

# BARDENWERPER, TALBOTT & ROBERTS, PLLC

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

Applicant/Owner: Corcoran Home Building & Remodeling, LLC, c/o  
Matthew Corcoran

Location: 6635 Woods Mill Drive

Proposed Use: Single-Family Residential

Engineers, Land Planners and  
Landscape Architects: Land Design & Development, Inc.

Request: Zone Change from R-5A to PRD

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### GUIDELINE 1 – COMMUNITY FORM

The Woods of Farnsley Moorman residential community dates back to 2003 when a condominium development was approved for this site in case #9-45-01VLW and case #10-21-01. No greater number of homes is planned now than the number of condo units approved and set forth in the binding elements found in the Planning Commission's April 3, 2003 minutes.

This application is intended to save the Woods of Farnsley Moorman condominium community that has a good deal of the infrastructure already installed but where condominium construction came to a screeching halt when the catastrophic housing Recession occurred, which largely lingers to this day. The developer/builder ended up losing its development rights to its lender, at which point the lender tried various ways to find new builders to complete Woods of Farnsley Moorman as a condominium community. However, that was just about impossible, in large part because the problem with condominium construction today is with federal lending rules that apply nationwide, not just in those states (such as Florida, Arizona and Nevada) where the real condominium crisis occurred. It was in those states, especially Florida, where lots of high rise condominium projects were built, where lenders ended up as the "owners" of unfinished high-rise buildings (e.g., Florida) or large tracts of patio home-style condominium homes where no buyers existed (e.g., Arizona and Nevada). Federal rules established strict presale requirements before FHA, Fannie Mae or Freddie Mac lending support would be allowed. And this occurred at the same time that private loans dried up, while the markets turned to the federal government for loan support. With few condominium buyers, lenders were unwilling to loan developers the money to complete the construction of their projects. The housing Recession, which resulted in something like a 70% decrease locally in home sales, also took down a similar percentage of builders and developers. People left living in these communities were more or less stranded, as they are at this one, in a development that, but for the efforts of this lender and the applicant, are now asking the Planning Commission to help revive this moribund Woods of Farnsley Moorman development, to turn it into the thriving community it was expected to be for the original home buyers, and generate permit fees and property taxes to benefit all of Metro Louisville.

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The applicant and prior owner/lender have paid considerable fees to negotiate new agreements with the condominium unit owners to reach an agreement to partition this property from the condominium regime to be established as a standard subdivision with the current condominium regime to remain with just fewer units.

Because very little changes in what is now being presented to the Planning Commission over what was originally approved, the modest concessions that are being requested in terms of a waiver for the maximum number of contiguous units resulting from this being originally designed as an apartment community, represent no negative impacts on the greater community or anyone living nearby and consistent with what was approved and built. Complete demonstration with all applicable Guidelines and Policies of the Comprehensive Plan is being fully demonstrated, as further evidenced by the revised district development and preliminary subdivision plans filed with this application and as will further be explained at the LD&T meeting and the Public Hearing in this case.

As part of this discussion, it is important again to know that the number of homes currently under consideration at Woods of Farnsley Moorman are the same as the number of condo units originally approved, and the traffic and transportation analysis approved at the time, considering existing infrastructure, can still accommodate both what is approved and what is proposed.

#### **GUIDELINE - 1 COMMUNITY FORM**

The subject property lies within the Neighborhood Form District and is located on Moorman Road.

The proposed PRD Subdivision is essentially the same as the originally approved Woods of Farnsley Moorman partially developed condominium development. Gross density will be well less than allowed and below the high density range. The new proposed buildings will blend compatibly with the original constructed portion of the Woods of Farnsley Moorman development. The rezoning will not result in any additional residential from the original approved for the property.

Perimeter setbacks and landscape buffer areas are provided along all property lines as required by the Land Development Code (LDC). All buffering and other compatibility issues were addressed with the original development plan approval and as partially constructed, with only modest changes being made as part of this proposed development plan.

#### **GUIDELINE - 2 CENTERS**

The application complies with the overall Intents of and specifically with Policies 1, 4, 5, 6, 11, 13, 14 and 15 of Guideline 2 of the for all the reasons listed above and because the proposal is very similar to the originally approved, and partially constructed, condominium development part of the prior rezoning. This proposal will allow the stalled condominium development to again move forward and be fully constructed. All condominium owners agreed to the partition of the remaining property from the condominium regime evidenced by their signatures on the partition documents as recorded. Future residents will also support the businesses and services in nearby activity centers to the east and along Dixie Highway. Parking is compact and will be

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provided on the individual lots in the subdivision in driveways and garages. Internal open space areas are included on the development plan.

### **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, 13, 14, 15, 21, 22 and 23 of Guideline 3 for these reasons.

This residential subdivision is almost the same as the original condominium development originally approved and anticipated and adds to the mixture of housing types, sizes and styles while still being design-compatible in terms of scale and building materials with the neighboring properties and with the partially development Woods of Farnsley Moorman condominium property. The proposed subdivision does not involve any known nuisances, such as odors, noises, lighting, aesthetics or traffic different than what already exists in the greater area or as originally proposed. Setbacks will include compatible side and rear yards, and the tree canopy and landscape regulations will apply. The detailed district development/preliminary subdivision plan, neighborhood meeting presentation 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 complies with all applicable Intents and Policies 1, 2, 3, 4, 5, 6, and 7 of Guideline 4 and Policies 1 and of Guideline 5 for these reasons.

Unlike most standard single-family subdivisions, this one includes some 3.3 acres of open space on a site just 13 acres in size, conserving some natural resources and features, providing for passive outdoor activities off residents' individual home lots. That assures for better buffers and a far superior neighborhood feel. The homeowners association will maintain these open areas. There are no historic resources on the site.

### **GUIDELINE 6 – MARKETPLACE**

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

This proposed subdivision helps to ensure the availability of residential building lots where lots are in demand. The existing condominium regime has been stalled forever and no parties came forward to acquire the developer rights to continue the existing condominium development while the property was owned/controlled by the Bank. Now, the applicant controls the site and surrounded by like-kind subdivisions. That makes it an infill single-family residential site, appropriate for the area in a community where new single-family housing is in demand. This property is also in an older area of town in need of new residential housing to serve the businesses on Dixie Highway corridor. All owners agreeing to partition this property from the condominium regime also keeps those owners from having exceptionally high assessments to maintain a large property in a regime without sufficient units to pay for the maintenance of same.

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**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, 12, 13, 14, 15, and 18 of Guideline 7; Policies 4, 5, 7, 8, 9, 10 and 11 of Guideline 8; Policies 1, 2, 3 and 4 of Guideline 9; and Policies 1, 2, 3, 4, 6, and 8 of Guideline 12 for these reasons.

The original approved condominium development had private roads, many of which were built many years ago. The current proposed subdivision uses these partially developed existing roads as previously recorded via private access easements. Sidewalks are already constructed along the frontage of the property and through the developed portion of the condominium regime. Sidewalks will be installed in the subdivision as shown on the proposed development plan/subdivision plan. Where sidewalks have been constructed, where public transit could exist, although probably doesn't (as that is determined by TARC alone, not the applicant and not the Planning Commission), where sewer, water and other utilities already exist, where road capacity exists, and in close proximity to jobs and shopping in all directions. Further, this subdivision must be reviewed by Metro Transportation Planning Services personnel, who must stamp the preliminary plan for approval prior to its docketing for Planning Commission review. That assures that all of these applicable Public Works standards are complied with, including Policies of the 2020 Land Development Code (LDC). All required right of way was previously dedicated and will meet at Public Works and Transportation Planning requirements.

In that regard, the proposed subdivision will assure that both existing Tierney Avenue access and new subdivision streets continue and are constructed to operate safely and function pretty much as previously approved because a low traffic-generating use is proposed here. Thus, all negative traffic impacts are avoided with this development. And, as noted, design of the site, as shown on the detailed district development plan/preliminary subdivision plan accompanying this application assures that corner clearances, driveway access, median openings, cross connections, etc. are provided as required -- that is, except as some disconnectivity to existing adjoining properties and streets is desired and as may be allowed in order to assure that no, or limited, cut-through traffic adversely affects this proposed subdivision or within adjoining ones.as previously approved.

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

The proposed subdivision 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 stormwater 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 stormwater systems. Also, MSD will have to stamp for preliminary approval the development plan 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.

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**GUIDELINE 13 – LANDSCAPE CHARACTER**

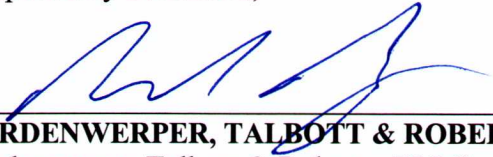
The proposed subdivision complies with the Intent and applicable Policies 1, 2, 4, 5 and 6 of Guideline 13 for these reasons.

The local LDC requires tree canopies, certain kinds of landscaping for certain kinds of uses and screening and buffering of incompatible uses. Accordingly, the LDC will be fully complied with.

\* \* \*

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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