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

Applicant: EMM3, LLC

Owner: EMM3, LLC

Location: 9108 Beulah Church Road

Proposed Use: Multi-family residential apartment
community

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

Request: Change in Zoning from R-4 to R-6

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INTRODUCTION

The applicant is proposing an apartment community consisting of 4 two-story buildings with a total of 36-units on 4.29 acres located at 9106 Beulah Church Road east of Sherry Lane. The apartment buildings face toward the interior of the site, and parking is also located in the interior in front of the buildings. This is an area of Beulah Church Road with quite a few different apartment communities and condominium developments.

GUIDELINE 1: COMMUNITY FORM

The application complies with the applicable Intents and Policies B-3, Neighborhood Form District, of this Guideline as follows.

The community form for this area is Suburban Neighborhood which, as noted above, is characterized by predominantly single family and multi-family residential uses varying from high density to low density, meaning that a lot of apartments are located in Suburban Neighborhood Form Districts such as in this area. With a large number of apartment complexes, such as located near this property, this project will fit well and blend compatibly into the existing neighborhood, in part because there are multiple other multi-family developments along the South side of Beulah Church Road, such as this one, with single family residential across from the site. Adjacent to the east will be a United States Post Office secure carrier facility. This project will offer another diverse housing opportunity with these other developments, some of which have been existing for some time and will be of a scale compatible with these nearby projects. That, among other reasons, may very well be why the Suburban Neighborhood Form District contemplates uses such as this kind, both in the specific language contained within the description of the Suburban Neighborhood Form District found within the Comprehensive Plan

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and as evidenced by the fact there are multiple other residential uses varying from low to high density already located in Suburban Neighborhood Form Districts. For these reasons, among others, the proposed apartment community complies with this Guideline of the Cornerstone 2020 Comprehensive Plan.

GUIDELINE 2: CENTERS

The application complies with the applicable Intents and Policies 4, 5, 6, 14, 15, and 16, of this Guideline as follows.

The Intents of this Guideline 2 are several fold: to promote an efficient use of land in existing infrastructure, to lower utility costs by reducing the need for extensions, to reduce commuting time and transportation related air pollution, to provide neighborhood centers and marketplaces that include a diversity of goods and services, to encourage vitality and sense of place, and to restrict individual or isolated commercial uses in noncommercial areas. The proposed apartment community complies with all of these Intents of this Guideline because this property is ideal for this use as an apartment community compatible with others on the street, and given its size, which is really far too large for a single-family house given this area of small houses on small lots, and given all the alternatives. Locating an apartment community where there is a clear market demand in an area with a sizeable residential population like this, with lots of pass-by traffic, helps reduce commuting and transportation related air pollution because people don't have to drive long distances, as they often do, to reach the significant commercial development along Bardstown Road and the Fern Creek area which are close to the property. The proposed apartment community also addresses the other Intent statements of this Guideline because it is a compact development that fits well with other nearby mixed uses designed to fit well with other residential development obviously predominantly existing in the area.

Policy 5 of this Guideline recommends a mixture of compatible uses in a Suburban Neighborhood. And the way that the proposed apartment community relates to nearby residential in terms of design makes these uses very compatible, one with the other. Also the existence of utilities at the property, the fact that proposed parking is internalized to the site and that TARC service is available in the area are evidence of Compliance with Policies 14, 15 and 16.

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GUIDELINE 3: COMPABILITY

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The application complies with the applicable Intents and Policies 1, 2, 3, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 21, 22, 23, 24 and 28, of this Guideline as follows.

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The Intents of this Guideline are to allow a mixture of land uses as long as they are designed to be compatible with each other, to prohibit the location of sensitive land uses in areas where accepted standards for noise, lighting, odors or similar nuisances are violated, and to preserve the character of the existing neighborhoods. The proposed apartment community complies with these Intents of this Guideline because it is evident from the development plan and elevation renderings to be supplied by the date of LD&T that the apartment community is designed in a very compatible way with the existing character of the neighborhood. Lighting will be designed so that lighting will not shine into adjoining neighborhoods, as the buildings will face the interior of the development further shielding any adverse lighting effects. With the buildings designed to face the interior, all parking and activity will also be shielded from the adjoining properties.

Policies 5, 7, 8 and 9 of this Guideline all pertain, as stated above, to the nuisances of odors, noise, lighting and other visual impacts, which will be shielded as the buildings face the interior of the property. As a residential community, the propose will not create odors, noises, excess lighting, and the buildings will be attractively designed.

Policies 10, 11, 12, 13, 14 and 15 seek to assure access to diverse housing, which by definition, this apartment community proposal will assure. Policies 21, 22, 23 and 24 seek to assure appropriate setbacks, screening and buffering which are evident on the DDDP accompanying this application and as will be shown on the concept landscape plan shown by time of LD&T. This small apartment community of 36 units will not adversely affect traffic in the area, as apartment residents will be located in close proximity to retail centers located along Bardstown Road. Because this apartment community will be located in close proximity to others like it, this will allow another housing option such that residents don't have to drive far to visit these centers.

GUIDELINE 4: OPEN SPACE

The application complies with the applicable Intents and Policies 1, 6, and 7 of Guideline 4 as follows.

The Intents and Policies of Guideline 4 are to provide for open space in new residential development, which this small apartment community provides to the extent practical and necessary. Buffer areas are found around the apartment community. Open space will be maintained by the owner/applicant. Landscaping will be planted along the east, west and south property lines to help soften its appearance. There are no historic resources associated with this property, and the design keeps the disturbance of any natural features of the site to a minimum.

GUIDELINE 6: ECONOMIC GROWTH & SUSTAINABILITY

The application complies with the applicable Intents and Policies 2, 3, and 9 of this Guideline as follows.

The Intents and Policies of this Guideline are to ensure the availability of necessary usable land to facilitate development, to reduce public and private costs for land development, and to assure that new development is located near activity centers. There is a significant demand for additional residential, especially apartment, housing in Louisville Metro, including in this area. And the Suburban Neighborhood is a perfectly appropriate place for this use, given all the described impact mitigation.

GUIDELINES 7 AND 8: CIRCULATION AND TRANSPORTATION FACILITY DESIGN

The application complies with the applicable Intents and Policies 1, 2, 3, 9, 10, 11, 14, 15 and 16 of Guideline 7, and Policies 5, 9, 10 and 11 of Guideline 8 as follows.

The Intents and Policies of these Guidelines are to provide for safe and proper functioning of the street network, to ensure that a development does not exceed the carrying-capacity of adjoining

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streets, to ensure good internal and external circulation, to address congestion and air quality issues, to protect streetscapes and transit corridors, and to provide efficient, safe and attractive roadways, transit routes and sidewalks.

The proposed apartment community complies with these Intents of these Guidelines because, as stated above, this is a small apartment community that does not negatively impact the transportation network. There is an access point off Beulah Church Road which can handle this small volume of traffic. The DDDP accompanying this application includes adequate parking, sufficiently wide and safe corner clearances, median openings and access such that it will receive the preliminary stamp of approval from the Metro Works and Transportation Planning, assuring compliance with all of these particular design standards.

GUIDELINE 9: BICYCLE, PEDESTRIAN AND TRANSIT

The application complies with the applicable Intents and Policies 1, 2, 3 and 4 of this Guideline as follows.

The Intents and Policies of this Guideline all deal with assuring that provisions are made for pedestrian, bicycle and transit usage. Sidewalks will be provided along the property frontage, and bike racks will be provided as per Code. Transit is available nearby.

GUIDELINES 10, 11 AND 12: STORM WATER, WATER QUALITY AND AIR QUALITY

The application complies with the applicable Intents and Policies 1, 3, 6, 7, 10 and 11 of Guideline 10, Policies 3 and 9 of Guideline 11, and Policies 1, 2, 6, and 8 of Guideline 12 as follows.

The Intents and Policies of these Guidelines pertain to the environmental issues. As to stormwater management, the site plan must be preliminarily approved by MSD prior to docketing for LD&T and will include a detention basin, such that post-development peak rates of runoff will not exceed pre-development conditions. There are no blue line streams involved on this property that will be adversely affected.

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As to water quality, the typical way that this is addressed at this point in time in this community is through MSD's standards addressing water quality basins or like-kind protections, plus soil erosion and sediment control features, which will be addressed at construction stage.

As to air quality, as stated above, because this is a small development, not much traffic will be generated. And as an infill site, it is located proximate to workplaces and shopping.

GUIDELINE 13: LANDSCAPE CHARACTER

The application complies with the applicable Intents and Policies 1, 4, 5, and 6 of this Guideline as follows.

This Guideline and its Policies require adequate landscaping. The development plan filed with this application shows landscaping as required by the Land Development Code.

For all the reasons set forth hereinabove, on the detailed district development plan accompanying this application and in testimony and other evidence to be presented at LD&T and at the full public hearing, this application complies with all other applicable Guidelines and Policies of the Cornerstone 2020 Comprehensive Plan.

Respectfully submitted,



Paul B. Whitty

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Home Builders Association of Louisville Building

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