

**BARDENWERPER, TALBOTT & ROBERTS, PLLC**

ATTORNEYS AT LAW

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

<u>Applicant:</u>	Ball Homes
<u>Owner:</u>	Pinnacle Properties of Louisville and William R. Bryant Living Trust
<u>Location:</u>	16500 Glen Lake Drive, 16401 R US Highway 60, 16401 and 16317 Shelbyville Road
<u>Proposed Use:</u>	Single-Family Residential
<u>Engineers, Land Planners and Landscape Architects:</u>	Mindel Scott & Associates
<u>Request:</u>	Zone Change from R-4 to R-5

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**GUIDELINE 1 – COMMUNITY FORM**

The subject property which are located in the Village and Neighborhood Form Districts, which 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 (in this case in the form of the Shelbyville Road “Parkway”) setback. Pedestrian and bicycle accommodations should also be provided. This proposed R-5 subdivision is a low density one, although developed in accordance with a zoning district other than standard R-4, meaning an ever-so-slightly higher gross density (3.41 du/a) than perhaps otherwise achievable under the R-4 zoning district classification. 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.

**GUIDELINE 3 – COMPATIBILITY**

The proposed subdivision complies with all of the applicable Intents and Policies 1, 2, 3, 5, 6, 7, 8, 9, 10, 12, 14, 15, 16, 21, 22, 23 and 25 of Guideline 3 for these reasons.

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. 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. The detailed district development/preliminary subdivision plan (DDDP), neighborhood meeting PowerPoint and home design elevations filed with and to be later reviewed with this application demonstrate all that.

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

The proposed subdivision and its DDDP comply with all applicable Intents and Policies 1, 2, 5, 6, and 7 of Guideline 4 and Policies 1 and 2 of Guideline 5 for these reasons.

Unlike most standard single-family subdivisions, this one includes protected interior and perimeter open space, protecting some natural resources and features, notably a stream, and assuring good transitions to neighboring properties. The homeowners association will maintain these open areas. An older structure on the site will be examined and its historic resources inventoried for Metro Historic Preservation review and archiving.

**GUIDELINE 6 – MARKETPLACE**

The proposed subdivision complies with all of the applicable Intents and Policies 2, 3, 5, and 11 of Guideline 6 for these reasons.

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 housing is in greatest demand.

**GUIDELINE 7 AND 8 – CIRCULATION AND TRANSPORTATION FACILITY DESIGN; GUIDELINE 9 - BICYCLE, PEDESTRIAN AND TRANSIT; GUIDELINE 12 – AIR QUALITY**

The proposed subdivision complies with all of the applicable Intents and Policies 1, 2, 4, 6, 9, 11, 13, 14, 15, and 18 of Guideline 7; Policies 3, 5, 6, 7, 8, 9, 10 and 11 of Guideline 8; Policies 1, 3 and 4 of Guideline 9; and Policies 1, 2, 4, 6 and 8 of Guideline 12 for these reasons.

This subdivision is situated on a major collector street (Shelbyville Road) where sewer, water and other utilities already exist, and where road capacity exists. Further, this DDDP will be reviewed by Metro Transportation Planning and Public Works personnel, who must stamp the DDDP 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 DDDP 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 DDDP accompanying this application assures that corner clearances, driveway access, median openings, cross connections, etc. are provided as

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required. Possible road improvements along Shelbyville Road have yet to be determined, but some may be required as impact mitigation measures. Any off-site roadway improvements will, of course, need to meet the “essential nexus” and “rough proportionality” test.

**GUIDELINES 10 AND 11 – STORMWATER AND WATER QUALITY**

The proposed DDDP complies with all applicable Intents and Policies 1, 3, 6, 7, 10 and 11 of Guideline 10 and Policies 3 and 5 of Guideline 11 for these reasons.

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 DDDP 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.

**GUIDELINE 13 – LANDSCAPE CHARACTER**

The proposed subdivision complies with the Intent and applicable Policies 1, 2, 4, 5 and 6 of Guideline 13 for these reasons.

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.

\* \* \*

For all of these and other reasons set forth on the Detailed District Development Plan/preliminary subdivision plan accompanying this application and in accordance with evidence presented at Planning Commission public hearings, this application will comply with all other applicable Guidelines and Policies of the Cornerstone 2020 Comprehensive Plan.

Respectfully submitted,

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