

# BARDENWERPER, TALBOTT & ROBERTS, PLLC

ATTORNEYS AT LAW

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## STATEMENT OF COMPLIANCE WITH ALL APPLICABLE GOALS, OBJECTIVES AND POLICIES OF THE “PLAN 2040” COMPREHENSIVE PLAN

Applicant: D&K Holdings, LLC c/o Ken Blacketer & David Bright

Owner: Chris & Angela Wilkerson; Jane Ann Franklin; Shelly  
Dawn Stoyell

Project Name/Location: 9922, 9924, and 10000 Brentlinger Lane

Proposed Use: Multifamily Residential

Request: Zone change from R-4 to R-6

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

### INTRODUCTION

This apartment community is proposed by builders Ken Blacketer and David Bright who grew up in the Fern Creek area, in fact one of them along Brentlinger Lane, the road on which this development fronts and has its principal access. They have developed, constructed and currently own other apartment, condominium and office buildings in this area, including ones identical to this one. As such, they are sensitive to neighbor concerns and very much want to remain a respected part of the community in which they were raised and have invested much of their time, talent and resources.

### PLAN ELEMENT 4.1: COMMUNITY FORM

This “Application Package” complies with Plan Element 4.1, its 5 Goals and their Objectives plus the following Policies.

As to Goal 1, Policies 2, 2.1, 3.1.3, 4, 5, 6, 7, 9 10, 11, 12, 14, 16, 17, 18, 19, 20 and 23, it complies as follows, in addition to the other ways set forth above and below: The site is located in the Neighborhood Form District which encourages high density uses and a range of housing opportunities, notably including multi-family dwellings which can be rental apartments, which this plan proposes. Proposed density in this instance is barely outside the upper end of the medium range, as contemplated by these Policies. The 2-story townhome style of these proposed apartments, plus their design, square footages and rental rates are also contemplated by these Policies as appropriate for this Form District and specific neighborhood. Land Development Code required setbacks, height restrictions, both interior and perimeter landscaping, minimum parking and maximum lighting and signage will all be met without variances or waivers. Located as this proposed apartment community is adjacent to a commercial activity center and a very short distance from Bates elementary school and both existing and planned restaurant and major retail

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shopping opportunities, travel distances for these purposes are severely reduced, and walking and biking become very real possibilities. This helps contribute to improved air quality. The proposed all brick, townhouse style and design of these apartment buildings and associated freestanding garages are also design and density compatible with the south-adjointing patio home style condominium buildings. Landscaping, screening and buffering beyond the bare minimums also helps assure appropriateness for the neighborhood and compatibility with adjoining residential uses. Years ago when the adjoining Kohl's-anchored shopping center was proposed and approved, this site was actually contemplated as the site of a possible extension of that center, which might have proven an unwanted intrusion of added commercial into a residential neighborhood. Because of that, the existing retail center development stopped where it ends today, yet a connection point was placed on that development plan in order that whatever new development eventually occurred on this site would have easy pedestrian and vehicular access to that one. Despite that, the main point of access to this proposed apartment community is along Brentlinger Lane, not Major Lane. As a consequence of that and the fact that this is a proposed residential community, same as the north, east and south adjoining uses, noise will not prove a nuisance factor.

As to Goal 2, Policies 1, 2, 3, 6, 7, 8, 9, 11, 12, 13, 14, 15, 16 and 17, it complies as follows, in addition to the other ways set forth above and below: The proposed apartment community is located in a Neighborhood Form District, adjacent to an already built restaurant and retail shopping center and across Brentlinger Lane from Bates elementary school and approved large regional center. As such, and with good pedestrian and vehicular access off Brentlinger Lane and Major Lane to and from all three of these, the proposed apartment community is part of an existing activity center. Also, as such, it will add to the opportunities existing and planned in this high growth area to reside in close and convenient proximity to places of employment, food, shopping and education. Given all that is proximate to and surrounds this particular site and particular design of this proposed apartment community makes this appear as though it was always planned this way.

As to Goal 3, Policies 1, 2, 3, 6, 9, 10 and 13, it complies as follows, in addition to the other ways set forth above and below: The detailed district development plan (DDDP) filed with the rezoning application for this proposed apartment community includes a community clubhouse and communal open space 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 apartment 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 apartment community (located as it is within an existing and growing activity center, with good access off both arterial and local streets and thereby well connected as it is proposed to be adjoining Bates

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elementary school, restaurants, retail shopping and other residential developments and communities) is clearly part and parcel of good pedestrian, bicycle and road networks. Locating their development along and with access to and from those networks, the aforementioned developers will at their cost construct sidewalks and Brentlinger Lane right-of-way and deceleration and turn-lane pavement. In doing so, they will prepare construction plans that will assure safe access with good site distances and turning radii. Bike racks and handicapped parking spots will be installed as and where required near buildings. 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), if required by MPW&TP will be prepared in accordance with its other requirements. TARC service appears to be available nearby and reasonably accessible. 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 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: Bates elementary school is located across Brentlinger Lane with an access road to it situated directly across from the proposed principal point of access to this proposed apartment community. A fire and police substation is located a short distance away down South Bardstown Road. Public library and community center are located a short distance away in the heart of Fern Creek.

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

This Application Package complies with Plan Element 4.4, its 2 Goals and their Objectives, plus the following Policies. As to Goal 2, Policies 1 and 3, it complies as follows, in addition to the other ways set forth above and below: As Louisville Metro's population continues to grow, so does demand for housing of all types. This proposed apartment community is part of a developer response to that demand, and as such both stabilizes and offers increased opportunities for employment in the building trades and associated industries. It also increases the tax base essential to the provision of government services.

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

This Application Package complies with Plan Element 4.5, its 4 Goals and their Objectives plus the following Policies. As to Goal 1, Policies 5, 7, 8, 10, 11, 12, 13, 15, 16, 21, 23, 26, 27, 28, 29, 30, 31, 32, 33 and 35; and Goal 4, Policies 1 and 2, it complies as follows, in addition to the other ways set forth above and below: The DDDP filed with this application shows how storm water is proposed to be addressed, including where detention is anticipated to be located such that post development rates of run-off will not exceed pre-development conditions. Sanitary sewer service is available at the nearby Cedar Creek regional wastewater treatment plant. It can be accessed via lateral extension to and from an existing nearby manhole. There are no regulated streams or other protected waterways that are directly impacted by this proposed development, although measures will be taken to assure that erosion and sediment impacts are fully controlled and mitigated. As mentioned above, given the location of this proposed apartment community in an existing and

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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: Designed as it is as 2-story townhome, rental units, this proposed apartment community will serve a different role and purpose than some others. With the unit amenities expected at the rental rates contemplated, this apartment community probably fits the category of “workforce” housing, meaning primarily individuals and families currently in the workplace. Because of the number of bedrooms, it’s indeed possible that some renters, taking advantage of proximity to the nearby Bates elementary school, will have children.

\* \* \*

For all of the above-stated reasons, those shown on the detailed district development plan and those explained at the LD&T meeting and Planning Commission public hearing, this revised application complies with all other applicable Goals, Objectives and Policies of the “Plan 2040” Comprehensive Plan.

Respectfully submitted,

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