

Louisville Metro Planning Commission PH – February 2, 2017
Louisville Metro Land Development & Transportation Committee - January 12, 2017
Neighborhood Meeting – August 8, 2016

DOCKET NO. 16ZONE1048

PROPOSED ZONE CHANGE FROM R-4 TO
R-5A TO ALLOW 44 APARTMENT UNITS IN 6
BUILDINGS ON THE 8-ACRE REAR/WEST
PORTION OF THE ALREADY APPROVED
AVALON SPRINGS LOCATED AT
7506 BEULAH CHURCH ROAD

AVALON SPRINGS, PHASE II
C/O KEN BLACKETER & DAVID BRIGHT

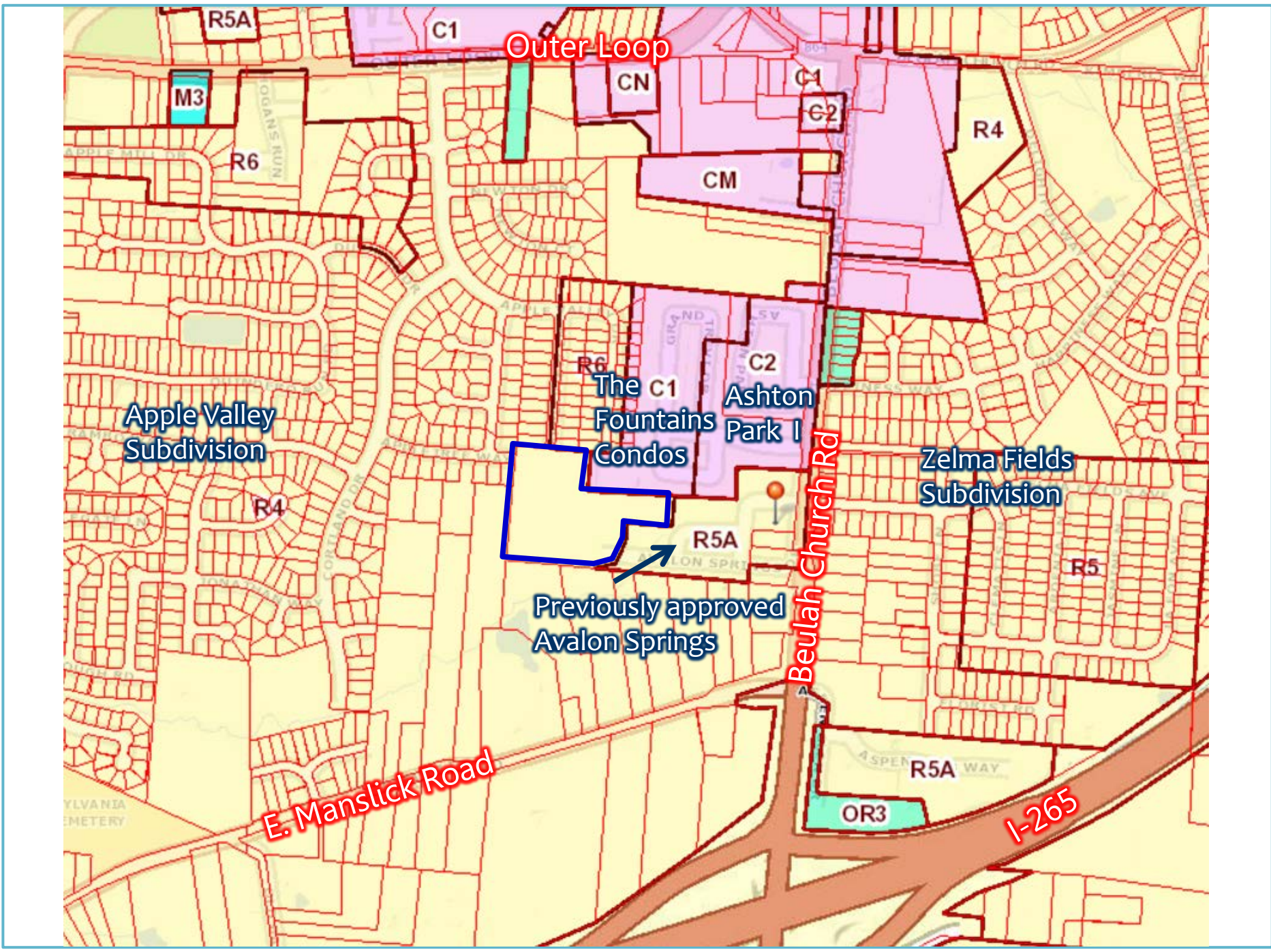
Attorneys:
Bardenwerper
Talbot &
Roberts, PLLC

Land Planner,
Landscape
Architects and
Engineers:
Land Design &
Development,
Inc.

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TAB 1
LOJIC ZONING MAP



Outer Loop

Apple Valley Subdivision

The Fountains Condos

Ashton Park I

Zelma Fields Subdivision

Previously approved Avalon Springs

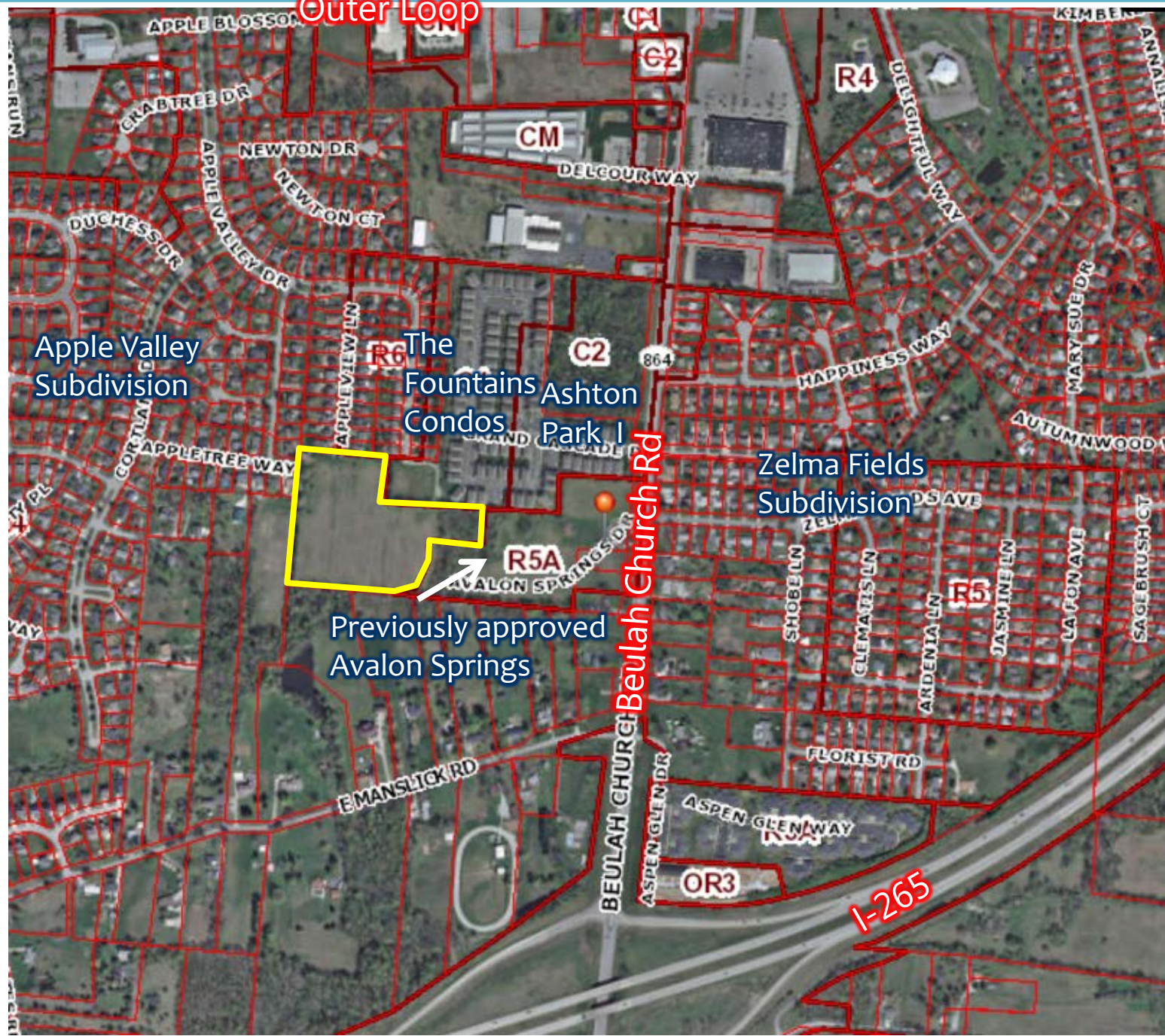
E. Manslick Road

Beulah Church Rd

I-265

TAB 2
AERIAL PHOTOGRAPH OF
THE SITE AND
SURROUNDING AREA

Outer Loop



Apple Valley Subdivision

The Fountains Ashton Condos Park I

Zelma Fields Subdivision

Previously approved Avalon Springs

Beulah Church Rd

I-265

APPLE BLOSSOM

CRABTREE DR

NEWTON DR

NEWTON CT

DUCHESSE DR

APPLE VALLEY DR

APPLEVIEW LN

APPLETREE WAY

CM

DELGOUR WAY

R4

DELIGHTFUL WAY

C2

864

HAPPINESS WAY

KIMBER

MARY SUE DR

AUTUMNWOOD

R5A

AVALON SPRINGS DR

Zelma Fields Subdivision

ZELMA FIELDS AVE

SHOEB LN

CLEMATIS LN

ARDENTIA LN

JASMINE LN

LA FON AVE

SAGE BRUSH CT

E MANSLICK RD

BEULAH CHURCH RD

ASPEN GLEN DR

OR3

ASPEN GLENWAY

FLORIST RD

Apple Valley
Subdivision

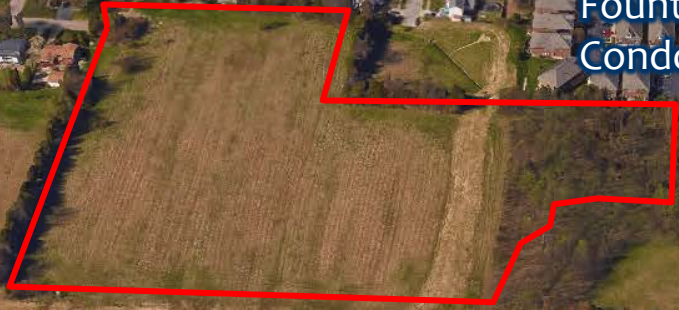
Appletree Way

Applevue Ln.

The
Fountains
Condos

Ashton
Park I

Zelma Fields
Subdivision



Previously approved
Avalon Springs

Beulah Church Rd

E. Manslick Rd. Google Earth

© 2016 Google

2890718 70° N 9502701 45° W elev: 661 ft sea alt: 3254 ft

TAB 3
GROUND LEVEL
PHOTOGRAPHS OF THE SITE
AND SURROUNDING AREA



Beulah Church Rd

Previously approved
Avalon Springs

© 2016 Google
© 2017 Google

Google Earth

Looking south down Beulah Church Road.



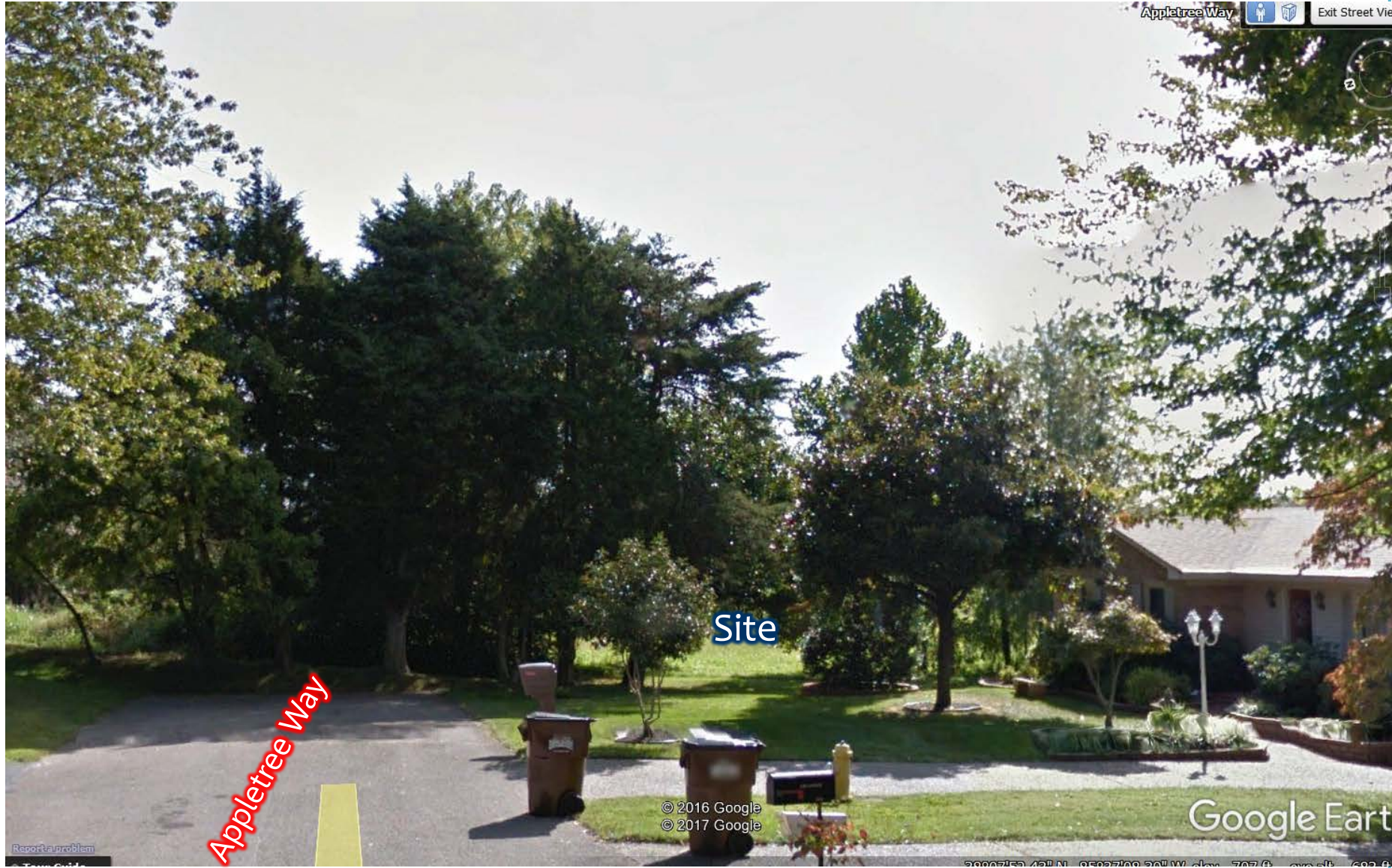
Site

Applevue Ln.

Google Earth

© 2016 Google
© 2017 Google

Looking south at site from Applevue Lane.

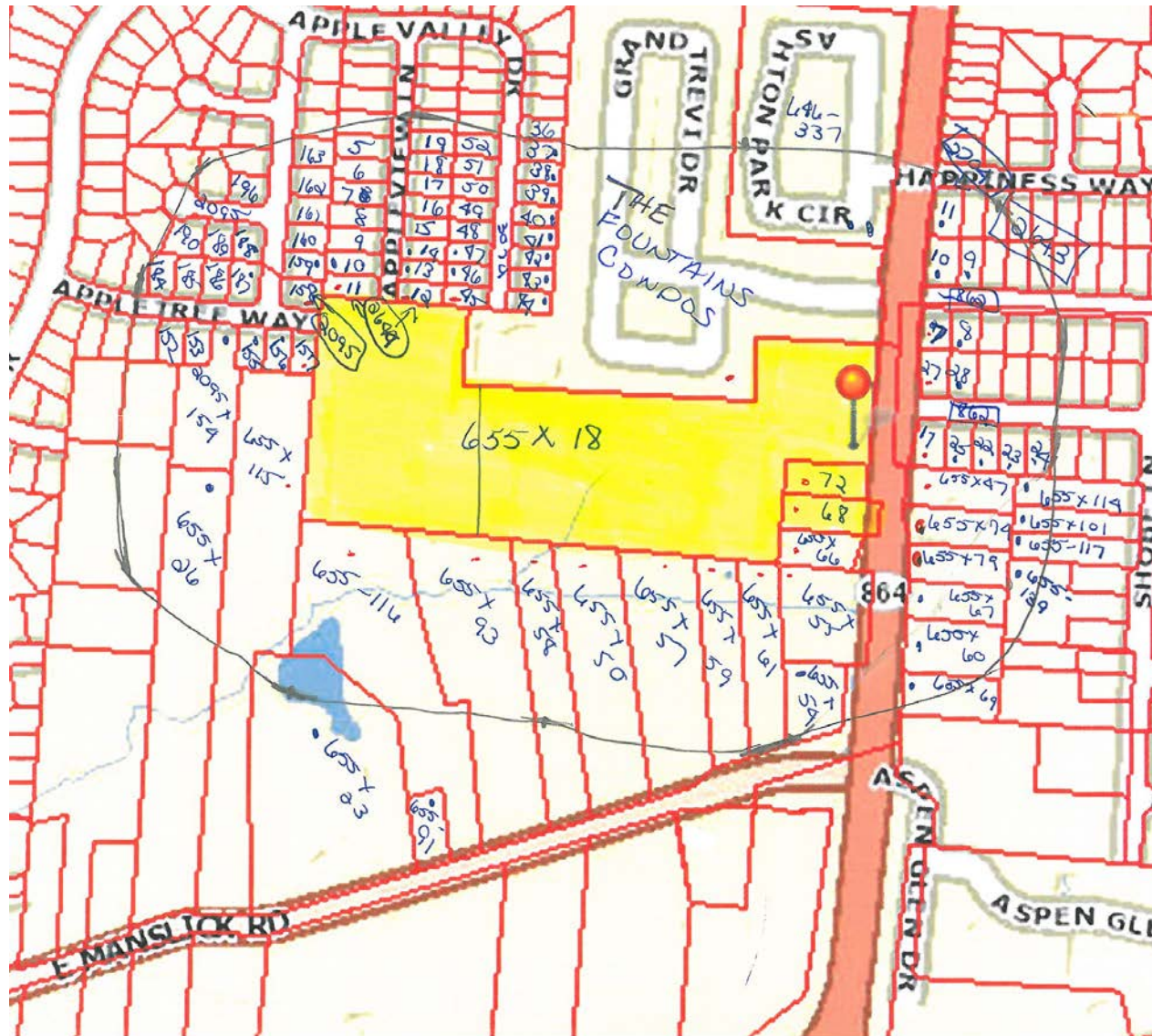


Looking east at site from Appletree Way.

TAB 4

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

Adjoining property owner notice list map wherein 112 neighbors were invited to the various neighborhood meetings and the subsequent LD&T and Planning Commission public hearing.



AVALON SPRINGS, PHASE II

C/O ST. JAMES CROSSINGS, LLC

10001 Taylorsville Road
Louisville, KY 40299

July 26, 2016

Dear Neighbor,

RE: Proposed zone change from R-4 to R-5A to allow multi-family residential on the 8-acre rear/west portion of the already approved 10-acre eastern portion of Avalon Springs located on the west side of Beulah Church Road just north of E. Manslick Road at 7504, 7506 & 7508 Beulah Church Road

We are writing to invite you to a meeting we have scheduled to present neighbors with our rezoning and detailed district development plan to allow an additional 44 apartment units in 6 buildings to the already approved 97 units, to be known as Avalon Springs Phase II.

In 2014, this parcel, and 2 adjoining parcels were rezoned to R-5A. At that time, the rear portion of the largest parcel remained R-4, which is now the subject of this rezoning. The applicant planned to develop single-family homes on the rear portion of that site at that time, but it was later determined that development of a portion of that single-family home site was potentially constrained by wetlands. The applicant has since determined that a portion of this site can be developed, which is the reason for this application. Therefore, because the remaining developable acreage is now so small, it would make more sense to add to the existing apartment community rather than develop a very small, stand-alone single-family subdivision.

Accordingly, we have filed a plan for pre-application review on Monday, July 18th with the Division of Planning and Design Services (DPDS) that has been assigned case number **16ZONE1048** and case manager, **Brian Mabry**. We would like to show and explain this plan to neighbors so that we might hear what thoughts, issues and perhaps even concerns you may have.

In that regard, a meeting will be held on **Wednesday, August 10th at 7:00 p.m.** at the **Central Government Center** located at **7201 Outer Loop** to discuss the plan with interested neighbors.

If you cannot attend the meeting but have questions or concerns, please call our attorneys Bill Bardenwerper or Nick Pregliasco at 426-6688 or our land planning and engineering firm representatives Kevin Young or Ann Richard at 426-9374.

We look forward to seeing you.

Sincerely,



David Bright, Member

c: Hon. James Peden, councilman, District 23
Brian Mabry, case manager, Department of Planning & Design Services
Bill Bardenwerper & Nick Pregliasco, attorney with Bardenwerper, Talbott & Roberts, PLLC
Kevin Young & Ann Richard, land planner with Land Design & Development

NEIGHBORHOOD MEETING SUMMARY

A neighborhood meeting was held on August 10, 2016 at 7:00 pm at the Central Government Center. Bill Bardenwerper, counsel for the applicant, showed a PowerPoint presentation which included aerial photographs, site plans and building elevations. He and Kevin Young with Land Design and Development explained the proposed 44-unit, 6-building addition to the Avalon Springs apartment community under construction by the well-known local building and development team of Ken Blacketer and David Bright. The two of them were present to listen and to help answer questions and concerns.

The first and foremost question had to do with the requirement of connectivity between this addition to the existing Avalon Springs apartment community and Apple Valley subdivision. Mr. Bardenwerper explained that the previously imposed Metro Council binding element against connectivity assured subdivision residents that a street connection cannot occur without Metro Council amending its rezoning Ordinance.

The second most significant line of questioning had to do with the open space that currently exists, its present condition, how it will be graded, planted and maintained, and whether it will ever will be further encroached upon with parking and structures. Mr. Bardenwerper, Mr. Young and the applicants explained that this area has to be finish-graded, seeded and thereafter maintained in accordance with the Metro Ordinance regarding maximum height of grass. People present also asked about the possibility of fencing this area, especially because of supposed grade conditions. The applicants provided no answer but agreed to think about that, especially given the persistence in questioning in that regard.

The third most significant line of questioning had to do with storm water flows and detention. Mr. Young explained how detention will be sufficiently designed to assure that post-development peak rates of run-off will not exceed pre-development conditions.

Other questions pertained to locations of buildings relative to adjoining homes and screening and buffering in those areas. Mr. Young answered those questions by providing precise distance setbacks and by explaining the type of perimeter landscaping.

Respectfully submitted,

William B. Bardenwerper
Bardenwerper Talbott & Roberts, PLLC
1000 N. Hurstbourne Parkway, Second Floor
Louisville, KY 40223

TAB 5
PREVIOUS DEVELOPMENT
PLANS

April 16, 2015 approved development plan for R-4 (on rear/west) for 28 single family lots and R-5A (on front/east) for 99 multifamily units in what was then called Ashton Park II



TAB 6
PROPOSED DEVELOPMENT
PLANS

Current proposed R-5A rezoning and development plan for 44 more units in 6 more buildings buildings (on rear/west) to be known as Avalon Springs II



Current proposed R-5A rezoning and development plan for 44 more units in 6 more buildings (on rear/west) to be known as Avalon Springs II



TAB 7
BUILDING ELEVATION



Clubhouse







7530

Apartment
guide



Apartment
guide

TAB 8
STATEMENT OF
COMPLIANCE FILED WITH
THE ORIGINAL ZONE
CHANGE APPLICATION WITH
ALL APPLICABLE
GUIDELINES AND POLICIES
OF THE CORNERSTONE 2020
COMPREHENSIVE PLAN AND
WAIVER JUSTIFICATION

BARDENWERPER, TALBOTT & ROBERTS, PLLC

ATTORNEYS AT LAW

BUILDING INDUSTRY ASSOCIATION OF GREATER LOUISVILLE BLDG • 1000 N. HURSTBOURNE PARKWAY • SECOND FLOOR • LOUISVILLE, KENTUCKY 40223
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STATEMENT OF COMPLIANCE WITH ALL APPLICABLE GUIDELINES AND POLICIES OF THE CORNERSTONE 2020 COMPREHENSIVE PLAN

<u>Applicant/Owner:</u>	St. James Crossing, LLC
<u>Location:</u>	7506 Beulah Church Rd
<u>Proposed Rezoning/Use:</u>	Rezoning from R-4 to R-5A
<u>Engineers, Land Planners and Landscape Architects:</u>	Land Design & Development

INTRODUCTORY STATEMENT

This is an application for a 44-unit, 6-building addition to the existing/under construction apartment community by the same developer that built the apartments in Phase I of Avalon Springs. It is located south of The Fountains condominiums and Ashton Park apartments. The already existing/under construction Avalon Springs townhome buildings and those proposed in this case will be nearly identical. The PowerPoint presentation for the neighborhood meeting, along with the site plan, accompanying this application evidences and explains all that. The R-5A zoning and development plan accompanying same are compatible with the referenced form of development that has occurred already in the immediate vicinity. As said, there already exist The Fountains and Ashton Park multi-family communities immediately to the north. Beulah Church Road leads to and from the Snyder Freeway, thus this area is a good location, fronting as this site does on a minor arterial or major collector level roadway, which takes traffic to and from places of employment and places of retail shopping along the Outer Loop and such places of worship as the large Highview Baptist Church not far north of this site.

GUIDELINE 1: COMMUNITY FORM

The Community Form that this property is located in is the Suburban Neighborhood Form District, which is characterized by predominantly residential uses that vary from low to high density and that blend compatibility into the existing landscape and neighborhood areas. These proposed apartment buildings, as noted above, adjoin multi-family zoning and uses to the north and also single-family uses to the west where significant open space setbacks are provided. The proposed apartment building addition is compatible in terms of layout, design and density/intensity to adjoining and nearby uses. Because the Suburban Neighborhood Form recommends diverse housing types, this application accomplishes that, as an addition to an attractively designed, high-end apartment community that this same developer recently built. This is proposed as a medium density use, not a high density one, which would in and of itself probably be appropriate, given its location on an arterial or major collector roadway such as Beulah Church Road which is in close proximity to areas of shopping, worship, schools, etc.

Also in conformance with this Guideline of the Comprehensive Plan, the private, disconnected access road throughout this apartment community as shown on the development plan is appropriate to this form and location.

GUIDELINE 2: CENTERS

The Intents and applicable Policies 1, 4, 5, 6, 7, 8, 9, 11, 13, 14, 15 and 16 of this Guideline all pertain to the notion of “centers”, which is a Comprehensive Plan concept which encourages mixed land uses organized around compact activity centers that are existing, proposed or planned in order to promote efficient uses of land, lower utility costs, reduce commuting time and transportation related air pollution, provide an opportunity for a mixture of residential development and housing types, and add to and encourage vitality and a sense of place in neighborhoods. Within Suburban Neighborhood Form Districts, activity centers should be located at street intersections with at least one of the intersecting streets classified as collector or above. Beulah Church Road is probably a minor arterial or at least a major collector. The entrance to this proposed apartment community will not lead to the Apple Valley subdivision, given that this is a private development adjoining other multifamily communities. The street into and throughout it needs to remain disconnected to Apple Valley Subdivision because of the existing Metro Council-imposed Binding Element against connectivity, which makes sense in this particular case in order to avoid cut-through traffic between public and private streets and single and multi-family developments. The location of this medium density/intensity multi-family residential use, moving from this site on the south through The Fountains condominium community and Ashton Park to the apartment community on the north, means that overall these multi-family communities take on the character of a small Neighborhood Center at this location.

Policies 4 and 5 encourage compact and mixed uses, which this proposal ensures, by virtue of location and site design. Guidelines 6 and 7 encourage a mixture of residential and commercial uses, proximate one as to the other. That is what is shown on the aerial photographs of Beulah Church Road from this site north to the commercial uses at the Outer Loop.

Policies 11, 13, 14 and 15 recommend that centers be designed taking into account the development patterns and designs of nearby development projects and also assure well screened and shared parking, well identified safe access, as well as use of existing utilities when possible. All of that occurs in this particular case, again as evident on the development plan accompanying this application and on the aerial photographs on which this development plan is superimposed.

GUIDELINE 3: COMPATIBILITY

The Intents and applicable Policies 1, 2, 3, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 20, 21, 22, 23, 24, 28 and 29 of this Guideline all pertain to the issues of how to ensure that land uses and transportation facilities are located, designed and constructed so as to be compatible with nearby land uses and to minimize impacts to residential areas, schools and other sensitive features.

This application complies with the Intents and applicable Policies of this Guideline as follows. For example, as said above, the design of this proposed apartment community takes into account what adjoins it (i.e., apartments to the north and single family homes across a significant open space to the west). In this case, brick building materials similar to those used in the existing multi-family communities and nearby homes will be utilized on all structures, which is already evident in immediate adjoining multi-family and single family neighborhoods. Buildings will

be two-story, townhome style and design. Odors, traffic, noise and commercial type lighting will not be involved in these developments, such that those kinds of impacts will not exist. Lighting will be residential in style and design. Visually speaking, the proposed apartment addition will be compatible with those adjoining it and typical of the area. Again, this is not high density zoning, but it is a type not at all that different than standard R-4 single-family housing, given the townhome style and design of these apartment buildings. As evident on the development plan accompanying this application, good transitions, appropriate setbacks, landscape buffers, building heights that do not require variances, suitable LDC compliant signage are all involved in this application and again, evident on the development plan.

GUIDELINES 4 AND 13: OPEN SPACE AND LANDSCAPE CHARACTER

The Intents and applicable Policies 1, 3, 6 and 7 of this Guideline 4 and Policies 1, 2 and 5 of Guideline 13 all pertain to the idea of ensuring well designed, permanently protected open spaces within communities, as well as landscape throughout these communities that protect and enhance the natural environment.

This application complies with these Intents and applicable Policies of this Guideline because green space and open areas are included within the additional section of the existing Avalon Park apartment community. There will be abundant trees appropriately located to provide for internal aesthetics, screening and buffering, as well as landscaping to satisfy all of the requirements pertaining the LDC.

GUIDELINE 6: ECONOMIC GROWTH AND SUSTAINABILITY

The Intents and applicable Policies 1, 3, 5 and 6 of this Guideline all pertain to the provision of a positive culture for attracting and sustaining a variety of land uses, in this case residential.

This application complies with the Intents and applicable Policies of this Guideline as follows. This is an infill development, meaning that it adjoins to the north other existing like-kind development for which there is a significant market demand.

GUIDELINES 7, 8 AND 9: CIRCULATION, TRANSPORTATION FACILITIES, AND BICYCLE, PEDESTRIAN AND TRANSIT ACCESS

The Intents and applicable Policies 1, 2, 4, 6, 9, 10, 11, 13, 14, 15 and 16 of Guideline 7, plus Policies 7, 8, 9, 10 and 11 of Guideline 8, plus Policies 1, 2, 3, 4 and 5 of Guideline 9 all pertain to the issues of traffic impacts, access to and circulation through proposed developments and the provision of access by other means of transportation than simply the automobile. As this is a medium density multi-family development along a road that has adequate traffic-carrying capacity, development of this site as an addition to an existing multi-family community of this type is appropriate. Metro Transportation Planning must review the development plan filed with this application prior to docketing for the LD&T Committee meeting, which is even before the full-blown Planning Commission public hearing. Consequently, this application will not be publicly reviewed by the Planning Commission until such time as Metro Public Works and Transportation Planning agencies have determined that the existing external road system has adequate traffic-carrying capacity, as it is believed to have, and that access to and through the site (except for the Metro Council-imposed Binding Element prohibiting connection to the adjoining Apple Valley subdivision) is appropriate. Sidewalks will be provided along Beulah

Church Road and internally. Bicycle accommodations will be made within the multi-family development.

GUIDELINES 10 AND 11: FLOODING AND STORMWATER PLUS WATER QUALITY

The Intents and applicable Policies 1, 3, 6, 7, 10 and 11 of Guideline 10 and Policies 3, 5 and 8 of Guideline 11 pertain to the issues of effectively managing stormwater and preventing the degradation of water quality due to water pollution and soil erosion and sedimentation.

This application complies with the Intents and applicable Policies of these Guidelines as follows. MSD has provided regulations that pertain to soil erosion and sedimentation control, which is a construction detail that will be required of this applicant in connection with its developments of these multi-family and single-family communities. Among other things, post-development rates of runoff may not exceed pre-development conditions, and they will not do so in this case. Ordinarily that is accomplished through on-site detention as here. MSD's new water quality guidelines will also be accommodated through the design of one or several of multiple measures that are now available to assure best management practices in this regard.

GUIDELINE 12: AIR QUALITY

The Intents and applicable Policies 1, 2, 4, 6, 8 and 9 this Guideline all pertain to the issues of assuring no adverse consequences on air quality and, when possible, even taking measures to improve same.

This application complies with the Intents and applicable Policies of this Guideline as follows. Generally speaking, by filling in the infill, so to speak, which means building next to development that already exists, whenever possible, as opposed to in outlying areas, is important as a means to assure reduced vehicle miles traveled. That tends to help with air quality because people driving from their homes to places of work, to shopping, to places of worship, to school and so forth will be more proximately located relative to same. That will be the case here.

GUIDELINE 14: INFRASTRUCTURE

The Intents and applicable Policies 2, 3, 4, 6 and 7 of this Guideline all pertain to assuring adequate infrastructure to support a new development project.

This application complies with the Intents and applicable Policies of this Guideline as follows. This site was chosen because it has sanitary sewer service available. Also, water and electric service are available at the site without the need for lengthy extensions. It is always more cost-effective for the developer, and better for the public utilities when existing utility infrastructure can be utilized. And, as said, Beulah Church Road has adequate traffic-carrying capacity for limited amounts of added, especially residential, developments where infill sites like this exist.

* * * * *

For all of these and other reasons to be further presented at the LD&T meeting and Planning Commission public hearing, this application complies with these and all other applicable Intents, Policies and Guidelines of the Comprehensive Plan.

Respectfully submitted,

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

TAB 9
PROPOSED FINDINGS OF
FACT PERTAINING TO
COMPLIANCE WITH THE
COMPREHENSIVE PLAN AND
WAIVER CRITERIA

BARDENWERPER, TALBOTT & ROBERTS, PLLC

ATTORNEYS AT LAW

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

PROPOSED FINDINGS OF FACT REGARDING COMPLIANCE WITH ALL APPLICABLE GUIDELINES AND POLICIES OF THE CORNERSTONE 2020 COMPREHENSIVE PLAN

<u>Applicant/Owner:</u>	St. James Crossing, LLC
<u>Location:</u>	7506 Beulah Church Rd
<u>Proposed Rezoning/Use:</u>	Rezoning from R-4 to R-5A
<u>Engineers, Land Planners and Landscape Architects:</u>	Land Design & Development

INTRODUCTORY STATEMENT

WHEREAS, this is an application for a 44-unit, 6-building addition to the existing/under construction apartment community by the same developer that built the apartments in Phase I of Avalon Springs; it is located south of The Fountains condominiums and Ashton Park apartments; the already existing/under construction Avalon Springs townhome buildings and those proposed in this case will be nearly identical; the PowerPoint presentation shown at the Planning Commission Public Hearing, along with the site plan, accompanying this application evidences and explains all that; the R-5A zoning and development plan accompanying same are compatible with the referenced form of development that has occurred already in the immediate vicinity; as said, there already exist The Fountains and Ashton Park multi-family communities immediately to the north; Beulah Church Road leads to and from the Snyder Freeway, thus this area is a good location, fronting as this site does on a minor arterial or major collector level roadway, which takes traffic to and from places of employment and places of retail shopping along the Outer Loop and such places of worship as the large Highview Baptist Church not far north of this site; and

GUIDELINE 1: COMMUNITY FORM

WHEREAS, the Community Form that this property is located in is the Suburban Neighborhood Form District, which is characterized by predominantly residential uses that vary from low to high density and that blend compatibility into the existing landscape and neighborhood areas; these proposed apartment buildings, as noted above, adjoin multi-family zoning and uses to the north and also single-family uses to the west where significant open space setbacks are provided; the proposed apartment building addition is compatible in terms of layout, design and density/intensity to adjoining and nearby uses; because the Suburban Neighborhood Form recommends diverse housing types, this application accomplishes that, as an addition to an attractively designed, high-end apartment community that this same developer recently built; and this is proposed as a medium density use, not a high density one, which would in and of itself probably be appropriate, given its location on an arterial or major collector roadway such as Beulah Church Road which is in close proximity to areas of shopping, worship, schools, etc.; and

WHEREAS, in conformance with this Guideline of the Comprehensive Plan, the private, disconnected access road throughout this apartment community as shown on the development plan is appropriate to this form and location; and

GUIDELINE 2: CENTERS

WHEREAS, the Intents and applicable Policies 1, 4, 5, 6, 7, 8, 9, 11, 13, 14, 15 and 16 of this Guideline all pertain to the notion of “centers”, which is a Comprehensive Plan concept which encourages mixed land uses organized around compact activity centers that are existing, proposed or planned in order to promote efficient uses of land, lower utility costs, reduce commuting time and transportation related air pollution, provide an opportunity for a mixture of residential development and housing types, and add to and encourage vitality and a sense of place in neighborhoods; within Suburban Neighborhood Form Districts, activity centers should be located at street intersections with at least one of the intersecting streets classified as collector or above; Beulah Church Road is a minor arterial/major collector; the entrance to this proposed apartment community will not lead to the Apple Valley subdivision, given that this is a private development adjoining other multifamily communities; the location of this medium density/intensity multi-family residential use, moving from this site on the south through The Fountains condominium community and Ashton Park to the apartment community on the north, means that overall these multi-family communities take on the character of a small Neighborhood Center at this location; and

WHEREAS, Policies 4 and 5 encourage compact and mixed uses, which this proposal ensures, by virtue of location and site design; Guidelines 6 and 7 encourage a mixture of residential and commercial uses, proximate one as to the other, and that is what is shown on the aerial photographs shown at the Planning Commission Public Hearing of Beulah Church Road from this site north to the commercial uses at the Outer Loop; and

WHEREAS, Policies 11, 13, 14 and 15 recommend that centers be designed taking into account the development patterns and designs of nearby development projects and also assure well screened and shared parking, well identified safe access, as well as use of existing utilities when possible; and all of that occurs in this particular case, again as evident on the development plan accompanying this application and on the aerial photographs on which this development plan is superimposed; and

GUIDELINE 3: COMPATIBILITY

WHEREAS, the Intents and applicable Policies 1, 2, 3, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 20, 21, 22, 23, 24, 28 and 29 of this Guideline all pertain to the issues of how to ensure that land uses and transportation facilities are located, designed and constructed so as to be compatible with nearby land uses and to minimize impacts to residential areas, schools and other sensitive features; and

WHEREAS, this application complies with the Intents and applicable Policies of this Guideline because, as said above, the design of this proposed apartment community takes into account what adjoins it (i.e., apartments to the north and single family homes across a significant open space to the west); in this case, brick building materials similar to those used in the existing multi-family communities and nearby homes will be utilized on all structures, which is already evident in

immediate adjoining multi-family and single family neighborhoods; buildings will be two-story, townhome style and design; odors, traffic, noise and commercial type lighting will not be involved in these developments, such that those kinds of impacts will not exist; lighting will be residential in style and design; visually speaking, the proposed apartment addition will be compatible with those adjoining it and typical of the area; again, this is not high density zoning, but it is a type not at all that different than standard R-4 single-family housing, given the townhome style and design of these apartment buildings; and as evident on the development plan accompanying this application, good transitions, appropriate setbacks, landscape buffers, building heights that do not require variances, suitable LDC compliant signage are all involved in this application and again, evident on the development plan; and

GUIDELINES 4 AND 13: OPEN SPACE AND LANDSCAPE CHARACTER

WHEREAS, the Intents and applicable Policies 1, 3, 6 and 7 of this Guideline 4 and Policies 1, 2 and 5 of Guideline 13 all pertain to the idea of ensuring well designed, permanently protected open spaces within communities, as well as landscape throughout these communities that protect and enhance the natural environment; and

WHEREAS, this application complies with these Intents and applicable Policies of this Guideline because green space and open areas are included within the additional section of the existing Avalon Park apartment community; and there will be abundant trees appropriately located to provide for internal aesthetics, screening and buffering, as well as landscaping to satisfy all of the requirements pertaining the LDC; and

GUIDELINE 6: ECONOMIC GROWTH AND SUSTAINABILITY

WHEREAS, the Intents and applicable Policies 1, 3, 5 and 6 of this Guideline all pertain to the provision of a positive culture for attracting and sustaining a variety of land uses, in this case residential; and

WHEREAS, this application complies with the Intents and applicable Policies of this Guideline because this is an infill development, meaning that it adjoins to the north other existing like-kind development for which there is a significant market demand; and

GUIDELINES 7, 8 AND 9: CIRCULATION, TRANSPORTATION FACILITIES, AND BICYCLE, PEDESTRIAN AND TRANSIT ACCESS

WHEREAS, the Intents and applicable Policies 1, 2, 4, 6, 9, 10, 11, 13, 14, 15 and 16 of Guideline 7, plus Policies 7, 8, 9, 10 and 11 of Guideline 8, plus Policies 1, 2, 3, 4 and 5 of Guideline 9 all pertain to the issues of traffic impacts, access to and circulation through proposed developments and the provision of access by other means of transportation than simply the automobile; as this is a medium density multi-family development along a road that has adequate traffic-carrying capacity, development of this site as an addition to an existing multi-family community of this type is appropriate; Metro Transportation Planning reviewed the development plan filed with this application prior to docketing for the LD&T Committee meeting and before Planning Commission public hearing, and Metro Public Works and Transportation Planning agencies have determined that the existing external road system has adequate traffic-carrying capacity and that access to and, as shown on the development plan, through the site is

appropriate; and sidewalks will be provided along Beulah Church Road and internally and bicycle accommodations will be made within the multi-family development; and

GUIDELINES 10 AND 11: FLOODING AND STORMWATER PLUS WATER QUALITY

WHEREAS, the Intents and applicable Policies 1, 3, 6, 7, 10 and 11 of Guideline 10 and Policies 3, 5 and 8 of Guideline 11 pertain to the issues of effectively managing stormwater and preventing the degradation of water quality due to water pollution and soil erosion and sedimentation; and

WHEREAS, this application complies with the Intents and applicable Policies of these Guidelines because MSD has provided regulations that pertain to soil erosion and sedimentation control, which is a construction detail that will be required of this applicant in connection with its developments of these multi-family and single-family communities; among other things, post-development rates of runoff may not exceed pre-development conditions, and they will not do so in this case; ordinarily that is accomplished through on-site detention as here; and MSD's new water quality guidelines will also be accommodated through the design of one or several of multiple measures that are now available to assure best management practices in this regard; and

GUIDELINE 12: AIR QUALITY

WHEREAS, the Intents and applicable Policies 1, 2, 4, 6, 8 and 9 this Guideline all pertain to the issues of assuring no adverse consequences on air quality and, when possible, even taking measures to improve same; and

WHEREAS, this application complies with the Intents and applicable Policies of this Guideline because, generally speaking, filling in the infill, so to speak (which means building next to development that already exists, whenever possible, as opposed to in outlying areas), is important as a means to assure reduced vehicle miles traveled; and this tends to help with air quality because people driving from their homes to places of work, to shopping, to places of worship, to school and so forth will be more proximately located relative to same and that is the case here; and

GUIDELINE 14: INFRASTRUCTURE

WHEREAS, the Intents and applicable Policies 2, 3, 4, 6 and 7 of this Guideline all pertain to assuring adequate infrastructure to support a new development project; and

WHEREAS, this application complies with the Intents and applicable Policies of this Guideline because this site was chosen because it has sanitary sewer service available; also, water and electric service are available at the site without the need for lengthy extensions; it is always more cost-effective for the developer and better for public utilities when existing utility infrastructure can be utilized; and, as said, Beulah Church Road has adequate traffic-carrying capacity for limited amounts of added, especially residential, development where infill sites like this exist; and

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WHEREAS, for all the reasons explained at LD&T and the Planning Commission public hearing and also in the public hearing exhibit books and on the approved detailed district development plan, this application also complies with all other applicable Guidelines and Policies of the Cornerstone 2020 Comprehensive 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-5A and approves the Detailed District Development Plan.

Proposed Finding for Waiver

Waiver of Section 10.2.4 to waive a portion the 25 ft LBA along the property lines adjoining The Fountains community.

WHEREAS, the waiver will not adversely affect adjacent property owners because a 25 ft LBA shared between the adjoining Fountains residential condominium community and this proposed residential community will exist, just not the larger LBA required as if the adjoining Fountains residential condominium community were a use consistent with its commercial zoning; it is that commercial zoning that results in the need for a greater LBA on this property; and the commercial zoning dates way back in time and was never needed or utilized considering the ultimate development of that property as a multi-family use; 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 2020 Comprehensive Plan filed with this application and considering the findings of fact adopted in this case and previous phases of this development and in the original Fountains rezoning; and

WHEREAS, the extent of waiver of the regulation is the minimum necessary to afford relief to the applicant because it accommodates a decent shared LBA between this and the adjoining property, keeping the proposed new development as far away as possible from single family properties to the north and west and out of areas protected as open space; 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 be forced to provide an LBA wider than necessary given the two adjoining compatible uses and given the need to protect the open space to the south and west and provide significant separation between this proposed development and the single family properties to the north and west; and