

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 GUIDELINES AND
POLICIES OF THE CORNERSTONE 2020 COMPREHENSIVE PLAN**

Applicant: A Thomas Consulting, LLC
Owner: AJ Thomas, Jr. & Sarah T. Thomas
Location: 3401, 3403 & 3405 Stony Brook Drive
Proposed Use: Single-Family Residential
Engineers, Land Planners and
Landscape Architects: Land Design & Development, Inc.
Request: Zone Change from R-4 to R-5

GUIDELINE 1 – COMMUNITY FORM

The subject property is located in the Suburban Neighborhood Form District, which is characterized by predominately residential uses from low to high density. The proposed R-5 subdivision is a low density one, although developed in accordance with a zoning district other than standard R-4, meaning an ever-so-slightly higher gross density (3.53 du/a) than perhaps otherwise achievable under the R-4 zoning district classification. The applicant could have chosen the "alternative development incentives (ADI) regulation" or "conservation subdivision regulation", or it could've applied for "PRD" rezoning. But R-5 is available, well-known, understood and easy to apply. There are other residential developments in the area that are zoned both R-5 and multi-family R-5A, R-6 and even OR-3.

GUIDELINE 3 – COMPATIBILITY

The proposed subdivision complies with all of the applicable Intents and Policies 1, 2, 3, 5, 6, 7, 8, 9, 10, 12, 13, 14, 15, 21, 22 and 23 of Guideline 3 for these reasons.

This low density residential subdivision adds to the mixture of housing types, sizes and styles while still being design-compatible in terms of scale and building materials. The proposed subdivision does not involve any known nuisances, such as odors, noises, lighting, aesthetics or traffic different than what already exists in the greater area. Setbacks will include compatible side and rear yards, and the tree canopy and landscape regulations will apply. The detailed district development/preliminary subdivision plan, neighborhood meeting PowerPoint and home design elevations filed with and to be later reviewed with this application demonstrate all that.

RECEIVED

SEP 26 2016

PLANNING & DESIGN SERVICES

1620NE1032

GUIDELINES 4 AND 5 – OPEN SPACE / NATURAL AREAS AND SCENIC AND HISTORIC RESOURCES

The proposed subdivision complies with all applicable Intents and Policies 1, 2 3, 4, 5, 6, and 7 of Guideline 4 and Policies 1 and of Guideline 5 for these reasons.

Unlike most standard single-family subdivisions, this one includes some 2 ½ acres of open space on a site just 18 acres in size, conserving some natural resources and features, providing for passive outdoor activities off residents' individual home lots. That assures for better buffers and a far superior neighborhood feel. The homeowners association will maintain these open areas.

GUIDELINE 6 – MARKETPLACE

The proposed subdivision complies with all of the applicable Intents and Policies 2, 5, and 11 of Guideline 6 for these reasons:

This proposed subdivision helps to ensure the availability of residential building lots where lots are in demand. This land is owned by the applicant and surrounded by like-kind subdivisions. That makes it an infill single-family residential site, appropriate for the area in a community where new single-family housing is in demand.

GUIDELINE 7 AND 8 – CIRCULATION AND TRANSPORTATION FACILITY DESIGN; GUIDELINE 9 - BICYCLE, PEDESTRIAN AND TRANSIT; GUIDELINE 12 – AIR QUALITY

The proposed subdivision complies with all of the applicable Intents and Policies 1, 2, 4, 6, 9, 11, 13, 14, 15, and 18 of Guideline 7; Policies 4, 5, 7, 8, 9, 10 and 11 of Guideline 8; Policies 1, 2, 3 and 4 of Guideline 9; and Policies 1, 2, 3, 4, 6, and 8 of Guideline 12 for these reasons.

This subdivision is situated on a major collector street (Stony Brook Drive) where sidewalks will be constructed, where public transit could exist, although probably doesn't (as that is determined by TARC alone, not the applicant and not the Planning Commission), where sewer, water and other utilities already exist, where road capacity exists, and in close proximity to jobs and shopping in all directions. Further, this subdivision must be reviewed by Metro Transportation Planning Services personnel, who must stamp the preliminary plan for approval prior to its docketing for Planning Commission review. That assures that all of these applicable Public Works standards are complied with, including Policies of the 2020 Land Development Code (LDC).

In that regard, the proposed subdivision will assure that both existing Stony Brook Drive access and new subdivision streets continue and are constructed to operate safely and function pretty much as at present because a low traffic-generating use is proposed here. Thus, all negative traffic impacts are avoided with this development. And, as noted, design of the site, as shown on the detailed district development plan/preliminary subdivision plan accompanying this application assures that corner clearances, driveway access, median openings, cross connections, etc. are provided as required -- that is, except as some disconnectivity to existing adjoining properties and streets is desired and as may be allowed in order to assure that no, or limited, cut-through traffic adversely affects this proposed subdivision or within adjoining ones.

RECEIVED

SEP 26 2016

GUIDELINES 10 AND 11 – STORMWATER AND WATER QUALITY

The proposed subdivision complies with all applicable Intents and Policies 1, 3, 6, 7, 10 and 11 of Guideline 10 and Policies 3 and 5 of Guideline 11 for these reasons.

MSD will require that post-development peak rates of stormwater runoff do not exceed pre-development peak flows. That is accomplished through on-site detention. Thus, new impervious areas will not have a negative impact on existing stormwater systems. Also, MSD will have to stamp for preliminary approval the development plan before it is set for Planning Commission review. And at time of construction, the proposed subdivision will need to include water quality measures to address the new MSD water quality standards. Any new construction will have to comply with MSD's soil erosion and sediment control standards.

GUIDELINE 13 – LANDSCAPE CHARACTER

The proposed subdivision complies with the Intent and applicable Policies 1, 2, 4, 5 and 6 of Guideline 13 for these reasons.

The local LDC requires tree canopies, certain kinds of landscaping for certain kinds of uses and screening and buffering of incompatible uses. Accordingly, the LDC will be fully complied with.

* * *

For all of these and other reasons set forth on the Detailed District Development Plan/preliminary subdivision plan accompanying this application and in accordance with evidence presented at Planning Commission public hearings, this application will comply with all other applicable Guidelines and Policies of the Cornerstone 2020 Comprehensive Plan.

Respectfully submitted,

BARDENWERPER, TALBOTT & ROBERTS, PLLC
Bardenwerper Talbott & Roberts, PLLC
1000 N. Hurstbourne Parkway, Second Floor
Louisville, KY 40223
(502) 426-6688

E:\CLIENT FOLDER\Thomas, A.J\Stony Brook Dr. 2016\application\Compliance Statement.doc
AMC Rev. 9/26/2016 1:05 PM

RECEIVED

SEP 26 2016

PLANNING & DESIGN SERVICES

1620NE1032