

Louisville Metro Planning Commission Public Hearing - October 20, 2022
Neighborhood Meeting - June 8, 2022

Docket No. 22-DDP-0081

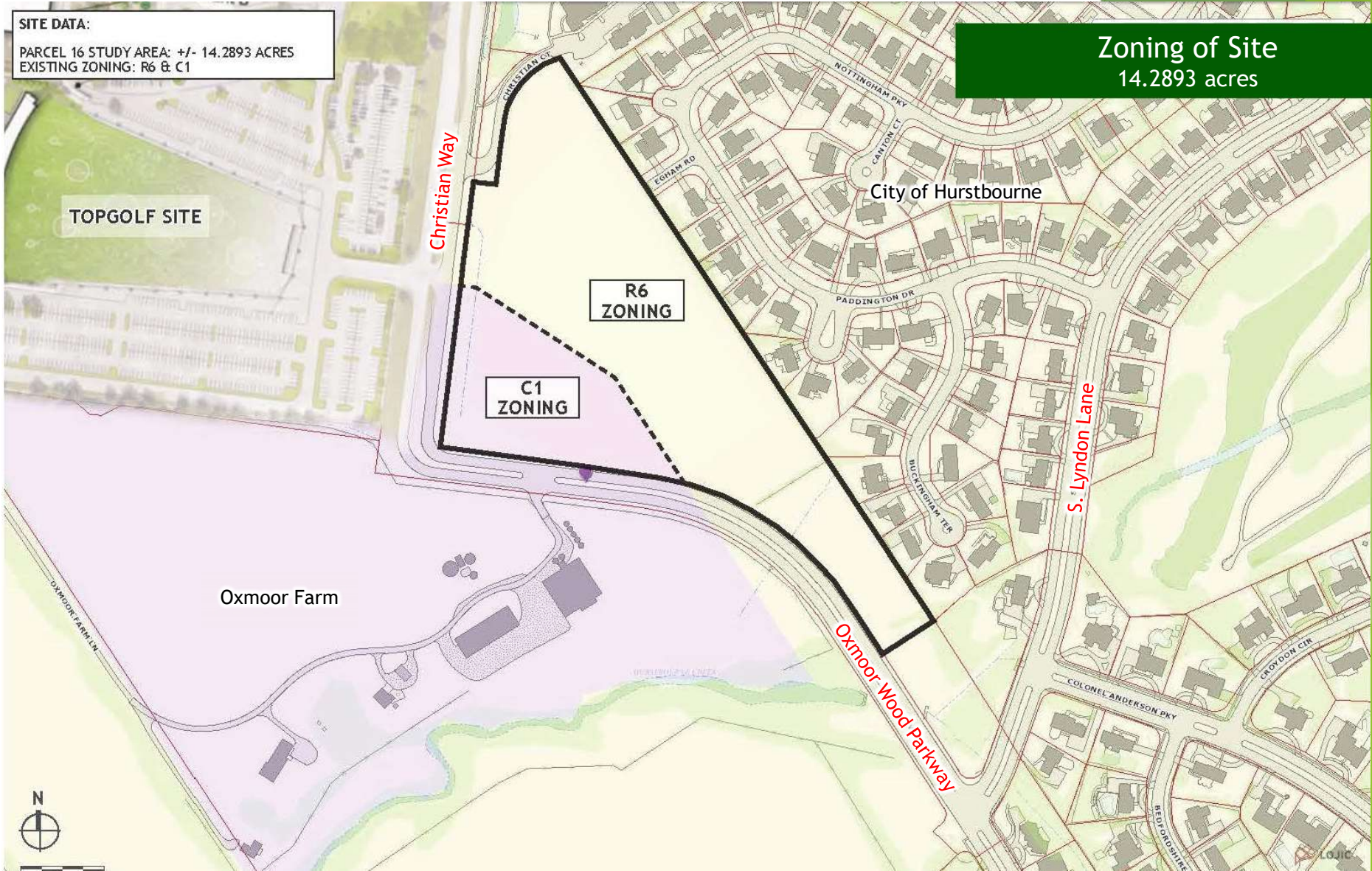
Detailed District Development Plan and Revised General District Development Plan to allow a 306-unit apartment community with revisions to the Binding Elements & Design Guidelines, plus an alternative plan for connectivity on property located on the west side of the 90 degree turn on Christian Way (no address per PVA/LOJIC)

Attorneys: Bardenwerper Talbott & Roberts, PLLC
Land Planners, Landscape Architects & Engineers: QK4
Architect: Niles Bolton Associates
Traffic Engineer: Diane B. Zimmerman Traffic Engineering, LLC

SITE DATA:

PARCEL 16 STUDY AREA: +/- 14.2893 ACRES
EXISTING ZONING: R6 & C1

Zoning of Site
14.2893 acres



SITE DATA:

PARCEL 16 STUDY AREA: +/- 14.2893 ACRES
EXISTING ZONING: R6 & C1

Existing Zoning of Site



Aerial Photo of Site and Surrounding Area



EXISTING MALL

Oxmoor Mall

Top Golf

TOPGOLF

PROJECT SITE

Shelbyville Road

City of Hurstbourne

Oxmoor Farm

Oxmoor Wood Parkway

INTERSTATE 264

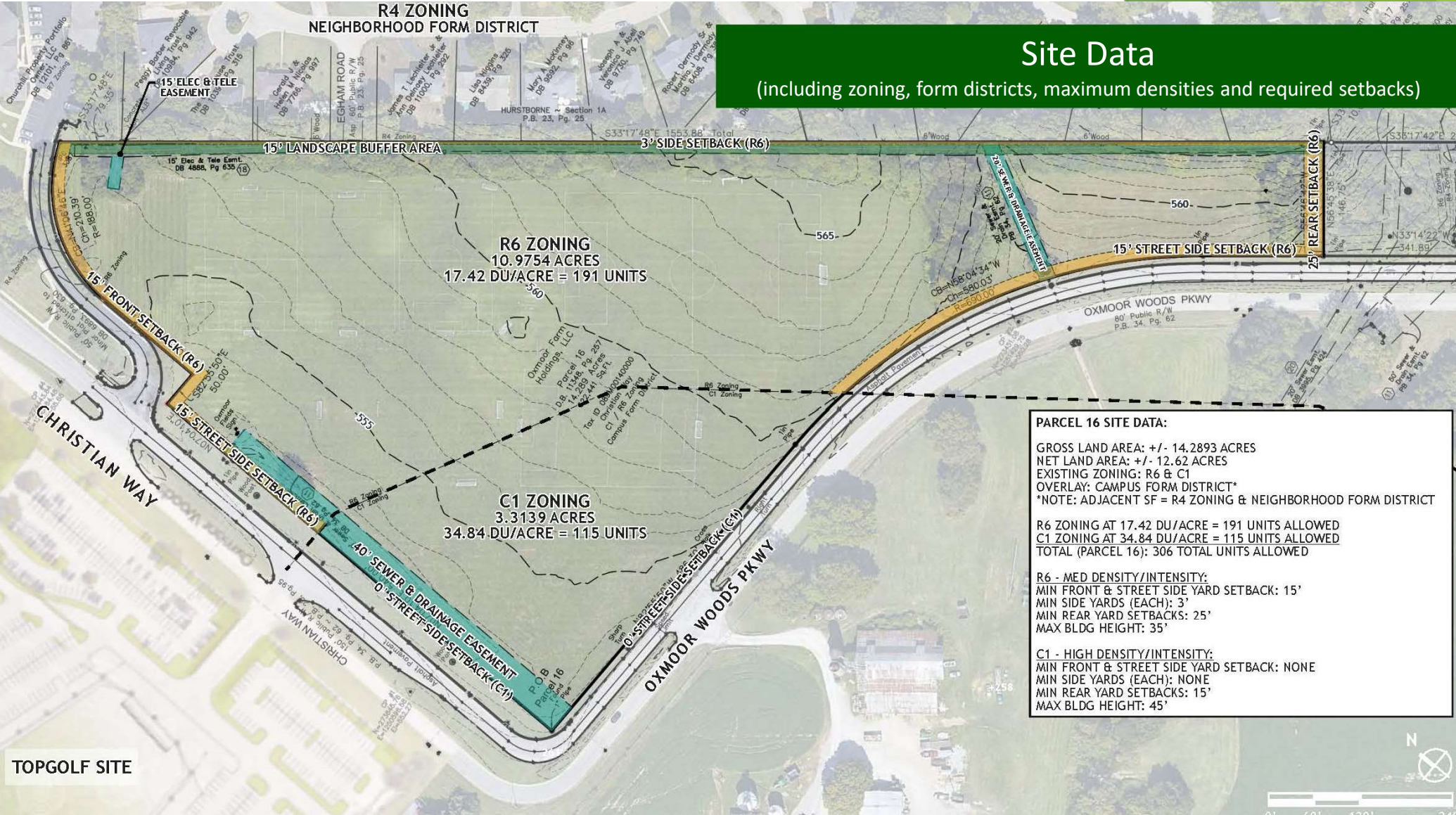
INTERSTATE 64

Google

**R4 ZONING
NEIGHBORHOOD FORM DISTRICT**

Site Data

(including zoning, form districts, maximum densities and required setbacks)



TOPGOLF SITE

PARCEL 16 SITE DATA:

GROSS LAND AREA: +/- 14.2893 ACRES
 NET LAND AREA: +/- 12.62 ACRES
 EXISTING ZONING: R6 & C1
 OVERLAY: CAMPUS FORM DISTRICT*
 *NOTE: ADJACENT SF = R4 ZONING & NEIGHBORHOOD FORM DISTRICT

R6 ZONING AT 17.42 DU/ACRE = 191 UNITS ALLOWED
 C1 ZONING AT 34.84 DU/ACRE = 115 UNITS ALLOWED
 TOTAL (PARCEL 16): 306 TOTAL UNITS ALLOWED

R6 - MED DENSITY/INTENSITY:
 MIN FRONT & STREET SIDE YARD SETBACK: 15'
 MIN SIDE YARDS (EACH): 3'
 MIN REAR YARD SETBACKS: 25'
 MAX BLDG HEIGHT: 35'

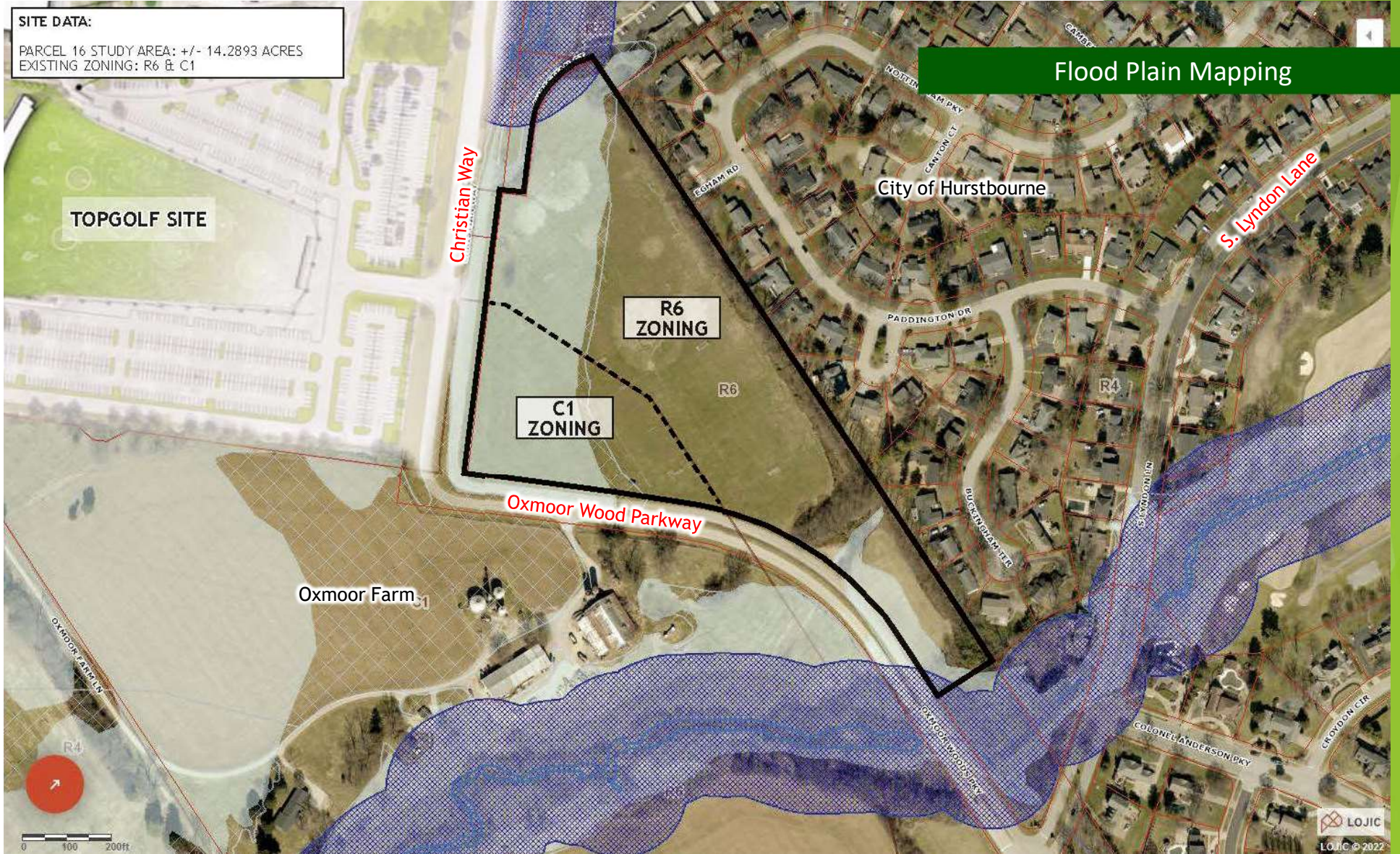
C1 - HIGH DENSITY/INTENSITY:
 MIN FRONT & STREET SIDE YARD SETBACK: NONE
 MIN SIDE YARDS (EACH): NONE
 MIN REAR YARD SETBACKS: 15'
 MAX BLDG HEIGHT: 45'



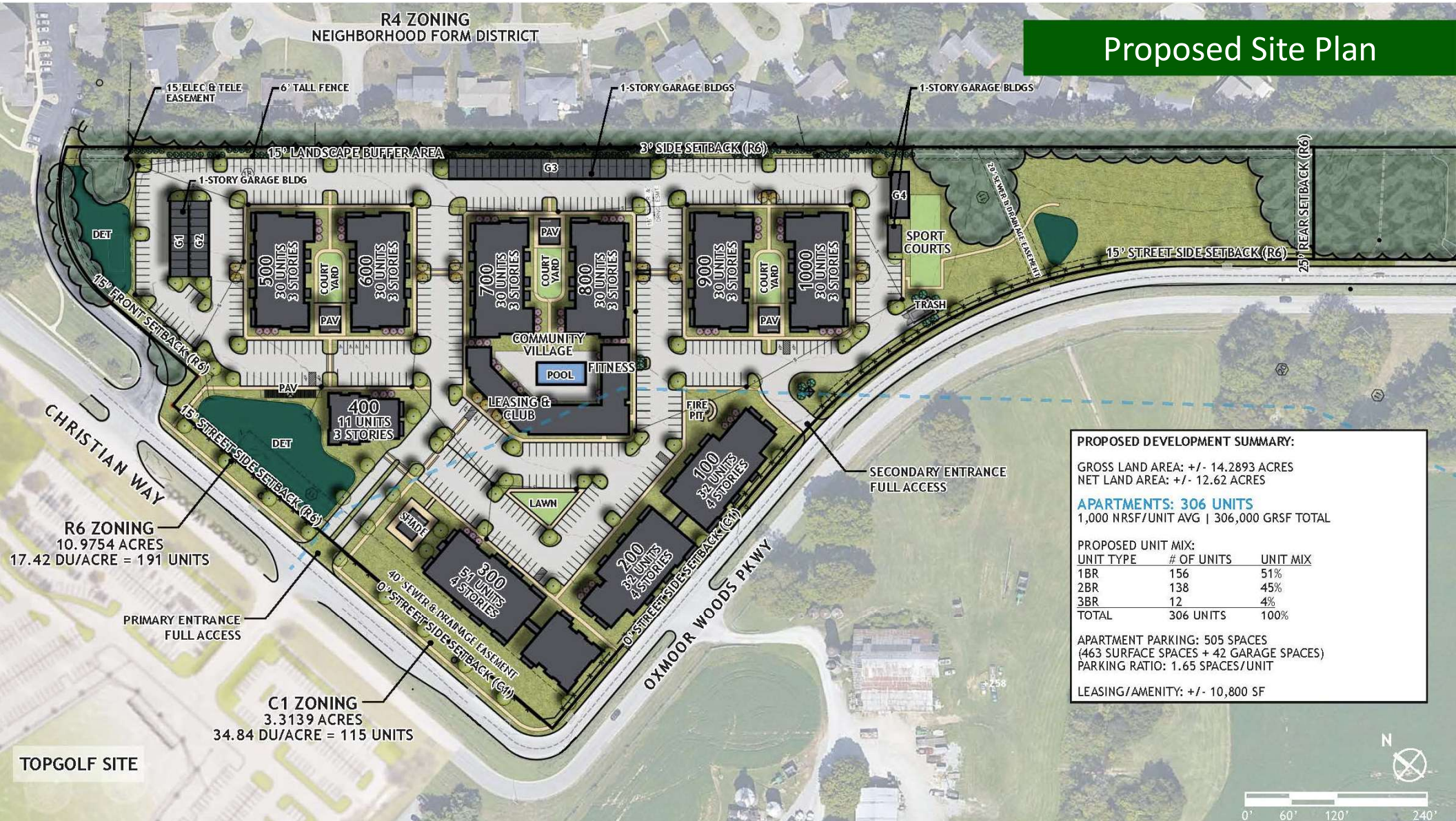
SITE DATA:

PARCEL 16 STUDY AREA: +/- 14.2893 ACRES
EXISTING ZONING: R6 & C1

Flood Plain Mapping



Proposed Site Plan





Oxmoor Mall

Shelbyville Road

Top Golf

Christian Way

3-stories

3-stories

3-stories

3-stories

Egham Rd

Paddington Dr

Nottingham Parkway

4-stories

3-stories

4-stories

3-stories

4-stories

3-stories

Oxmoor Farm

Oxmoor Woods Parkway



Eggham Rd

Paddington Dr

Christian Way

Oxmoor Woods Parkway

3-stories

3-stories

3-stories

3-stories

3-stories

3-stories

3-stories

4-stories

4-stories

4-stories

Top Golf

Oxmoor Farm



Paddington Dr

Egham Rd

Oxmoor Woods Parkway

Christian Way

3-stories

3-stories

3-stories

3-stories

3-stories

3-stories

3-stories

4-stories

4-stories

4-stories

Oxmoor Farm

Top Golf



Top Golf

Oxmoor Farm

Oxmoor Mall

Shelbyville Road

Christian Way

4-stories

4-stories

4-stories

4-stories

3-stories

3-stories

3-stories

3-stories

3-stories

3-stories

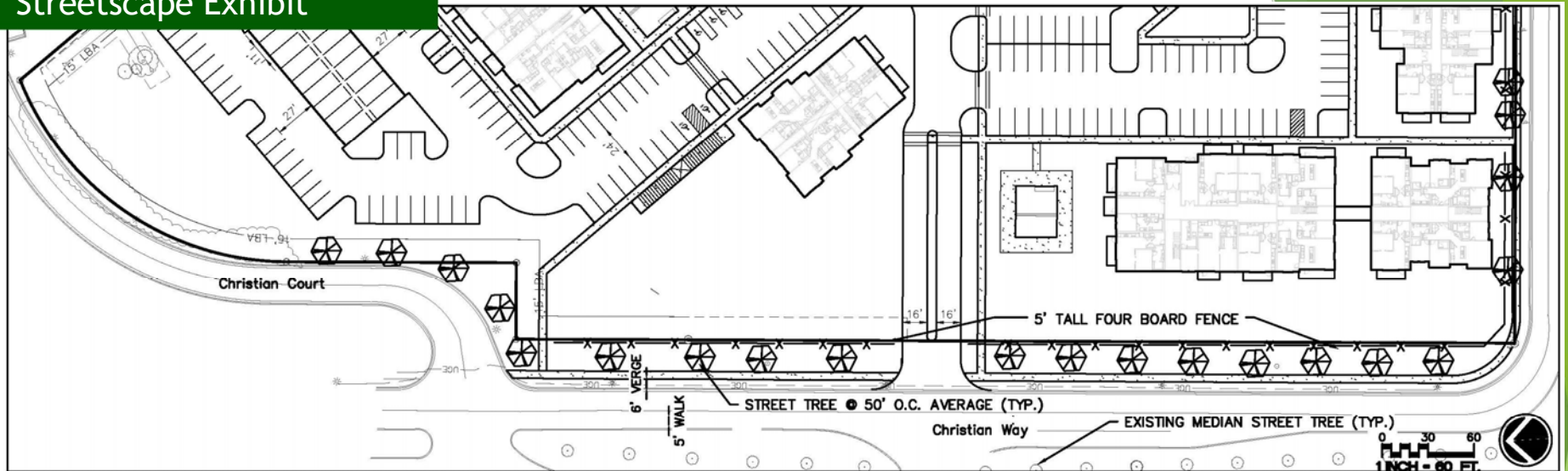
3-stories

Egham Rd

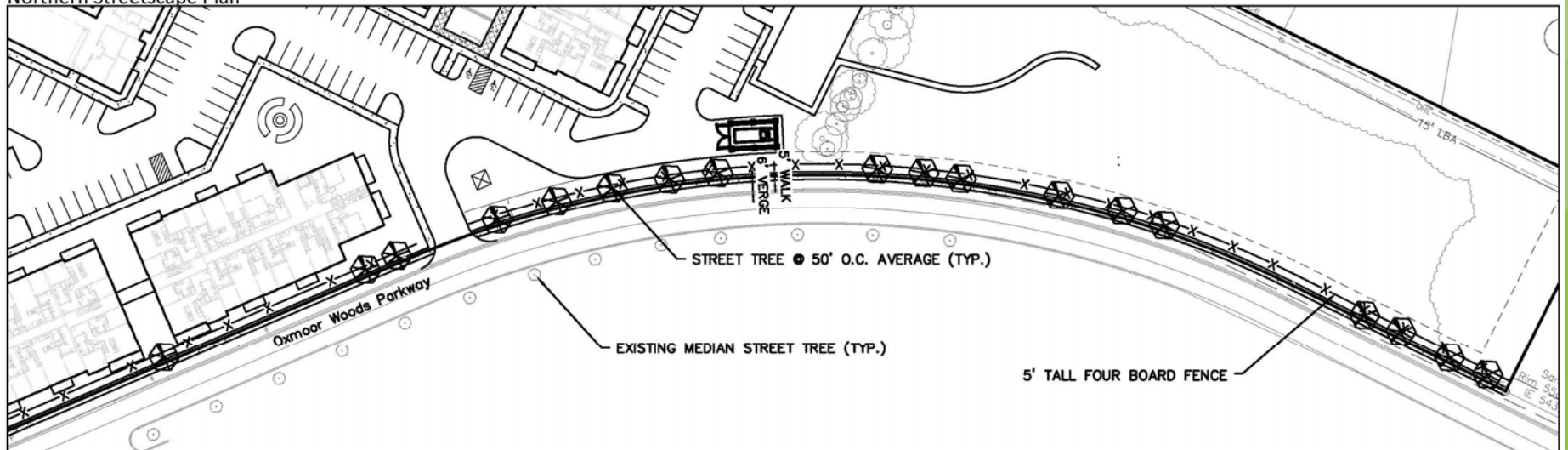
Oxmoor Woods Parkway

Paddington Dr

Streetscape Exhibit



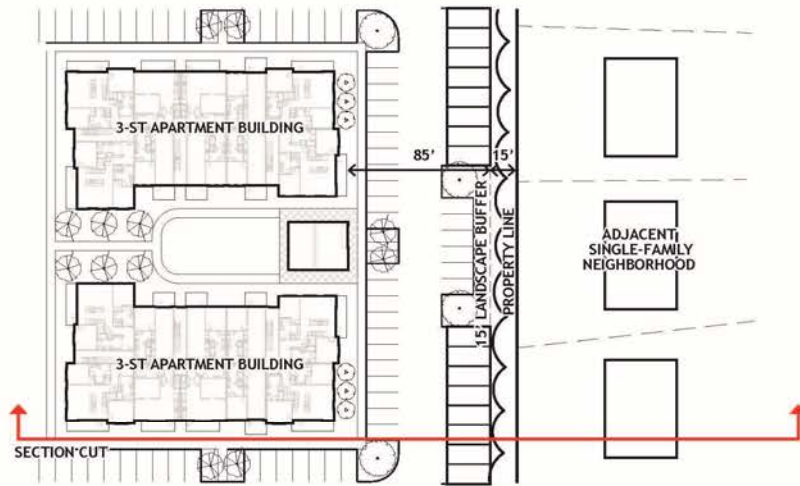
Northern Streetscape Plan



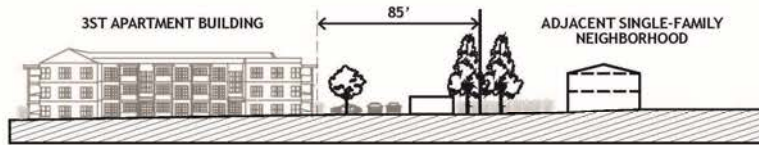
Southern Streetscape Plan

Comparison of Proposed 3-Story Bldg Next to City of Hurstbourne vs 2-Story Bldg if Located There Instead

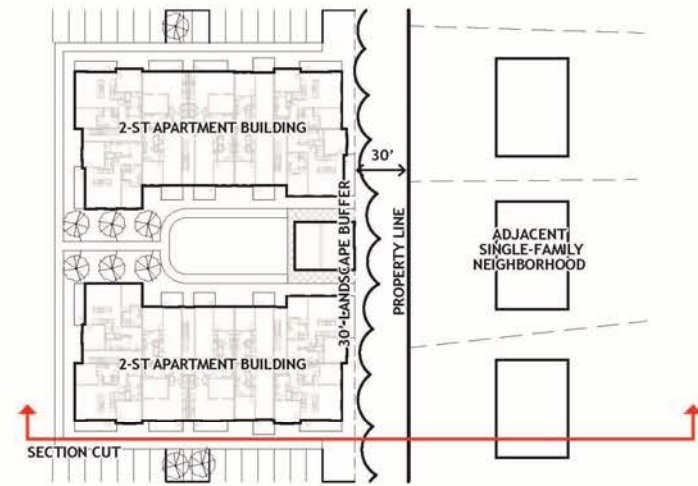
Site Relationship to Adjacent Neighborhood - Proposed/Permitted Christian Way Apartments | Louisville, KY



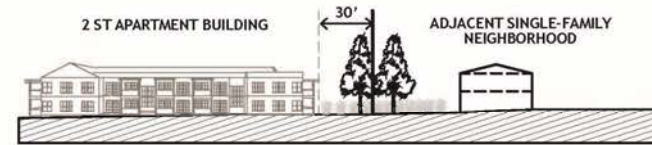
PROPOSED SITE PLAN



SECTION OF PROPOSED SITE PLAN



PERMITTED SITE PLAN

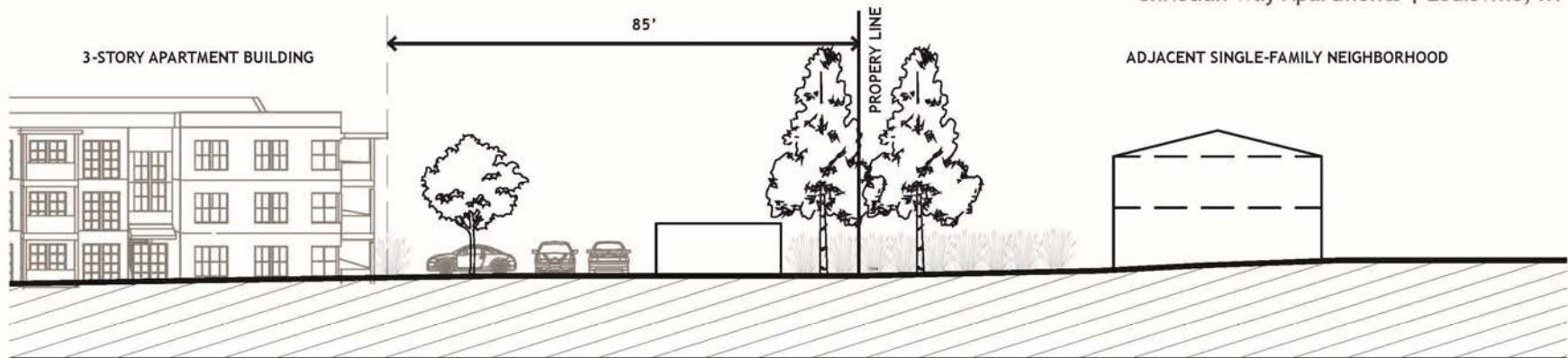


SECTION OF PERMITTED SITE PLAN

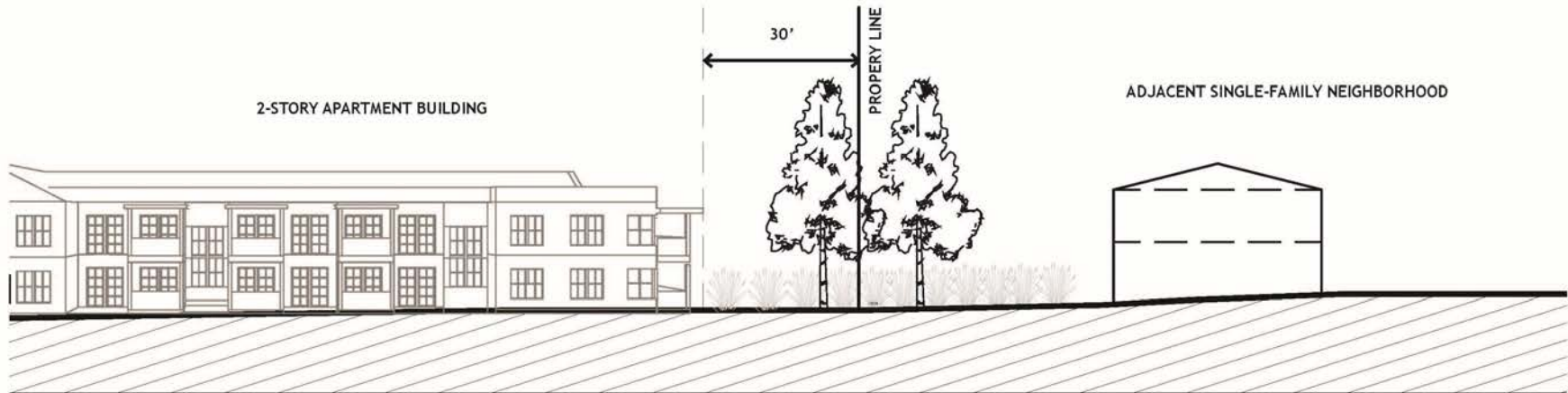
Comparison of Proposed 3-Story Bldg Next to City of Hurstbourne vs 2-Story Bldg if Located There Instead

Site Relationship to Adjacent Neighborhood - Proposed/Permitted

Christian Way Apartments | Louisville, KY

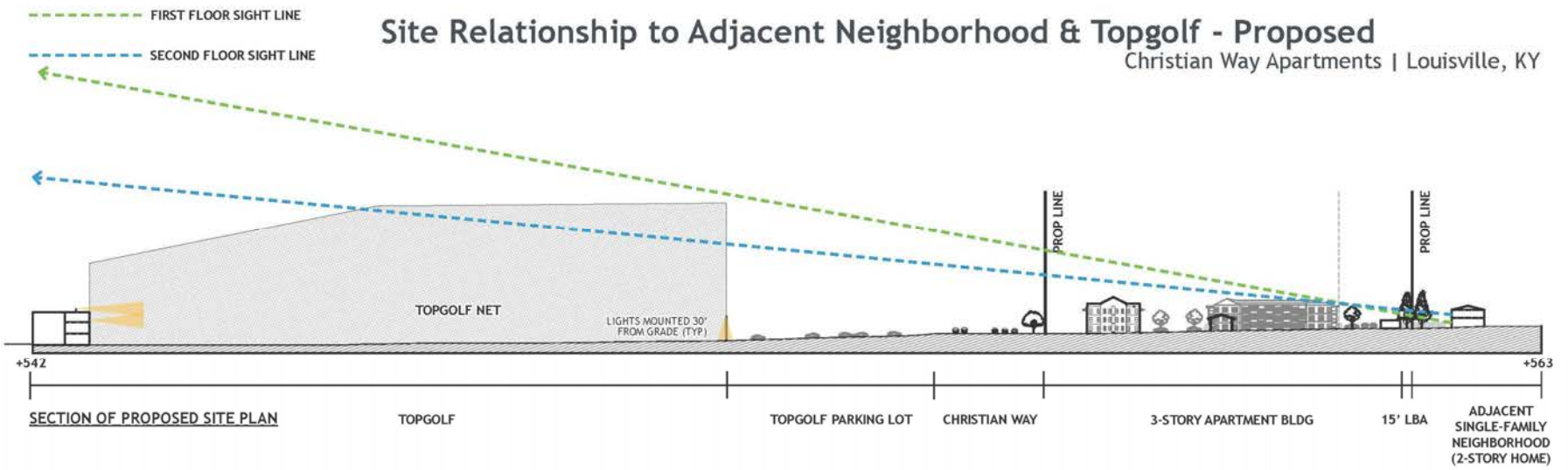


SECTION OF PROPOSED SITE PLAN

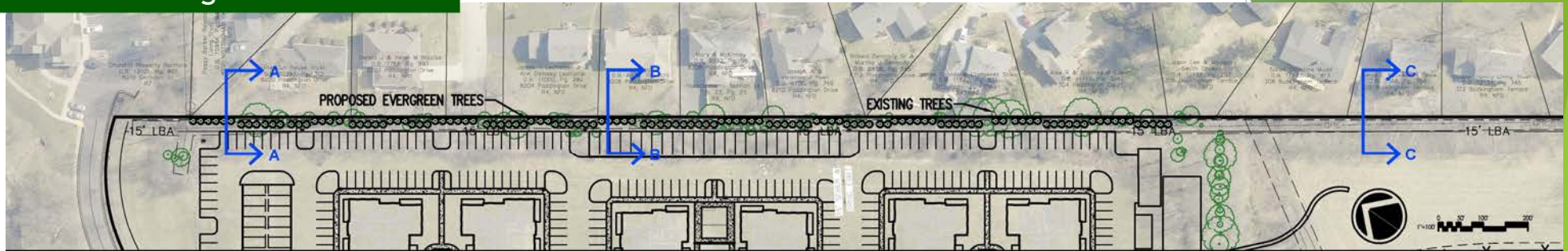


SECTION OF PERMITTED SITE PLAN

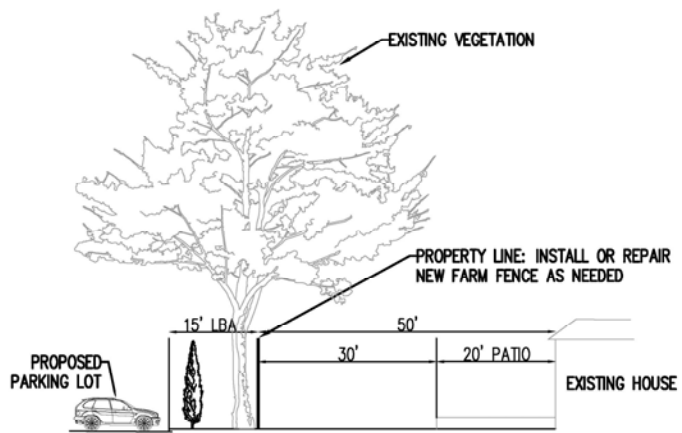
Site Distance Views of Top Golf Over Planned 3-story Bldg



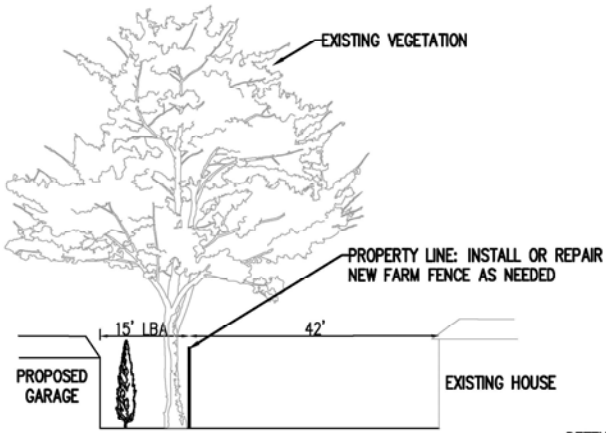
Screening Exhibit



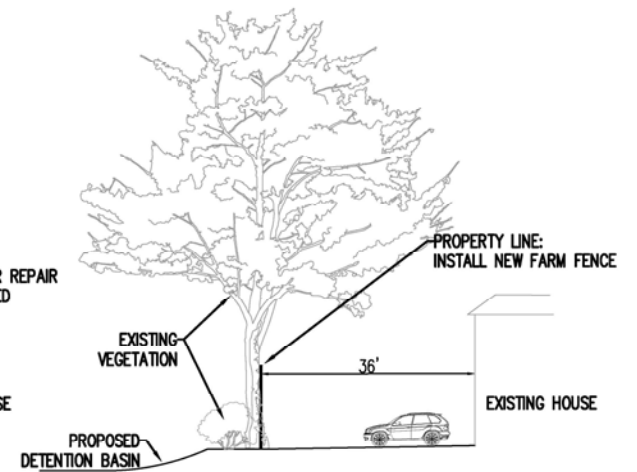
Site Plan



Section A-A



Section B-B



Section C-C

Photos of Exiting NTS "Upton at Oxmoor" Apartments



Photos of Exiting NTS "Upton at Oxmoor" Apartments



Hurstbourne City Street Layout Showing Multiple Connections from the neighborhood around Egham Rd (which will be barricaded) to S. Lyndon Lane and also Shelbyville Rd

Oxmoor Mall

Top Golf

Our Savior Lutheran Church



final report

March 7, 2022

Traffic Impact Study

*With traffic assigned through the City of Hurstbourne

*Apartments
Oxmoor Partial Lot 4B and 5
Louisville, KY*

Prepared for

Louisville Metro Planning Commission



DIANE B. ZIMMERMAN
Traffic Engineering, LLC

72803 High Meadows Pike
Prospect, KY 40069
502.548.1858
diane@dmzllc.net



Oxmoor Lot 5 Apartments
Traffic Impact Study

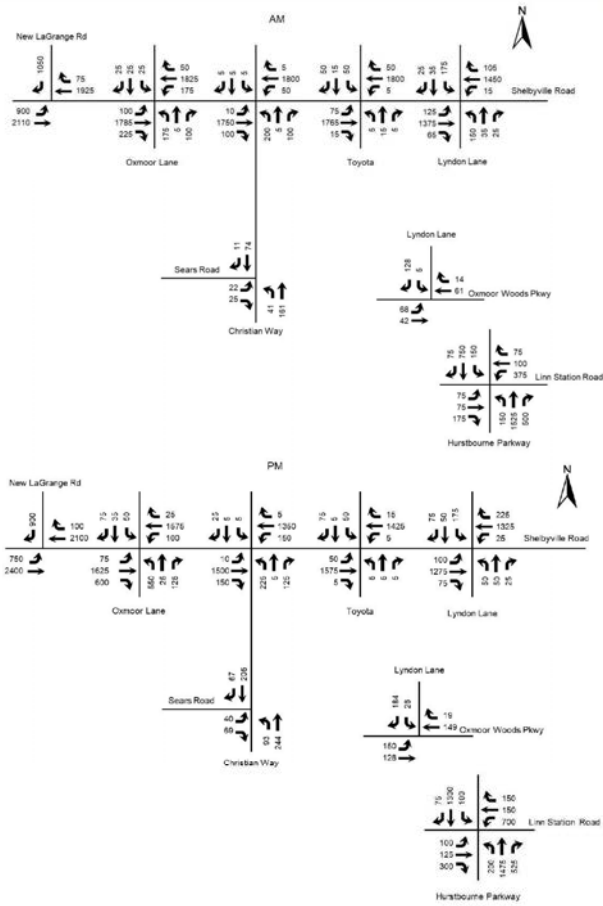


Figure 2. Existing Peak Hour Volumes

Oxmoor Lot 5 Apartments
Traffic Impact Study

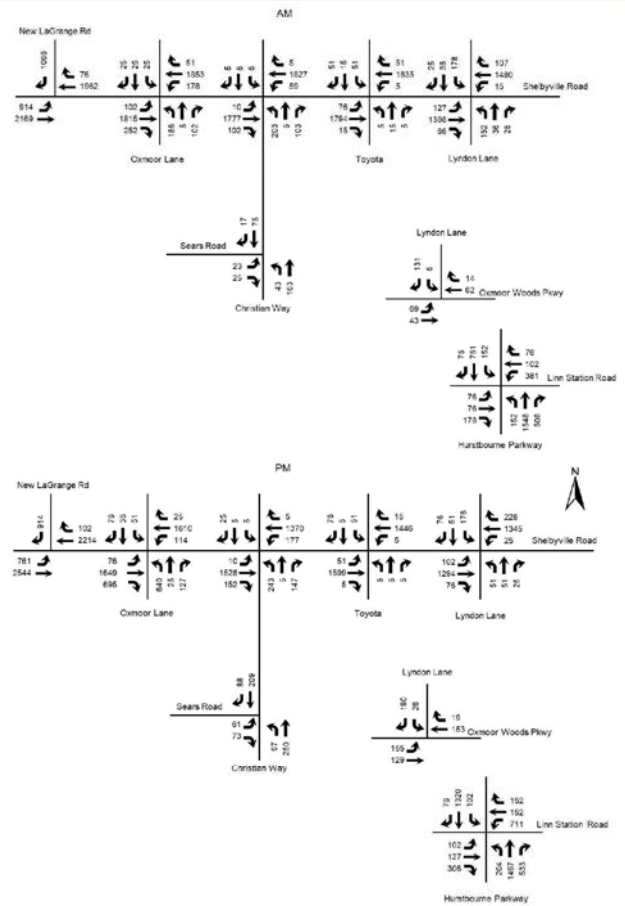


Figure 3. 2024 No Build Peak Hour Volumes

TRIP GENERATION

The Institute of Transportation Engineers Trip Generation Manual, 11th Edition contains trip generation rates for a wide range of developments. The land use of "Multifamily Housing Low-Rise (220)" was reviewed and determined to be the best match. The trip generation results are listed in **Table 1**. The trips were assigned to the highway network with the percentages shown in **Figure 4**. **Figure 5** shows the trips generated by this development and distributed throughout the road network during the peak hours. **Figure 6** displays the individual turning movements for the peak hours when the development is completed.

Table 1. Peak Hour Trips Generated by Site

Land Use	A.M. Peak Hour			P.M. Peak Hour		
	Trips	In	Out	Trips	In	Out
Multifamily Housing Mid-Rise (345 units)	130	31	99	169	106	63

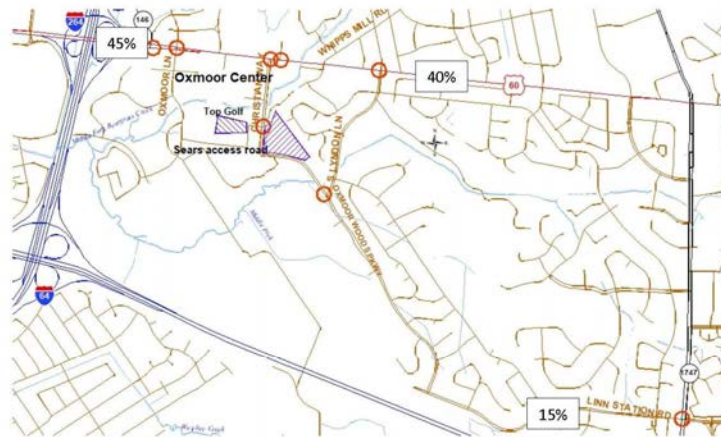
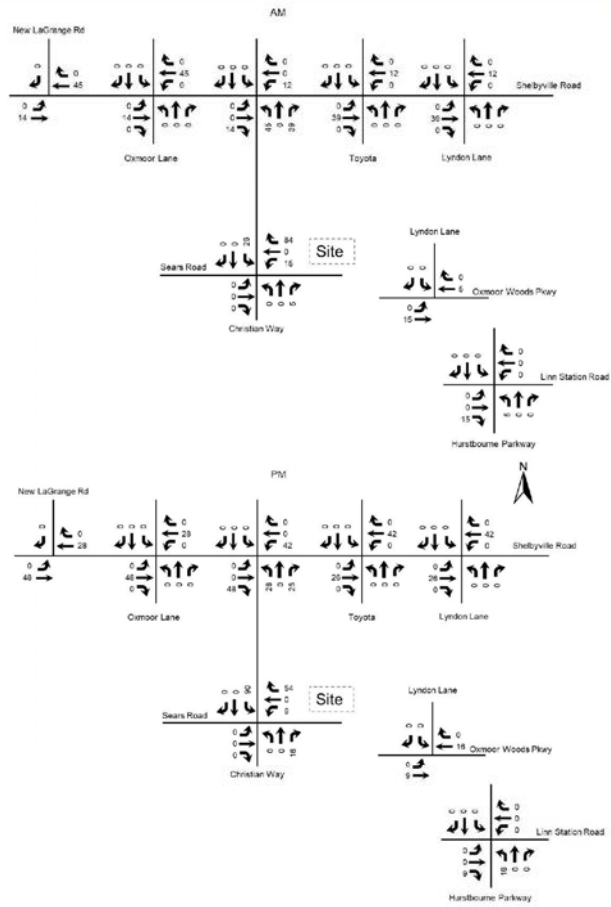


Figure 4. Trip Distribution Percentages

Table 1. Peak Hour Trips Generated by Site

Land Use	A.M. Peak Hour			P.M. Peak Hour		
	Trips	In	Out	Trips	In	Out
Multifamily Housing Mid-Rise (345 units)	130	31	99	169	106	63

Oxmoor Lot 5 Apartments
Traffic Impact Study



Oxmoor Lot 5 Apartments
Traffic Impact Study

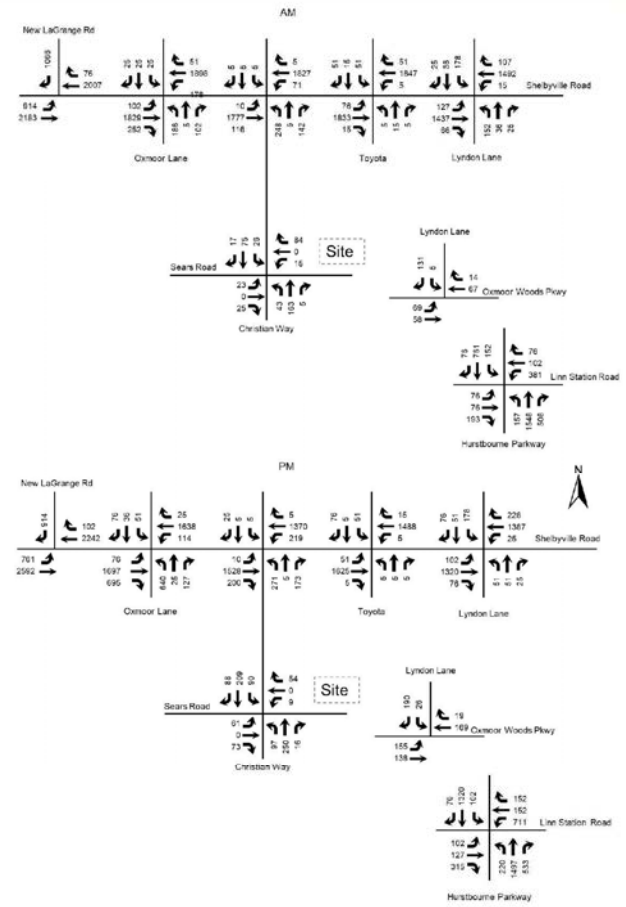


Table 2. Peak Hour Level of Service

Approach	A.M.			P.M.		
	2021	2024 No Build	2024 Build	2021	2024 No Build	2024 Build
Shelbyville Road at New LaGrange Road	C 25.0	C 25.1	C 25.1	B 16.5	B 16.6	B 16.1
Shelbyville Road at Oxmoor Lane	C 31.0	C 31.9	C 32.2	D 42.7	D 49.2	D 48.9
Shelbyville Road at Christian Way	C 21.4	C 22.3	C 24.3	C 20.7	C 21.2	C 23.2
Shelbyville Road at Toyota	B 11.9	B 12.9	B 13.7	A 9.7	A 9.9	B 10.3
Shelbyville Road at Lyndon Lane	C 26.3	C 27.4	C 27.9	C 31.0	C 32.3	C 33.6
Lyndon Lane at Oxmoor Woods Parkway	A 8.5	A 8.5	A 8.6	A 9.6	A 9.7	A 9.9
Hurstbourne Parkway at Linn Station Rd	C 29.1	C 29.5	C 29.8	E 60.2	E 60.8	E 61.3

CONCLUSIONS

Based upon the volume of traffic generated by the development and the amount of traffic forecasted for the year 2024, there will be a minimal impact to the existing highway network, with the signalized intersections continuing to operate at acceptable levels of service.

BARDENWERPER, TALBOTT & ROBERTS, PLLC

ATTORNEYS AT LAW

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William B. Bardenwerper
Email: WB@BARDENLAW.NET
Phone: (502) 419-7333

July 18, 2022

Julia Williams, AICP
Planning & Design Services
444 South Fifth Street, Suite 300
Louisville, KY 40202

RE: NTS-Oxmoor apartments RGDDP, DDDP and Amended BE application on property located along Christian Way

Dear Julia:

This application does not involve a rezoning, rather only a detailed district development plan (DDDP), revised General District Development Plan (RGDDP) and amended Binding Elements (BEs). We are officially filing this following initial conversations with Emily Liu and Joe Reverman and then separate meetings with the Hurstbourne City Commission and more than 2 tiers (not simply the required 1 tier) of adjoining neighbors, followed by additional separate meetings with Hurstbourne City officials (including the Mayor, City Attorney and City Engineer) and immediate adjoining property owners.

Although we believe we have excellent planning arguments to the contrary, the DDDP we showed and discussed at these meetings is or may appear to be at slight odds with (a) the 2002 GDDP's denoted land use as well as Christian Way road configuration, also (b) BE #30 due to the fact we're adding part of Parcel 4B to Parcel 5, and further (c) some of BE #15's specified "Oxmoor Farm Design Guidelines" relative to access, LBAs adjoining the Hurstbourne single family neighborhood and maximum building floors and heights. The actual or arguable deviations from the 2002 GDDP plan documents, which thus necessitate the RGDDP, new DDDP and Amendment to Binding Elements accompanying this explanatory letter, include these rationales for or not for same.

1. The 2002 GDDP shows this site's use as "assisted living and retirement housing", whereas our proposed DDDP proposes market rate apartments for all ages. Yet under the LDC, to the extent that "retirement housing" means "senior apartments", there's really no difference between senior and regular apartments; both require R-5A and above zoning. Also, Assisted Living requires the same R-5A and above zoning (except when considered a "nursing home/home for the infirm or aged", in which case a CUP is sufficient). So we think we ought to be considered technically okay with this use without a RGDDP or BE amendment in this regard.

2. The 2002 GDDP shows Christian Way swinging south of its current path so as not to directly intersect South Lyndon Lane and Oxmoor Woods Parkway, whereas our DDDP proposes to maintain the road's current alignment. Our reasons are these. First, the proposed DDDP is intended not to preclude a possible future path for Christian Way more or less like the 2002 GDDP shows it in the event that other Oxmoor Farm development and overall transportation planning later commend it. Second, the proposed DDDP maintains other maximum flexibility for future

roadway decisions as the State, Louisville Metro and Oxmoor Farm Trusts work toward a total Oxmoor Farm road network that best moves traffic through the farm and throughout the larger area. Third, the current path of Christian Way lends itself well to a possibly desirable future 4-way intersection at the curve of that road. Fourth, at time of the 2002 GDDP approval, in my then capacity as Hurstbourne Mayor, I negotiated a circuitous path for Christian Way between Hurstbourne and Oxmoor Farm as a tradeoff for Hurstbourne leaving all of the road connections between the two open. Yet the subsequent City Commission viewed things differently than the one I served with, taking action (which was their prerogative) to eventually physically close many of those road connections. As such, any "benefit of the bargain", so to speak (to the extent anyone any longer even cares), was lost, as the trade-off I negotiated appears to have been rejected. All of these factors, we submit argue for Christian Way remaining, at least for now, in its current configuration.

3. BE #30 limits Phase 1 development to Parcels 1 and 5 with Oxmoor Center parking on Parcel 4A, whereas our DDDP proposes part of the planned apartment community on Parcel 4B. That's because the existing path of Christian Way, which as explained above our DDDP proposes to retain, bisects Parcel 4B. Thus, to develop Parcel 5 alone and not the portion of Parcel 4B presently a part of it would be nonsensical.

4. The Oxmoor Woods Design Guidelines referenced in BE #15 recommend these things:

- (a) That Oxmoor site access be limited to no more than one point from Christian Way, whereas our DDDP proposes two points of access. Yet those two, instead of one, points of access are along different stretches of the road that turns 90 degrees from the north-south stretch plainly known as Christian Way to the east-west stretch that appears to be more of extension of Oxmoor Woods Parkway. The planned 2 points of access will be required because of the proposed number of apartment units but also provides for better/safer circulation.
- (b) That a 30' landscape buffer area (LBA) be maintained along the common property line with the adjoining Hurstbourne neighborhood, whereas our DDDP proposes a 15' LBA. To compensate for the lesser LBA, our DDDP turns the proposed apartment buildings perpendicular (instead of parallel) to the property line common to Hurstbourne; moves the proposed apartment buildings 80-85' away from the common property line; and retains large trees along the existing fence row of that property line, which have been marked for preservation instead of removal. The DDDP also proposes within the LBA to repair and extend the existing "farm fence" so as to assure security and also to plant a screen of Giant Arborvitae on 5 foot centers along the shared property line adjacent to proposed parking and garages.
- (c) That buildings on the R6 (as opposed to C1) zoned portion of the site contain no more than 2-1/2 stories and not exceed 35' in height measured from grade to top of roof/parapet, whereas our DDDP proposes up to 4-story buildings in excess of 35' tall in the middle and south portions of the site (where the C1 zoning exists) and 3-story buildings barely exceeding 35' tall along the property line common to Hurstbourne (where the R6 zoning exists). Those taller buildings on the R6 portion of the site will be screened both with landscaping and the single-story garage buildings that are proposed to be positioned along portions of that north property line. Lines of site shown to Hurstbourne City officials and neighbors show how all of that helps to screen residential neighbors' views of the apartment buildings themselves and of the Top Golf site. All of

this was discussed with Hurstbourne City officials and adjacent property owners who appeared to offer their support of what's proposed.

We view these DDDP "deviations" from the *General* Plan and BEs/Design *Guidelines* as minor and design sensitive. We will explain in more detail at the LD&T and/or full Planning Commission meetings at which these applications will be heard and considered. And in advance thereof you and I, of course, can discuss the exact BE Amendment language you deem necessary to effectuate these proposed changes.

Lastly, as respects detailed plan notice required by the following BE #3, when I spoke with Emily and Joe about this, they agreed that we do not need to notify property owners across the Watterson Expressway and I-64, although they suggested, as an added precaution, we include in our notice residents of the two existing Oxmoor Farm apartment complexes, which we are herewith doing.

With our official filing, you will find all the required forms and supporting materials, the noted RGDDP and DDDP, Diane Zimmerman's Traffic Impact Study (TIS), a hard copy of the PowerPoint presentation we showed to the Hurstbourne City Commission and neighbors at the regulatorily non-required meetings with them, and my summary of the non-required neighbor meeting.

Please call or write me to discuss any of this to the extent you have questions or concerns. Many thanks.

Sincerely,



William B. Bardenwerper

Cc: Matt Ricketts, NTS Development
Ashley Bartley, QK4
Diane Zimmerman, traffic engineer

BARDENWERPER, TALBOTT & ROBERTS, PLLC

ATTORNEYS AT LAW
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William B. Bardenwerper
Direct dial: 426-0088, ext. 139
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September 12, 2022

Jay Luckett, Case Manager
Louisville Metro Planning & Design Services
444 S. Fifth Street, 3rd Floor
Louisville, Kentucky 40202

Re: NTS/Oxmoor North; Docket No. 22-DDP-0081

Dear Jay:

With this transmittal letter, we are forwarding you the following:

— An updated Detailed District Development Plan (DDDP) addressing applicable Agency Comments.

— A Revised General District Development Plan (RGDDP) as respects the area of the originally approved GDDP where Parcel 5 is now expanded by incorporating the portion of Parcel 4B that exists on the north side of the east-west stretch of Christian Way/Oxmoor Woods Parkway and where Parcel 6 is now divided into Parcels 6A and 6B accounting for the division of Parcel 6 by the east-west stretch of Christian Way/Oxmoor Woods Parkway.

— Amendments to the 2002 dated "Oxmoor Farm Design Guidelines" as respects the above-referenced new Parcel 5. This includes narratives explaining Parcel 5-related streets and streetscapes, access management, sidewalks, transit, parking and pavement, loading and service areas, and utilities plus photographic representations of Parcel 5's proposed buildings, pedestrian facilities, lighting, fencing, dumpster enclosures, amenity areas and signage.

— This explanation as to Agency Review Comment 3: *Whereas Binding Element #17 asks a developer to demonstrate ways that it proposes to reduce impervious surfaces, the new DDDP actually includes 94,000 square feet (15.1%) of Open Space even though only 62,240 square feet (10%) is/are required and also includes 23,826 square feet of Interior Landscape Area (ILA) even though only 15,594 square feet of ILA is required. Also less parking (505 spaces) is/are provided than the 612 spaces that the LDC allows.*

— This explanation as to Agency Review Comment 4: *Although Binding Element #30 specifies that no development of Phase 2 parcels (including what the 2002-approved GDDP specified as Parcel 4B) shall occur until certain road infrastructure is built, the RGDDP no longer proposes to separate into two different land uses the land existing on the north side of the east-west stretch of Christian Way/Oxmoor Woods Parkway; rather the RGDDP proposes one single, unified land use: Apartments, instead of part Retail and part Senior/Assisted Living. The lengthy explanation statement originally filed with this application, as well as the Traffic Impact Study (TIS) prepared by Diane Zimmerman, PE further explain how this*

application for apartments on revised Parcel 5 (being part of former Parcel 4B and all of former Parcel 5) neither necessitates the Phase 2 road infrastructure (because traffic levels of service, LOS, are projected to operate at acceptable levels) nor makes sense given the fact that the existing east-west stretch of Christian Way/Oxmoor Woods Parkway exists as a high quality piece of 4-lane divided road infrastructure that, if retained as presently planned, will provide for a good future continuation of roadway behind the existing Oxmoor Mall/new Top Golf facility at a future 4-way intersection.

— This explanation as to Agency Review Comment 5: *Whereas Binding Element #34 asks a developer to investigate the integration of affordable housing into its development, this developer has determined that it cannot do so at this time as part of this particular Parcel 5 DDDP. First, it is not an affordable housing developer, like others in Louisville that have specifically decided to develop exactly that type of housing, almost always with tax credits or tax exempt municipal bond financing, which are highly competitive to obtain and unavailable to this applicant. Second, there remain over 300 Oxmoor Farm acres available for future development, so the affordable housing possibility is not foreclosed by not including same within the context of this Parcel 5 application.*

— The accompanying LDC Section 10.2.4 Waiver Application mentioned in Agency Review Comment 20.

In addition to the above and accompanying submittals, please refer to all our earlier application submittals (e.g., "Plan 2040" Comp Plan Compliance Statement and above-referenced detailed explanatory letter) and to Ashley's notations on the attached Agency Review Comments sheet.

You previously received the TIS. And as respects the Egham Way stub connection and the sidewalk connection along Christian Way to S. Lyndon Lane, in our discussions with you and Joe, we either came to an understanding of how we're to proceed or else Joe, I recall, is still investigating same.

We believe this addresses all Agency Review Comments, but let us know, please, if not. Also, as I've made plans to be in Louisville on October 13, I hope this can be heard on that date by LD&T. Please let me know as soon as possible for our scheduling purposes.

Sincerely,



William B. Bardenwerper

Amended Design Guidelines



Fencing



Signage



Signage and lighting



Fencing



Dumpster Screen



Amenity Area

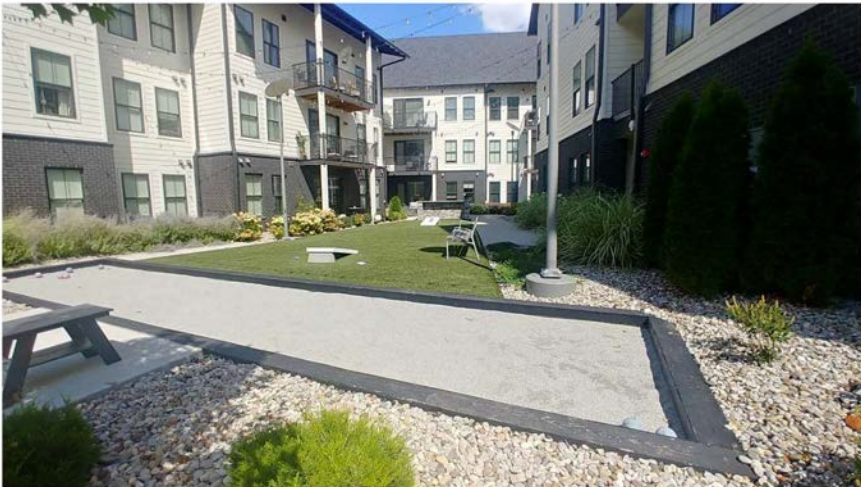
Amended Design Guidelines



Amenities



Amenities – Outdoor Kitchen



Amenities - Games



Lighting, Pedestrian Circulation



History

Amended Design Guidelines



Materials



BARDENWERPER, TALBOTT & ROBERTS, PLLC

ATTORNEYS AT LAW

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(502) 426-6688 • (502) 425-0561 (fax) • www.bardlaw.com

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

<u>Applicant:</u>	NTS Development Company
<u>Owners:</u>	Oxmoor Farm Holdings, LLC
<u>Project Name/Location:</u>	Christian Way Apartments/Block 089M, Lot 14
<u>Current Zoning:</u>	R-6 & C-1, Campus Form District
<u>Engineers, Land Planners, Landscape Architects:</u>	Qk4, Louisville, c/o Ashley Bartley
<u>Building Architects:</u>	Niles Bolton, Inc., Atlanta, c/o Eric Letbetter
<u>Traffic Engineer:</u>	Diane B. Zimmerman Traffic Engineering, LLC

INTRODUCTION

The Revised General and Detailed District Development Plan (RGDDP and DDDP) filed with this application is for an already R6 and C1 zoned 14.29 acre parcel of land that is part of the Oxmoor Farm GDDP approved in 2002. The proposed 306 unit apartment community will occupy the site of an open field which for many years was utilized by youth soccer leagues under a license arrangement with the Oxmoor Farm owners. It is being developed under a joint venture arrangement between the Oxmoor Farm ownership entity and NTS, which recently developed a like-sized parcel of Oxmoor Farm land for a similarly sized apartment community to the west of this one along the east side of I-264, called Upton at Oxmoor.

All of NTS's prior development projects, which include several apartment communities, have involved high quality design, this one being no different than the others, except that it represents NTS's latest design iteration and one particularly designed to be sensitive to the interests of Hurstbourne neighbors.

This site, like the Upton at Oxmoor, is also within a prime growth area that adapts well for development of the proposed kind because of these factors: (a) the existing Oxmoor Mall, including many new retail stores and entertainment facilities, such as Top Golf, (b) the continuing Louisville Metro demand for added rental housing, especially in close proximity to retail shopping and entertainment opportunities; (c) the existence of decent and planned improved roads, sidewalks and connectivity; (d) the availability of sanitary sewers to accommodate environmentally positive growth; (e) the presence nearby of both public and parochial schools;

and (f) the proximity of this site to good local streets, arterials and interstate highways which help move traffic to and from other major employment centers.

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, 3.1.11, 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 Campus Form District which is characterized by a mix of clustered land uses that may include multi-family residential housing, especially if serving the people who work in the Campus Form District. The proposed apartment community perfectly fits this Form District, where a million square feet of Oxmoor Mall retail, office, restaurant and entertainment uses already exists. Proposed densities at 17.4 dwelling units per acre in the R6 portion of the site and 34.74 du/a within the C1 portion of the site are within the densities permitted by the Land Development Code (LDC) for those zoning districts. At 3 stories within the R6 portion of the site and 4 stories within the C1 portion of the site, buildings do not require height variances, although Binding Element (BE) Amendments for certain relatively minor deviations from the 2002 approved GDDP and Oxmoor Farm "Design Guidelines" appear to be required and therefore are being requested. By separate explanatory letter filed with this Compliance Statement, those plan changes and BE Amendments are justified. As said, all LDC restrictions and requirements with respect to building design, street frontages, building and parking setbacks, building heights, open spaces, recreation areas, landscaping, tree canopy, parking minimums and maximums, lighting and signage will be met.

Also, located as this proposed apartment community is within a sizable office-retail-entertainment activity center and walking distances from same as well as from churches and both JCPS and parochial schools, travel distances for purposes of work, shopping, worship, and school are reduced, and walking and biking become very real possibilities, as sidewalks are both available and will be enhanced. This also helps contribute to improved air quality.

Proposed quality masonry components and traditional style and design of the planned apartment buildings, plus landscaping, screening and buffering beyond the bare minimums and designed in consultation with both adjoining Hurstbourne neighbors and elected officials, help assure compatibility with nearby single-family houses. The building elevations and other design exhibits filed with this application further demonstrate that. Furthermore, as a residential community itself, the proposed apartment community is 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 apartment community is located within the Campus Form District where office, retail, entertainment and other rental apartment buildings already exist and where churches, schools and other office and retail developments exist really close by. Also, a senior living facility is located next door. As such and with good and improving pedestrian and vehicular access to all of these existing uses and with good street and sidewalk connections to the aforementioned uses as well, the proposed apartment community is part of a very large mixed use activity center that extends west down Shelbyville Road from the I-64/I-264 interchange to St Matthews, east through the City of Hurstbourne to Hurstbourne Parkway and its interchange with I-64, and north to the heart of Lyndon and the UofL Shelbyhurst campus. As such, it will add to the opportunities existing and planned in this 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 DDDP for this apartment community includes a clubhouse, pool, outdoor recreation area and dog park, with 65,500 sq feet of recreational area and 94,000 sq feet of open space provided, both more than regulatorily required.

As to Goal 4, this exact site does not contain historic buildings, although the larger Oxmoor Farm does, which are being protected.

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 apartment community (located as it is within a Campus Form District which continues to evolve over time with ever more diversity of mixed uses) is part of a good plus well-planned and improving road and sidewalk network that assures excellent connectivity to these internal uses plus nearby churches, public and parochial schools, restaurants, retail shopping, offices and more.

Internal parking lot streets will be private and as such will be privately maintained. No stub street connections are proposed or required, although two points of access will be provided to Christian Way in order to meet LDC requirements and to assure excellent access and internal circulation.

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 a Traffic Impact Study (TIS) was prepared and is being filed herewith by Diane Zimmerman, P.E. It was prepared and submitted in accordance with MPW&TP requirements. What it demonstrates is that the minor amount of additional traffic generated by this proposed apartment community will not adversely impact existing roads and roadway intersections.

TARC service is available in this area with TARC stops already existing.

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:

As noted, two parochial schools (both Catholic and Lutheran) and one public elementary school (Lowe Elementary) are located very short driving (actually even walking/biking) distances from this site. Public and parochial middle and high schools are also located short driving distances away.

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 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 fully 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 on-site basin to which drainage will flow as it drains to and is captured in on-site catch basins. As such, post development peak rates of run-off will not exceed pre-development conditions.

Sanitary sewer service is also available. 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 is part of a Campus Form District and large existing and ever-expanding mixed use activity center, 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:

In bringing more brand new, high quality apartments to the described area, NTS expects to serve a diversity of renters, taking advantage of the site's proximity to all of the many different, aforementioned uses. 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, NTS's apartment buildings will

be multigenerational. Thus, this community can probably expect both families and both young and elderly 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 Planning Commission hearing at which this application package will be discussed, this application complies with all other applicable Goals, Objectives and Policies of the "Plan 2040" Comprehensive Plan.

Respectfully submitted,

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Questions?

