

Louisville Metro Planning Commission Public Hearing – March 2, 2023  
Louisville Metro Land Design and Transportation Committee – January 26, 2023  
Neighborhood Meeting – October 4, 2022

## Docket No. 22-ZONE-0149

Proposed zone change from R-4 to R-5 to allow a 44-lot single family subdivision located at 9220 and 9224 Cedar Creek Road

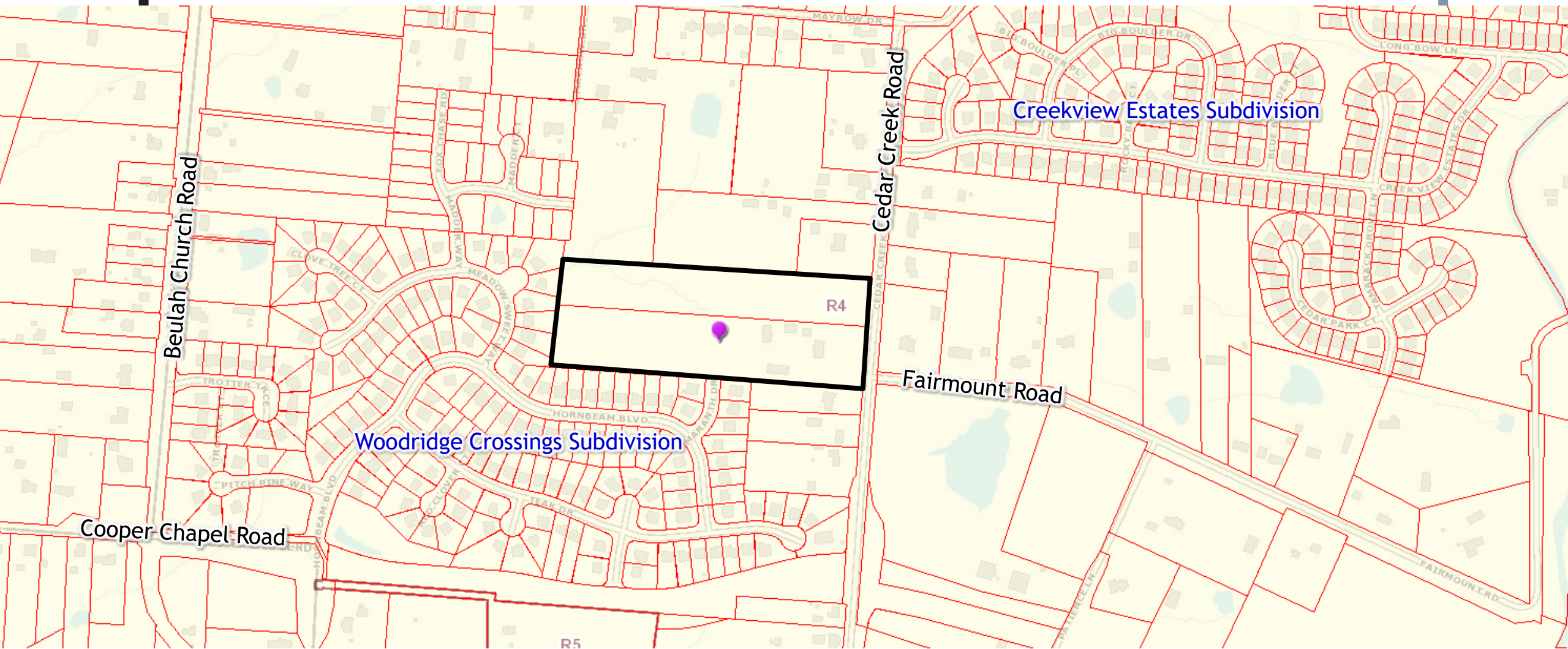


# Index

1. LOJIC Zoning Map
2. Aerial photographs of the site and surrounding area
3. Ground level photographs of the site and surrounding area
4. Neighborhood Meeting notice list map, letter to neighbors inviting them to the meeting and summary of meeting
5. Development Plan
6. Similar home building style and design
7. Statement of Compliance filed with the original zone change application with all applicable Goals of the 2040 Plan and Waiver Justification
8. Proposed findings of fact pertaining to compliance with the 2040 Plan and Waiver criteria



**TAB 1**  
**LOJIC ZONING MAP**



Beulah Church Road

Cooper Chapel Road

Woodridge Crossings Subdivision

R4

Cedar Creek Road

Fairmount Road

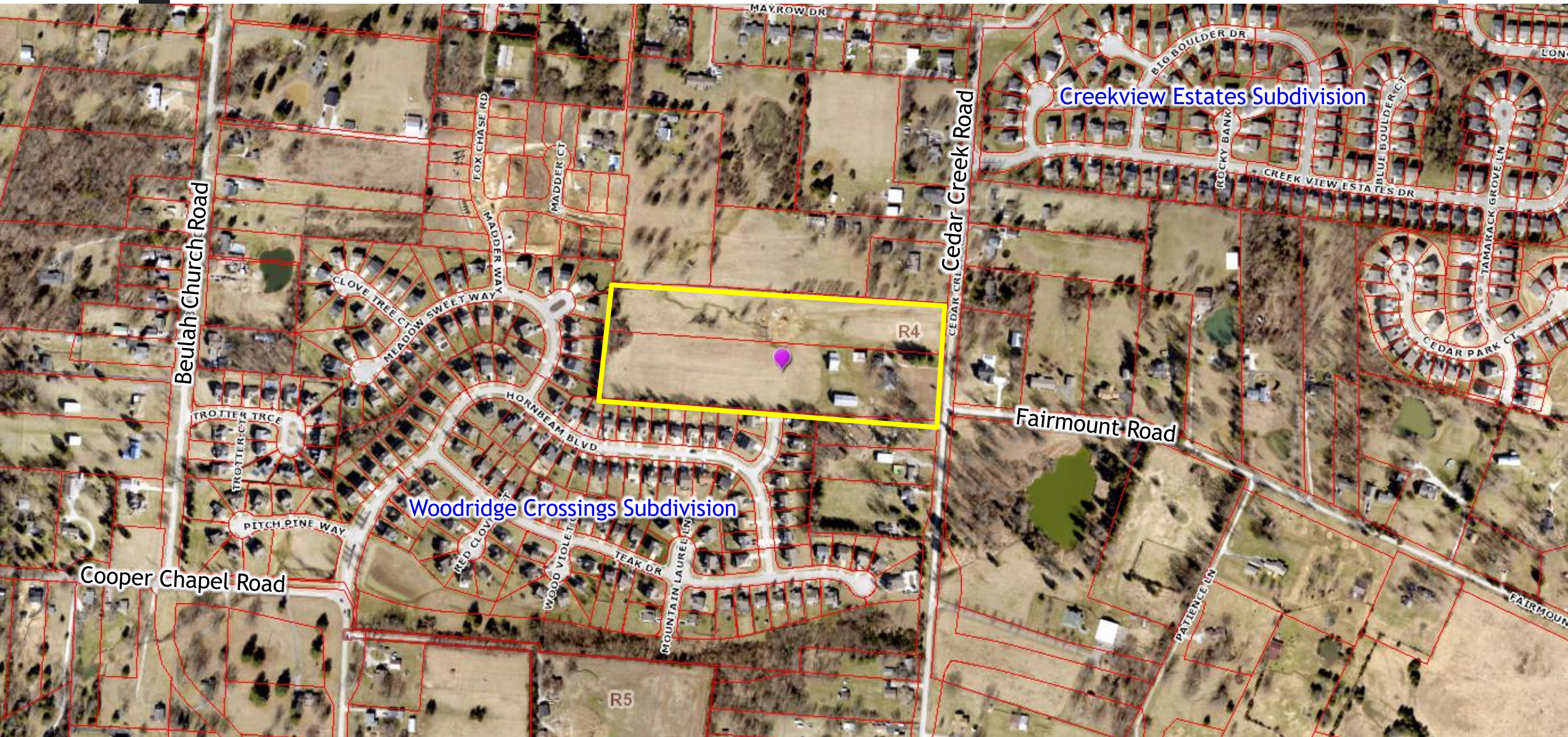
Creekview Estates Subdivision

R5





**TAB 2**  
**AERIAL PHOTOGRAPH OF  
THE SITE AND  
SURROUNDING AREA**



Creekview Estates Subdivision

Woodridge Crossings Subdivision

R4

R5

Beulah Church Road

Cedar Creek Road

Fairmount Road

Cooper Chapel Road

MAYROW DR

BIG BOULDER DR

CLOVE TREE CT  
MEADOW SWEET WAY

HORNBEAM BLVD

TROTTER TRCE

PITCH PINE WAY

RED CLOVE CT  
WOOD VIOLET CT

TEAK DR

MOUNTAIN LAUREL LN

ROCKY BANK

CREEK VIEW ESTATES DR

BLUE BOULDER CT

TAMARACK GROVE LN

CEDAR PARK CT

PATIENCE LN

FAIRMOUNT



Creekview Estates Subdivision

Woodridge Crossings Subdivision

Cedar Creek Road

Fairmount Road

Beulah Church Road

Cooper Chapel Road

R5



Madder Ct

CEDAR CREEK ROAD Cedar Creek Rd

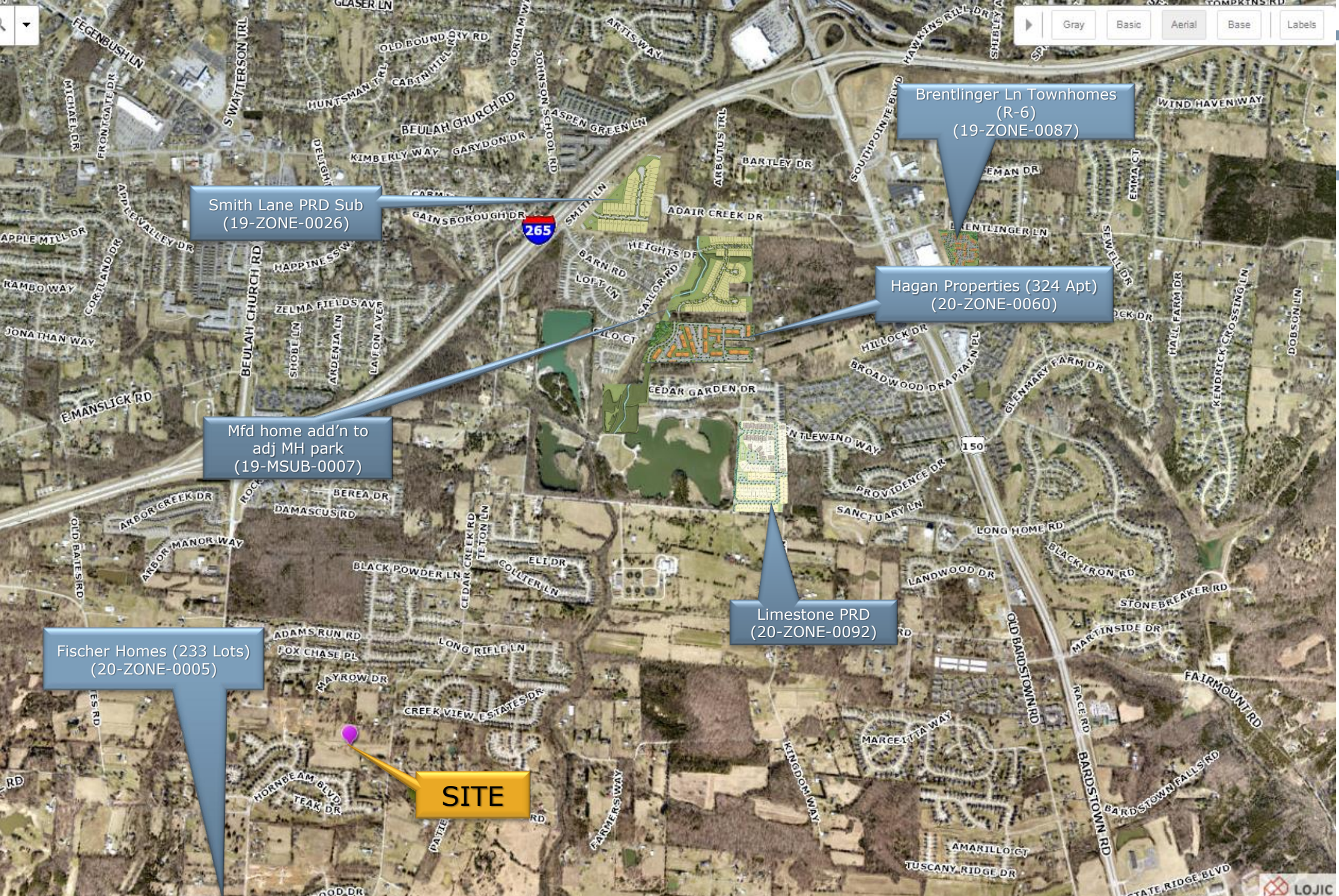
FAIRMOUNT ROAD

Cedar Creek Rd

Hornbeam Blvd

Hornbeam Blvd





Smith Lane PRD Sub  
(19-ZONE-0026)

Brentlinger Ln Townhomes  
(R-6)  
(19-ZONE-0087)

Hagan Properties (324 Apt)  
(20-ZONE-0060)

Mfd home add'n to  
adj MH park  
(19-MSUB-0007)

Limestone PRD  
(20-ZONE-0092)

Fischer Homes (233 Lots)  
(20-ZONE-0005)

**SITE**



Smith Lane PRD Sub  
(20-ZONE-0026)

Mfd home add'n to  
adj MH park  
(19-MSUB-0007)

Hagan Properties (324 Apt)  
(20-ZONE-0060)

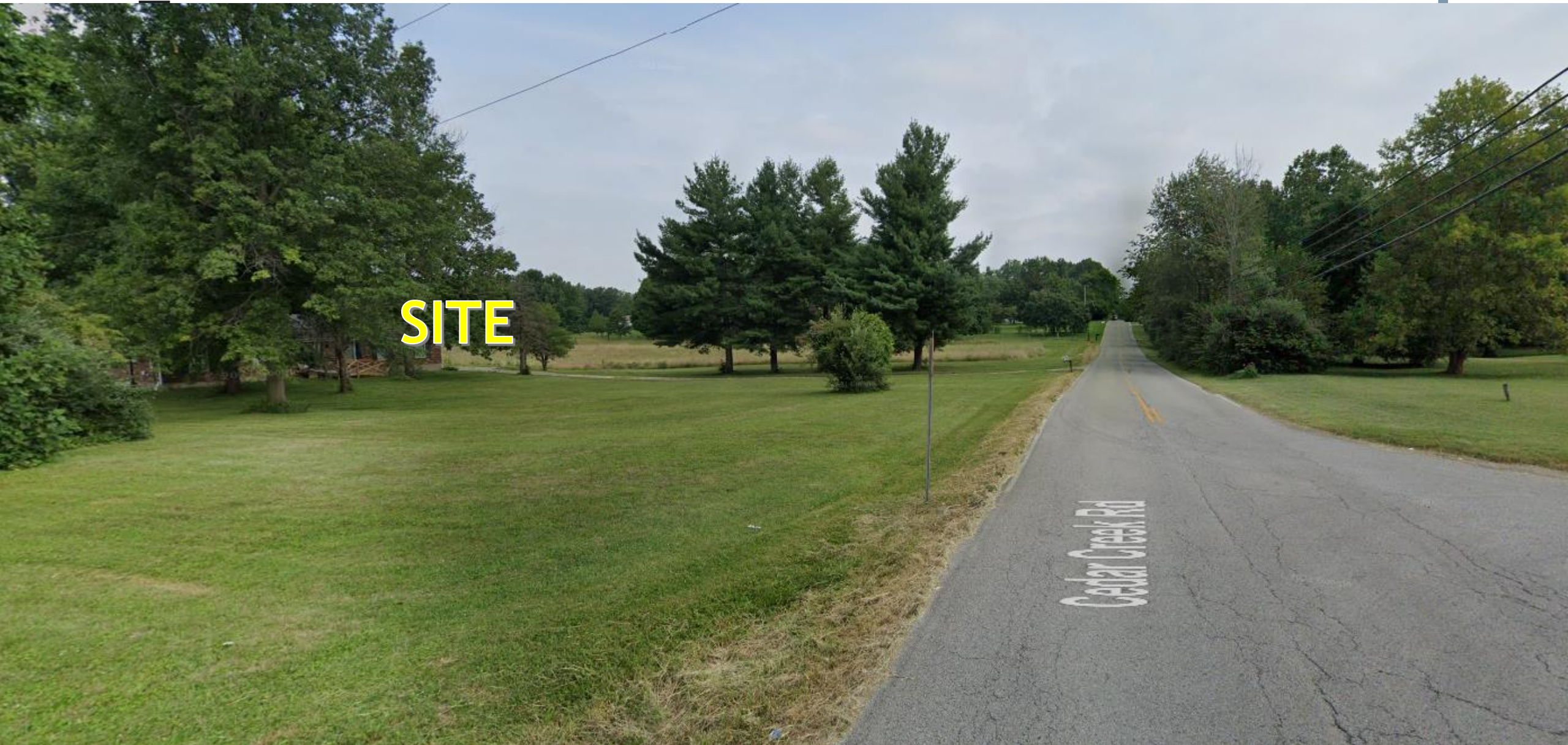
Cedar Creek

Limestone PRD  
(20-ZONE-0092)

SITE



**TAB 3**  
**GROUND LEVEL**  
**PHOTOGRAPHS OF THE**  
**SITE AND SURROUNDING**  
**AREA**



**SITE**

View of site from Cedar Creek Road, looking north. Site is the left.



View of site from Cedar Creek Road. Existing home to be removed.



View of site from Cedar Creek Road, looking south. Site is to the right.



**TAB 4**  
**NEIGHBORHOOD MEETING  
NOTICE LIST MAP, LETTER TO  
NEIGHBORS INVITING THEM  
TO THE MEETING AND  
SUMMARY OF MEETING**



9220 & 9224 Cedar Creek Rd





# BARDENWERPER, TALBOTT & ROBERTS, PLLC

ATTORNEYS AT LAW

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

Nicholas R. Pregliasco  
Email: [NRP@BARDLAW.NET](mailto:NRP@BARDLAW.NET)  
Mobile: (502) 777-8831

June 29, 2022

RE: Neighborhood meeting for a proposed change in zoning from R-4 and C-1 to R-6 to allow a 110-unit townhome community on property located at 9408 and 9500 Old Bardstown Road

Dear Neighbor:

We are writing to invite you to a meeting we have scheduled to present neighbors with our zone change and Detailed District Development Plan (DDDP) to allow a 110-unit townhome community to be located as above.

A plan for pre-application review was filed with the Division of Planning and Design Services (DPDS) that was assigned case number, **22-ZONEPA-0088** and case manager, **Jay Lockett**. The applicant is proposing to build 16, 2-story buildings with 217 parking spaces. Amenities including attached garages, a dog park, clubhouse and pool will be provided. Accordingly, we would like to show and explain this plan so that we might hear what thoughts, issues and concerns you may have.

In that regard, a meeting will be held on **Thursday, July 14, 2022**, beginning at **6:30 p.m.** at the **Fern Creek Community Center and Chamber of Commerce Annex Room** located at **6104 Bardstown Road** (*enter under the black awning labeled "Office"*).

Enclosed for your review are the following:

1. The development plan
2. LOJIC site location zoning map sheet showing the location of the site
3. Detailed summary sheet of the project
4. Contact information sheet and Information on how to obtain case information online from PDS' online customer service portal
5. PDS' "After the Neighborhood Meeting" sheet

If you are unable to attend the meeting, or have any questions or comments, please feel free to email or call me at the number listed above.

We look forward to our opportunity to visit with you.

Sincerely,



Nick Pregliasco

cc: Hon. Robin Engel, Councilwoman, District 22  
Jay Lockett, case manager with Division of Planning & Design Services  
Derek Triplett & Ted Bernstein, engineers with Land Design & Development, Inc.  
Dan Friess, applicant with Friess Property Company  
Jake Bert, applicant with Heritage Peak Partners

## Neighborhood Meeting Summary

A neighborhood meeting was held on July 14, 2022 at the Fern Creek Community Center and Chamber of Commerce Annex Room located at 6104 Bardstown Road. Those in attendance included the applicant's representatives, Nick Pregliasco, attorney with Bardenwerper, Talbott & Roberts, Ann Richard, land planner and engineer with Land Design & Development, Inc., as well as the applicant Jake Bert and Dan Friess with Heritage Peak Partners.

Nick Pregliasco started off showing a powerpoint presentation showing a LOJIC map of the property and surrounding area, along with aerial images of the property and the properties surrounding it. Mr. Pregliasco explained the development in the area on a zoomed out aerial image. He also started off by providing the name and contact information of Planning and Design Services case manager Jay Lockett explaining that those in attendance can always contact the applicant representatives for updates, but can also contact the case manager with specific issues, opposition, comments, etc., as well as to find out the status of the case.

Showing the LOJIC zoning map, Mr. Pregliasco explained that a portion of the property is already zoned C-1, and the adjoining property to the south is C-1 and M-2. The owner of the property to the south spoke up and said that it had been rezoned some time back for the McVey plumbing business that is located on that property. Mr. Pregliasco explained that the proposal is to downzone the C-1 portion of the subject property to R-6, and to rezone the R-4 portion of the subject property to R-6 for an upscale townhome style apartment community. He showed the property to the south of McVey Plumbing is the Bootleg Barbeque at the corner of Thixton Lane and Old Bardstown Road. Then, he showed the proposed detailed district development plan for the site and explained the layout of same. Mr. Pregliasco, along with Ann Richard explained the differences in the two types of townhome units, being those with garages and those without. They also explained the substantial open space and the reason for the central courtyard areas. The applicant, Dan Friess, explained that because they are looking to have a very nice community with high rents, they sacrificed additional units in additional buildings in order to provide the open space areas. Dan explained the other Louisville area projects that his group has purchased including Ashton Park, and others, and that they maintain high occupancy and high rents through a nice product. Ms. Richard and Mr. Pregliasco explained how the sanitary sewer service line would be run to the subject property and explained the detention basin on the south side. Thereafter, Mr. Pregliasco showed elevations of the proposed townhome units.

Thereafter, the neighborhood meeting was opened up for questions. There were questions about the potential traffic on Old Bardstown Road and the current traffic at the Thixton Lane / Bardstown Road intersection. The neighbors also explained how the trees located on the Bootleg Barbeque site creates an unsafe condition as it makes seeing other cars more difficult.

The applicant answered questions about the unit mix, being mainly 2-3 bedroom units, and which buildings had which type. There were concerns raised about the screening and buffering of the property to the south, as well as the drainage for the property to the south due to the drop in elevation between

the subject property and the property to the south. There were questions about the need for more apartments, but many liked the style and design of what was proposed.

The applicant and its representatives stayed until all questions were answered.



**TAB 5**  
**DEVELOPMENT PLAN**

122  
3-78

PU BUA 91003  
LOUISVILLE, KY, 40291  
D.B.-PG. / 6182-0738

MILES, PHIL BRAYN & PARTNERS  
3218 CEDAR CREEK RD  
LOUISVILLE, KY, 40291  
D.B.-PG. / 8946-0574

3218 CEDAR CREEK RD  
LOUISVILLE, KY, 40291  
D.B.-PG. / 8946-0572



N88° 30' 00"W 1238.90'

PROP. 15' S&D ESMT.

PROP. ROAD "A" 50' RW

S88° 30' 00"E 1238.50'

PROP. FAIRMOUNT RD 50' RW

EX. DRIVE  
EP TO EP

CEGAR CREEK RD - SECONDARY COLLECTOR (60' R/W RW) HS&C 4'

ROAD 4'

R-4/N  
LOREI, NATALIE L  
9300 CEDAR CREEK RD

FA

EP 1



**TAB 6**  
**SIMILAR HOME BUILDING  
STYLE AND DESIGN**





















**TAB 7**  
**STATEMENT OF COMPLIANCE FILED  
WITH THE ORIGINAL ZONE CHANGE  
APPLICATION WITH ALL APPLICABLE  
GOALS OF THE 2040 PLAN AND  
WAIVER JUSTIFICATION**



# 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: Friess Property Company; Heritage Peak Partners

Owner: : Roger Dale Perkins Estate; Michael and Laura Schnell

Project Name/Location: : Old Bardstown Road Townhomes

Proposed Use: Multifamily Residential

Request: Zone change from R-4 and C-1 to R-6

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

### **INTRODUCTION**

The Applicant, Heritage Peak Partners, proposes a medium density townhome community at 9480 and 9500 Old Bardstown Road with 110 townhome units in 16 two story buildings and including a clubhouse and pool on the west side of Old Bardstown Road between Fairmount Road and Thixton Lane in the Fern Creek area. Large lot single-family homes abut to the east, north and a vacant tract to the west. M-2 Industrial abuts the existing C-1 portion of the site which is located in a Neighborhood Form District in a rapidly developing area south of the Gene Snyder Freeway.

### **PLAN ELEMENT 4.1: COMMUNITY FORM**

This “Application Package” 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, it complies as follows, in addition to the other ways set forth above and below: The site is located in the Neighborhood Form District which encourages high density uses and a range of housing opportunities, notably including multi-family dwellings which can be rental apartments, which this plan proposes. However, the proposed density in this instance is not for a higher density or intensity. The 2-story townhome style of these proposed apartments, plus their design, square footages and rental rates are also contemplated by these Policies as appropriate for this Form District and specific neighborhood. Land Development Code required setbacks, height restrictions, both interior and perimeter landscaping, minimum parking and maximum lighting and signage will all be met without variances or waivers. Located as this proposed apartment community is near to a commercial activity center and both existing and planned restaurant and major retail shopping opportunities, travel distances for these purposes are severely reduced, and walking and biking become very real possibilities. This helps contribute to improved air quality. The proposed all brick, townhouse style and design of these townhome buildings are also design and density

compatible with similar development in the area. Landscaping, screening, and buffering beyond the bare minimums also helps assure appropriateness for the neighborhood and compatibility with adjoining residential uses. The proposed development is consistent with the Fern Creek Small Area Plan originally adopted in 2001 (“FCSAP”). It is north of a proposed activity center at Thixton Lane and Bardstown Road. The FCSAP states in pertinent part that this area “should be developed in medium density residential uses... that are in-scale and compatible with the existing residential uses in the area.” (pp. 36 and 85).

As to Goal 2, Policies 1, 2, 3, 6, 7, 8, 9, 11, 12, 13, 14, 15, 16 and 17, it complies as follows, in addition to the other ways set forth above and below: The proposed apartment community is located in a Neighborhood Form District and provides new residential uses.

As to Goal 3, Policies 1, 2, 3, 6, 9, 10 and 13, it complies as follows, in addition to the other ways set forth above and below: The detailed district development plan (DDDP) filed with the rezoning application for this proposed apartment community includes a community clubhouse, pool and 80,123 square feet of well distributed communal open space for use by residents which is substantially more than the 56,783 square feet required by the LDC. These open spaces will be maintained in perpetuity by the owner of the townhouse community. The site does not contain severe, steep, or unstable slopes nor any wet or highly permeable soils.

As to Goal 4, this is not a historic site with historic buildings or distinctive cultural features but does contain a barn over 50 years old which will be demolished in compliance with the Wrecking Ordinance Section 150.110.

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

This Application Package 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, it complies as follows, in addition to the other ways set forth above and below: This proposed townhome community is 2.5 miles south of Regional Center and town Center form districts located at Bardstown Road and the Gene Snyder Freeway and within an existing activity center that provides a mix of zoning and uses centered on Old Bardstown road, Thixton Lane and Bardstown Road (located as it is within an existing and growing activity center, with good access and thereby well connected as it is proposed to be near schools, restaurants, retail shopping and other residential developments and communities) is clearly part and parcel of good pedestrian, bicycle and road networks. Locating their development along and with access to and from those networks, the aforementioned developers will at their cost construct a sidewalk along Old Bardstown Road, a collector roadway. In doing so, they will prepare construction plans that will assure safe access with good site distances and turning radii for the private access directly to Old Bardstown Road. Bike racks and handicapped parking spots will be installed as and where required near buildings. 217 parking spaces (including eight handicapped spaces) are provide as shown on the development plan. All drive lanes, parking spaces will be designed in accordance with Metro Public Work and Transportation Planning (MPW&TP) requirements. These are preliminarily depicted on the DDDP filed with this application. TARC service is not currently available outside the Gene Snyder Freeway. No new roadway improvements are proposed. There is no direct access residential access to high-speed roadways. All necessary utilities are located proximate to this site

and accessible by it via public right of way or easements. Page 42 of the FCSAP notes that this area is designated as a shared access bikeway and bike racks will be provided on site to take advantage of this feature.

#### **PLAN ELEMENT 4.3: COMMUNITY FACILITIES**

This Application Package 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, it complies as follows, in addition to the other ways set forth above and below: schools are in reasonable proximity, including Fern Creek High School (4.3 miles), Fern Creek Elementary School (4.4 miles), Ramsey Middle School (5.6 miles), and Bates Elementary School (2.7 miles). Adequate sewage treatment and disposal is provided which do not threaten water quality. The site is served by the Louisville Metro Police Department Seventh Division, Beat 2, and the Fern Creek Fire Department, Station 2, 9409 Bardstown Road.

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

This Application Package complies with Plan Element 4.4, its 2 Goals and their Objectives, plus the following Policies. As to Goal 2, Policies 1 and 3, it 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 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 tax base essential to the provision of government services.

#### **PLAN ELEMENT 4.5: LIVEABILITY**

This Application Package 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, 21, 23, 26, 27, 28, 29, 30, 31, 32, 33 and 35; and Goal 4, Policies 1 and 2, it complies as follows, in addition to the other ways set forth above and below: The DDDP filed with this application shows how storm water is proposed to be addressed, including where a 27,000 cubic foot detention basin is located at the southeast corner of the site such that post development rates of run-off will not exceed pre-development conditions. Sanitary sewer service is available at the Cedar Creek regional wastewater treatment plant. It can be accessed via lateral extension to and from an existing nearby manhole. The site is not in a regulatory floodplain. There are no regulated streams or other protected waterways that are directly impacted by this proposed development, although measures will be taken to assure that erosion and sediment impacts are fully controlled and/or mitigated. The LDC tree canopy requirement (35% of site) will be provided with 132,494 square feet of canopy. As mentioned above, given the location of this proposed townhome community in an existing and expanding activity center, air quality impacts will be minimized because vehicle miles travelled are reduced. A karst survey performed on June 23, 2022, by Ted Bernstein, RLA and no karst features were found on the site.

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

This Application Package 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, it complies as follows, in addition to the other ways set forth above: Designed as it is as 2-story townhome community, it will serve a different role and purpose than some others. With the unit amenities expected at the rental rates contemplated, this townhome community fits the category of “workforce” housing, meaning primarily individuals and families currently in the workplace. Because of the number of bedrooms, it is indeed possible that some residents, particularly staff and teachers will take advantage of proximity to the nearby schools, will have children. This plan supports mixed income and intergenerational development by proposing additional housing types in an area with access to a variety of commercial services, amenities, and employment opportunities. The location on Old Bardstown Road provides ready access to a transportation network with safe and convenient access to employment, services, and amenities. This proposal supports fair and affordable housing and does not displace current residents.

\* \* \*

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 revised application complies with all other applicable Goals, Objectives, and Policies of the “Plan 2040” Comprehensive Plan.

Respectfully submitted,

---

Nicholas R. Pregliasco  
Bardenwerper, Talbott & Roberts, PLLC  
Building Industry Association of Greater Louisville Bldg.  
1000 N. Hurstbourne Parkway, Second Floor  
Louisville, KY 40223



**TAB 8**  
**PROPOSED FINDINGS OF FACT  
PERTAINING TO COMPLIANCE WITH  
THE 2040 PLAN AND WAIVER CRITERIA**

# QUESTIONS

