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

Applicant/Owners: Preston Crossing, LLC

Project Name/Location: The Willard at Preston Crossing

Proposed Use: Multifamily Residential

Request: Zone change from R-6 to R-7

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

INTRODUCTION

A change in zoning is being requested to bring this existing 166-unit, multi-family development into compliance with the Land Development Code (the "LDC") due to an error that occurred during the construction phase of the project which has been fully built out and which is fully occupied. The existing approved detailed district development plan was approved in 2012 for 164 units (Case No. 16553). Construction plans for 166 units were reviewed and approved by Louisville Metro and subsequently built which caused the development to exceed the maximum R-6 density (17.42 du) by two dwelling units (17.59 du). This error was apparently occurred because of the contactor's assumption that the number of units approved matched the company's standard building configuration and unit number. Although the plans were reviewed and approved by Louisville Metro, this error was not discovered until recently by the owner who now makes this application to bring the development into compliance with the LDC. Attempts to obtain additional land to cure the excess density have to date been unsuccessful. No changes to the existing development are proposed. The only alternative is to displace two families and remove two units from an existing building, which the owner does not wish to do in this time a scarce housing and affordability.

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, 7 and 9 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 low to high density and intensity uses and a range of housing opportunities, notably including multi-family dwellings. The site is located near major transportation facilities and transit corridors, employment centers, activity centers and other areas where demand and adequate infrastructure exists or is planned with Preston Highway providing a wide variety of shopping, employment and services. The site is

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surrounded by R-5A and C-2 zoned property. The property meets or exceeds the requirements of LDC Chapter 10 and all previously approved plantings and buffering have been or will be provided.

As to Goal 3, Policy 10, it complies as follows, in addition to the other ways set forth above and below:

The development received construction approval from Louisville Metro and has been built and occupied. Two additional units is only a slight increase in density (17.42 dua to 17.59 dua) and maximum allowable density of the R-7 zoning district (34.8 dua) cannot and will not be sought on this site. A binding element limiting the density will ensure that additional units cannot be added.

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, Policy 4 and 6; Goal 2, Policy 4; and Goal 3, Policies 2, 5, 6, 9, 10 and 21, it complies as follows, in addition to the other ways set forth above and below:

This proposed multi-family community (located as it is within an existing and growing mixed use area proximate to a large activity center, with good access off both arterial and collector level streets and thereby well connected as it is proposed to be close to a nearby school, restaurants, retail shopping and other residential developments and communities) is plainly part and parcel of good pedestrian, bicycle and road networks. Although not yet fully connected to transit but may be connected in the future. Although the proposed maximum density of 17.59 dua will allow the continued additional 2 dwelling units, the theoretical maximum allowed density (34.8 dua) will not ever be achieved on this site with a binding element limiting the density to 17.59 dua and thus there have been and will never be any discernible additional impacts to the area. No access to high speed roadways is proposed.

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:

All utilities are existing and available to the site including potable water and water for firefighting. MSD will review this plan and it is anticipated that approval will be granted as the proposed two additional units will have minimal impact.

PLAN ELEMENT 4.5: LIVABILITY

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

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As to Goal 1, Policies 5, 17 and 21; and Goal 4, Policies 1 and 2, it complies as follows, in addition to the other ways set forth above and below:

All requirements of the existing approved development plan have been or will be fulfilled on the site. These two additional units have no impact on existing site conditions including carbonate areas, ground water and surface drainage with no potential hazards. MSD will evaluate the potential impact of these two units on the regulatory floodplain. It should be noted that MSD had previously reviewed and approved the existing site plan.

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

The existing housing type is the same in the existing and proposed zoning classifications. It currently and as proposed supports aging in place and supports mixed-income and mixed-use development adequately and appropriately connected to the neighborhood and surrounding area, Transit service is expected to become available in the future based on nearby routes and the growth in the area. Sidewalks have been built to extent feasible due to environmental constraints. The proposed additional dwelling units further supports the supply of affordable housing. The housing type is the same in the existing and proposed zoning classifications. Rejecting this application for rezoning would result in the displacement of current residents, which is to be expressly avoided and discouraged, particularly in this time of record homelessness and high costs of housing.

* * *

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

Respectfully submitted,

John C. Talbott
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