

Docket No. 21-ZONE-0106

Zone change from R-4 to R-7 to allow a 302-unit apartment community on property located at 5217 Springdale Road



INDEX

1. LOJIC Zoning Map
2. Aerial photographs of the site and surrounding area
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10. Proposed findings of fact pertaining to compliance with the 2040 Plan and Waiver criteria

# LOJIC ZONING MAP





Wolf Pen Estates

R4

Site

Springdale Road

INTERSTATE  
265

Wolf Creek

Springdale Road

Asbury Park

Springdale  
Community Church

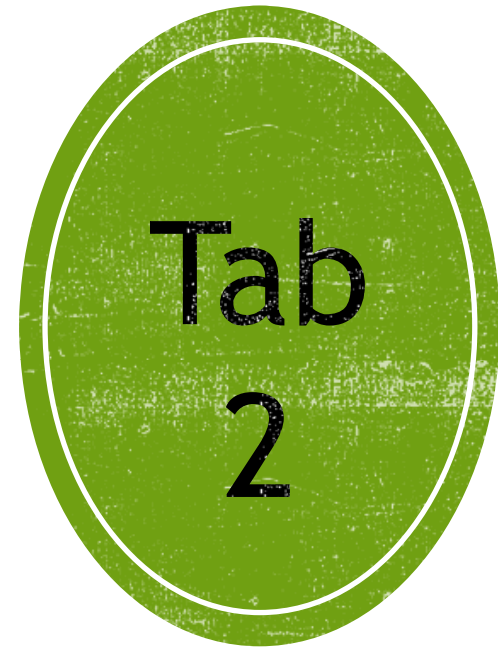
R5A

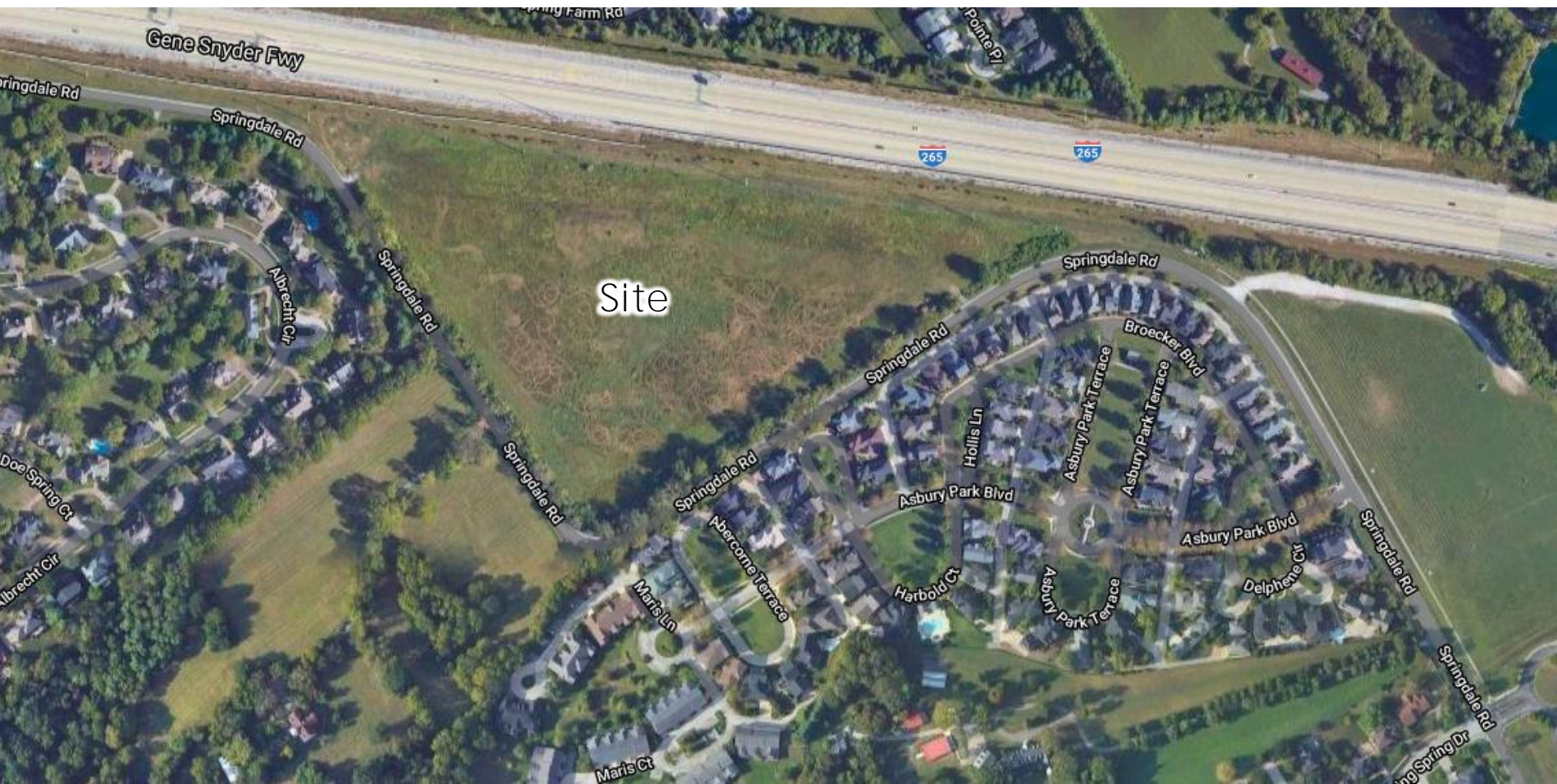
Springdale Road

Spring Creek

INTERSTATE  
71

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







Site

Springdale Road

Springdale Road

Wolf Pen Estates

Wolf Creek

Asbury Park

Springdale Community Church

Norton Brownsboro Hospital

Spring Creek

Atria Springdale

Olympia Park

Crowne At the Summit Apts

Paddock Shoppes

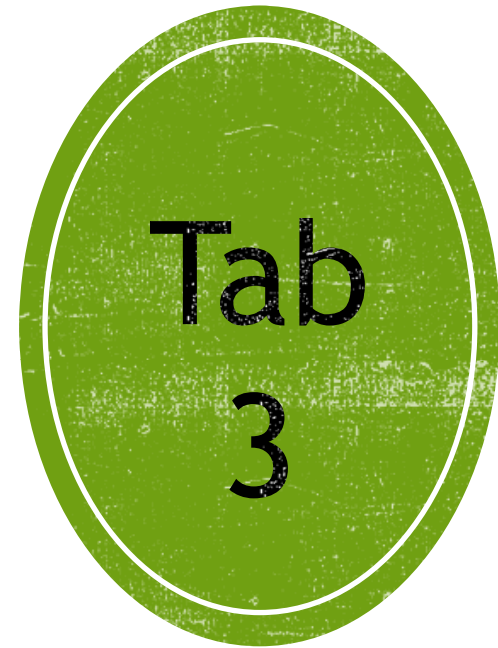
KCD

LOJIC  
LOJIC © 2021





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







Lover's Lane trees



View of site from Springdale Road looking southeast.



Area of sidewalk waiver request

Site clean up will include shaping and weeding the existing Lover's Lane trees



Lover's Lane trees

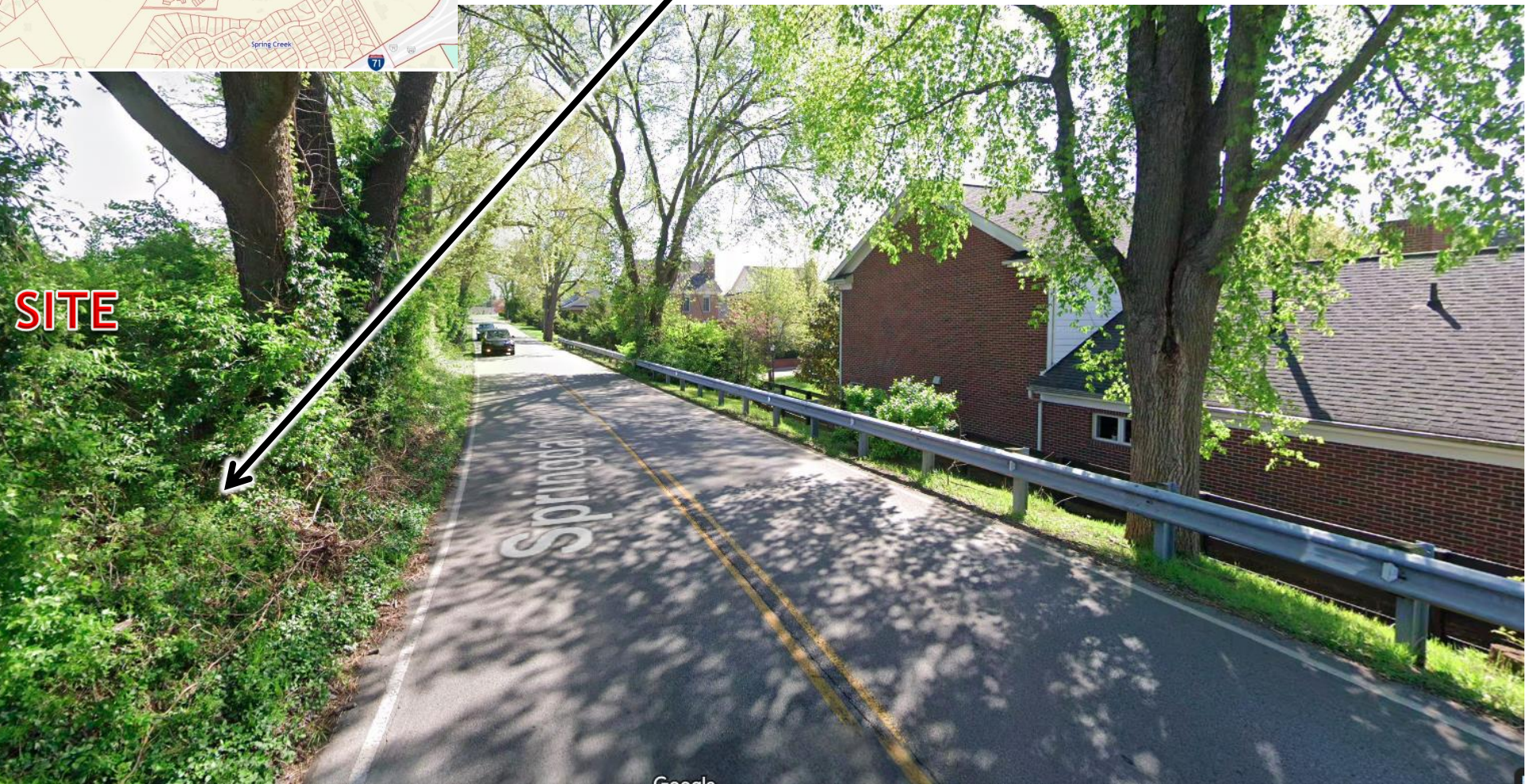
Area of sidewalk waiver request



View of Springdale Road looking northwest. Site is to the right.



Area of sidewalk  
waiver request



View of Springdale Road looking northeast. Site is to the left. Asbury Park is the right.



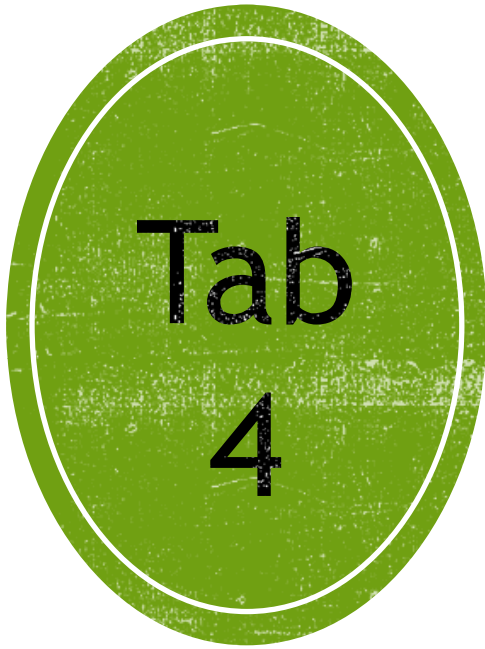
Area of ROW dedication for proposed future Springdale Road

Area of proposed sidewalk as shown on development plan



View of site from Springdale Road looking west.

# DEVELOPMENT PLAN



# Current Proposed Development Plan



4.02 acres of total ROW dedication

I-265

86' ROW Ded

100' ROW Ded

RESIDENT ENTRY/EXIT

TRASH

PET SALON

Trash

Pet Salon

SPRINGDALE RD.

BUILDING #1

BUILDING #3

Amenity Area

BUILDING #4

BUILDING #5

Pool Area

PRIMARY ENTRY/EXIT

BUILDING #2

BUILDING #6

BUILDING #8

BUILDING #7

Detention

SPRINGDALE RD.

ASBURY PARK

Asbury Park



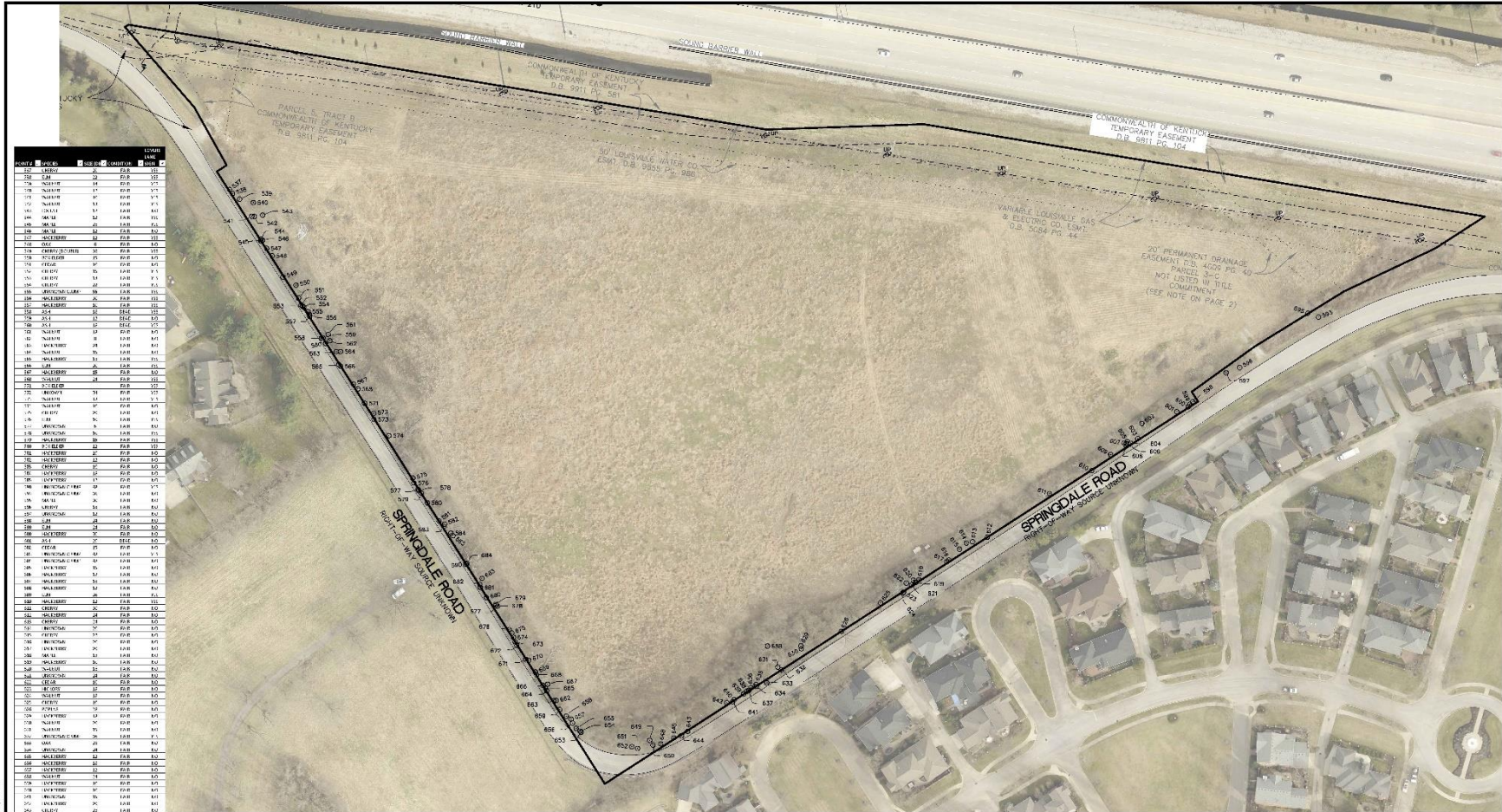
Original Development Plan from Neighbor Meeting



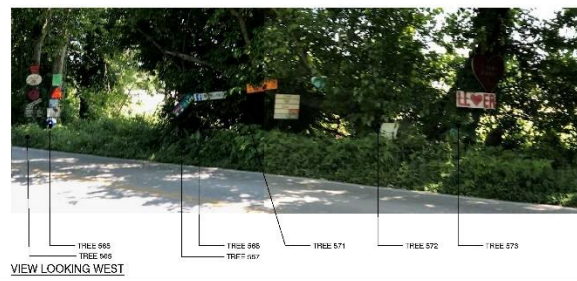
Current Proposed Development Plan



# September 23, 2021 Tree Survey



NO.	CODE	HEIGHT	CONDITION	DATE
101	FR	10	PO	05/21/21
102	FR	10	PO	05/21/21
103	FR	10	PO	05/21/21
104	FR	10	PO	05/21/21
105	FR	10	PO	05/21/21
106	FR	10	PO	05/21/21
107	FR	10	PO	05/21/21
108	FR	10	PO	05/21/21
109	FR	10	PO	05/21/21
110	FR	10	PO	05/21/21
111	FR	10	PO	05/21/21
112	FR	10	PO	05/21/21
113	FR	10	PO	05/21/21
114	FR	10	PO	05/21/21
115	FR	10	PO	05/21/21
116	FR	10	PO	05/21/21
117	FR	10	PO	05/21/21
118	FR	10	PO	05/21/21
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121	FR	10	PO	05/21/21
122	FR	10	PO	05/21/21
123	FR	10	PO	05/21/21
124	FR	10	PO	05/21/21
125	FR	10	PO	05/21/21
126	FR	10	PO	05/21/21
127	FR	10	PO	05/21/21
128	FR	10	PO	05/21/21
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197	FR	10	PO	05/21/21
198	FR	10	PO	05/21/21
199	FR	10	PO	05/21/21
200	FR	10	PO	05/21/21



**SABAK, WILSON & LINGO, INC**  
 ENGINEERS, LANDSCAPE ARCHITECTS & PLANNERS  
 108 S. THIRD STREET, LOUISVILLE, KY 40202  
 (502) 584-1271

SHEET TITLE: TREE SURVEY  
 PROJECT TITLE: SPRINGDALE APARTMENTS  
 DEVELOPER:

JOB NO.: 3288  
 SCALE: 1"=100'  
 DATE: 05/17/21  
 DRAWING NO.: 1  
 SHEET 1 OF 1

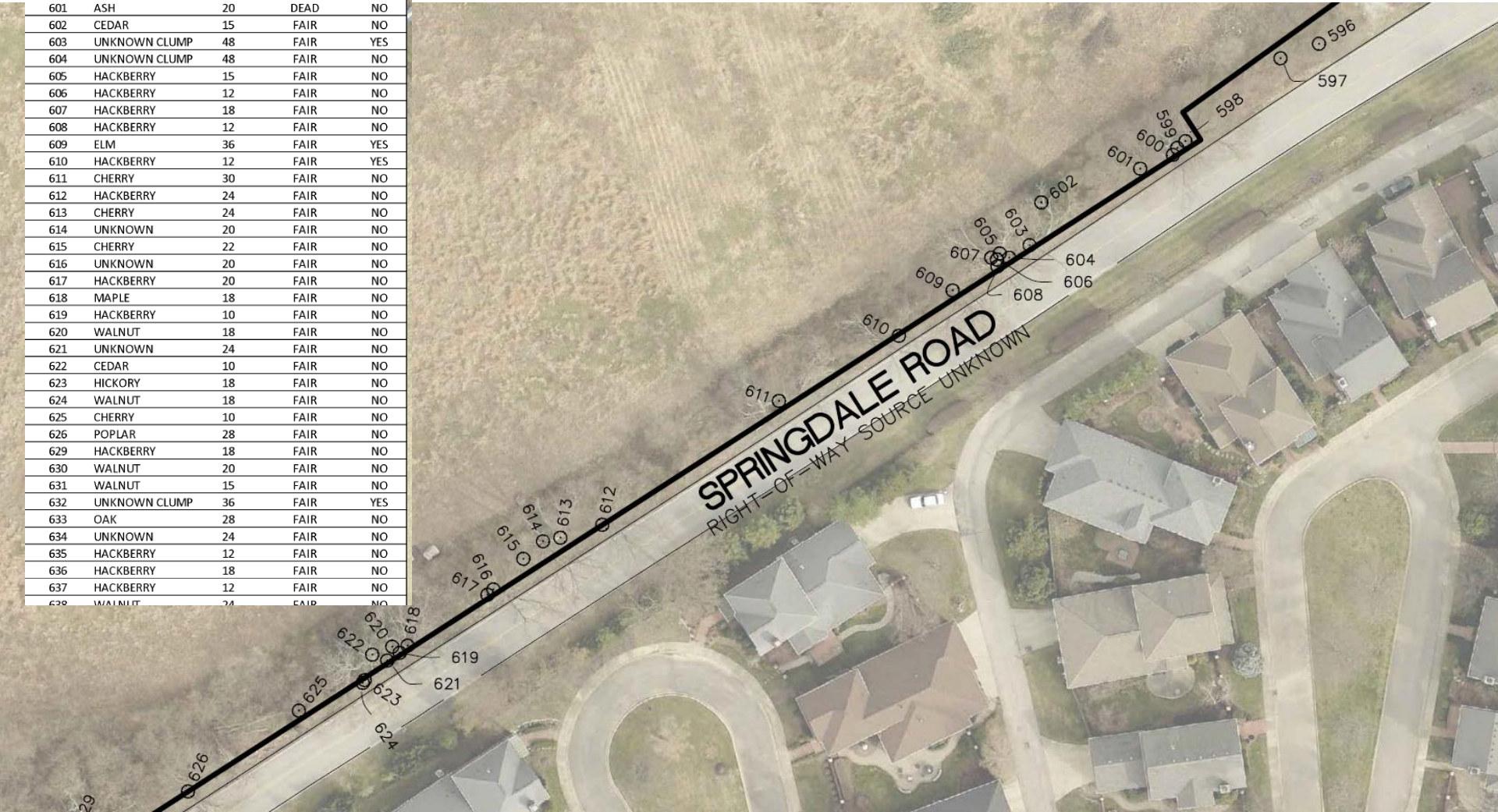
K:\JOBS\3288\Planning\Yearly\3288- TREE SURVEY\_Dwg\_Schedule\_07232021



POINT #	SPECIES	SIZE (DBH)	CONDITION	LOVERS LANE SIGN
537	CHERRY	20	FAIR	YES
538	ELM	22	FAIR	YES
539	WALNUT	14	FAIR	YES
540	WALNUT	12	FAIR	YES
541	WALNUT	10	FAIR	YES
542	WALNUT	18	FAIR	YES
543	LOCUST	12	FAIR	NO
544	MAPLE	12	FAIR	YES
545	MAPLE	28	FAIR	YES
546	MAPLE	12	FAIR	NO
547	HACKBERRY	12	FAIR	YES
548	OAK	6	FAIR	NO
549	CHERRY (DOUBLE)	36	FAIR	YES
550	BOX ELDER	15	FAIR	NO
551	CEDAR	10	FAIR	NO
552	CHERRY	15	FAIR	YES
553	CHERRY	18	FAIR	YES
554	CHERRY	22	FAIR	YES
555	UNKNOWN CLUMP	55	FAIR	YES
556	HACKBERRY	30	FAIR	YES
557	HACKBERRY	10	FAIR	YES
558	ASH	18	DEAD	YES
559	ASH	12	DEAD	NO
560	ASH	18	DEAD	YES
561	WALNUT	18	FAIR	NO
562	WALNUT	8	FAIR	NO
563	HACKBERRY	24	FAIR	NO
564	WALNUT	15	FAIR	NO
565	HACKBERRY	18	FAIR	YES
566	ELM	20	FAIR	YES
567	HACKBERRY	15	FAIR	NO
568	WALNUT	24	FAIR	YES
571	BOX ELDER		FAIR	YES
572	UNKOWN	34	FAIR	YES
573	WALNUT	18	FAIR	YES
574	WALNUT	10	FAIR	NO
575	CHERRY	20	FAIR	NO
576	ELM	10	FAIR	YES
577	UNKNOWN	6	FAIR	NO



593	UNKNOWN CLUMP	36	FAIR	NO
595	MAPLE	30	FAIR	NO
596	CHERRY	18	FAIR	NO
597	UNKNOWN	12	FAIR	NO
598	ELM	24	FAIR	NO
599	ELM	24	FAIR	NO
600	HACKBERRY	30	FAIR	NO
601	ASH	20	DEAD	NO
602	CEDAR	15	FAIR	NO
603	UNKNOWN CLUMP	48	FAIR	YES
604	UNKNOWN CLUMP	48	FAIR	NO
605	HACKBERRY	15	FAIR	NO
606	HACKBERRY	12	FAIR	NO
607	HACKBERRY	18	FAIR	NO
608	HACKBERRY	12	FAIR	NO
609	ELM	36	FAIR	YES
610	HACKBERRY	12	FAIR	YES
611	CHERRY	30	FAIR	NO
612	HACKBERRY	24	FAIR	NO
613	CHERRY	24	FAIR	NO
614	UNKNOWN	20	FAIR	NO
615	CHERRY	22	FAIR	NO
616	UNKNOWN	20	FAIR	NO
617	HACKBERRY	20	FAIR	NO
618	MAPLE	18	FAIR	NO
619	HACKBERRY	10	FAIR	NO
620	WALNUT	18	FAIR	NO
621	UNKNOWN	24	FAIR	NO
622	CEDAR	10	FAIR	NO
623	HICKORY	18	FAIR	NO
624	WALNUT	18	FAIR	NO
625	CHERRY	10	FAIR	NO
626	POPLAR	28	FAIR	NO
629	HACKBERRY	18	FAIR	NO
630	WALNUT	20	FAIR	NO
631	WALNUT	15	FAIR	NO
632	UNKNOWN CLUMP	36	FAIR	YES
633	OAK	28	FAIR	NO
634	UNKNOWN	24	FAIR	NO
635	HACKBERRY	12	FAIR	NO
636	HACKBERRY	18	FAIR	NO
637	HACKBERRY	12	FAIR	NO
638	WALNUT	24	FAIR	NO





Proposed sidewalk along future Springdale Road



Proposed 5' concrete walk on site





Trash

Pet Salon

RESIDENT  
ENTRY/EXIT

TRASH  
PET  
SALON

BUILDING #1

BUILDING #3

BUILDING #4

BUILDING #5

Amenity  
Area

Pool  
Area

PRIMARY  
ENTRY/EXIT

SPRINGDALE RD.

BUILDING #2

BUILDING #6

BUILDING #7

BUILDING #8

Detention

SPRINGDALE RD.



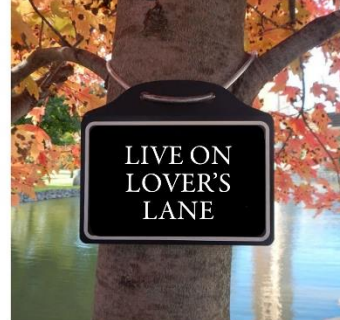
SITE WALLS WITH BLOCKS OF COLORS TO ACT AS FUTURE RESIDENT SIGNS



AS RESIDENTS MOVE IN THEY CAN RESERVE A SPACE TO DECORATE



SITE CLEAN UP WILL INCLUDE SHAPING AND WEEDING THE EXISTING LOVER'S LANE SIGNS



DEDICATED SPACES ON THE INTERIOR OF THE CLUBHOUSE TO CAPTURE AND CONTINUE THE LOVER'S LANE MESSAGE



SITE WALLS WITH BLOCKS OF COLORS TO ACT AS FUTURE RESIDENT SIGNS

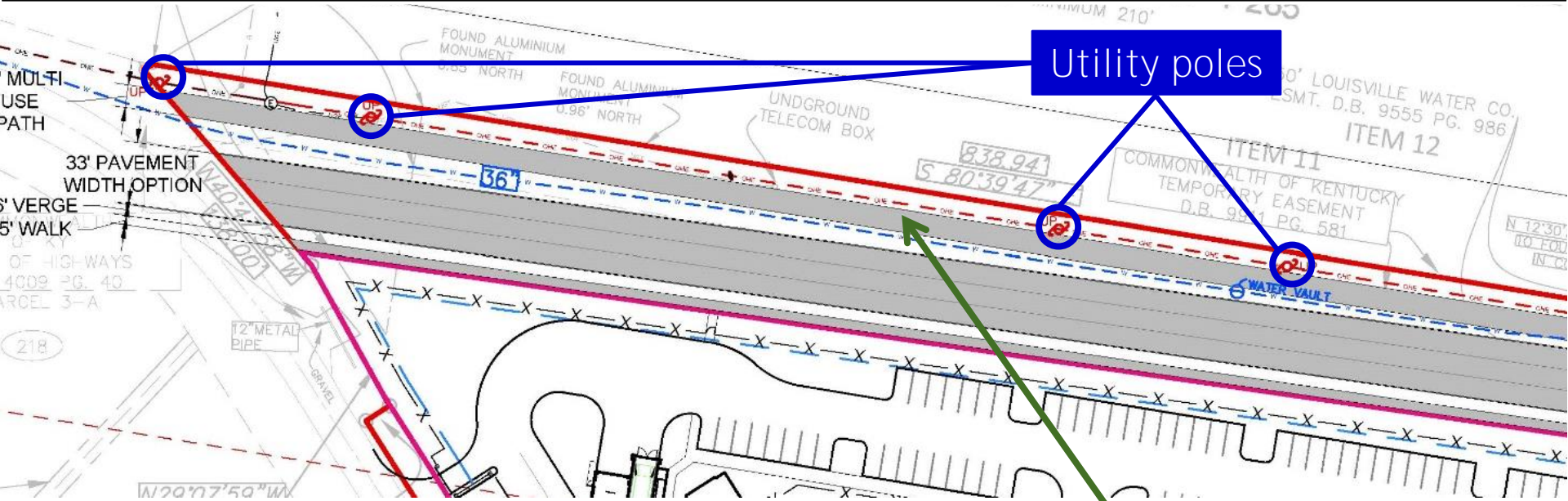


DEDICATED SPACES ON THE INTERIOR OF THE CLUBHOUSE TO CAPTURE AND CONTINUE THE LOVERS LANE MESSAGE

AS RESIDENTS MOVE IN THEY CAN RESERVE A SPACE TO DECORATE

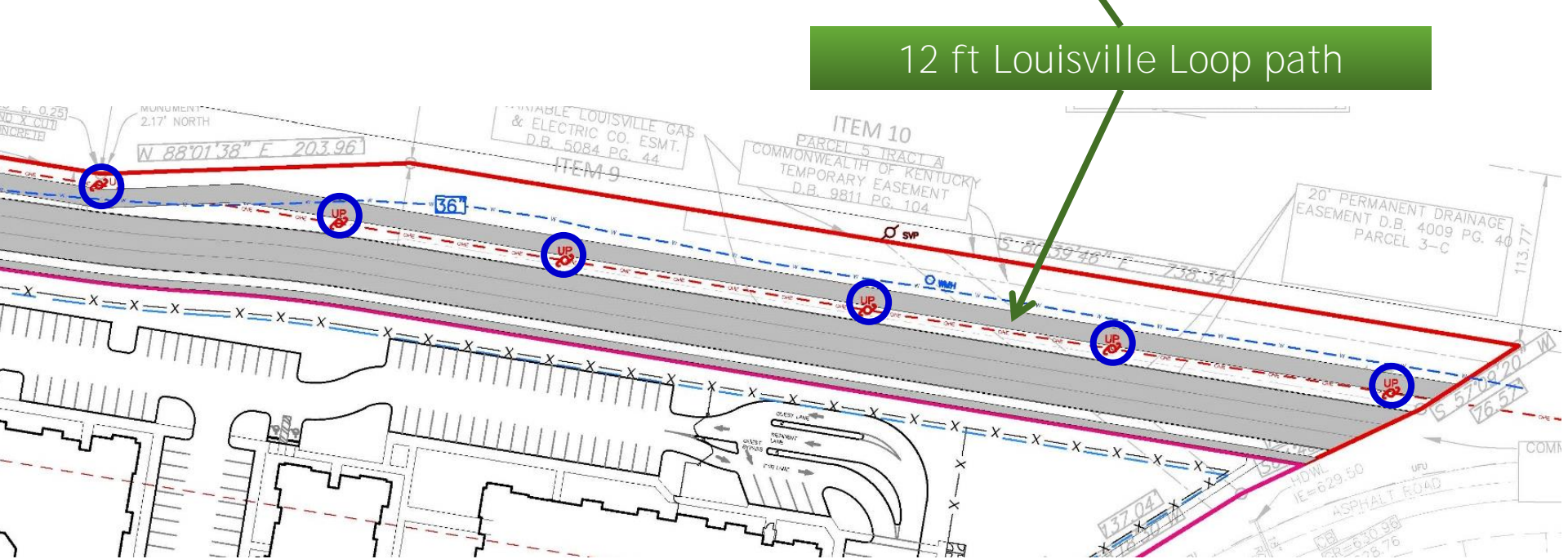


# Proposed Right-of-Way Road Exhibit



Utility poles

12 ft Louisville Loop path



# BUILDING ELEVATIONS



Tab  
5



BUILDING TYPE IV - REAR ELEVATION  
SCALE: 1/8" = 1'-0"



BUILDING TYPE IV - LEFT ELEVATION  
SCALE: 1/8" = 1'-0"



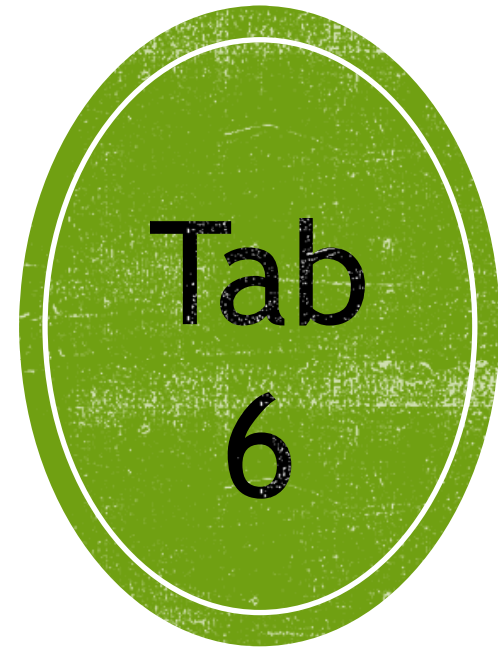
BUILDING TYPE IV - FRONT ELEVATION  
SCALE: 1/8" = 1'-0"

Proposed elevations - three story townhouse buildings



Proposed elevations - four story buildings

**PROPOSED  
ADDITIONAL  
BINDING ELEMENTS**



# PROPOSED ADDITIONAL BINDING ELEMENTS

- All exterior lighting, whether freestanding or attached to any structure, including street lights and lighting for any signage, shall be fully shielded, shall utilize flat or hidden lenses, and shall be pointed directly to the ground. The following are exceptions to this requirement:
  - A partly shielded or unshielded decorative wall sconce(s) shall be allowed at a front entry to a residence if the total output in lumens does not exceed 2000 lumens;
  - Open flame gas lamps;
  - Lighting installed with a vacancy sensor, where the sensor extinguishes the light no more than 15 minutes after the area is vacated;
  - Low voltage landscape lighting aimed away from adjacent properties and not exceeding 2000 lumens in output
- No LED or metal halide lighting shall have a correlated color temperature (CCT) exceeding 3000 degrees kelvin.



## PROPOSED ADDITIONAL BINDING ELEMENTS

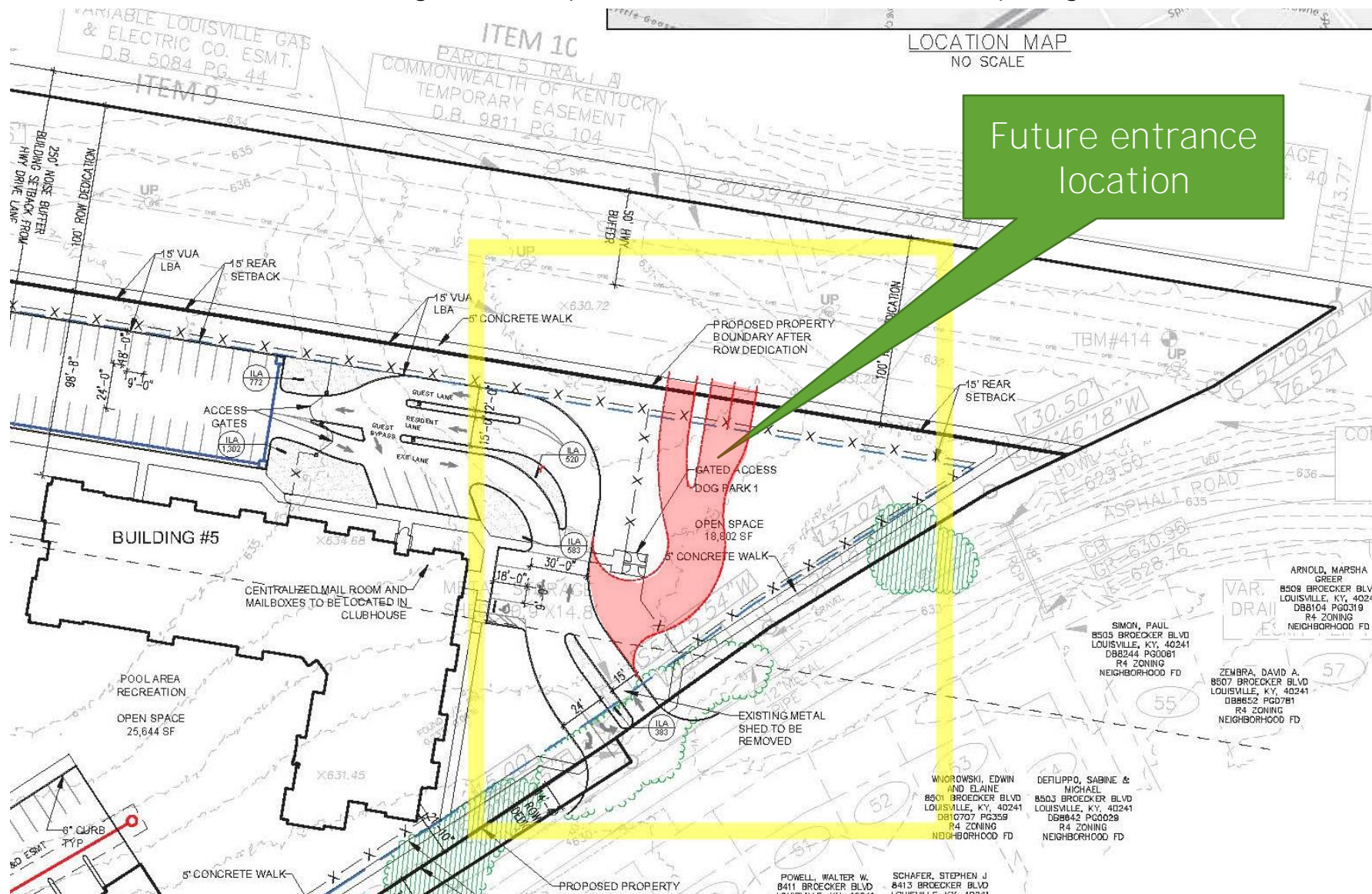
- Developer to construct new entrance to the new Springdale Road as depicted at the hearing within 6 months of completion of roadway construction.

4.e. Developer to contribute \$75,000 to Louisville Metro Public Works for the design of the future Springdale Road, to be returned to developer on \_\_\_\_\_, if not used by that date.





# Location of entrance realignment upon construction of new Springdale Road



Proposed Binding element:

Developer to construct new entrance to the new Springdale Road as depicted at the hearing within 6 months of completion of roadway construction.

# NOISE IMPACT ANALYSIS AND TRAFFIC STUDY



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# NOISE IMPACT ANALYSIS

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Proposed Development at 5217 Springdale Road  
in Louisville, KY

JULY 16, 2021

HMB PROFESSIONAL ENGINEERS, INC.  
3 HMB CIRCLE  
FRANKFORT, KY 40601



Traffic Noise Impact Analysis

Springdale Road Development

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## CHAPTER 3 – SUMMARY

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In accordance with the Land Development Code set forth by Louisville Metro, the proposed residential development along Springdale Road was evaluated for traffic noise impacts within 250-feet from the Gene Snyder Freeway (I-265/KY-841). The evaluation utilized the predicted traffic volumes for the design year of 2023 for the Gene Snyder Freeway (I-265/KY-841). The noise model found that there are **no** predicted noise levels within the 250-foot noise study area that are at or above the 65 dB(A) threshold. The predicted noise levels ranged from 48.8 dB(A) to 63.6 dB(A). The structural noise barriers adjacent to the proposed property are attenuating noise from the highway and reducing noise levels at this property to below 65 dB(A) at all locations. No mitigative measures are suggested.



# Springdale Apartments Multi-Family Housing Traffic Impact Study

Submitted to:

Kentucky Transportation Cabinet, District 3

Jefferson County, County Engineer

City of Louisville, City Engineer

Prepared by:  
HMB Professional Engineers  
3 HMB Circle  
Frankfort, KY 40601

July 13, 2021



## Conclusions

With and without the new development, LOS for all intersections and scenarios was B or better. The addition of the facility and associated traffic will add additional trips to the network, but not substantially to result in the recommendation for any improvements. No turn lanes were found to be warranted for any scenario.

**Table ES-2. 2023 (Open Year) and 2033 (Design Year) Intersection Level of Service and Delay Summary**

Intersections and Movements / Approaches	2023 No Build				2023 Build			
	AM Peak		PM Peak		AM Peak		PM Peak	
	LOS	Delay (sec/veh)	LOS	Delay (sec/veh)	LOS	Delay (sec/veh)	LOS	Delay (sec/veh)
<b>1-Asbury Park Blvd / Springdale Rd</b>								
Westbound Left	A	7.5	A	7.6	A	7.6	A	7.7
Northbound	A	9.5	A	9.6	B	10.0	B	10.0
<b>2-Springdale Rd / Entrance 1</b>								
Eastbound Left	-	-	-	-	A	7.5	A	7.9
Southbound	-	-	-	-	B	10.3	B	11.9
<b>3-Springdale Rd / Entrance 2</b>								
Eastbound Left	-	-	-	-	A	7.4	A	7.8
Southbound	-	-	-	-	A	9.3	A	10.3
<b>2033 (Design Year) Intersection Level of Service and Delay Summary</b>								
Intersections and Movements / Approaches	2033 No Build				2033 Build			
	AM Peak		PM Peak		AM Peak		PM Peak	
	LOS	Delay (sec/veh)	LOS	Delay (sec/veh)	LOS	Delay (sec/veh)	LOS	Delay (sec/veh)
<b>1-Asbury Park Blvd / Springdale Rd</b>								
Westbound Left	A	7.5	A	7.7	A	7.7	A	7.8
Northbound	A	9.7	A	9.8	B	10.2	B	10.1
<b>2-Springdale Rd / Entrance 1</b>								
Eastbound Left	-	-	-	-	A	7.5	A	7.9
Southbound	-	-	-	-	B	10.4	B	12.4
<b>3-Springdale Rd / Entrance 2</b>								
Eastbound Left	-	-	-	-	A	7.5	A	7.9
Southbound	-	-	-	-	A	9.4	B	10.6

## Section 6

# Conclusions

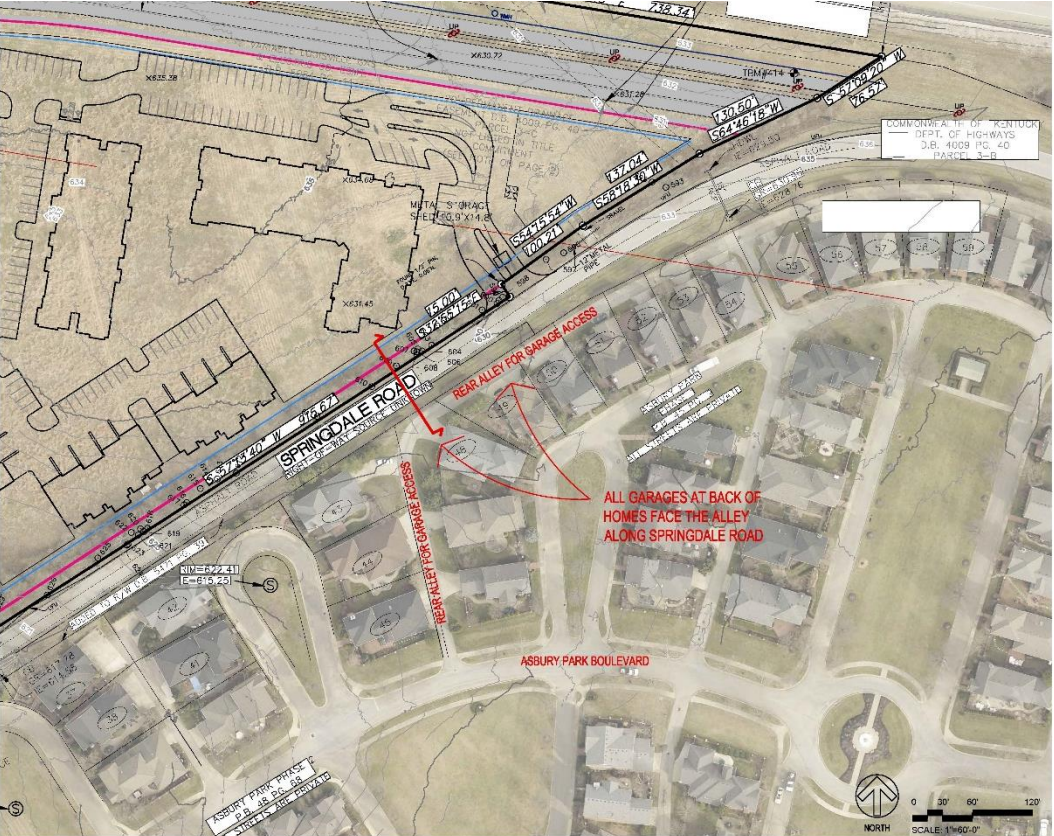
With and without the new development, LOS for all intersections and scenarios was B or better. The addition of the facility and associated traffic will add additional trips to the network, but not substantially to result in the recommendation for any improvements. No turn lanes were found to be warranted for any scenario.

The analysis and conclusions from this traffic study are for the development plan and site use as currently provided by the developer. If substantial alterations to either the development plan or site use change, additional study may be required.



**CROSS SECTION**



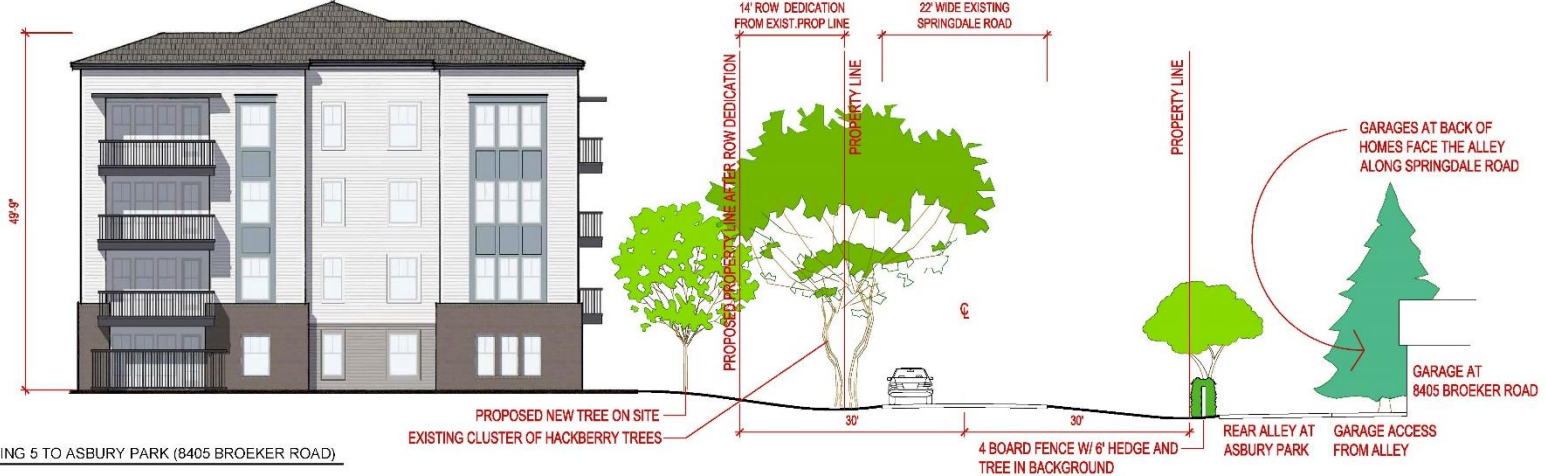


View North of Assbury Park From Springdale Road



View South of Assbury Park From Springdale Road

1 SECTION CUT MAP  
PLAN VIEW



2 SECTION CUT AT BUILDING 5 TO ASSBURY PARK (8405 BROEKER ROAD)  
SECTION

**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: LIV Development

Owners: Roy F. McMahan, III; Mary Alice McMahan Trust;  
Skip McMahan Family No. 2 Irrevocable Trust; Roy  
F. McMahan, III Family Trust

Project Name/Location: 5217 Springdale Road

Proposed Use: Multifamily Residential

Request: Zone change from R-4 to R-7

Engineers, Land Planners, Landscape  
Architects: Sabak Wilson & Lingo

### **INTRODUCTION**

This multi-family community is proposed by LIV Development, who specialize in developing high-end apartment projects with ample amenities for the residents. LIV Development's first Louisville Metro project on Chamberlain Lane is currently under construction. LIV Development's high-end apartment communities are attractive to young professionals and retiring individuals who want to continue to live in a very nice rental community in close proximity to an activity center with employment opportunities. This is one of the last remaining undeveloped properties in the area and perfect to provide an additional housing options to the single family residential which predominates the area. This site is also uniquely positioned for a development of this kind being bounded on all sides by roads (Springdale Road and the Gene Snyder) providing the additional buffering of the ROW and interstate to the adjoining properties. Further, the proposed development plan goes beyond impact mitigation by helping to resolve an existing transportation issue through the dedication of sufficient right of way along the Gene Snyder to allow for the straightening of Springdale Road.

### **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 low-high density and intensity uses and a range of housing opportunities, notably including multi-family dwellings

which can be rental apartments, which this plan proposes. Proposed density in this instance is in the high range, both as contemplated by these Policies and because, when the right of way dedication along Springdale Road and along the Gene Snyder were required with this development (comprising over 4.0 acres of the overall 17.97 acre site), the density was pushed from requiring R-6 rezoning to necessitating R-7 zoning. The very significant ROW dedication along Springdale Road and along the Gene Snyder for the future straightening of Springdale Road is spread among 5, 4-story apartment buildings and 3, 3-story carriage house buildings with a total of 302 units, the designs, square footages and rental rates LIV Development plans are also contemplated by these Policies as appropriate for this Form District and neighborhood. The four story height also allows for additional buffering as the buildings aren't spread out closer to Springdale Road.

Land Development Code required height restrictions, interior and perimeter landscaping, minimum parking, maximum lighting and signage and most required setbacks will also be met, with no waivers or variances.

Also, located as this proposed multi-family zoned community is just a short drive north along Springdale Road from a sizeable and ever-growing commercial activity center, employment center with the Fenley office buildings, and Kentucky Country Day school, travel distances for purposes of shopping, employment, and school are reduced, and walking and biking become very real possibilities, especially over time as sidewalk extensions including the Louisville Loop are completed. This helps contribute to improved air quality.

The brick and quality siding components and innovative style and design of these buildings assure compatibility with the homes nearby, particularly considering the additional distance of the buildings to Springdale Road, the proposed preservation of the existing tree canopy as shown on the plan, and the additional buffering provided by the existing right of way. Plus landscaping, screening and buffering beyond the bare minimums help assure appropriateness for the neighborhood and compatibility with adjoining residential uses.

As a consequence of what surrounds this proposal (being the Gene Snyder and Springdale Road) and the fact that this is a proposed rental community, impacts such as traffic, odors, lighting, noise and aesthetic factors will not prove to be nuisance factors. While this area was built out mainly as single family residential, additional housing options and styles are highly encouraged, which this project will provide. Plus, as a high-end residential community itself, it would not be designed with the kinds of negative impacts that would harm the quiet enjoyment of its own residents.

**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:**

As said, the proposed multi-family community is located in a Neighborhood Form District, very near already built shopping, office development, and other large rental communities and in close proximity to a school. As such, and with good and improving pedestrian and vehicular access along Springdale Road with street and sidewalk connections to other neighborhoods, the proposed multi-family community is very near a large mixed residential, retail, office and school

activity center that extends from Springdale Road and US-22 to north of the Gene Snyder along US-22.

Also, as such, it will add to the diversity of housing opportunities in this already largely built out area to reside in close and convenient proximity to places of employment, food, shopping and education US-22 that extends in all directions from Snyder Freeway. This property is one of the few undeveloped sites in close proximity to the aforementioned activity center capable of development and uniquely situated to provide the least impacts due to the Gene Snyder and Springdale Road (along with the proposed screening and buffering).

**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 multi-family community includes a large community clubhouse and pool plus other communal open spaces, such as a dog park, pet spa, yoga activity center for use by residents. Those spaces will be maintained in perpetuity by the owner of the apartment community.

**As to Goal 4,** this is not a historic site with historic buildings.

**As to Goal 5,** this proposed multi-family community is neither large nor public enough to include an element of public art.

#### **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 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. New sidewalks are being proposed along the Springdale Road frontage and the dedication of the large swatch of property along the Gene Snyder will allow for the future straightening of Springdale Road and the Louisville Loop to be constructed in this area. The Louisville Loop is proposed to be located along the Gene Snyder through this property, thereby providing bicycle and pedestrian access to essentially all of Louisville Metro. Locating this development along and with access to and from those networks, the applicant will, at its cost, construct sidewalks and assure good site distances both now and in the future when Springdale Road is straightened and the existing Springdale Road only serves local access.

Also, bike racks and handicapped parking spots will be installed as and where required near buildings. And all drive lanes, parking spaces and stub connections 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.

Also a Traffic Impact Study (TIS) completed by HMB Professional Engineers show the level of service for both the build and no-build scenarios as being a level of service B or better. Locally, if an area has a level of service greater than C, the network was overbuilt for the existing demand. This development will not only not cause a negative impact, but will offer an additional housing option in close proximity to retail, employment and school reducing vehicle miles traveled.

TARC service is generally unavailable in areas like this, but basic service is available along US-22 from the intersection of Springdale Road and US-22.

Further, all necessary utilities are located proximate to this site and accessible by it via public right of way or easements.

Further, LIV Development will be dedicated 4 acres of a 17.97 acre site, which percentage wise is one of the largest right of way dedications in recent memory to provide the ROW for the solution to the existing dangerous curve on Springdale Road.

#### **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:**

Kentucky Country Day school is located a short distance way up Springdale Road. There is also St. Mary's and Norton Commons elementary located in close proximity in Norton Commons. Fire and other services are also located in close proximity.

#### **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 multi-family community is part of a developer response to that demand in an infill site uniquely situated for same with good screening and buffering, as well as with an existing roadway system with capacity for same, 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 worst economic setback since the Great Depression which has resulted from the current Covid crisis. If Louisville and Kentucky are to economically rebound from this devastating occurrence over time, it will be because new growth opportunities are afforded like this one. That is why this Plan Element of the Comp Plan is so important at this time.

#### **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, 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 contemplates that storm water will be accommodated by virtue of new detention basins as show on the Plan to not only assure no negative impact, but to solve the existing uncontrolled drainage problem. Sanitary sewer service is available with a confirmation of sufficient capacity. It can be accessed via lateral extension.

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 multi-family community near a large existing and expanding activity center, air quality impacts will be minimized because vehicle miles travelled are reduced.

#### **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:**

By bringing brand new, high quality apartments to this predominantly single family residential area provides a diversity of housing options on an infill site that is uniquely positioned to avoid negative impacts due to buffering and ROW on all sides. Also, because of the number of bedrooms, it's possible that renters, taking advantage of proximity to the nearby Kentucky Country Day school, will have children. And because of the lifestyle changes that the Great Real Estate Recession of 2009 and Coronavirus depression of 2020 have caused, moving ever more people from ownership to rental housing communities, apartment buildings are multigenerational. Thus, this community can probably expect largely families, young professionals and empty-nesters to be among its principal occupants.

And, finally, the Comp Plan encourages plans with no displacement of residents, which as an undeveloped field this site provides.

\* \* \*

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,

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

### **General Waiver Justification:**

In order to justify approval of any waiver, the Planning Commission or Board of Zoning Adjustment considers four criteria. Please answer all of the following questions. Use additional sheets if needed. A response of yes, no, or N/A is not acceptable.

Waiver of: Section 6.2.6 to omit the sidewalk along the existing Springdale Road frontage to instead provide a sidewalk in the area of the dedication for the future Springdale Road right of way to the north.

Explanation of Waiver:

1. The waiver will not adversely affect adjacent property owners because both of the adjoining subdivisions, Asbury Park and Wolf Creek, do not have entrances or access locations along this portion of Springdale Road, and the existing entrances to these subdivisions would be served by the new Springdale Road sidewalk the applicant is constructing along the northern portion of the subject property, thus providing a sidewalk connection for these subdivision residents that does not exist currently. While there is one residential home along this portion of Springdale Road, the construction of the sidewalks in this area of the proposed waiver would result in the loss of a large percentage of the trees located in and along the existing right of way that the applicant has committed to neighbors to preserve to the extent possible. Further, the internal sidewalks of this development, as shown on the development plan, provide functional pedestrian access along portions of the existing Springdale Road, just not in the right of way and not along the full existing Springdale Road frontage.
2. The waiver will not violate the Comprehensive Plan for all the reasons set forth in the Detailed Statement of Compliance with all applicable Guidelines and Policies of the Cornerstone 2040 Comprehensive Plan filed with the original rezoning application.
3. The extent of waiver of the regulation is the minimum necessary to afford relief to the applicant because there was a question of interpretation of whether a sidewalk would even be required by the LDC along the existing Springdale Road due to the very large right of way dedication along the northern property line, in which the applicant will construct a sidewalk. The LDC requires sidewalks along the roadway frontage which the applicant is proposing, just on the new proposed roadway location. With the old existing frontage proposed to be relocated to remove the existing dangerous curve, the existing Springdale Road right of way could ultimately be closed, or partially closed due to lack of necessity. In the event the existing Springdale Road is closed, or partially closed, new sidewalks would have little, if any, utility.
4. Strict application of the provisions of the regulation would deprive the applicant of a reasonable use of the land or would create an unnecessary hardship on the applicant because it would require construction of sidewalks on two different portions of Springdale Road to serve the same vehicular traffic, all resulting from the agreement of the applicant to provide the right

of way dedication for the future. If the applicant did not agree to dedicate this large right of way to the north of the site, then it would not be required to construct the sidewalks along that future portion of Springdale Road and along the existing portion of Springdale Road.



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



# BARDENWERPER, TALBOTT & ROBERTS, PLLC

ATTORNEYS AT LAW

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## PROPOSED FINDINGS OF FACT REGARDING COMPLIANCE WITH ALL APPLICABLE GOALS OF THE 2040 PLAN

Applicant: LIV Development

Owners: Roy F. McMahan, III; Mary Alice McMahan Trust;  
Skip McMahan Family No. 2 Irrevocable Trust; Roy  
F. McMahan, III Family Trust

Project Name/Location: 5217 Springdale Road

Proposed Use: Multifamily Residential

Request: Zone change from R-4 to R-7

Engineers, Land Planners, Landscape  
Architects: Sabak Wilson & Lingo

The Louisville Metro Planning Commission, having heard testimony before its Land Development & Transportation Committee, in the Public Hearing held on October 21, 2021 and having reviewed evidence presented by the applicant and the staff's analysis of the application, make the following findings:

### **INTRODUCTION**

**WHEREAS**, this multi-family community is proposed by LIV Development, who specialize in developing high-end apartment projects with ample amenities for the residents; LIV Development's apartment communities are attractive to young professionals and retiring individuals who want to continue to live in a rental community in close proximity to an activity center with employment opportunities; this is one of the last remaining undeveloped properties in the area to provide an additional housing options to the single family residential which predominates the area; this site is also positioned for a development of this kind being bounded on all sides by roads (Springdale Road and the Gene Snyder) providing the additional buffering of the ROW and interstate to the adjoining properties; and the proposed development plan mitigates its impacts and helps to resolve an existing transportation issue through the dedication of sufficient right of way along the Gene Snyder to allow for the straightening of Springdale Road to remove the sharp tourn, along with the agreement of the applicant to find the \$75,000 anticipated cost of the roadway design; and

### **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:**

**WHEREAS**, the site is located in the Neighborhood Form District which encourages low-high density and intensity uses and a range of housing opportunities, notably including multi-family dwellings which can be rental apartments, which this plan proposes; proposed density in this instance is in the high range, both as contemplated by these Policies and because, when the right of way dedication along Springdale Road and along the Gene Snyder were required with this development (comprising over 4.0 acres of the overall 17.97 acre site), the density was pushed from requiring R-6 rezoning to necessitating R-7 zoning; the very significant ROW dedication along Springdale Road and along the Gene Snyder for the future straightening of Springdale Road is spread among 5, 4-story apartment buildings and 3, 3-story carriage house buildings with a total of 302 units, the designs, square footages and rental rates LIV Development plans are also contemplated by these Policies as appropriate for this Form District and neighborhood; and the four story height also allows for additional buffering as the buildings aren't spread out closer to Springdale Road; and

**WHEREAS**, Land Development Code required height restrictions, interior and perimeter landscaping, minimum parking, maximum lighting and signage and most required setbacks will also be met, with no variances and only a sidewalk waiver for the old Springdale Road; and

**WHEREAS**, this proposed multi-family zoned community is just a short drive north along Springdale Road from a sizeable and ever-growing commercial activity center, employment center with the Fenley office buildings, and Kentucky Country Day school, travel distances for purposes of shopping, employment, and school are reduced, and walking and biking become very real possibilities, especially over time as sidewalk extensions including the Louisville Loop are completed; and this helps contribute to improved air quality; and

**WHEREAS**, the brick and quality siding components and innovative style and design of these buildings assure compatibility with the homes nearby, particularly considering the additional distance of the buildings to Springdale Road, the proposed preservation of the existing tree canopy as shown on the plan, and the additional buffering provided by the existing right of way; and landscaping, screening and buffering beyond the bare minimums help assure appropriateness for the neighborhood and compatibility with adjoining residential uses; and

**WHEREAS**, a consequence of what surrounds this proposal (being the Gene Snyder and Springdale Road) and the fact that this is a proposed rental community, impacts such as traffic, odors, lighting, noise and aesthetic factors will not prove to be nuisance factors; while this area was built out mainly as single family residential, additional housing options and styles are highly encouraged, which this project will provide; and as a high-end residential community itself, it would not be designed with the kinds of negative impacts that would harm the quiet enjoyment of its own residents; and

**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:**

**WHEREAS**, the proposed multi-family community is located in a Neighborhood Form District, very near already built shopping, office development, and other large rental communities and in close proximity to a school; and with good and improving pedestrian and vehicular access along Springdale Road with street and sidewalk connections to other neighborhoods, the proposed multi-family community is very near a large mixed residential, retail, office and school activity center that extends from Springdale Road and US-22 to north of the Gene Snyder along US-22; and

**WHEREAS**, it will add to the diversity of housing opportunities in this already largely built out area to reside in close and convenient proximity to places of employment, food, shopping and education US-22 that extends in all directions from Snyder Freeway; and this property is one of the few undeveloped sites in close proximity to the aforementioned activity center capable of development and uniquely situated to provide the least impacts due to the Gene Snyder and Springdale Road (along with the proposed screening and buffering; and

**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:**

**WHEREAS**, the detailed district development plan (DDDP) filed with the rezoning application for this proposed multi-family community includes a large community clubhouse and pool plus other communal open spaces, such as a dog park, pet spa, yoga activity center for use by residents; and those spaces will be maintained in perpetuity by the owner of the apartment community; and

**As to Goal 4:**

**WHEREAS**, this is not a historic site with historic buildings; and

**As to Goal 5:**

**WHEREAS**, this proposed multi-family community is neither large nor public enough to include an element of public art; and

#### **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:**

**WHEREAS**, 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; new sidewalks are being

proposed along the Springdale Road the northern right of way dedication for future Springdale Road and the dedication of the large swatch of property along the Gene Snyder will allow for the future straightening of Springdale Road and the Louisville Loop to be constructed in this area; the Louisville Loop is proposed to be located along the Gene Snyder through this property, thereby providing bicycle and pedestrian access to essentially all of Louisville Metro; locating this development along and with access to and from those networks, the applicant will, at its cost, construct sidewalks along the future Springdale Road and assure good site distances both now and in the future when Springdale Road is straightened and the existing Springdale Road only serves local access; and

**WHEREAS**, bike racks and handicapped parking spots will be installed as and where required near buildings; and all drive lanes, parking spaces and stub connections will be designed in accordance with Metro Public Work and Transportation Planning (MPW&TP) requirements; and these are preliminarily depicted on the DDDP filed with this application; and

**WHEREAS**, a Traffic Impact Study (TIS) completed by HMB Professional Engineers show the level of service for both the build and no-build scenarios as being a level of service B or better; this development will not cause a negative impact, and will offer an additional housing option in close proximity to retail, employment and school reducing vehicle miles traveled; and

**WHEREAS**, TARC service is generally unavailable in areas like this, but basic service is available along US-22 from the intersection of Springdale Road and US-22; and

**WHEREAS**, all necessary utilities are located proximate to this site and accessible by it via public right of way or easements; and

#### **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:**

**WHEREAS**, Kentucky Country Day school is located a short distance way up Springdale Road; there is also St. Mary's and Norton Commons elementary located in close proximity in Norton Commons; and Fire and other services are also located in close proximity; and

#### **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:**

**WHEREAS**, as Louisville Metro’s population continues to grow, so does demand for housing of all types; this proposed multi-family community is part of a developer response to that demand in an infill site uniquely situated for same with good screening and buffering, as well as with an existing roadway system with capacity for same, and as such both stabilizes and offers increased opportunities for employment in the building trades and associated industries; and

**WHEREAS**, it also increases the Metro Louisville tax base essential to the provision of government services; and

**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, 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:**

**WHEREAS**, the DDDP filed with this application contemplates that storm water will be accommodated by virtue of new detention basins as show on the Plan to not only assure no negative impact, but to solve the existing uncontrolled drainage problem; sanitary sewer service is available with a confirmation of sufficient capacity; and it can be accessed via lateral extension; and

**WHEREAS**, measures will also be taken to assure that erosion and sediment impacts are fully controlled and/or mitigated; and

**WHEREAS**, given the location of this proposed multi-family community near a large existing and expanding activity center, air quality impacts will be minimized because vehicle miles travelled are reduced; and

**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:**

**WHEREAS**, by bringing brand new, high quality apartments to this predominantly single family residential area provides a diversity of housing options on an infill site that is uniquely without significant negative impacts due to buffering and ROW on all sides; because of the number of bedrooms, it’s possible that renters, taking advantage of proximity to the nearby Kentucky Country Day school, will have children; and because of the lifestyle changes that the Great Real Estate Recession of 2009 and Coronavirus depression of 2020 have caused, moving ever more people from ownership to rental housing communities, apartment buildings are

multigenerational; and this community can probably expect largely families, young professionals and empty-nesters to be among its principal occupants; and

**WHEREAS**, the Comp Plan encourages plans with no displacement of residents, which as an undeveloped field this site provides; and

\* \* \*

**WHEREAS**, for all the reasons explained at LD&T and the Planning Commission public hearing and also in the public hearing exhibit books, on the approved detailed district development plan, this application also complies with all other applicable Goals of the 2040 Plan;

**NOW, THEREFORE**, the Louisville Metro Planning Commission hereby recommends to the Louisville Metro Council that it rezone the subject property from R-4 to R-7 and approves the Detailed District Development Plan.

### Waiver Findings of Fact

Waiver of Section 6.2.6 to omit the sidewalk along the existing Springdale Road frontage to instead provide a sidewalk in the area of the dedication for the future Springdale Road right of way to the north.

**WHEREAS**, the waiver will not adversely affect adjacent property owners because both of the adjoining subdivisions, Asbury Park and Wolf Creek, do not have entrances or access locations along this portion of Springdale Road, and the existing entrances to these subdivisions would be served by the new Springdale Road sidewalk the applicant is constructing along the northern portion of the subject property, thus providing a sidewalk connection for these subdivision residents that does not exist currently; while there is one residential home along this portion of Springdale Road, the construction of the sidewalks in this area of the proposed waiver would result in the loss of a large percentage of the trees located in and along the existing right of way that the applicant has committed to neighbors to preserve to the extent possible; the internal sidewalks of this development, as shown on the development plan, provide functional pedestrian access along portions of the existing Springdale Road, just not in the right of way and not along the full existing Springdale Road frontage; and

**WHEREAS**, the waiver will not violate the Comprehensive Plan for all the reasons set forth in the Detailed Statement of Compliance with all applicable Guidelines and Policies of the Cornerstone 2040 Comprehensive Plan filed with the original rezoning application; and

**WHEREAS**, the extent of waiver of the regulation is the minimum necessary to afford relief to the applicant because there was a question of interpretation of whether a sidewalk would even be required by the LDC along the existing Springdale Road due to the very large right of way dedication along the northern property line, in which the applicant will construct a sidewalk; the LDC requires sidewalks along the roadway frontage which the applicant is proposing, just on the new proposed roadway location; with the old existing frontage proposed to be relocated to remove the existing dangerous curve, the existing Springdale Road right of way could ultimately be closed, or partially closed due to lack of necessity; and in the event the existing Springdale Road is closed, or partially closed, new sidewalks would have little, if any, utility; and

**WHEREAS**, strict application of the provisions of the regulation would deprive the applicant of a reasonable use of the land or would create an unnecessary hardship on the applicant because it would require construction of sidewalks on two different portions of Springdale Road to serve the same vehicular traffic, all resulting from the agreement of the applicant to provide the right of way dedication for the future; and if the applicant did not agree to dedicate this large right of way to the north of the site, then it would not be required to construct the sidewalks along that future portion of Springdale Road and along the existing portion of Springdale Road; and

**NOW, THEREFORE**, the Louisville Metro Planning Commission hereby approves this Waiver.