

Louisville Metro Planning Commission
September 19, 2016

Docket No. 16ZONE1020

Zone change from R-4 and R-5 to R-6 and a height variance for an apartment community on property located at 11312, 11314 & 11404 Taylorsville Road

c/o Del Investments, Inc.

Attorneys: Bardenwerper Talbott & Roberts, PLLC

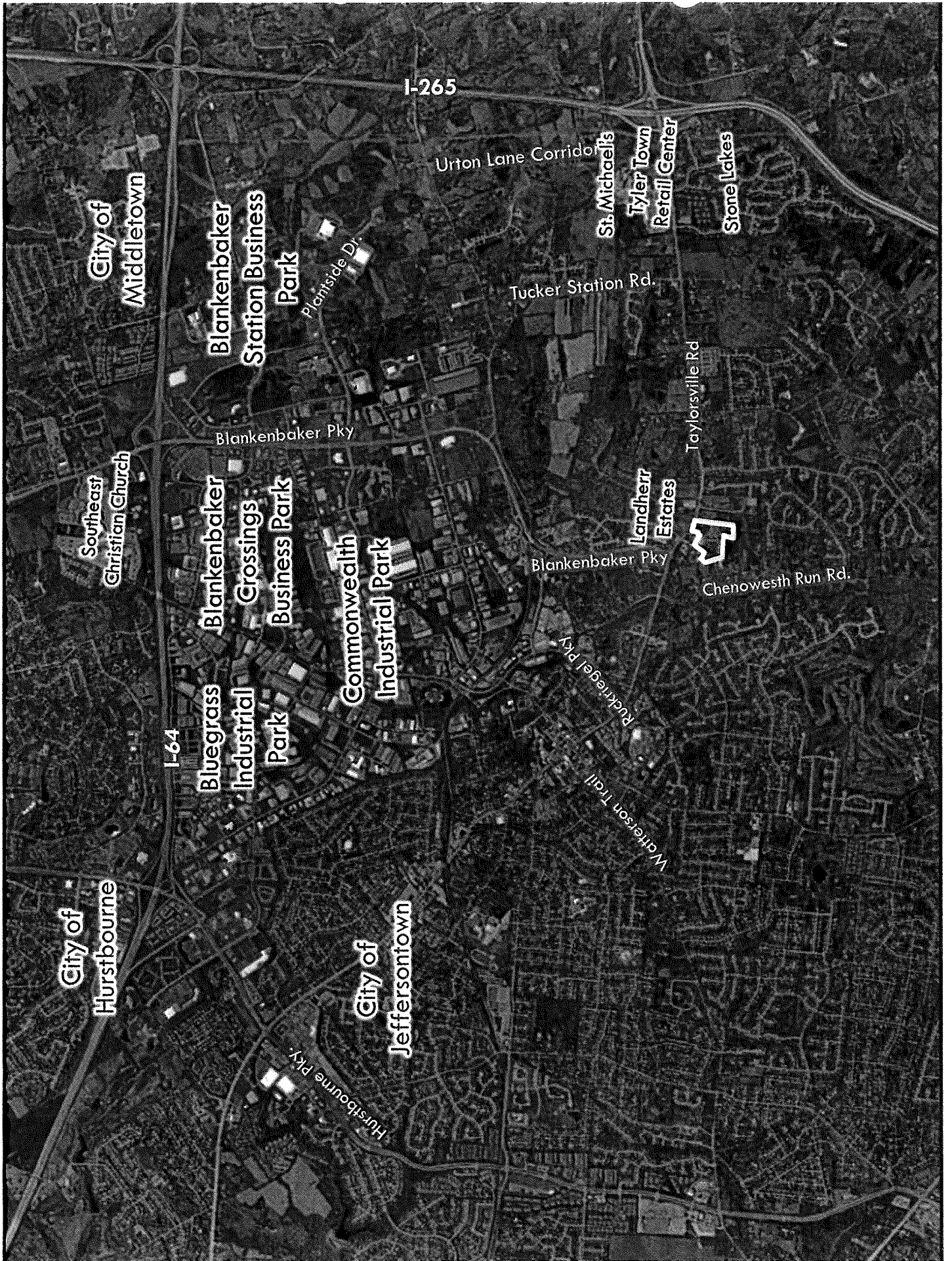
Land Planners, Landscape Architects & Engineers: Mindel Scott & Associates

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9. Statement of Compliance filed with the original zone change application with all applicable Guidelines and Policies of the Cornerstone 2020 Comprehensive Plan and Variance Justification
10. Proposed findings of fact pertaining to compliance with the Comprehensive Plan and Variance criteria

RECEIVED
SEP 08 2016
PLANNING &
DESIGN SERVICES

RECEIVED
SEP - 11 2016
PLANNING &
DESIGN SERVICES



I-265

City of Middletown

Blankenbaker Station Business Park

Urton Lane Corridor

St. Michael's

Tyler Town Retail Center

Stone Lakes

Tucker Station Rd.

Blankenbaker Pky

Southeast Christian Church

Blankenbaker Crossings Business Park

Landherr Estates

Taylorville Rd

Commonwealth Industrial Park

Blankenbaker Pky

Chenoweth Run Rd.

I-64

Bluegrass Industrial Park

Ruckriegel Pky

City of Hurstbourne

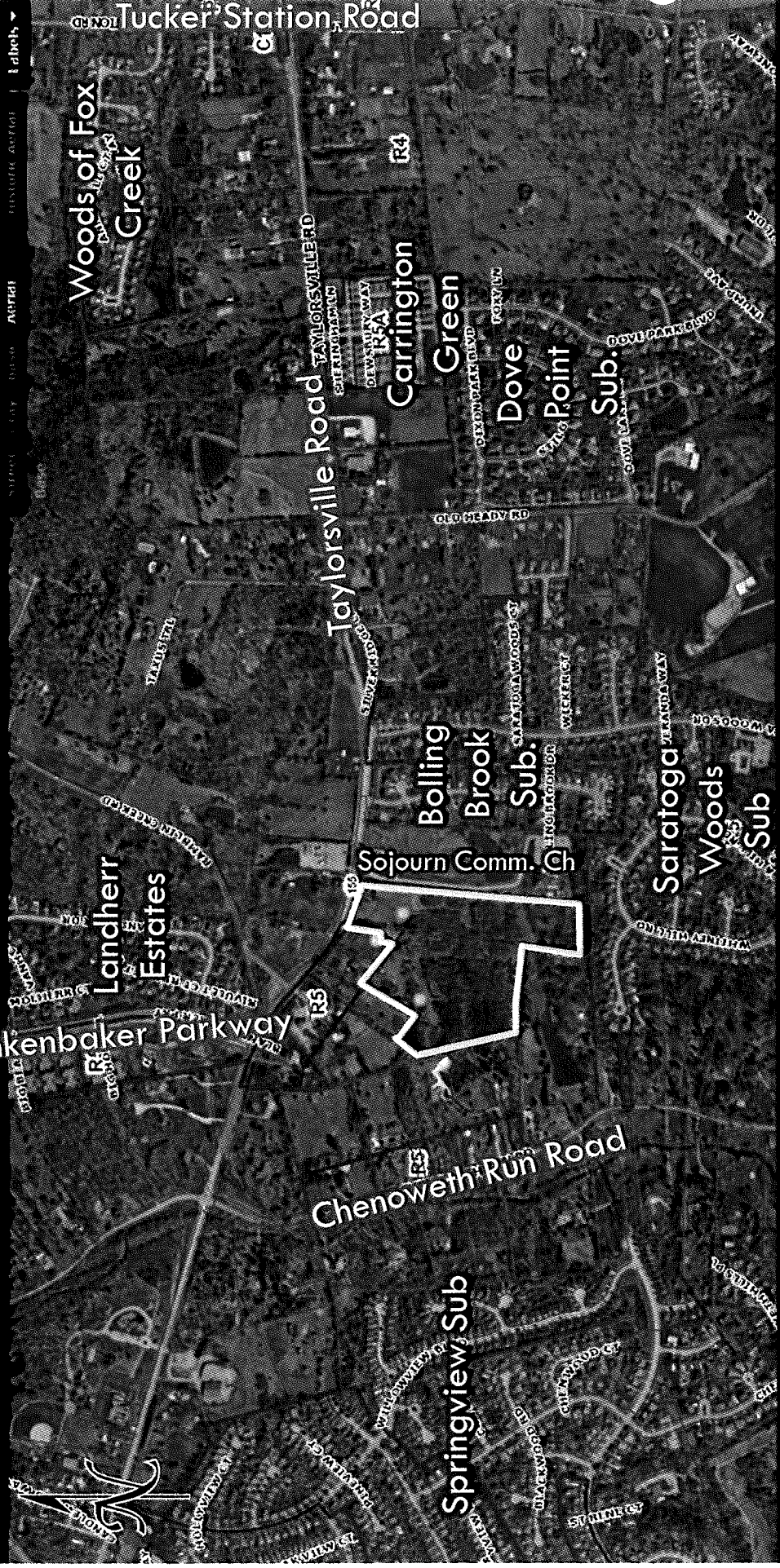
City of Jeffersontown

Hurstbourne Pky.

Waterson Trail



Blankenbaker Station I-IV and Tyler Town Center



Tucker Station Road

Woods of Fox Creek

Taylorville Road

Carrington Green

Dove Point Sub.

Saratoga Woods Sub.

Bolling Brook Sub.

Sojourn Comm. Ch

Landherr Estates

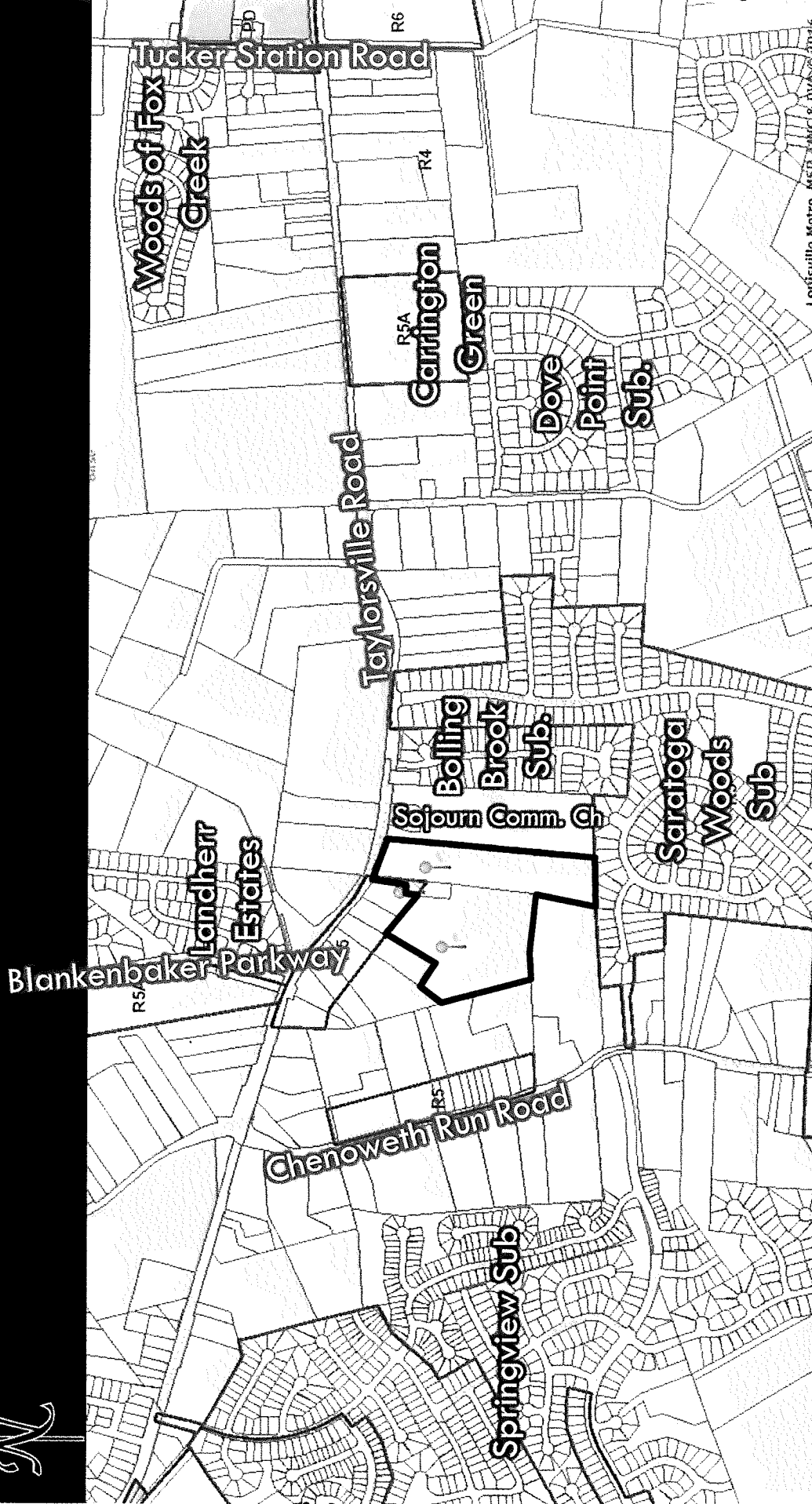
Blankenbaker Parkway

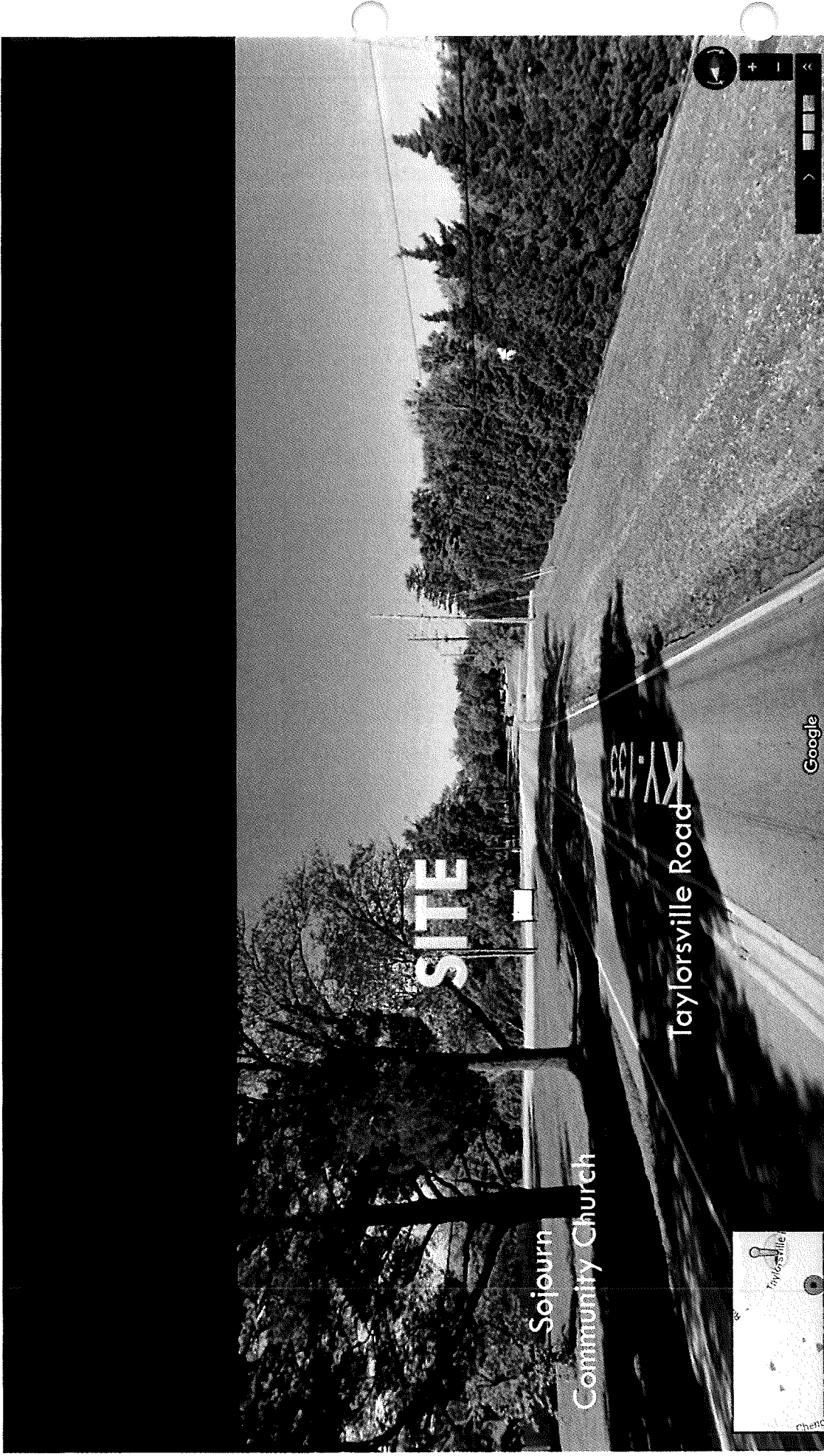
Chenoweth Run Road

Springview Sub.

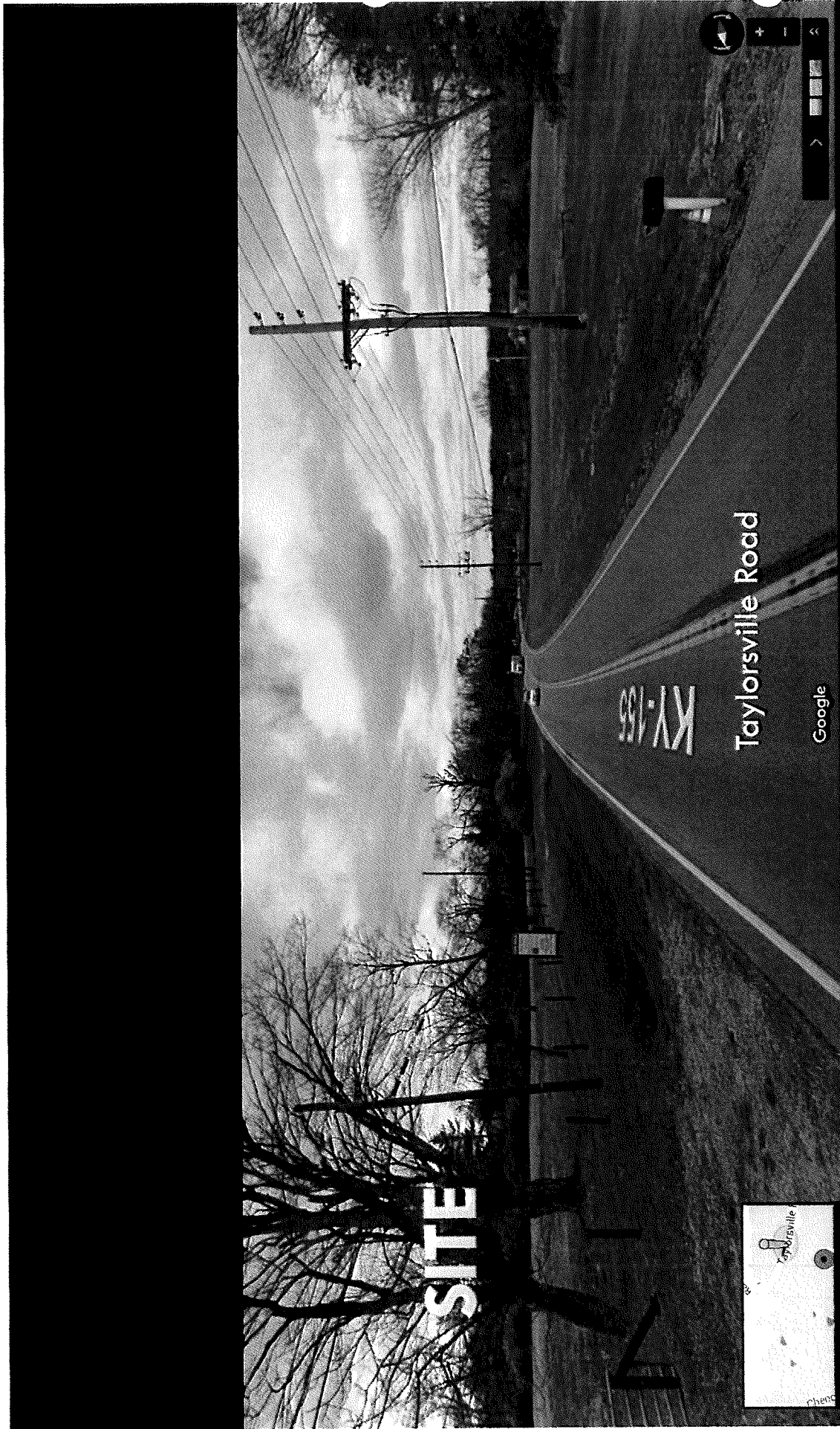


SEARCH | MAP | HISTORY | Aerial | Alphabet





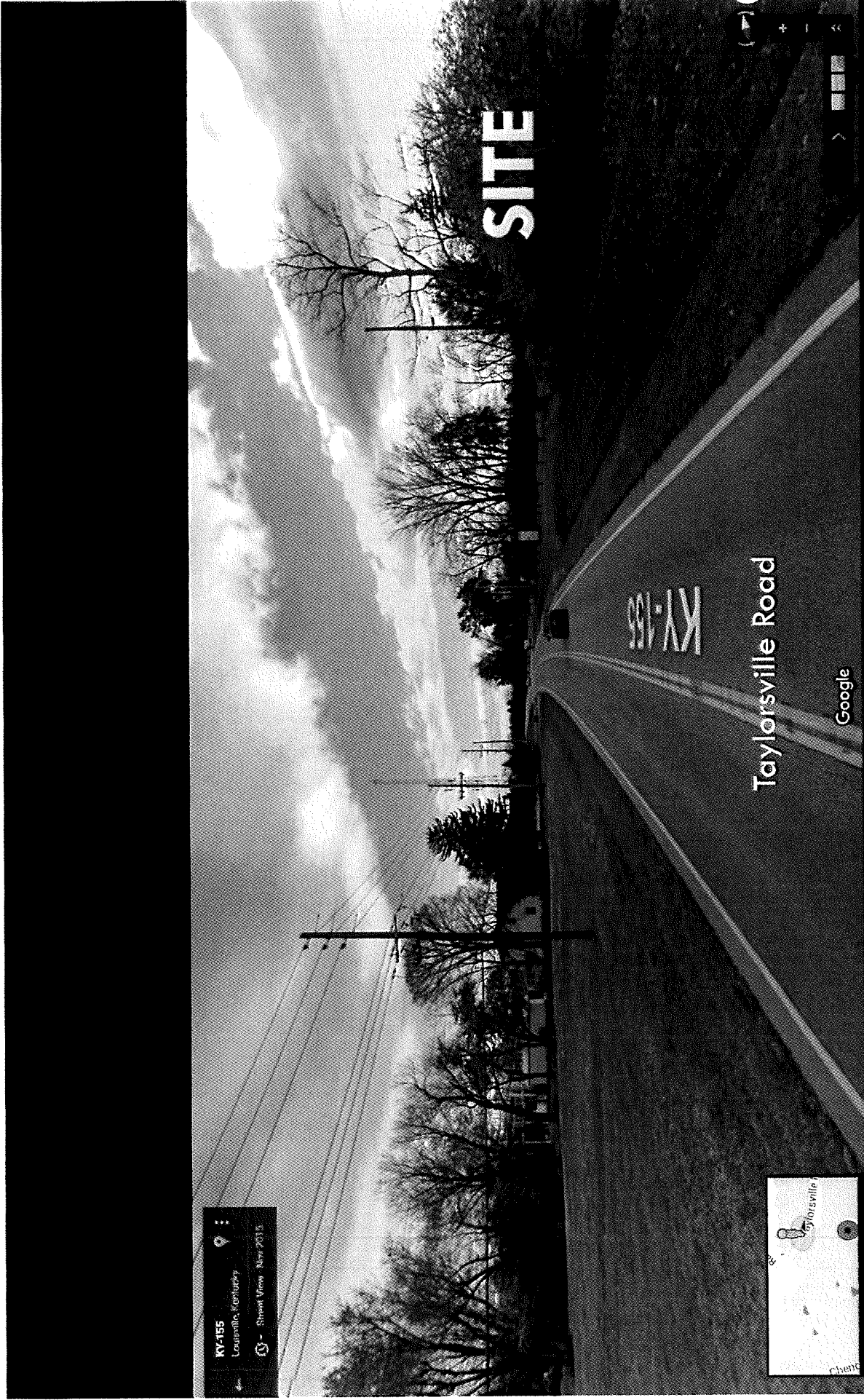
View of Taylorville Road looking west towards traffic signal at Blankenbaker Parkway north toward various business parks and I-64. Entrance to Sojourn Community Church and site is on the left.



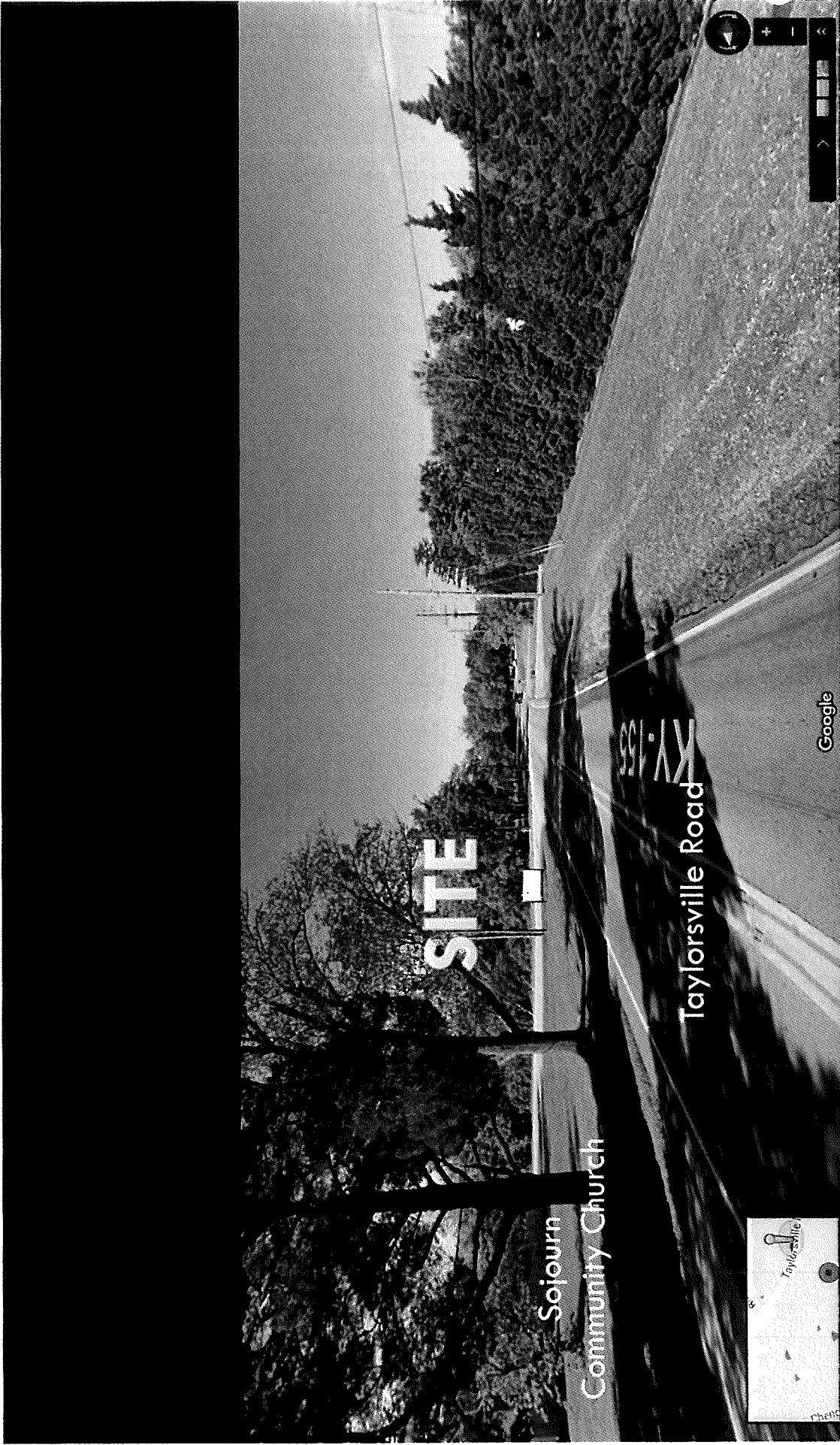
View of Taylorville Road looking west towards traffic signal at Blankenbaker Parkway north toward various business parks and I-64. Site is on the left.



View of site from Taylorville Road looking towards traffic signal at Blankenbaker Parkway north toward various business parks and I-64

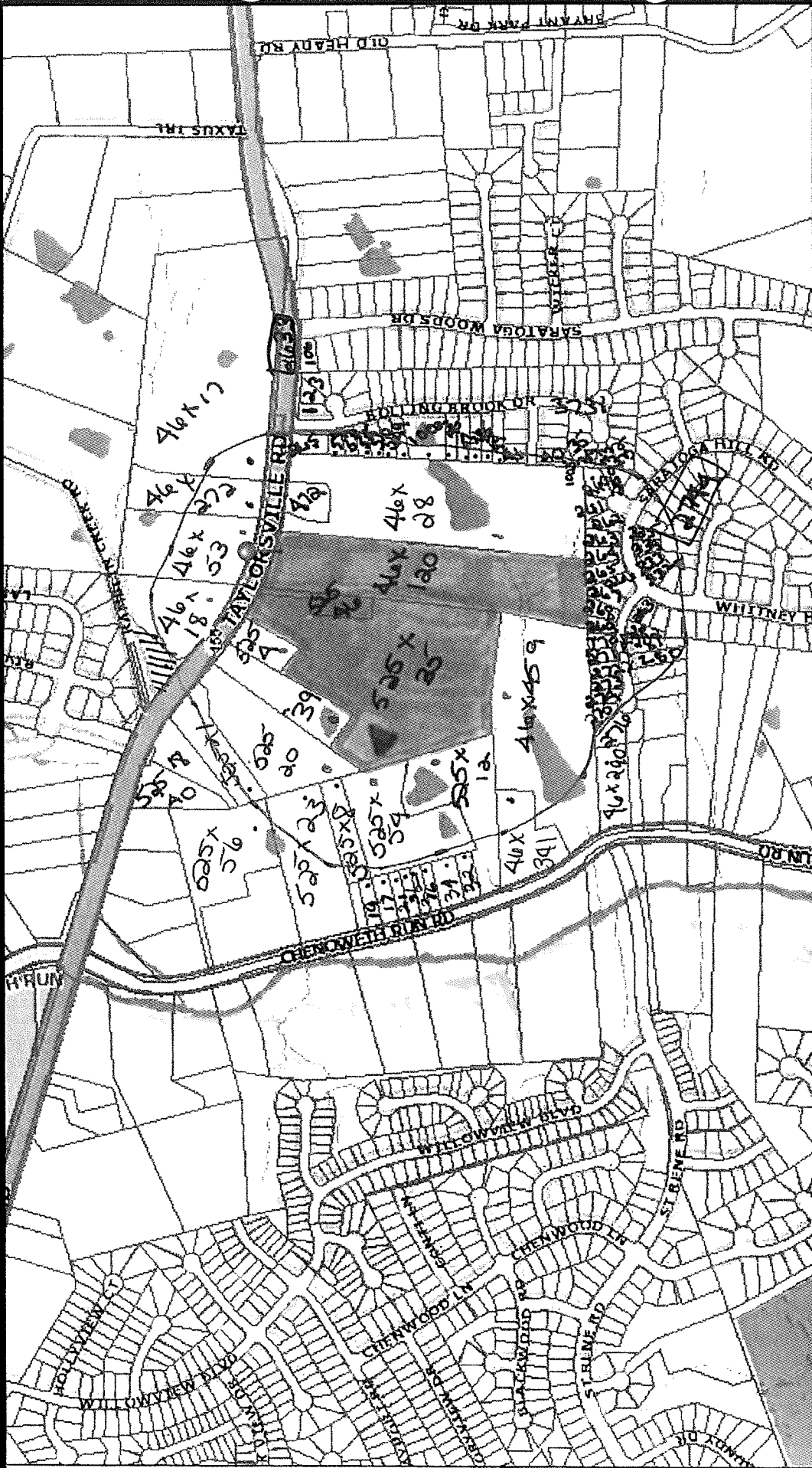


View of Taylorsville Road looking east from the traffic signal at Blankenbaker Parkway north toward various business parks and I-64 . Site is on the right.



View of Taylorville Road looking west towards traffic signal at Blankenbaker Parkway north toward various business parks and I-64. Entrance to Sojourn Community Church and site is on the left.

Neighborhood Meeting notice list map wherein 123 neighbors were invited to the neighborhood meetings and subsequent LD&T committee meeting and Planning Commission public hearing.



Del Investments, Inc.

c/o Teri DelSignore
1011 Majestic Oaks Way
Simpsonville, KY 40067

March 23, 2016

Dear Neighbor,

RE: Neighborhood meeting regarding our zone change from R-5 to R-6 to allow a higher-end residential apartment community on the south side of Taylorsville Road, just west of Bolling Brook Subdivision at 11312, 11314 & 11404 Taylorsville Road

We are writing to invite you to a neighborhood meeting that has been scheduled in order to present our preliminary development plan for a high-end residential apartment community as noted above.

Accordingly, we have filed a draft plan for pre-application review on March 14th with the Division of Planning and Design Services (DPDS) that has been assigned case number **16ZONE1020** and case manager Julia Williams (574-6942). At the meeting, we would like to show and explain to neighbors this draft plan so that we might hear what thoughts, issues and perhaps even concerns you may have.

In that regard, a meeting will be held on **Monday, April 11th at 7:00 p.m.** at the **Sojourn Community Church (in the "Connect Room")** located at **11412 Taylorsville Road.**

If you cannot attend the meeting but have questions or concerns, please call my attorney Bill Bardenwerper at 426-6688, or my land planning and engineering firm representatives David Mindel or Kathy Linares at 485-1508.

We look forward to seeing you.

Sincerely,



Teri DelSignore

cc: Hon. Stuart Benson, Councilman, District 20
Bill Bardenwerper, attorney with Bardenwerper, Talbott & Roberts, PLLC
David Mindel & Kathy Linares, land planners with Mindel Scott & Associates, Inc.
Julia Williams, case manager with Division of Planning & Design Services

BARDENWERPER, TALBOTT & ROBERTS, PLLC

ATTORNEYS AT LAW

BUILDING INDUSTRY OF LOUISVILLE BLDG • 1000 N. HURSTBOURNE PARKWAY • SECOND FLOOR • LOUISVILLE, KENTUCKY 40223
(502) 426-6688 • WWW.BARDLAW.NET

William B. Bardenwerper
Direct dial: 426-0388, ext. 135
Email: WBB@BARDLAW.NET

May 4, 2016

Re: Follow up neighborhood meeting regarding our zone change from R-5 to R-6 to allow a higher-end residential apartment community on the south side of Taylorsville Road, just west of Bolling Brook Subdivision at 11312, 11314 & 11404 Taylorsville Road

Dear Neighbor,

We are writing to invite you to a second neighborhood meeting to the one held on April 11th where we discussed with the neighbors our preliminary development plan for a high-end residential apartment community as noted above.

As you know, we have filed a draft plan for pre-application review on March 14th with the Division of Planning and Design Services (DPDS) that has been assigned case number 16ZONE1020 and case manager Julia Williams (574-6942).

In that regard, a meeting will again be held on **Thursday, May 19th at 7:00 p.m.** at the **Sojourn Community Church (in the "Connect Room")** located at **11412 Taylorsville Road.**

If you cannot attend the meeting but have questions or concerns, please call me or our client's land planning and engineering firm representatives David Mindel or Kathy Linares at 485-1508.

We look forward to seeing you.

Sincerely,



William B. Bardenwerper

cc: Hon. Stuart Benson, Councilman, District 20
David Mindel & Kathy Linares, land planners with Mindel Scott & Associates, Inc.
Diane Zimmerman, traffic engineer with CDM Smith
Julia Williams, case manager with Division of Planning & Design Services
Teri DelSignore, c/o Del Investments, Inc., applicant

Summary of Neighborhood Meetings
16ZONE1020

Neighborhood meetings were called to order by Bill Bardenwerper, counsel for applicant, on April 11 and May 19, 2016 beginning at 7:00 at Sojourn Community Church located at 11412 Taylorsville Road. He was assisted at the first meeting by David Mindel with Mindel, Scott, land planners and engineers. He was assisted at the second meeting by David Mindel, Diane Zimmerman with CBM Smith, Traffic engineers, and by George Chapman with Integra Realty Resources (IRR).

At the first meeting, the room was full, and at the second meeting, the room was half full, of property owners living along Taylorsville Road and in nearby subdivisions, or along nearby roads where all those people present stated that traffic is the overriding issue, arguing against any new development in this area. Most of the questions and speeches after the initial presentations involved traffic. Some involved storm water. Some involved why this location instead of others.

So the meetings began with Bill Bardenwerper showing a powerpoint presentation with images of the area, nearby road networks, nearby workplaces and nearby residential communities and homes. He explained that this site was chosen because of its good access to the large business park generally known as Bluegrass Industrial Park, Commonwealth Industrial Park, Blankenbaker Crossings and Blankenbaker Station – one of the largest business parks in the country. He said that this site was just a few hundred yards from Blankenbaker Parkway within easy access to all of that vast acreage. He said that people residing at this apartment community are not likely to be people working in downtown Louisville, off Bardstown Road or Hurstbourne Parkway. Rather the apartment community is intended for people who want to live in close proximity to these business parks. That means, he said, that this development's impact on Taylorsville Road will be hardly more significant than at present because people residing here to a large extent already travel Taylorsville Road into Jeffersontown or to the Snyder Freeway to access the places where they live. He said that the main traffic issues that he had the applicant's traffic engineer, Diane Zimmerman, have identified will be making left turns into and out of the proposed apartment community. He said this will be accommodated with a center left turn lane.

Diane Zimmerman, at the second meeting, presented her traffic impact study (TIS). As she showed the numbers and explained them, levels of service are acceptable in 2020 post development conditions and hardly change at all from what is otherwise projected considering normal growth conditions.

George Chapman, also at the second meeting, presented his market analysis with these conclusions. First, he said that this apartment community tested as the second highest rated apartment community he has ever analyzed. Second, he said that rental rates will be comparable to other nearby high-end apartment communities. Third, he said that market demand at this location is projected to be greater than the rate at which the builders can actually construct these apartment buildings. Fourth, he said that the above-referenced business parks are the primary attraction to people wanting to live at this location. He said that those workers are already of this road system and that apartments at this location will reduce their commuting distance.

At the first meeting, there were lots of speeches about traffic and some about storm water. Those regarding storm water had to do with the fact that Chenoweth Run carries more water today than apparently every before. Mr. Bardenwerper and Mr. Mindel explained that this project will include detention facilities such that post development peak rates of run off will not exceed predevelopment conditions. These detention basins are intended to fully mitigate all adverse impacts of storm water. Few people who heard this believed it, even though this standard, as Mr. Bardenwerper explained, is one set by MSD, and accordingly the development plan will be carefully scrutinized by MSD to assure that these measures are met.

At the second meeting, virtually all of the speeches were about traffic and the desire that this apartment community be located somewhere else than along Taylorsville Road or that new housing like this not be built until roads are improved.

After considerable talk on both occasions about traffic in particular, Mr. Bardenwerper explained the process and likely schedule for official filing and planning commission committee meeting followed by full public hearing and final vote by Metro Council.

Respectfully submitted,

William B. Bardenwerper



Taylorsville Road

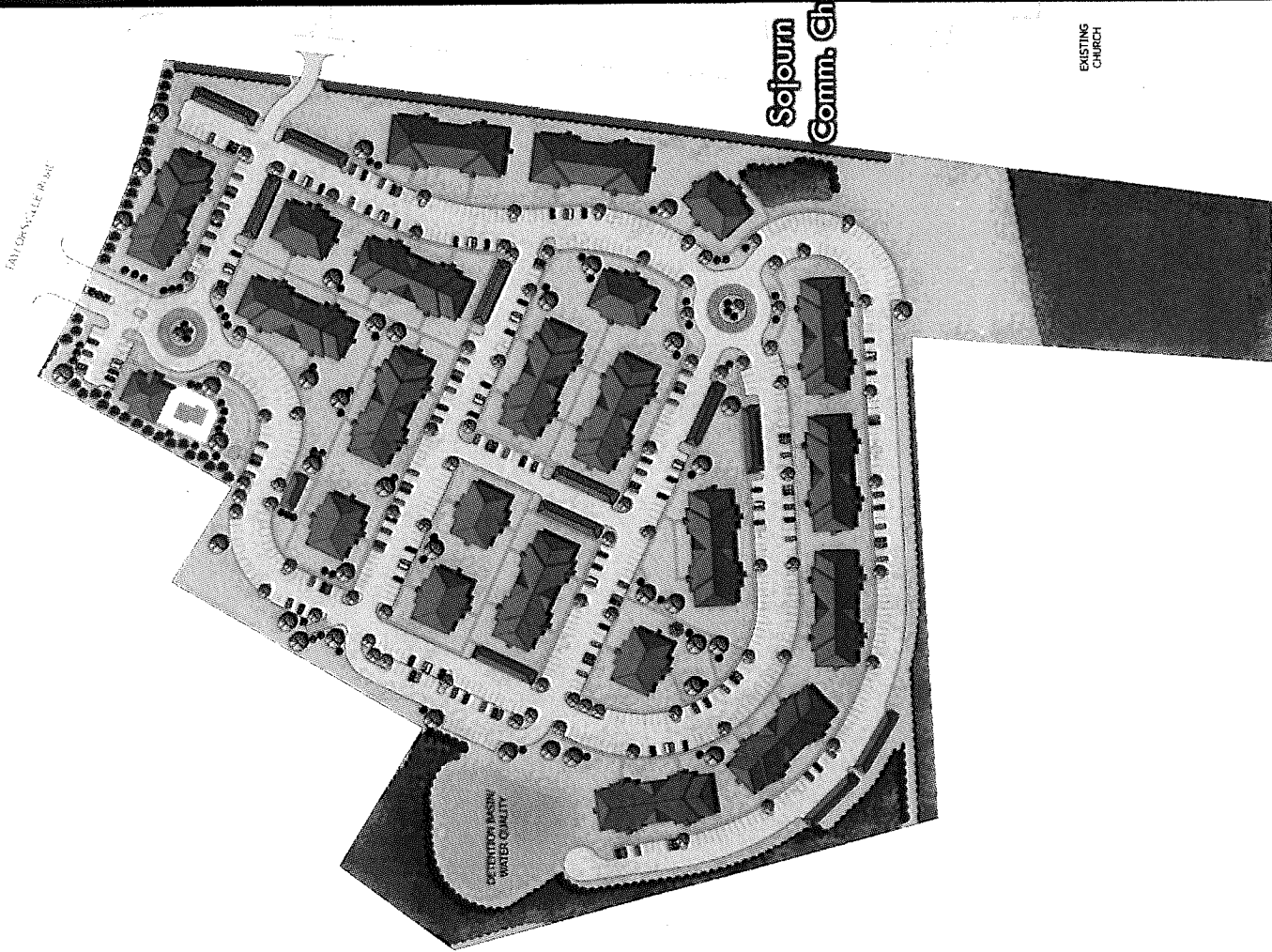
Sojourn
Comm. Ch

Bolling
Brook
Sub.

Chenoweth Run Road



AC



Sojourn
Comm. Ch.

EXISTING
CHURCH

DRAFT

ACCESS EASEMENT

THIS ACCESS EASEMENT (“Easement”) is made and granted this _____ day of _____, 2016, by and between **SOJOURN COMMUNITY CHURCH, INC.**, a Kentucky non-profit corporation, with an address of 1303 South Shelby Street, Louisville, Kentucky, 40217 (“Grantor”) and **DEL INVESTMENTS, INC.**, a Kentucky corporation, with an address of 1011 Majestic Oaks Way, Simpsonville, Kentucky 40067 (“Grantee”).

WITNESSETH:

WHEREAS, Grantor owns that certain property known as Sojourn Community Church located at 11412 Taylorsville Road, in Jefferson County, Kentucky, being tax parcel number 004600280000, as more particularly described in that certain Deed of record in Deed Book 10298, Page 757 in the Office of the Clerk of Jefferson County, Kentucky (“Grantor Property”);

WHEREAS, Grantee, its successors and assigns, has executed purchase contracts to acquire, and is the developer of a proposed apartment community (the “Apartment Project”) on, those certain properties located along Taylorsville Road as shown on that certain Detailed District Development Plan dated _____, 2016, in Docket # 16ZONE1020, as may be amended (the “DDDP”), being the same properties described in the following deeds: (i) that certain Deed of record in Deed Book 7753, Page 122, in the Office of the Clerk of Jefferson County, Kentucky; and (ii) that certain Deed of record in Deed Book 8694, Page 839, in the Office of the Clerk of Jefferson County, Kentucky (collectively, the “Grantee Property”);

WHEREAS, Grantor desires to grant an access easement for the benefit of the Grantee Property as depicted on the DDDP, in the area labeled “Access Easement” on **Exhibit A**, incorporated herein by reference (the “Easement Area”), upon the terms and conditions set forth herein; and

WHEREAS, Grantor for itself, its tenants, invitees, guests, successors and assigns, agree to grant a right of access for the benefit of Grantee Property, across Grantor Property, as more particularly set forth herein.

NOW, THEREFORE, the Grantor and Grantee declare as follows:

1. **Beneficial Parties: Binding Effect.** The rights, privileges, obligations and burdens hereby imposed and all other terms of this instrument shall run with the land and shall be binding upon and inure to the benefit of the parties hereto, their heirs, executors, administrators, employees, customers, successors and assigns as well as their tenants, invitees, and guests.

2. **Provision of Access – Grantor Property.** Grantor hereby imposes on its Grantor Property, and grants to the owner of Grantee Property, a perpetual non-exclusive easement of access to and from Grantee Property, over, upon, across, and through Grantor Property for ingress and egress purposes, for pedestrian and vehicular traffic over, upon, through and across the Easement Area. This Easement is limited to the use of the Grantee Property as an Apartment Community, and the construction thereof.

3. **Construction and Maintenance Obligation.** Grantee, or the party acquiring the Grantee Property as set forth in the “Consent of Property Owner” at the end of this Easement who shall succeed to all rights, responsibilities, and obligations of Grantee, shall perform the improvements to the Easement Area as shown on **Exhibit B** prior to the Grantee Property’s use of the access easement (the “Easement Work”). Grantor grants a temporary construction easement to Grantee to perform the Easement Work in the Easement Area. After completion of the Easement Work, the Easement Area shall be maintained by the Grantee in good condition to the standard of the condition of a normal road in Louisville Metro. Nothing in this Easement shall constitute a dedication of any publicly dedicated road and shall not be maintained by any public agency.

4. **Amendment.** This Easement may not be modified, amended or terminated except as set forth herein or by written agreement of both the owner of Grantor Property and the owner of Grantee Property, or any of their successors and assigns. Further, this Easement shall not be terminated by the parties hereto without the approval of the Louisville Metro Planning Commission.

5. **No Rights in Public; No Implied Easements.** Nothing contained in this Easement shall ever be deemed to create a gift or dedication of all or any portion of the properties described herein to the general public or for any public use or public purpose whatsoever. Any action to enforce the rights granted pursuant to this Easement may be maintained only by Grantor and Grantee or their respective successors and assigns. No easement for the benefit of the general public or for signage, drainage or utilities is implied.

6. **Severability.** The provisions hereof are severable, and if one or more of said provisions are held invalid, the remaining provisions shall remain in full force and effect.

7. **Miscellaneous.**

- a. This Easement has been made and delivered, and shall be performed in, governed and construed in accordance with the laws of the Commonwealth of Kentucky.
- b. This Easement contains the entire agreement pertaining to its subject matter and supersedes all other understanding, both written and oral, between and among Grantor and Grantee regarding the subject matter hereto.

[Remainder of this Page Intentionally Left Blank]

GRANTEE:

DEL INVESTMENTS, INC.
a Kentucky corporation

By: TO BE PROVIDED AT PUBLIC HEARING

Name: _____

Title: _____

STATE OF KENTUCKY)
) SS
COUNTY OF JEFFERSON)

The foregoing Easement was sworn to, subscribed and acknowledged before me this _____ day of _____, 2016, by _____, as _____ of **DEL INVESTMENTS, INC.**, a Kentucky corporation, on behalf of the corporation.

Notary Public

My Commission Expires: _____

CONSENT OF GRANTEE PROPERTY OWNER

The undersigned acquired the Grantee Property pursuant to those certain deeds of record in Deed Book _____, Page _____, and Deed Book _____, Page _____, both in the Office of the Clerk of Jefferson County, Kentucky, and by execution below, as a successor or assign, shall be assigned all rights of Grantee pursuant to this Easement and hereby assumes all obligations and responsibilities of Grantee pursuant to this Easement.

a _____

By: TO BE PROVIDED AT PUBLIC HEARING

Name: _____

Title: _____

STATE OF _____)
) SS
COUNTY OF _____)

The foregoing Easement was sworn to, subscribed and acknowledged before me this _____ day of _____, 201__, by _____, as _____ of _____, on behalf of the _____.

Notary Public

My Commission Expires: _____

THIS INSTRUMENT PREPARED BY:

BARDENWERPER, TALBOTT & ROBERTS, PLLC
Building Industry Association of Greater Louisville Bldg.
1000 N. Hurstbourne Pkwy., 2nd Floor
Louisville, Kentucky 40223
(502) 426-6688

E:\CLIENT FOLDER\Del Investments, Inc\2016 Taylorsville Road Apartments\Access Easement.doc
AMC Rev. 9/8/2016 2:02 PM

TO BE REMOVED

TAYLORSVILLE ROAD
R/W VARIES
LIC WORKS

EX. 10" FORCE MAIN
REC #12386-9

5' WALK

15' LBA

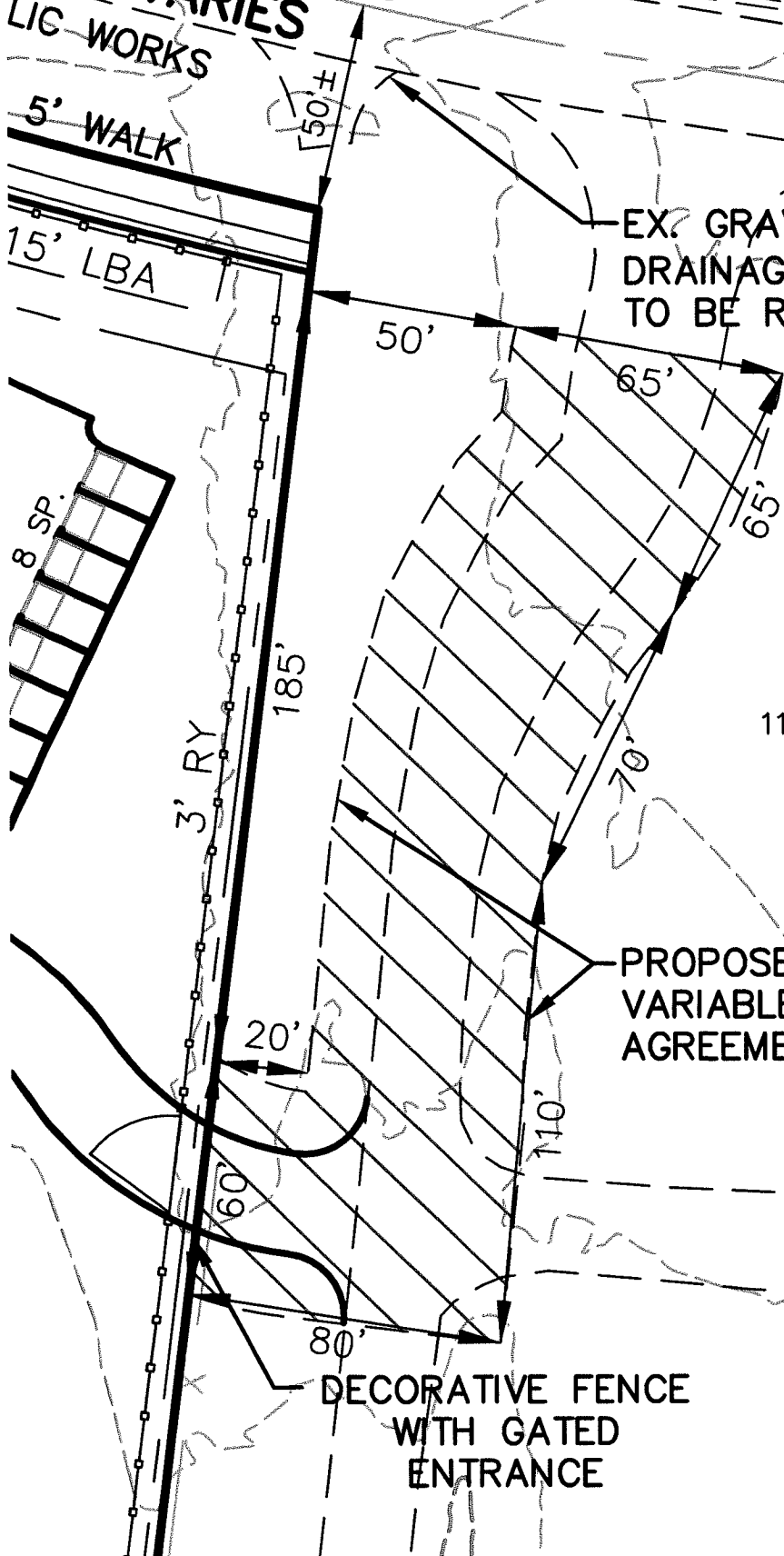
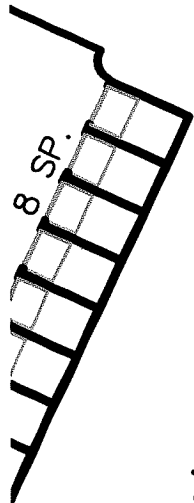
EX. GRAVEL ENTRANCE,
DRAINAGE PIPE (18"±)
TO BE REMOVED

472

SOJOURN COMMUNITY
CHURCH, INC.
11410 TAYLORSVILLE RD.
LOUISVILLE, KY
TB: 46, LOT: 472
DB: 10298, PG: 0757
NFD/R4

PROPOSED
VARIABLE ACCESS
AGREEMENT

DECORATIVE FENCE
WITH GATED
ENTRANCE



Clubhouse



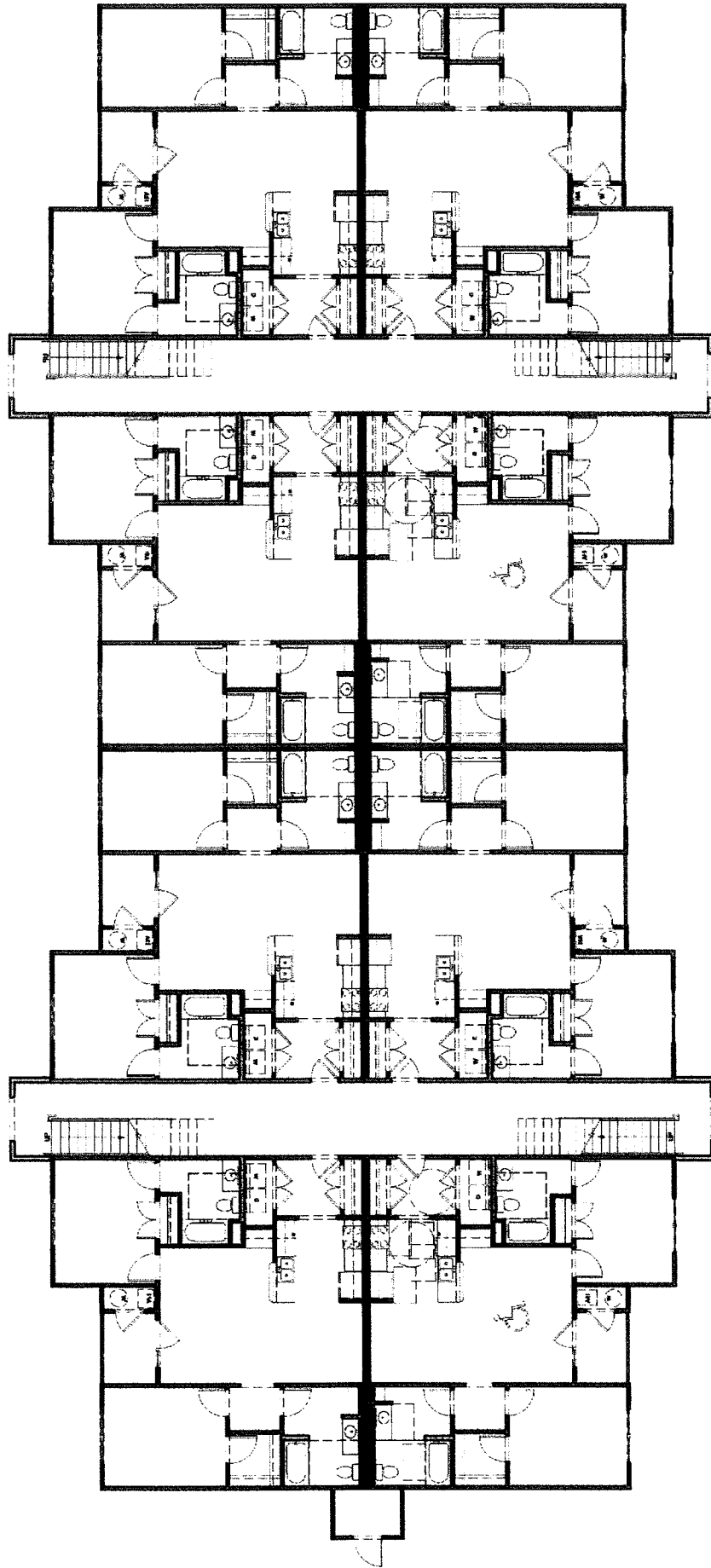
2 & 3-story building



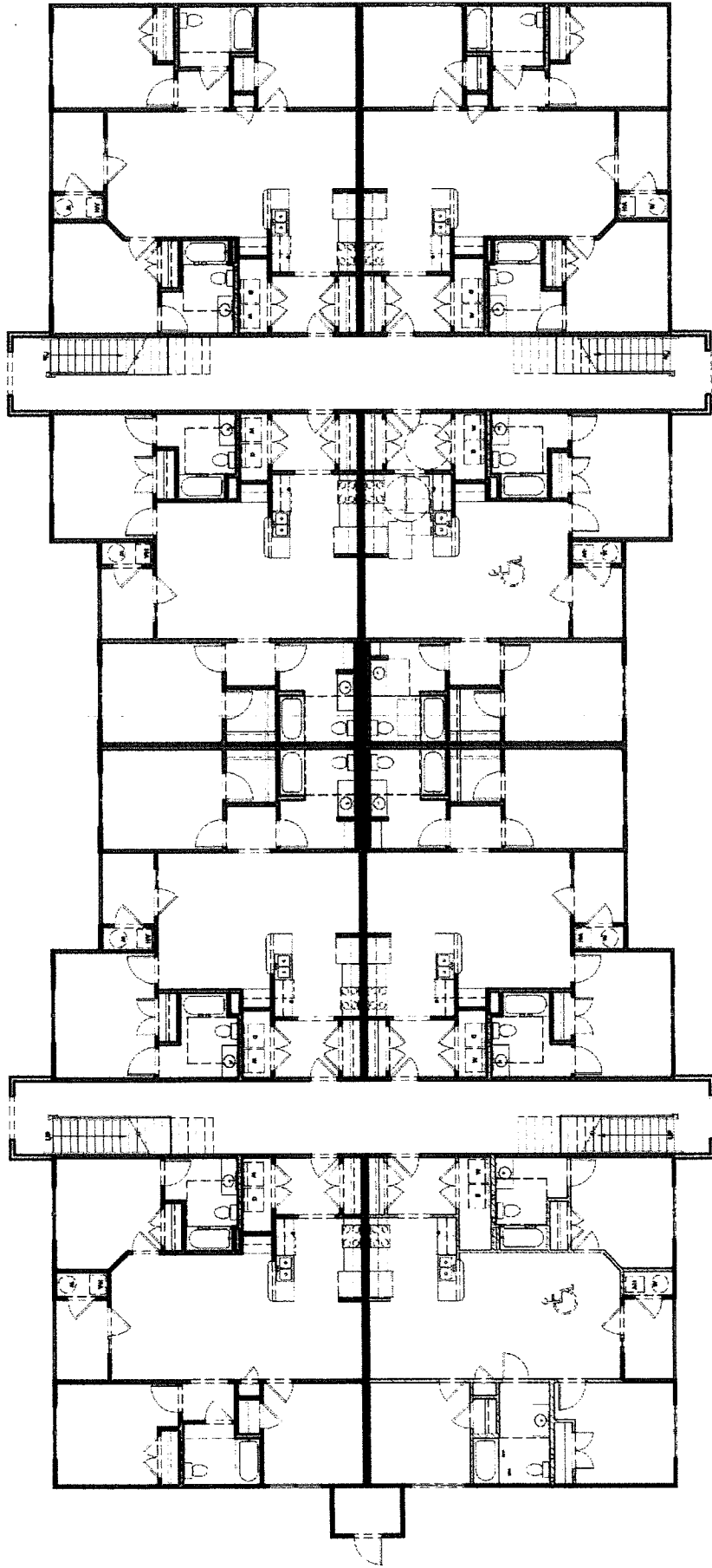
3-story building



2 bedroom floorplan



2 & 3 bedroom floorplan



Integra Realty Resources
Kentucky-Southern Indiana

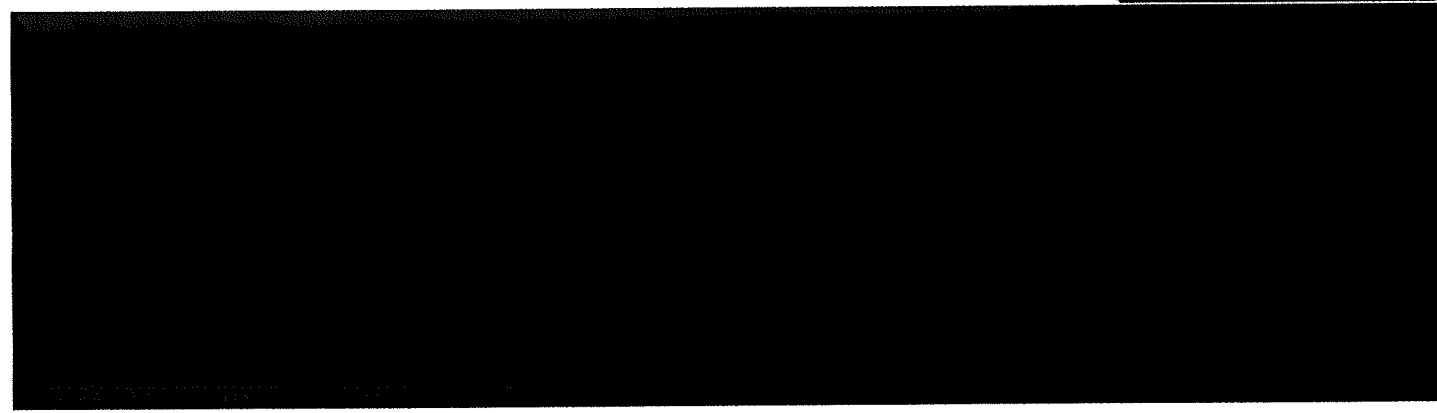
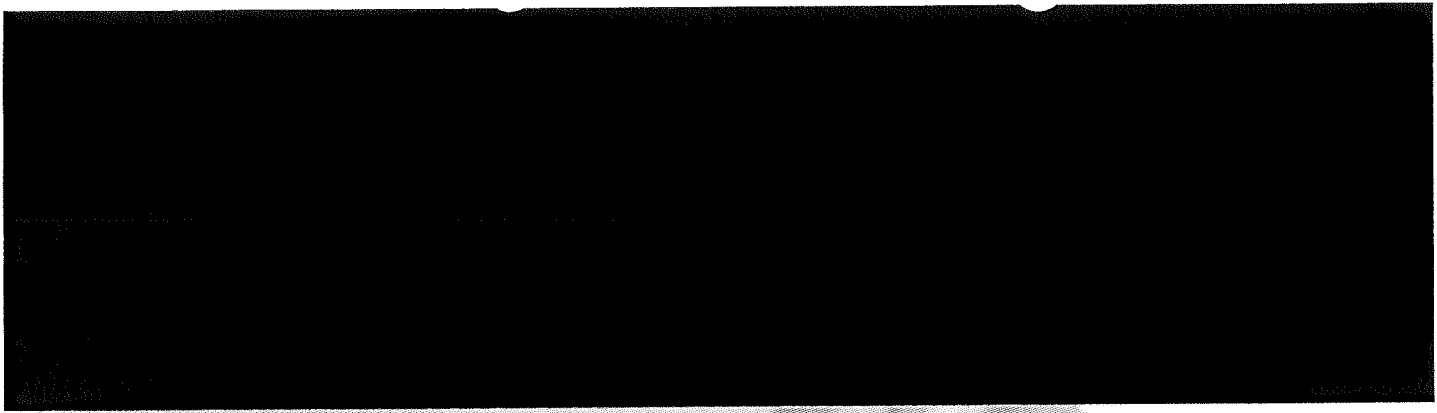
Market Study

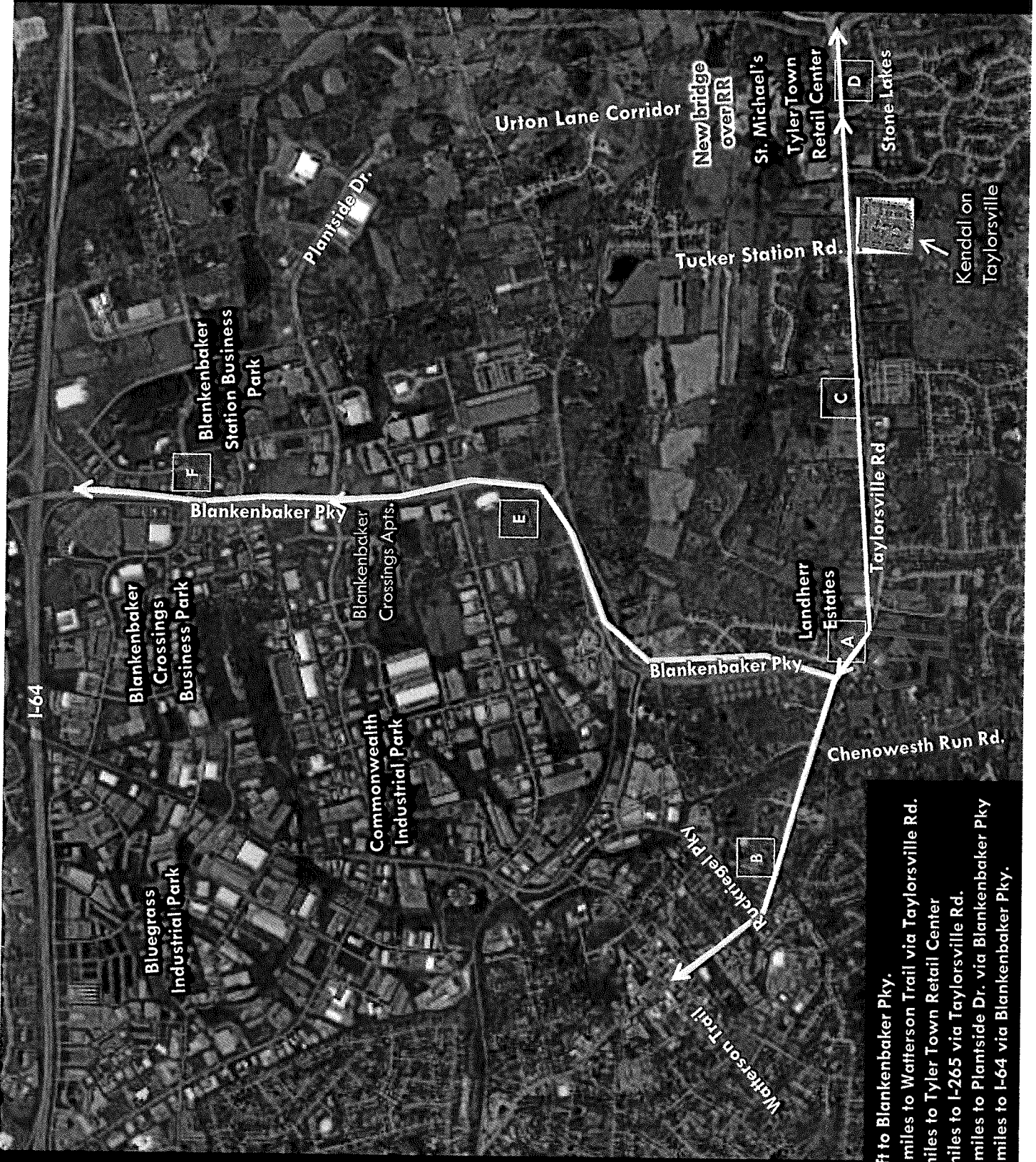
Taylorsville Park
Vacant Land
11312, 11314, & 11404 Taylorsville Road
Louisville, Jefferson County, Kentucky 40299

Prepared For:
Del Investments, Inc.

Effective Date of the Market Study:
May 13, 0216

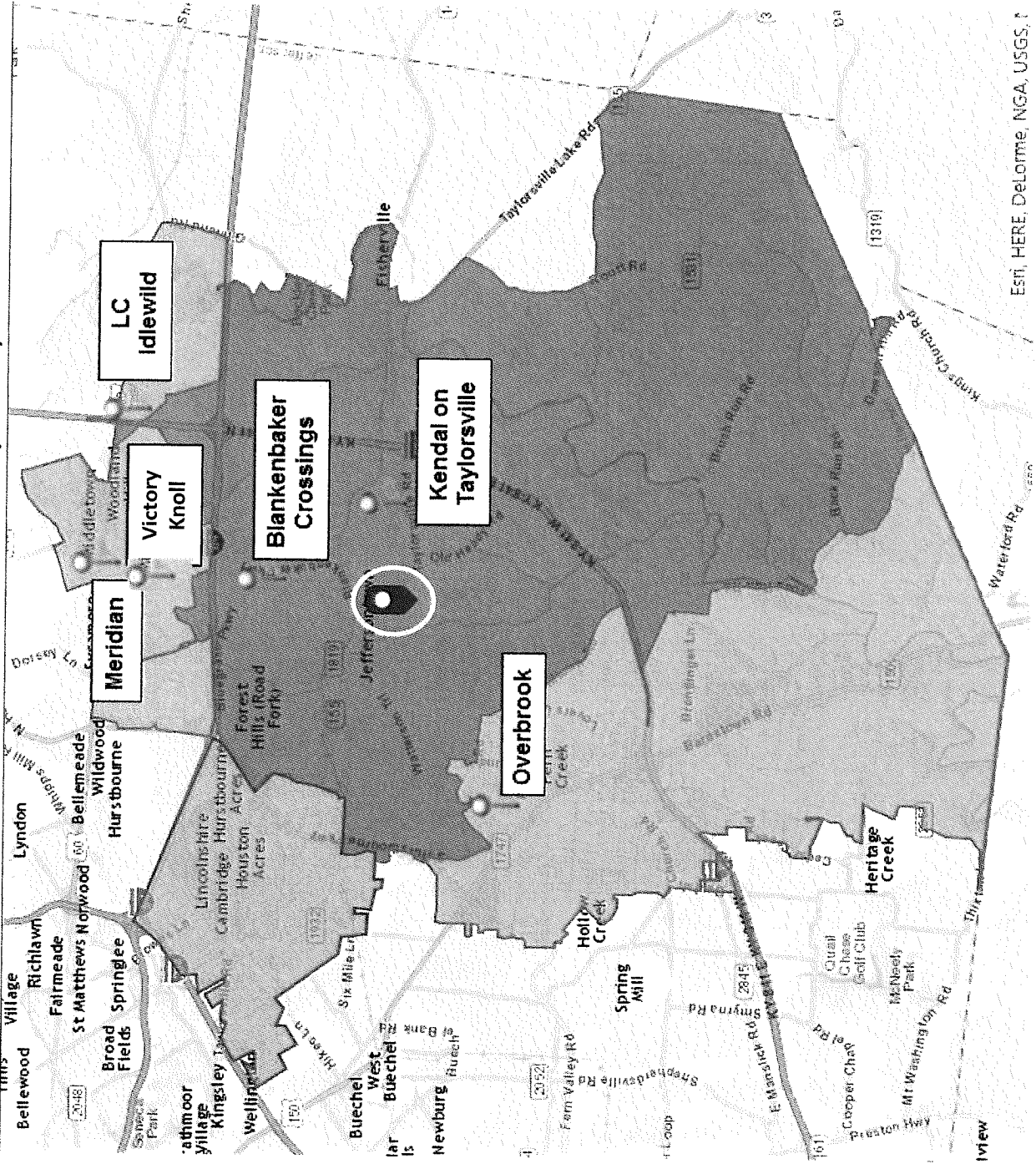
IRR - Kentucky-Southern Indiana
File Number: 1600-0012-16





- A. 878 ft to Blankenbaker Pky.
- B. 1.25 miles to Wattersson Trail via Taylorville Rd.
- C. 1.5 miles to Tyler Town Retail Center
- D. 1.9 miles to I-265 via Taylorville Rd.
- E. 2.09 miles to Plantside Dr. via Blankenbaker Pky
- F. 2.92 miles to I-64 via Blankenbaker Pky.

Major nearby newer/like-kind apartment communities (Subject site circled in yellow)



EST. HERE, DeLoime, NGA, USGS, T

Summary of rentals at major nearby newer/like-kind apartment communities
(not including site f/k/a Victory Knoll because construction slated to start next year)

No.	Property Name; Address	Yr Built; Stories	Unit Mix	# Units; % Occ.	Avg. Unit SF	Avg. Rent/ Month	Avg. Rent/ SF
1	Kendal on Taylorsville Apartments 4004 Keighley Park Ln.	2015-2016 3	1BD/1BA 2BD/2BA 3BD/2.5BA Townhome	309 100%	935 1,290 1,762	\$958 \$1,190 \$1,588	\$1.02 \$0.92 \$0.90
Tenant-Paid Utilities: Cable, In-Unit Electric, Sewer, Water, Gas							
2	Meridian on Shelbyville 12900 Observation Cir.	2014 3	1BR/1BA 1BR/1BA w/ Study 2BR/2BA 2BR/2BA w/ Study	304 99% 80 25 153 46	830 1,043 1,158 1,454	\$995 \$1,065 \$1,165 \$1,490	\$1.20 \$1.02 \$1.01 \$1.02
Tenant-Paid Utilities: Water, Sewer, Gas, In-Unit Electric, Cable							
3	LC Idlewild 700 Landis Ridge Dr.	2013-2014 3	Bentley Flat I Bentley Flat II Greystone Flat I Greystone Flat II	360 99% - - - -	698 772 748 1,104	\$940 \$965 \$945 \$1,050	\$1.35 \$1.25 \$1.26 \$0.95
Tenant-Paid Utilities: Water, Sewer, Trash, Gas, In-Unit Electric, Cable							
4	Overbrook Apartments 8901 Fairground Rd.	2012-2015 3	1BD/1BA 2BD/2BA 3BD/2BA	150 80% 42 104 4	850 1,175 1,300	\$825 \$1,065 \$1,299	\$0.97 \$0.91 \$1.00
Tenant-Paid Utilities: Cable, In-Unit Electric, Electric Heat, Electric Cooking							
5	Blankenbaker Crossings 2515 Shining Water Dr.	2006 3	One Bedroom Flat Two Bedroom Flat	236 99% 109 128	841 1,147	\$855 \$1,005	\$1.02 \$0.88
Tenant-Paid Utilities: Sewer, In-Unit Electric, Water, Gas							

*Data provided as of First Quarter 2016

Competitive Market Product by Unit Type

Apartment Community	Location	Bed/Bath	Average SF	Average Rent/SF
Kendal at Taylorsville	40299	1, 1	935	\$1.02
Meridian	40243	1, 1	880	\$1.15
LC Idlewild	40245	1, 1	739	\$1.28
Overbrook	40291	1, 1	850	\$0.97
			Weighted Average	\$1.14
Kendal at Taylorsville	40299	2, 2	1290	\$0.92
Meridian	40243	2, 2	1226	\$1.01
LC Idlewild	40245	2, 2	1104	\$0.95
Overbrook	40291	2, 2	1175	\$0.91
			Weighted Average	\$0.96
Kendal at Taylorsville	40299	3, 2.5 TH	1762	\$0.90
Meridian	40243	NA	NA	NA
LC Idlewild	40245	NA	NA	NA
Overbrook	40291	3, 2	1300	\$1.00
			Weighted Average	\$0.94

**Data provided as of First Quarter 2016*

The following rents were used for the subject property survey:

- 1 bdrm: \$1.10 psf
- 2 bdrm: \$0.96 psf
- 3 bdrm: \$0.94 psf

Subject apartment communities locational rank among 5 tested newer/like-kind apartment community locations

	Score*	Overall Rank
The intersection of Taylorsville Road and Blankenbaker Parkway, near Veterans Memorial Park	99	1
The intersection of Bardstown Road and Hurstbourne Parkway, near the Fern Creek area	96	2
The intersection of Shelbyville Road and Hurstbourne Parkway, near the University of Louisville Shelby campus	93	3
The intersection of Blankenbaker Parkway and I-64, near Ellingsworth Lane	87	4
The intersection of Shelbyville Road and the Gene Snyder, near Middletown	75	5

*Score is a weighted aggregate.

Analysis Conclusions

- Subject capture is estimated conservatively between 21 and 25 units per month and optimistically at 33 units per month.
- Demand is strongest for two bedroom units, with 50% of respondents choosing a two bedroom unit. Approximately 27% of respondents chose a three bedroom unit and 23% chose a one bedroom.
- The subject's location is considered strong, ranking 1st among five tested locations. This is a good sign for the subject property.
- The sample is heavily represented by the 25 to 44 age demographics and the \$60,000 to \$74,999 income demographic. The majority of respondent have an annual household income of over \$45,000. This is a positive indicator for the proposed apartment community.

REPORT

Taylorville Road
Apartments
Louisville, KY

Traffic Impact Study

Louisville Metro Planning

May 9, 2016





Chenoweth Run Road

Taylorville Road

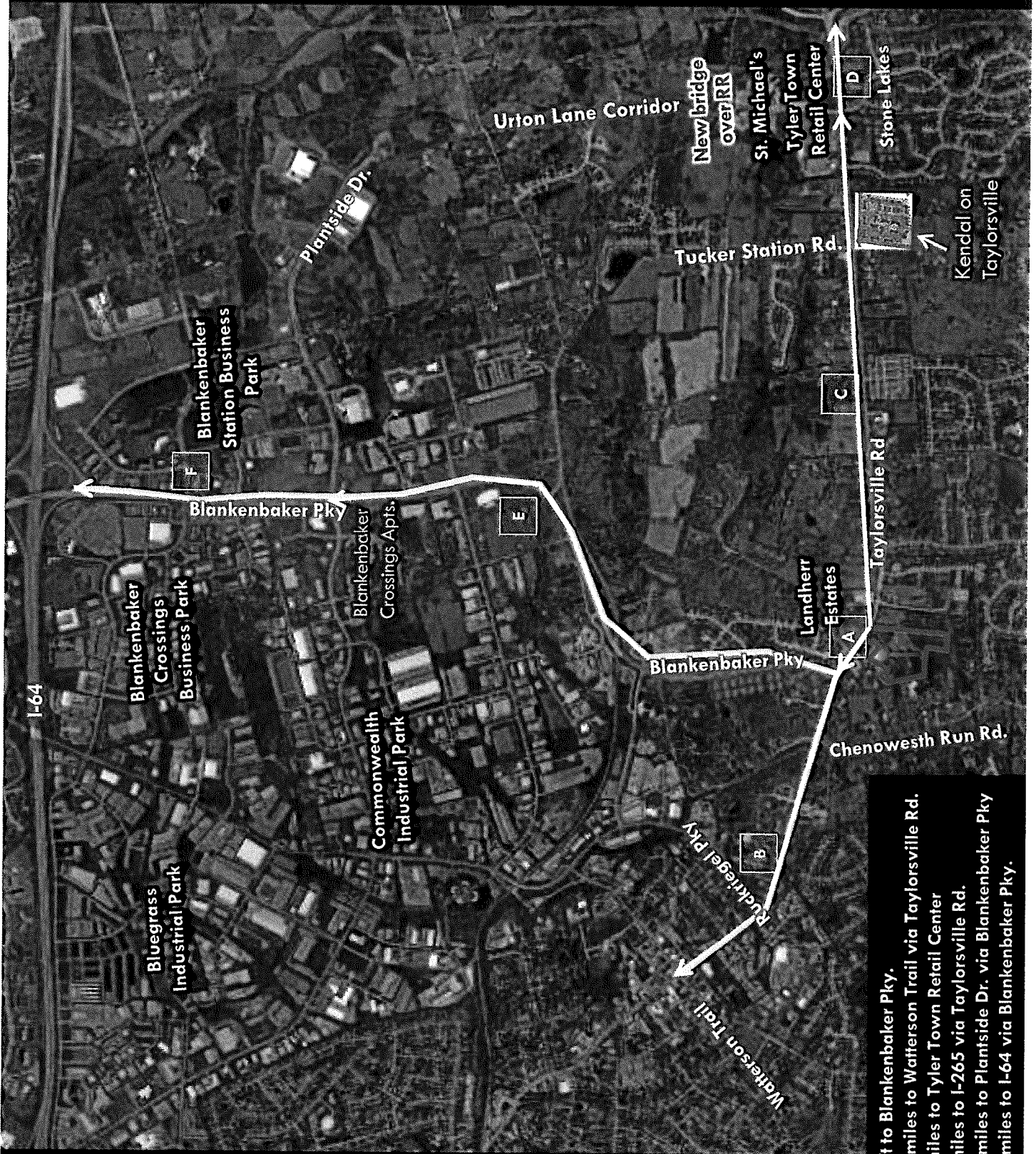
Sojourn
Comm. Ch

Bolling

Brook

Sub.





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- F. 2.92 miles to I-64 via Blankenbaker Pky.

Existing Conditions

Taylorsville Road is maintained by the Kentucky Transportation Cabinet with an estimated 2015 ADT of 18,500 vehicles per day east of Bolling Brook Drive, as provided by a Metro Public Works count. The road is a two lane road with eleven-foot lanes with four foot shoulders. The posted speed limit is 55 mph. There are no sidewalks.

A.m. and p.m. peak hour traffic counts were obtained at the intersection on April 26, 2016 (see Appendix A). The a.m. peak hour occurred between 7:15 and 8:15 and the p.m. peak hour occurred between 4:45 and 5:45 p.m. Figure 2 illustrates the existing peak hour traffic volumes.

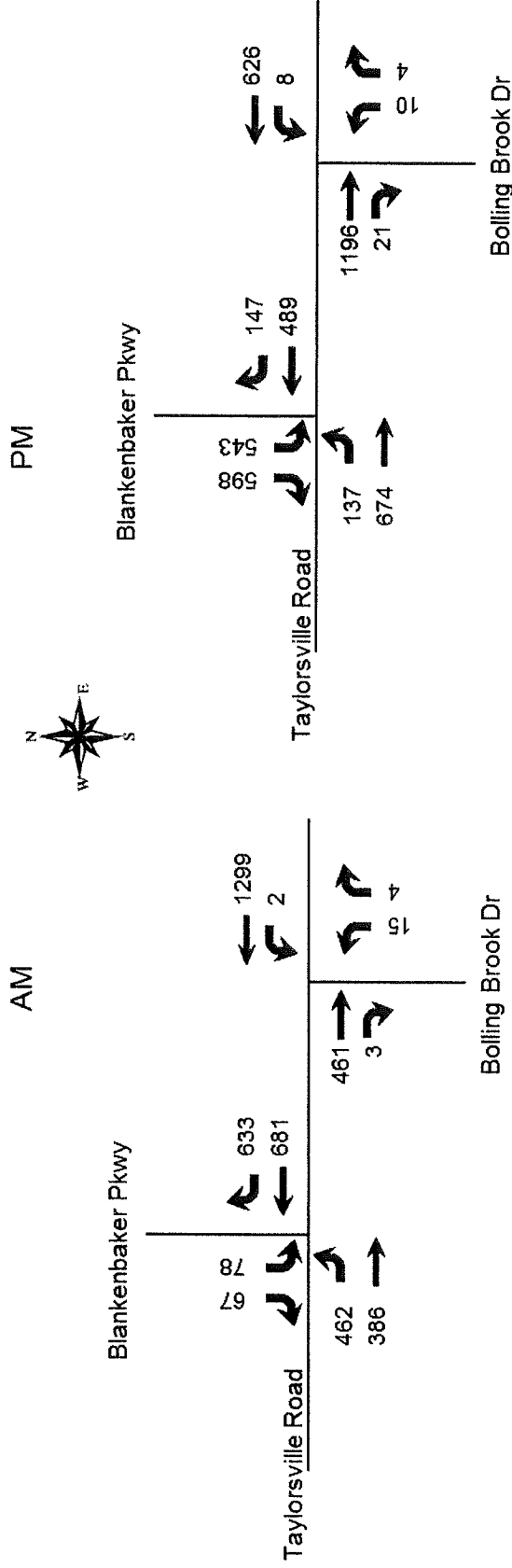


Figure 2
2016 Peak Hour Counts

Future Conditions

The projected completion year for this development is 2020, so the analysis year for this study is 2020. To predict traffic conditions in 2020, two percent annual growth in traffic was added. This growth is based upon a review of the count data along Taylorsville Road. Figure 3 displays the 2020 No Build volumes.

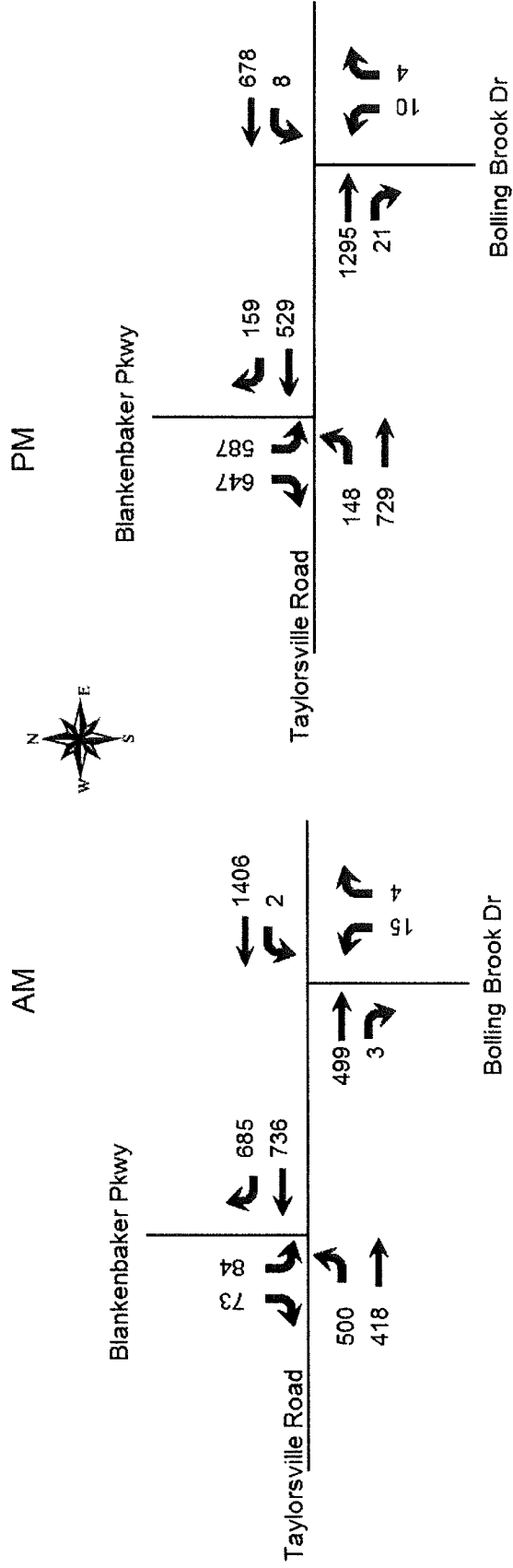


Figure 3
2020 No Build Peak Hour Volumes

Trip Generation

The Institute of Transportation Engineers Trip Generation Manual, 9th Edition contains trip generation rates for a wide range of developments. The land uses of "Apartments (220) best describes this development. The trip generation results are listed in Table 1. The results of the trip generation analysis are that this development will generate 211 a.m. peak hour trips and 251 p.m. peak hour trips. The trips were assigned to the highway network with 70 percent to/from the west and 30 percent to/from the east. This is based upon the existing traffic pattern on Taylorsville Road. Figure 4 shows the trips generated by this development and distributed throughout the road network for the year 2020 during the peak hours. Figure 5 displays the individual turning movements for the year 2020 for the peak hours when the development is completed.

Table 1 – Trip Generation

	AM Peak Hour		PM Peak Hour			
	Total	Enter	Exit	Total	Enter	Exit
Apartments (424 units)	211	42	169	251	163	88

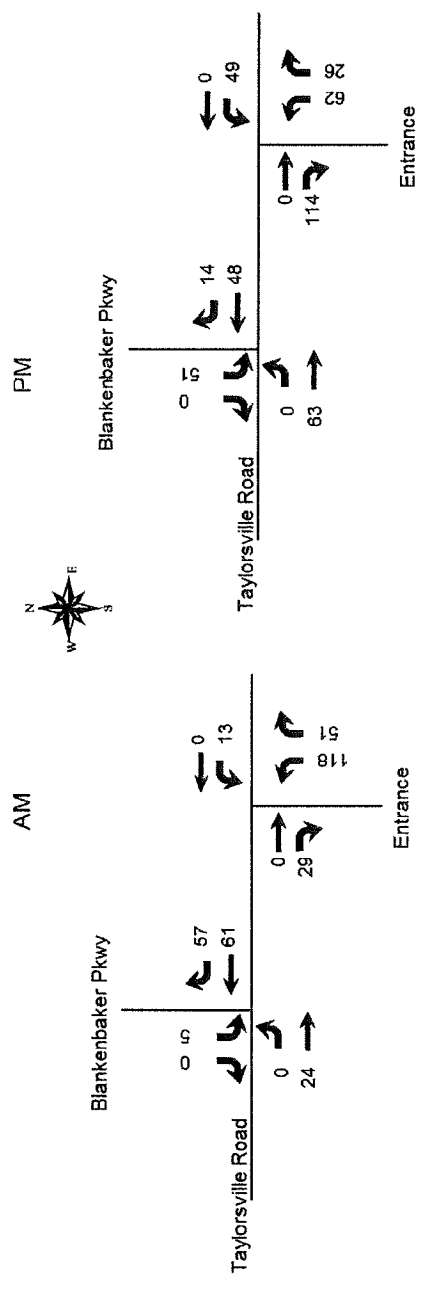


Figure 4
Trip Distribution for Site

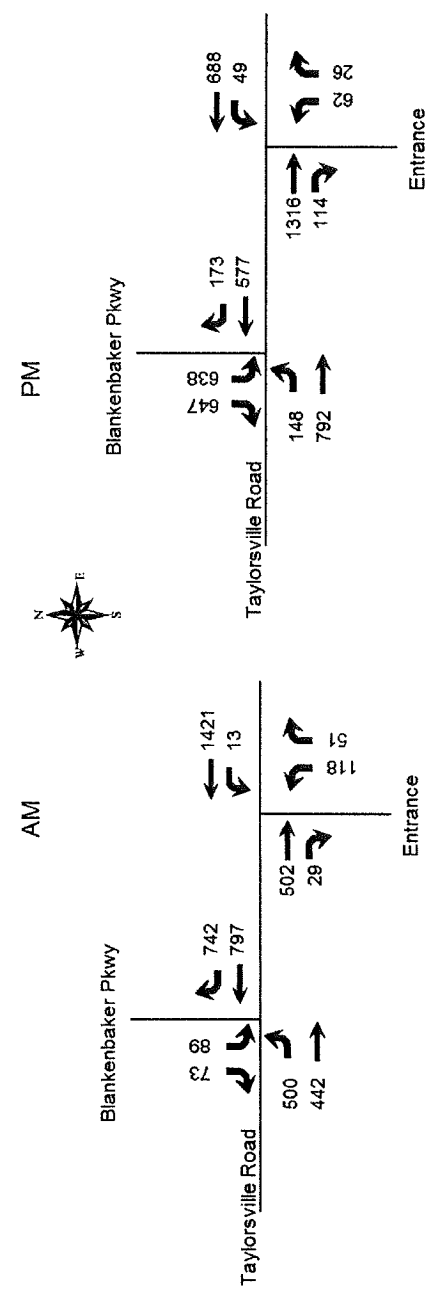


Figure 5
2020 Build Peak Hour Volumes

Analysis

The qualitative measure of operation for a roadway facility or intersection is evaluated by assigning a "Level of Service" or LOS. Level of Service is a ranking scale from A through F with each level representing a range. LOS results depend upon the type of facility that is analyzed. In this case, the LOS is based upon the average vehicle delay each movement experiences at an intersection.

To evaluate the impact of the proposed development, the vehicle delays at the intersection were determined using procedures detailed in the Highway Capacity Manual, 2010 edition. Future delay and Level of Service were determined for the intersection using HCS 2010 TWSC and Streets software (version 6.70). Table 2 shows the results of the analysis for the three scenarios analyzed. The full printouts are included in Appendix B.

Table 2 - Level of Service Results

	AM Peak Hour			PM Peak Hour		
	2016 Existing	2020 No Build	2020 Build	2016 Existing	2020 No Build	2020 Build
	Taylorsville Road at Blankenbaker Parkway	B 17.6	C 26.2	C 32.7	C 31.5	D 44.0
Taylorsville Road Eastbound	B 17.6	C 30.4	D 43.9	C 23.9	C 24.4	D 36.4
Taylorsville Road Westbound	B 16.0	C 22.1	C 24.7	C 25.0	C 25.1	C 28.8
Blankenbaker Parkway Southbound	C 32.1	D 39.3	D 43.5	D 40.5	E 68.6	E 78.2
Taylorsville Road at Entrance						
Taylorsville Road Westbound (left turn)			A 8.7			B 14.6
Entrance Northbound			E 39.3			E 49.4

Note: Level of Service, delay in seconds

The 2020 PM Build conditions are achieved with an increase in the southbound (Blankenbaker Parkway) phase from 40 to 55 seconds.

Using the Kentucky Transportation Cabinet Auxiliary Turn Lane Policy dated 7/20/2009 and the volumes in Figure 5, the volumes do meet the warrants for an eastbound right turn lane and a westbound left turn lane on Taylorsville Road.

Conclusions

Based upon the volume of traffic generated by the development and the amount of traffic forecasted for the year 2020, there will be an impact to the existing highway network. At the main entrance to the apartment community an eastbound right turn lane and a westbound left turn lane will be constructed. The exit will have a dedicated left and right turn lane.



Taylorville Road

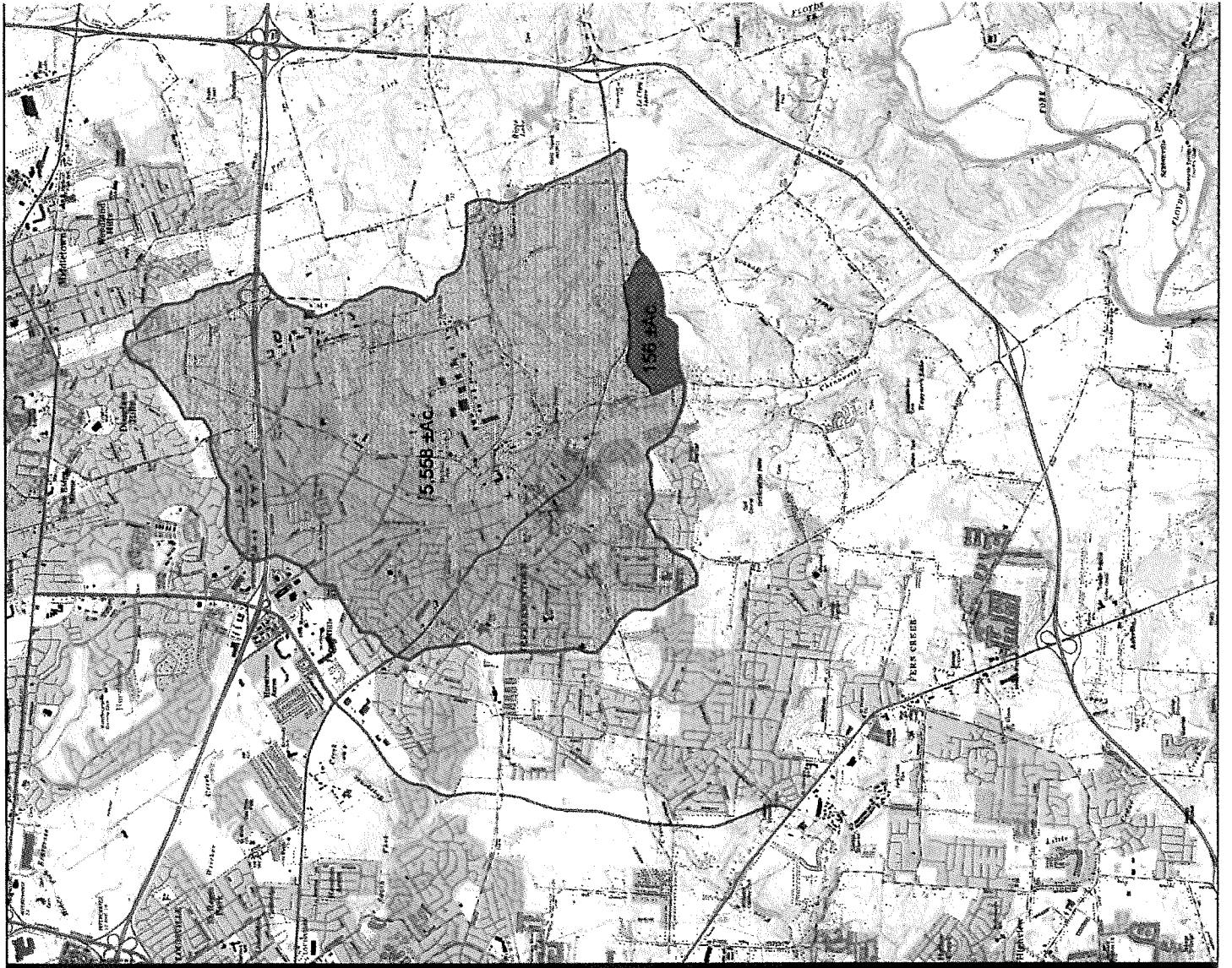
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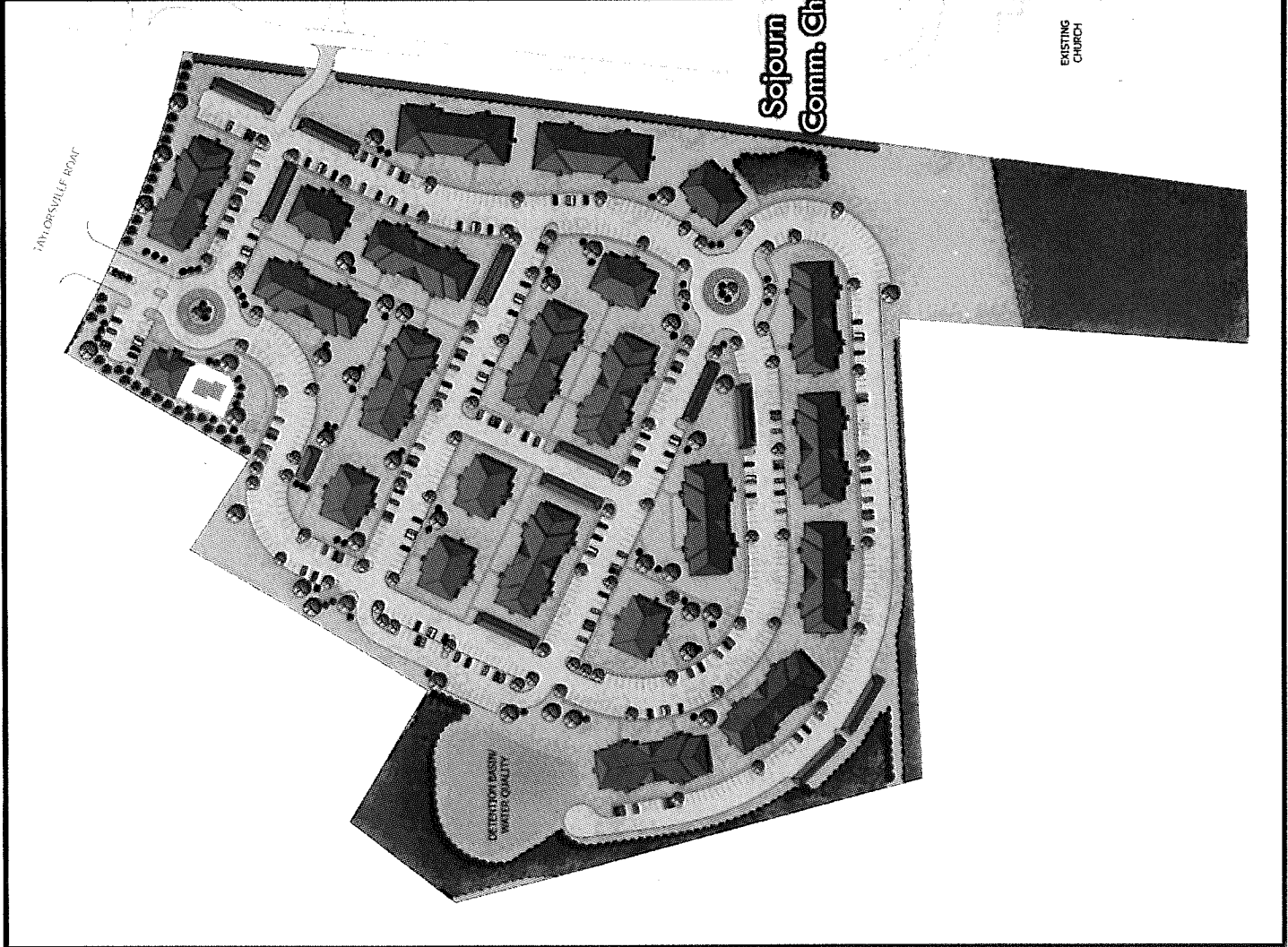
Bolling
Brook
Sub.

Chenoweth Run Road



Watershed Analysis





**Sojourn
Comm. Ch.**

EXISTING
CHURCH

MAYORVILLE ROAD

GLENVIEW PARK
WATER QUALITY

BARDENWERPER, TALBOTT & ROBERTS, PLLC

Attorneys at law

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STATEMENT OF COMPLIANCE WITH THE APPLICABLE GUIDELINES AND POLICIES OF THE CORNERSTONE 2020 COMPREHENSIVE PLAN

Applicant: Del Investments, Inc. c/o Teri Delsignore
Owner: BBB Investments, LLC & Mannoxx, LLC
Location: 11312, 11314 & 11404 Taylorsville Road
Proposed Use: Multi-family residential community
Engineers, Land Planners and
Landscape Architects: Mindel Scott & Associates
Requests: Change in Zoning from R-4 and 5-5 to R-6

GUIDELINE - 1 COMMUNITY FORM

The applicant, Del Investments, Inc. ("Del Investments"), proposes an apartment community consisting of 1, 2 and 3-story buildings with a total of 424 units on 29 +/- acres along the south side of Taylorsville Road, east of Chenoweth Run Road.

The subject property lies within the Neighborhood Form District and is located just southeast of Chenoweth Run Road and also just southeast, a very short distance from the intersection of the relatively newly opened Blankenbaker Parkway at Taylorsville Road. The site's location provides opportunities for this anticipated community of residents to gain quick and easy access to a place they are already largely traveling to and from, which is one the country's largest workplaces, known by such names as Bluegrass Industrial Park, Commonwealth Industrial Park, Blankenbaker Crossings Business Park and Blankenbaker Station Business Park. Also, with opportunities for shopping and dining along Blankenbaker Parkway, Bluegrass Parkway and Taylorsville Road, there is not a better location for a new, attractive apartment housing choice for residents who desire to live within short commutes.

Del Investments proposes an apartment community, of 1, 2 and 3-story buildings, some with internal and some with detached garages. Gross density will be high density range, but that is appropriate (actually called for) along an arterial (Taylorsville Road), near another major arterial (Blankenbaker Parkway Roads) and within a short drive to an interstate highway (I-265). Buildings will be constructed of attractive durable building materials (brick and "hardy plank" lap siding) and will feature high-end architectural details, as shown in the powerpoint presentation accompanying this application.

Perimeter setbacks and landscape buffer areas are provided along all property lines as required by the Land Development Code (LDC), which will screen and buffer resident activities with existing tree masses or new landscaping from and as to adjoining property owners.

GUIDELINE – 2 CENTERS

The proposed apartment community conforms with the overall Intents of and specifically with applicable Policies 1, 4, 5, 7, 11, 13, 14 and 15 of Guideline 2 of the for all the reasons listed above and because it will make efficient use of available property that lies within the Neighborhood Form District and is located near the intersection of two arterial roads which already carry volumes of commuters to and from home and work at the above-mentioned overall giant workplace. Being located where it is, residents seeking new housing options will have easy access to this workplace, plus the commercial centers along Blankenbaker Parkway, Bluegrass Parkway and Taylorsville Road. Internal open space focal points, such as clubhouse and pool, are included on the detailed district development plan (DDDP) accompanying this application.

GUIDELINE – 3 COMPATIBILITY

The proposed apartment community conforms with the overall Intents of and specifically with applicable Policies 1, 2, 3, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 21, 22, 23, and 28 of Guideline 3 for all the reasons described above and because this proposed apartment community is in a density range and design comparable to others located along arterial roads. Buildings will be mostly 3 stories in height (some 2 and 3 story combination) and constructed with attractive building materials comparable to residential communities in the area, as shown on the Studio A Architecture elevations accompanying this application. Perimeter landscaping, screening and buffering will be provided and/or retained along all property lines. Buildings are situated and located so as not to disrupt lower intensity adjoiners.

Sidewalks are provided where required, and accommodations are made for pedestrian and bicycle transportation as well as the handicapped and elderly. Odors won't exist as in commercial and industrial developments, and air quality concerns related to traffic congestion or delay will be greatly mitigated by the fact that this is a residential apartment community purposely located where it is so as to reduce commuting distances. Refuse will be picked up on a regular basis. Lighting will be residential in character and directed down and away from adjoining properties in conformance with LDC regulations. All signage will be in conformance with LDC regulations. No waivers or variances, except for a height variance, are sought.

GUIDELINES – 4 and 5 OPEN SPACE / NATURAL AREAS AND SCENIC AND HISTORIC RESOURCES

The proposed apartment community conforms with the overall Intents of and specifically with applicable Policies 1, 3, 5, 6 & 7 of Guideline 4 and with the Intents of Guideline 5 for all the reasons described above and because it will feature open space interspersed among the buildings, parking areas and streets. That open space will be available for both passive and active recreational enjoyment by residents and will include a pool, clubhouse and small seating and other gathering areas throughout for an overall positive appearance and living experience for the community. Landscaping will also be provided and/or trees retained along property perimeters, along street frontages and around buildings. Setbacks and buffers along property lines will ensure good transitions between the proposed apartment community and other adjoining and nearby existing land uses. Maintenance of landscaping, natural and open space areas will be performed by the corporate landlord of this rental community. This maintenance arrangement will result in a higher and more consistent level of maintenance of the open spaces than if the property were developed as a single-family subdivision. No known natural or historic resources will be disturbed.

GUIDELINE – 6 MARKETPLACE

The proposed apartment community conforms with the overall Intents of and specifically with applicable Policies 1, 2, 4 and 6 of Guideline 6 because, as noted above, residents will largely be those who, because of this proposed apartment community, will be able to reside near work and thus strengthen the live-work relationship which is important to the continuing ability of the larger metro area to function. It will also support and be supported by the businesses, services, schools and churches in and around the nearby growing activity center around the church to the east and the St. Michael's Church and school located at the Snyder Freeway interchange. This proposal also reduces public costs for land development by utilizing and improving the capacity of the major arterials that already exist along this property's frontage and very close by, with easy connections to existing infrastructure for water, sewer, electric and phone services. The apartment community, as proposed, will have also easy access to I-64 and I-265 via the referenced arterial roads in the area, and from there also to other Louisville employment and commercial centers, although the referenced nearby ones are the most important.

GUIDELINES – 7 (CIRCULATION), 8 (TRANSPORTATION FACILITY DESIGN), and 9 (BICYCLE, PEDESTRIAN AND TRANSIT)

The proposed apartment community conforms with the overall Intents and applicable Policies of Guidelines 7, 8 and 9 because the proposed DDDP has been designed in conformance with all Metro Public Works and Transportation Planning design policies. Good internal circulation, appropriate access, sight distances, corner clearances and parking are provided. Blankenbaker Parkway and Taylorsville Road have adequate traffic-carrying capacity, which is demonstrated by the CDM Smith Traffic Impact Study (TIS) and which will be further evidenced once Metro Transportation Planning's preliminary approval is obtained. A center lane on Taylorsville Road will be provided. Sidewalks will also be provided where required.

GUIDELINES – 10, 11 and 12 - FLOODING AND STORMWATER, WATER QUALITY and AIR QUALITY

The proposed apartment community conforms with the overall Intents and applicable Policies of Guidelines 10, 11 and 12 because, all drainage will run to internal catch basins and then to sufficiently sized detention basins, and from there to existing drainage channels and onward to Chenoweth Run Creek. In these ways the DDDP complies with all MSD storm water management requirements. This DDDP must, of course, receive the preliminary stamped of approval by MSD prior to docketing for LD&T review. Louisville Water Company will provide water to the site. A soil erosion and sediment control plan will also be implemented to further manage sediment and drainage during construction. MSD water quality regulatory requirements will also be addressed. Air quality, perhaps most importantly of all, is addressed by virtue of the referenced shorter commuting distances explained hereinabove.

GUIDELINE 13 – LANDSCAPE CHARACTER

The proposed apartment community conforms with the overall Intents and applicable Policies of Guideline 13 for all the reasons described above and because landscaping will be provided and/or trees retained around buildings, along the Taylorsville Road entrance and frontage, along internal streets, and along property perimeters as noted above. Open space is preserved for a positive natural appearance and for passive recreational enjoyment by residents. Tree canopy requirements will be met.

GUIDELINE 14 – INFRASTRUCTURE

The proposed apartment community conforms with the overall Intents and applicable Policies of Guideline 14 because, as noted above, water, sewer, electric, phone and cable service connections are available by nearby connection to ensure a reduced cost for infrastructure.

For all these reasons those set forth in the applicant's detailed Statement of Compliance with the Cornerstone 2020 Comprehensive Plan, as evidenced by the DDDP and by virtue of other evidence submitted with this application and to be presented at LD&T and Planning Commission meetings, the proposed apartment community complies with all other applicable Intents, Policies and Guidelines of the Comprehensive Plan.

Respectfully submitted,

William B. Bardenwerper
Bardenwerper, Talbott & Roberts, PLLC
Building Industry Association of Greater Louisville Bldg.
1000 N. Hurstbourne Parkway, Second Floor
Louisville, KY 40223

e:\client folder\del investments, inc\2016 taylorville road apartments\application\compliance statement.doc

Variance Justification:

In order to justify approval of any variance, the Planning Commission considers the following criteria. Please answer all of the following items. Use additional sheets if needed. A response of yes, no, or N/A is not acceptable.

Variance of: Section 5.3.1.C.2 and Table 5.3.1 to allow the apartment building to exceed the maximum building height.

- a) Will not adversely affect the public health, safety or welfare because height is not a public health, safety or welfare issue but rather an aesthetic impact.

- b) Will not alter the essential character of the general vicinity for the reason set forth above and because modern day internal ceiling heights make it impossible to fit 3-story buildings within the 35 ft height limit. Also, nearby single-family zoned subdivisions permit 35 ft tall houses, thus these proposed internal 3-story apartment buildings are not very much different than what is permitted for the 2-story homes in the nearby subdivisions.

- c) Will not cause a hazard or a nuisance-type to the public because there is no safety issue involved in this height variance. And, to the extent that aesthetics might sometimes prove to be a nuisance issue, these 3-story buildings, with this little bit of additional height requested, will probably not be very visible anyway given setbacks from property lines and given how they are obscured with landscaping and design features.

- d) Will not allow an unreasonable circumvention of the requirements of the zoning regulations because the added height is pretty typical with modern day apartment buildings for the reasons set forth above and because of the other reason set forth particularly in subsection (b) above.

2. Additional considerations:

a. The variance arises from special circumstances which do not generally apply to land in the general vicinity because of the reasons set forth above, including the fact that apartment buildings nowadays, and probably also 3-story fall-away single family homes, require the little bit of additional height to accommodate the customary modern-day ceiling heights and roof pitches.

b. Strict application of the provisions of the regulation would deprive the applicant of the reasonable use of the land or would create an unnecessary hardship because the applicant would have to design residential units with low ceilings and/or compress mechanicals into a space between floors and above ceilings that would be too small, and/or would have to move to an aesthetically unpleasing roof pitch.

c. The circumstances are not the result of actions of the applicant taken subsequent to the adoption of the regulation which relief is sought but rather are a consequence of a design not functionally or practically working for all the reasons set forth hereinabove.

BARDENWERPER, TALBOTT & ROBERTS, PLLC

Attorneys at law

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PROPOSED FINDINGS OF FACT REGARDING COMPLIANCE WITH ALL APPLICABLE GUIDELINES AND POLICIES OF THE CORNERSTONE2020 COMPREHENSIVE PLAN

Applicant: Del Investments, Inc. c/o Teri Delsignore
Owner: BBB Investments, LLC & Mannoxx, LLC
Location: 11312, 11314 & 11404 Taylorsville Road
Proposed Use: Multi-family residential community
Engineers, Land Planners and Landscape Architects: Mindel Scott & Associates
Requests: Change in Zoning from R-4 and R-5 to R-6

The Louisville Metro Planning Commission, having heard testimony before its Land Development & Transportation Committee, in the Public Hearing held on September 19, 2016 and having reviewed evidence presented by the applicant and the staff's analysis of the application, make the following findings:

SUMMARY STATEMENT

WHEREAS, the applicant, Del Investments, Inc. ("Del Investments"), proposes an apartment community consisting of 1, 2 and 3-story buildings with a total of 424 units on 29 +/- acres along the south side of Taylorsville Road, east of Chenoweth Run Road.

GUIDELINE - 1 COMMUNITY FORM

WHEREAS, the subject property lies within the Neighborhood Form District and is located just southeast of Chenoweth Run Road and also just southeast, a very short distance from the intersection of the relatively newly opened Blankenbaker Parkway at Taylorsville Road; the site's location provides opportunities for this anticipated community of residents to gain quick and easy access to a place they are already largely traveling to and from, which is one the country's largest workplaces, known by such names as Bluegrass Industrial Park, Commonwealth Industrial Park, Blankenbaker Crossings Business Park and Blankenbaker Station Business Park; also, with opportunities for shopping and dining along Blankenbaker Parkway, Bluegrass Parkway and Taylorsville Road, this is a good location for a new, attractive apartment housing choice for residents who desire to live within short commutes; and

WHEREAS, Del Investments proposes an apartment community, of 1, 2 and 3-story buildings, some with internal and some with detached garages; gross density will be high density range, but that is appropriate (actually called for) along an arterial (Taylorsville Road), near another major

arterial (Blankenbaker Parkway Roads) and within a short drive to an interstate highway (I-265); buildings will be constructed of attractive durable building materials (brick and “hardy plank” lap siding) and will feature high-end architectural details, as shown in the powerpoint presentation at the public hearing; and

WHEREAS, perimeter setbacks and landscape buffer areas are provided along all property lines as required by the Land Development Code (LDC), which will screen and buffer resident activities with existing tree masses or new landscaping from and as to adjoining property owners; and

GUIDELINE – 2 CENTERS

WHEREAS, the proposed apartment community conforms with the overall Intents of and specifically with applicable Policies 1, 4, 5, 7, 11, 13, 14 and 15 of Guideline 2 of the for all the reasons listed above, specifically as it is located next to an active church with a growing congregation and with the church supporting this application, as it sees apartment residents becoming church members with easy walking access to the church which it connects to via internal roads and sidewalks; and because it will make efficient use of available property that lies within the Neighborhood Form District and is located near the intersection of two arterial roads which already carry volumes of commuters to and from home and work at the above-mentioned overall giant workplace; being located where it is, residents seeking new housing options will have easy access to this workplace, plus the commercial centers along Blankenbaker Parkway, Bluegrass Parkway and Taylorsville Road; internal open space focal points, such as clubhouse and pool, are included on the detailed district development plan (DDDP) shown at the public hearing; and

GUIDELINE – 3 COMPATIBILITY

WHEREAS, the proposed apartment community conforms with the overall Intents of and specifically with applicable Policies 1, 2, 3, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 21, 22, 23, and 28 of Guideline 3 for all the reasons described above and because this proposed apartment community is in a density range and design comparable to others located along arterial roads; buildings will be mostly 3 stories in height (some 2 and 3 story combination) and constructed with attractive building materials comparable to residential communities in the area, as shown on the Studio A Architecture elevations shown at the public hearing; perimeter landscaping, screening and buffering will be provided and/or retained along all property lines; buildings are situated and located so as not to disrupt lower intensity adjoiners; and

WHEREAS, sidewalks are provided where required, and accommodations are made for pedestrian and bicycle transportation as well as the handicapped and elderly; odors won’t exist as in commercial and industrial developments, and air quality concerns related to traffic congestion or delay will be mitigated by the fact that this is a residential apartment community purposely located where it is next to a church, thus comprising a small activity center, and also located in close proximity to the above-referenced business parks, thus reducing commuting distances; refuse will be picked up on a regular basis; lighting will be residential in character and directed down and away from adjoining properties in conformance with LDC regulations; all signage will be in conformance with LDC regulations; no waivers or variances, except for a height variance, are sought; and

GUIDELINES – 4 and 5 OPEN SPACE / NATURAL AREAS AND SCENIC AND HISTORIC RESOURCES

WHEREAS, the proposed apartment community conforms with the overall Intents of and specifically with applicable Policies 1, 3, 5, 6 & 7 of Guideline 4 and with the Intents of Guideline 5 for all the reasons described above and because it will feature open space interspersed among the buildings, parking areas and streets; open space will be available for both passive and active recreational enjoyment by residents and will include a pool, clubhouse and small seating and other gathering areas throughout for an overall positive appearance and living experience for the community; landscaping will also be provided and/or trees retained along property perimeters, along street frontages and around buildings; setbacks and buffers along property lines will ensure good transitions between the proposed apartment community and other adjoining and nearby existing land uses; maintenance of landscaping, natural and open space areas will be performed by the corporate landlord of this rental community; this maintenance arrangement will result in a higher and more consistent level of maintenance of the open spaces than if the property were developed as a single-family subdivision; no known natural or historic resources will be disturbed; and

GUIDELINE – 6 MARKETPLACE

WHEREAS, the proposed apartment community conforms with the overall Intents of and specifically with applicable Policies 1, 2, 4 and 6 of Guideline 6 because, as noted above, residents will largely be those who, because of this proposed apartment community, will be able to reside near work and thus strengthen the live-work relationship which is important to the continuing ability of the larger metro area to function; it will also support and be supported by the businesses, services, schools and churches in and around the nearby growing activity center around Sojourn Community Church next door and St. Michael's Church and school located at Taylorsville Road and the Snyder Freeway interchange; this proposal also reduces public costs for land development by improving the capacity of the major arterial that already exists along this property's frontage and by utilizing the major arterial (Blankenbaker Parkway) located close by, with easy connections to existing infrastructure for water, sewer, electric and phone services; the apartment community, as proposed, will have also easy access to I-64 and I-265 via the referenced arterial roads in the area, and from there also to other Louisville employment and commercial centers, although the referenced nearby ones are the most important; and

GUIDELINES – 7 (CIRCULATION), 8 (TRANSPORTATION FACILITY DESIGN), and 9 (BICYCLE, PEDESTRIAN AND TRANSIT)

WHEREAS, the proposed apartment community conforms with the overall Intents and applicable Policies of Guidelines 7, 8 and 9 because the proposed DDDP has been designed in conformance with all Metro Public Works and Transportation Planning design policies; good internal circulation, appropriate access, sight distances, corner clearances and parking are provided; Blankenbaker Parkway and Taylorsville Road have adequate traffic-carrying capacity, which is demonstrated by the CDM Smith Traffic Impact Study (TIS) and which was evidenced when Metro Transportation Planning's preliminary approval was obtained; a center lane on Taylorsville Road will be provided; sidewalks will also be provided where required; and

**GUIDELINES – 10, 11 and 12 - FLOODING AND STORMWATER, WATER QUALITY
and AIR QUALITY**

WHEREAS, the proposed apartment community conforms with the overall Intents and applicable Policies of Guidelines 10, 11 and 12 because, all drainage will run to internal catch basins and then to sufficiently sized detention basins, and from there to existing drainage channels and onward to Chenoweth Run Creek; in these ways the DDDP complies with all MSD storm water management requirements; this DDDP received the preliminary stamped of approval by MSD prior to docketing for LD&T review; Louisville Water Company will provide water to the site; a soil erosion and sediment control plan will also be implemented to further manage sediment and drainage during construction; MSD water quality regulatory requirements will also be addressed; air quality, perhaps most importantly of all, is addressed by virtue of the referenced shorter commuting distances explained hereinabove; and

GUIDELINE 13 – LANDSCAPE CHARACTER

WHEREAS, the proposed apartment community conforms with the overall Intents and applicable Policies of Guideline 13 for all the reasons described above and because landscaping will be provided and/or trees retained around buildings, along the Taylorsville Road entrance and frontage, along internal streets, and along property perimeters as noted above; open space is preserved for a positive natural appearance and for passive recreational enjoyment by residents; tree canopy requirements will be met; and

GUIDELINE 14 – INFRASTRUCTURE

WHEREAS, the proposed apartment community conforms with the overall Intents and applicable Policies of Guideline 14 because, as noted above, water, sewer, electric, phone and cable service connections are available by nearby connection to ensure a reduced cost for infrastructure; and

WHEREAS, for all the reasons explained at LD&T and the Planning Commission public hearing and also in the public hearing exhibit books and on the DDDP, this application also complies with all other applicable Guidelines and Policies of the Cornerstone 2020 Comprehensive Plan;

NOW, THEREFORE, the Louisville Metro Planning Commission hereby recommends to the Louisville Metro Council that it rezone the subject property from R-4 and R-5 to R-6, and it approves the Detailed District Development Plan.