

**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: Hagan Properties

Owners: Angela Nichole Stivers; Stacey M. Nunez and Joseph Kevin Wright;

Project Name/Location: Cedar Creek Road apts; 8000 Cedar Creek Road

Proposed Use: Multifamily Residential

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

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

Traffic Engineer: Diane B. Zimmerman Traffic Engineering, LLC

**INTRODUCTION**

This multi-family community is proposed by a Louisville company that has specialized in high end apartments and retail development, both building and managing. Although all of its previous projects have involved quality design and construction on and around Louisville's Brownsboro Road, Shelbyville Road, Westport Road and Blankenbaker Parkway corridors, Hagan Properties has decided to take what it's successfully built there and offer it to Louisville's mid-county area, notably south Bardstown Road where development activity has exploded since turn on the new century. What's known as the South Fern Creek or Cedar Creek area is one of Louisville's prime growth areas for development of this exact kind because of these principal factors: (a) availability of sanitary sewers which MSD spent major taxpayer money to accommodate environmentally positive growth; (b) presence of significant and growing retail activity; and (c) proximity to an interstate highway system which moves traffic to and from major employment centers.

**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:

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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 in part. Proposed density in this instance is in the high range, both as contemplated by these Policies and because, when a public road was required within this development, density was pushed from requiring R6 rezoning to necessitating R7 zoning. Spread among 14, 3-story apartment buildings with a total of 336 units, the designs, square footages and rental rates Hagan plans are also contemplated by these Policies as appropriate for this Form District and neighborhood. After all, Hagan has received rezoning and development plan approvals for buildings designed and with densities of this kind in serval of the aforementioned areas of the East End of Louisville.

Land Development Code required height restrictions, interior and perimeter landscaping, minimum parking, maximum lighting and signage and most required setbacks (with only minimal variances or waivers) will also be met.

Also, located as this proposed multi-family zoned community is just a short drive west along Cedar Creek Road from a sizeable and ever-growing commercial activity center and a very short distance from Bates Elementary school, travel distances for purposes of shopping and school are reduced, and walking and biking become very real possibilities, especially over time as sidewalk extensions are completed. This helps contribute to improved air quality.

The brick and quality siding components and traditional style and design of these buildings assure compatibility with the east, west, and south adjoining residential communities. 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 and the fact that this is a proposed rental community, like the north adjoining mobile home park, impacts such as traffic, odors, lighting, noise and aesthetic factors will not prove to be nuisance factors. After all this area was built not out as entirely single family residential; rather it involves the aforementioned mobile home park next door, a large regional sewer plan, and industrial quarry sites in addition to a wide range of residentially sized lot and housing types in close proximity to a large and growing retail activity center along a major arterial near an interstate interchange. Plus, as a 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 and large rental community and in close proximity to an elementary school. As such, and with good and improving pedestrian and vehicular access along Cedar Creek Road with street and sidewalk connections to other neighborhoods, the proposed multi-family community is part of a large mixed residential, retail and school activity center that extends from the heart of Fern Creek, south down Bardstown Road to the Fern Creek Fire Station, east for about a mile out Seatonville Road and about the same distance out Cedar Creek

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Road – the latter two accessing a mix of diverse residential communities offering standard single family, condominium, and apartment style housing.

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 along Bardstown road that extend all directions from Snyder Freeway. Given all that is proximate to and surrounds this particular site and given the particular design of this proposed multi-family community, it nearly appears as though this development within the larger community and proximate to the referenced activity center, 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 multi-family community includes a large community clubhouse and pool plus other communal open spaces, such as a dog park and playground, 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. Locating its development along and with access to and from those networks, Hagan will, at its cost, construct sidewalks and to-be-determined Cedar Creek Road right-of-way improvements. In doing so, it will prepare construction plans that will assure safe access with good site distances and turning radii.

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.

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Also a Traffic Impact Study (TIS) is being completed by Diane Zimmerman, P.E. and will soon be submitted in accordance with MPW&TP requirements.

TARC service is generally unavailable in areas like this, but basic service is available along Bardstown Road.

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

In addition to these pretty standard design elements, Hagan has been required to construct at the rear of its site what will become a public road connection to one recently planned within a recently approved adjoining development.

#### **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 a short distance way up Bardstown Road. Further north along Bardstown Road are both Fern Creek serving middle and secondary schools. A fire station is located a short distance away down south along Bardstown Road. Public library and community center are located 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 multi-family community is part of a developer response to that demand, and as such both stabilizes and offers increased opportunities for employment in the building trades and associated industries.

It also increases the Metro Louisville tax base essential to the provision of government services, especially important after the 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 takes on such overriding significance at this point in Louisville's history.

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

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**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 a new MSD regional basin instead of one on site. 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. Cedar Creek will be protected with a 100 foot streambank setback.

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 the south Bardstown Road area, Hagan proposes to serve a different purpose, which is luxury rental housing, where otherwise the main living opportunities are single family houses and patio home style condominiums. Also, because of the number of bedrooms, it's possible that renters, taking advantage of proximity to the nearby Bates Elementary 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, Hagan buildings are multigenerational. Thus, this community can probably expect empty-nesters to be among its principal occupants.

And, finally, the Comp Plan does not prohibit the demolition of one or two existing single family houses on large lots, as proposed in this isolated instance. Rather the Comp Plan tries to preserve single family communities of houses, so as to protect an affordable housing stock, which is not what is involved here.

\* \* \*

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

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