

# BARDENWERPER, TALBOTT & ROBERTS, PLLC

ATTORNEYS AT LAW

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

Applicant: Ball Homes, LLC  
Atlas Metal Investment Corp.; John Andrew Keith  
Owners: Living Trust; and Joe & Doris Keith  
Project Name/Location: Parkside / 7509 & 7507 ½ Mt. Washington Road  
Proposed Use: Single family residential subdivision  
Request: Zone Change from R-4 to R-5  
Engineers, Land Planners, Landscape  
Architects: Mindel Scott & Associates, Inc.

### PLAN ELEMENT 4.1: COMMUNITY FORM

**This “Application Package” complies with Plan Element 4.1, its 5 Goals and their Objectives plus the following applicable Policies.**

**As to Goal 1 and its applicable Policies 2, 2.1, 3.1.3, 4, 5, 6, 9 10, 11, 14, 16, 17, 18, 19, 20 and 23, it complies as follows, in addition to the other ways set forth above and below:**

The subject property which is located in the Neighborhood Form Districts, is characterized by predominately residential uses from low to medium/high density and that blend compatibility into the existing landscape and neighborhood areas with the provision for open space and greenways setback. Pedestrian and bicycle accommodations should also be provided. This proposed R-5 subdivision is a relatively low density one which will result in only a very slight increase in lots compared to the R-4 zoning currently allowed. The site is planned with 117 residential lots versus approximately 110 which could be permitted under R-4. The applicant could have chosen the "alternative development incentives (ADI) regulation" or "conservation subdivision regulation", or it could've applied for "PRD" rezoning. But those regulations either require affordable components not appropriate for this location or are inappropriate based on other particular requirements of each of those regulations. Furthermore, R-5 is available, well-known, understood and easy to apply at this site, and there are other residential developments in the area that are zoned R-5 or comparable.

Land Development Code (LDC) height, setback, lighting and signage restrictions and perimeter and frontage landscaping, screening and buffering requirements will also be met.

Ball Homes' reputation as a quality builder of both standard style homes within this proposed subdivision plus the traditional styles and designs of their anticipated construction will assure compatibility with adjoining and nearby single family home communities.

As a consequence of what surrounds this site and the fact that this is a proposed residential community, impacts such as traffic, odors, lighting, noise and aesthetic factors will not prove to be nuisance factors. As a residential community itself, there's no reason to expect this subdivision would be designed with the kinds of negative impacts that would ordinarily harm the quiet enjoyment of home owners, naturally including those who will reside here.

**As to Goal 2 and its possibly applicable Policies 1, 2, 3, 7, 8, 13, 16 and 17, it complies as follows, in addition to the other ways set forth above and below:**

As said, this proposed subdivision is located in a Neighborhood Form District, proximate to already existing activity centers, workplaces and existing and planned parochial and private schools. As such, with decent enough external roads leading to and from the proposed development site, these centers of commercial, employment and educational activity will benefit from greater demand generated by more housing such as that resulting from this proposed subdivision. Also, this proposed subdivision will add to the opportunities existing and planned in this high growth area of Louisville Metro to reside in close and convenient proximity to places of employment, food, shopping and education at the referenced nearby locations.

**As to Goal 3 and its applicable Policies 1, 2, 3, 6, 7, 8, 9, 10 and 13, it complies as follows, in addition to the other ways set forth above and below:**

The preliminary subdivision plan (PSP) filed with the rezoning application for this proposed subdivision includes open natural and communal spaces for the passive aesthetic and active recreational use by residents and will also be able to benefit from the open spaces of the adjoining subdivision approvals. Those open spaces will be maintained in perpetuity by the community association that will be established as part of the specially tailored Covenants, Conditions and Restrictions ultimately imposed upon this subdivision.

**As to Goal 4,** this is not a historic site with historic buildings.

**As to Goal 5,** this proposed subdivision is not public enough, like a shopping center might be, to include an element of public art.

#### **PLAN ELEMENT 4.2: MOBILITY**

**This Application Package complies with Plan Element 4.2, its Goals and their Objectives plus the following applicable Policies.**

**As to Goal 1 and its applicable Policies 1 and 3; Goal 2 and its applicable Policies 1, 2, 3, 4, 5, 6, 7, 8 and 9; and Goal 3 and its applicable Policies 1, 2, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 15, 18, 19, 20 and 21, it complies as follows, in addition to the other ways set forth above and below:**

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This subdivision is situated on a primary collector street (Mt. Washington Road) where sewer, water and other utilities already exist, and where road capacity exists. Further, this PSP will be reviewed by Metro Transportation Planning and Public Works personnel, who must stamp the PSP for approval prior to its docketing for Planning Commission review. That assures that all of these applicable Public Works standards are complied with, including regulatory standards of the Land Development Code (LDC).

In that regard, the proposed PSP assures that both points of access into the proposed subdivision are designed to operate safely and, because of the distribution between these two streets to function at relatively low volumes, as neighborhood serving streets are expected to function. Thus, negative internal traffic impacts are avoided with this proposed subdivision. And, as noted, design of the site, as shown on the PSP accompanying this application assures that corner clearances, driveway access, median openings, cross connections, etc. are provided as required. Possible road improvements, if any, have yet to be determined. Any off-site roadway improvements will, of course, need to meet the “essential nexus” and “rough proportionality” test.

All drive lanes, sidewalks and stub connections will be designed in accordance with Metro Public Work and Transportation Planning (MPW&TP) requirements. These are preliminarily depicted on the PSP filed with this application.

TARC service is generally unavailable in areas like this PSP.

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 Goals and their Objectives plus the following applicable Policies.**

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

This subdivision is situated on a primary collector street where sewer, water and other utilities already exist, and where road capacity exists.

#### **PLAN ELEMENT 4.4: ECONOMIC DEVELOPMENT**

**This Application Package complies with Plan Element 4.4, its 2 Goals and their Objectives, plus the following applicable Policies.**

**As to Goal 2 and its applicable Policy 1, it complies as follows, in addition to the other ways set forth above and below:**

This land is surrounded by like-kind subdivisions. That makes it an infill single-family residential site, appropriate for the area in the larger community, where new single-family

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**21-ZONE-0023**

housing is in greatest demand. As Louisville Metro's population continues to grow, so does demand for housing of all types. This proposed subdivision 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 worst economic setback since the Great Depression which has resulted from the current Covid crisis. If Louisville and Kentucky are to economically rebound from this devastating occurrence over time, 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 history.

#### **PLAN ELEMENT 4.5: LIVABILITY**

**This Application Package complies with Plan Element 4.5, its 4 Goals and their Objectives plus the following applicable Policies.**

**As to Goal 1 and its applicable Policies 2, 5, 7, 8, 10, 11, 12, 13, 16, 17, 18, 19, 20, 21, 23, 26, 27, 28, 29, 30, 31, 32, 33 and 35, it complies as follows, in addition to the other ways set forth above and below:**

MSD will require that post-development peak rates of storm water runoff do not exceed pre-development peak flows. That is accomplished through on-site detention. Thus, new impervious areas will not have a negative impact on existing storm water systems. Also, MSD will have to stamp for preliminary approval the PSP before it is set for Planning Commission review. And at time of construction, the proposed subdivision will need to include water quality measures to address the new MSD water quality standards. Any new construction will have to comply with MSD's soil erosion and sediment control standards.

The proposed subdivision does not involve any known nuisances, such as odors, noises, lighting, aesthetics or traffic different than what already exist in the greater area. Setbacks will include compatible side and rear yards, and the LDC tree canopy and landscape regulations will apply. Sidewalks are being added throughout most of the development and buffers are also being provided. The design of the homes is high quality and will value the homes consistently with the surrounding residential areas. The detailed district development/preliminary subdivision plan (PSP), neighborhood meeting PowerPoint and home design elevations filed with and to be later reviewed with this application demonstrate all that.

The local LDC requires tree canopies, certain kinds of interior and perimeter landscaping. Accordingly, the LDC will be fully complied with, except as respects a parkway buffer setback encroachment on the proposed lot where the existing farm house exists today.

As mentioned above, given the location of this proposed R-5 subdivision near large existing and expanding activity centers between Preston Highway and Bardstown Road, near Cedar Creek Road, and given relative proximity of this proposed subdivision as well to schools and

employment centers as also referenced hereinabove, air quality impacts will be minimized because vehicle miles travelled are reduced.

#### **PLAN ELEMENT 4.6: HOUSING**

**This Application Package complies with Plan Element 4.6, its 3 Goals and their Objectives, plus the following applicable Policies.**

**As to Goal 1 and its applicable Policies 1, 2 and 3; Goal 2 and its applicable Policies 1, 2 and 3; and Goal 3 and its applicable Policies 1, 3, 4, and 5, it complies as follows, in addition to the other ways set forth above:**

This low density residential subdivision adds to the desired mixture of housing types, sizes and styles while still being design-compatible in terms of scale and building materials. By bringing additional brand new, diverse and high quality housing to this existing single family residential area, this developer proposes to diversify housing styles, designs and price points from what currently exists. This subdivision anticipates detached product, all on smaller than historically usual lots in order to take advantage of density, provide new product to the market, all of which helps keep property values from becoming unaffordable. Demographic changes plus the Great Recession of 2009-2014 and now the Covid pandemic have created economic consequences causing many people to move from larger to smaller homes and from very expensive to more moderately priced homes. The proposed subdivision addresses this trend with smaller lots accommodating more smaller and more affordably priced homes that are designed for both families with children and empty-nesters, thus being multigenerational.

\* \* \* \*

For all of the above-stated reasons, those shown on the detailed district development plan and those explained at the LD&T meeting and Planning Commission public hearing, this application complies with all other applicable Goals, Objectives and Policies of the “Plan 2040” Comprehensive Plan.

Respectfully submitted,

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