

BARDENWERPER, TALBOTT & ROBERTS, PLLC

ATTORNEYS AT LAW

1000 N. HURSTBOURNE PARKWAY • BUILDING INDUSTRY ASSOCIATION OF GREATER LOUISVILLE BLDG. • SECOND FLOOR • LOUISVILLE, KENTUCKY 40223
(502) 426-6688 • (502) 425-0561 (FAX) • WWW.BARDLAW.NET

STATEMENT OF COMPLIANCE WITH ALL APPLICABLE GOALS, OBJECTIVES AND POLICIES OF THE "PLAN 2040" COMPREHENSIVE PLAN

Applicant: Hagan Properties

Owners: KABA Select Sires, Inc. and Ky Artificial Breeding Association

Project Name/Location: Bull Run Townhomes
1920 and 1922 Herr Lane

Current Zoning: R-4

Proposed Zoning: R-5A to allow a 72-unit townhome community

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

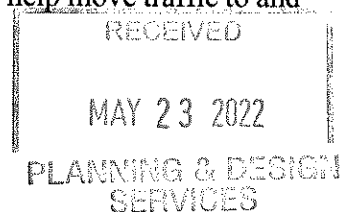
Traffic Engineer: Diane B. Zimmerman Traffic Engineering, LLC

INTRODUCTION

The zone change filed with this application is for a relatively small townhome style apartment community to replace the existing commercial enterprise dedicated to the artificial breeding of large farm animals. The applicant is the same one, Hagan Properties, who recently obtained approval of a much larger, "stacked" apartment community, called Providence Point", on a site to this property's north.

All of Hagan's prior apartment and retail development projects have involved high quality design, this one being different than the others in this respect: It's Hagan's first townhome development, a decision made for this site (a) due to its close proximity, and resulting greater compatibility of townhomes, to existing single-family housing development and (b) so as to differentiate this project from Providence Point.

This site, like Providence Point, is also within a prime growth area and will adapt itself and work well for development of the proposed kind because of these factors: (a) the new VA hospital under construction nearby; (b) its resulting demand for added apartment housing in close proximity thereto; (c) the existence of decent and planned improved road and sidewalk infrastructure; (d) the availability of sanitary sewers which MSD spent major taxpayer money to accommodate environmentally positive growth; (e) the opportunity to improve stormwater infrastructure in the area; (f) the presence of significant nearby retail activity to serve these new townhome apartment dwellers; (g) the presence of schools really close by which will also benefit apartment families; and (h) the proximity of this site to arterial and interstate highways which help move traffic to and from other major employment centers.



22 - ZONE - 0073

PLAN ELEMENT 4.1: COMMUNITY FORM

This application complies with Plan Element 4.1, its 5 Goals and their Objectives plus the following Policies.

As to Goal 1, Policies 2, 2.1, 3.1.3, 4, 5, 6, 7, 9 10, 11, 12, 14, 16, 17, 18, 19, 20 and 23, the application complies as follows, in addition to the other ways set forth above and below:

The site is located in the Suburban Neighborhood Form District which is characterized by predominantly residential land uses that range from low to high density and that blend compatibility into the existing landscape and neighborhood areas. The proposed 72-unit, residential townhome plan fits this Form District perfectly. Proposed density at 8.7 dwelling units per acre is in the low end of the medium density range, not significantly higher than the densities of nearby residential neighborhoods. At 2-stories high, in groupings of 4-8 units per building, proposed structures are no taller and not significantly larger than residential buildings already existing in the area. Moreover they serve as a good transition between single family homes to the south and the large, high density Providence Point apartment project to the north. All Land Development Code (LDC) restrictions and requirements with respect to building design, private street building frontages, building and parking setbacks, building heights, driveway lengths, open spaces, recreation areas, landscaping, tree canopy, parking minimums and maximums, lighting and signage will be met — different as they are for Louisville Metro and Greymoor-Devendale.

Also, located as this proposed townhome style apartment community is so close to sizable office-retail activity centers and walking distances from churches and both JCPS and parochial schools serving all grade levels, travel distances for purposes of work, shopping, worship, and school are reduced, and walking and biking become very real possibilities, as sidewalk extensions with the help of this zone change are completed. This also helps contribute to improved air quality.

Proposed quality masonry components and traditional style and design of the planned townhome buildings, plus landscaping, screening and buffering beyond the bare minimums, will help assure compatibility with nearby single-family houses. Furthermore, as a residential community itself, these townhomes are not designed with the kinds of negative impacts that might harm the quiet enjoyment of its own residents, since they surely merit protection from nuisances as well.

As to Goal 2, Policies 1, 2, 3, 6, 7, 8, 9, 11, 12, 13, 14, 15, 16 and 17, the application complies as follows, in addition to the other ways set forth above and below:

As said, the proposed townhome style apartment community is located in a Suburban Neighborhood Form District, with nearby office, retail, institutional, high rise condo and other large rental apartment buildings. Also, senior living and nursing home facilities, plus a super large region-serving VA hospital are or will be located nearby. As such, and with good and improving pedestrian and vehicular access along Herr Lane and Brownsboro Road and with good street and sidewalk connections to many of the aforementioned uses, the proposed townhome style apartment community is part of a very large mixed use activity center that extends from west of the I-64 interchange, to east just past Seminary Drive, to south in the heart of Lyndon, to north at the Temple Congregation Adath Israel at US 42 and Lime Kim Lane. Also,

RECEIVED

MAY 23 2022

PLANNING & DESIGN
SERVICES

22 - 77E - 0073

as such, it will add to the opportunities existing and planned in this medium to high density/intensity area to reside in close and convenient proximity to many places of employment, food, shopping, education and health care.

As to Goal 3, Policies 1, 2, 3, 6, 9, 10 and 13, the application complies as follows, in addition to the other ways set forth above and below:

The development plan for this relatively small townhome style apartment site includes a playground and 10,000 more square feet of open space than regulatorily required.

As to Goal 4, this site is not a historic one with any truly historic attributes or buildings.

As to Goal 5, this proposed apartment community site is not public enough to include an element of public art.

PLAN ELEMENT 4.2: MOBILITY

This application complies with Plan Element 4.2, its 3 Goals and their Objectives plus the following Policies.

As to Goal 1, Policies 1, 2, 3, 4 and 6; Goal 2, Policies 1, 2, 3, 4, 5, 6, 7 and 8; and Goal 3, Policies 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 14, 15, 17, 18, 19, 20 and 21, the application complies as follows, in addition to the other ways set forth above and below:

This proposed townhome style apartment community (located as it is just south of a growing Town Center mixed use area proximate to large activity centers, with good access off both arterial and collector level streets and thereby well connected as it is proposed to be next to and nearby several public and parochial schools, lots of restaurants, retail shopping that includes a large grocery, lots of office space, existing and planned health care facilities plus other residential developments and communities) is plainly part and parcel of good pedestrian, bicycle and road networks. Locating this development along and near major arterial and collector level roads with good access to and from these uses, Hagan will, at its cost, construct frontage sidewalks and a new access from Herr Lane which will be improved as part of the approved Providence Point plan which required major road improvements. In doing so, it will prepare construction plans that will assure safe access with good site distances and turning radii.

Proposed streets will be private and as such will be privately maintained. An access easement was previously recorded to share access with Providence Point to the north.

Also, bike racks and handicapped parking spots will be installed as and where required. And all of its drive lanes, parking spaces and both internal and external connections will be designed in accordance with Metro Public Work and Transportation Planning (MPW&TP) requirements. These are preliminarily depicted on the development plan filed with this application.

Also an updated Traffic Impact Study (TIS) is being completed by Diane Zimmerman, P.E. is being prepared and submitted in accordance with MPW&TP requirements. What it is expected to demonstrate is that the minor amount of additional traffic generated by this application will not materially change any of the conclusions and road improvements required as part of the Providence Point approved plan.

TARC service is generally available in this area, although few places outside of Louisville's urban core are served by TARC to the extent they perhaps should be. New apartments, like these

MAY 23 2022

PLANNING & DESIGN
SERVICES

22 - MAY - 0073

townhomes, will help justify possible improved TARC service if funds are available to do so. A TARC bench already exists but may be slightly relocated.

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 3 Goals and their Objectives plus the following Policies.

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

Ballard High School is located across Herr Lane from this site, and public middle and elementary schools and St. Albert the Great catholic (K-8) school are located nearby. Fire stations are located short distances away in Lyndon, St. Matthews and Prospect, in addition to suburban Louisville.

PLAN ELEMENT 4.4: ECONOMIC DEVELOPMENT

This application complies with Plan Element 4.4, its 2 Goals and their Objectives, plus the following Policies.

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

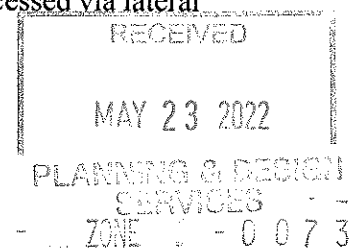
As Louisville Metro's population continues to grow, so does demand for housing of all types. This proposed townhome style apartment community is part of a developer response to that demand and as such both stabilizes and offers increased opportunities for employment in the building trades and associated industries. It also increases the Metro Louisville tax base essential to the provision of government services, especially important after the 2009-2014 Great Recession and recent COVID crisis. If Louisville and Kentucky are to economically rebound over time, especially from Covid's devastating economic setbacks, 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 recently troubled history.

PLAN ELEMENT 4.5: LIVEABILITY

This application complies with Plan Element 4.5, its 4 Goals and their Objectives plus the following Policies.

As to Goal 1, Policies 5, 7, 8, 10, 11, 12, 13, 15, 16, 23, 26, 27, 28, 29, 30, 31, 32, 33 and 35; and Goal 4, Policies 1 and 2, the application complies as follows, in addition to the other ways set forth above and below:

This application contemplates that storm water will be accommodated by virtue of an off-site basin that MSD will finally approve at construction plan review stage of development. Sanitary sewer service is available at the Morris Forman wastewater treatment plant. It can be accessed via lateral extension to and from existing nearby manhole.



Measures will also be taken to assure that erosion and sediment impacts are fully controlled and/or mitigated.

As mentioned above, given the location of this proposed apartment community near one or several large existing and expanding mixed use activity centers, air quality impacts will be minimized because vehicle miles travelled are reduced.

PLAN ELEMENT 4.6: HOUSING

This application complies with Plan Element 4.6, its 3 Goals and their Objectives, plus the following Policies.

As to Goal 1, Policies 1, 2 and 3; Goal 2, Policies 1, 2 and 3; and Goal 3, Policies 1, 3 and 4, the application complies as follows, in addition to the other ways set forth above:

By bringing brand new, high quality townhome style apartments to this area, Hagan expects to serve a somewhat different renter than at the Providence Point stacked apartment site. Also, because of the townhome style apartments proposed here, with patios and 1 or 2 car garages, it's likely that many renters, taking advantage of proximity to the aforementioned schools, will have children. And because of the lifestyle changes that the Great Real Estate Recession of 2009-2014 and COVID crisis of 2020 have caused, moving ever more people from ownership to rental housing communities, Hagan apartment buildings will be multigenerational. Thus, this community can probably expect empty-nesters to be among its diverse occupants.

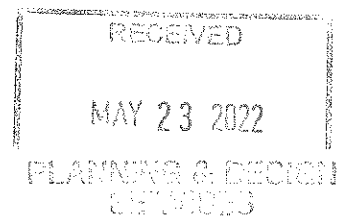
* * *

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

Respectfully submitted,

William B. Bardenwerper
John C. Talbott
Bardenwerper, Talbott & Roberts, PLLC
Building Industry Association of Greater Louisville Bldg.
1000 N. Hurstbourne Parkway, Second Floor
Louisville, KY 40223
(502)426-6688

e:\client folder\hagan\stallings_providence point\2020 rdddp\application\compliance statement.docx



22 - ZONE 1 - 0073