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