

# BARDENWERPER, TALBOTT & ROBERTS, PLLC

ATTORNEYS AT LAW

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## STATEMENT OF COMPLIANCE WITH ALL APPLICABLE GUIDELINES AND POLICIES OF THE CORNERSTONE 2020 COMPREHENSIVE PLAN

Applicant: Pulte Group

Owner: Johnny Garry Wooden, Norma Wooden, Carolyn Gilda Short, Mary Wooden

Location: 3617 Mud Lane, 10505 Blue Lick Road

Proposed Use: Single-Family Residential

Engineers, Land Planners and  
Landscape Architects: Mindel Scott & Associates

Request: Zone Change from R-4 to R-5 and a major preliminary subdivision plan

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### GUIDELINE 1 – COMMUNITY FORM

The subject property is located in the Suburban Workplace Form District, which is characterized by predominately residential uses from low to high density. This proposed R-5 subdivision is a low density one, although developed in accordance with a zoning district other than standard R-4. This means that actual gross density of 3.63 du/acre achieved is lower than the potential gross density under R-4 which could be as high as 4.84 du/acre. The purpose of the change is zoning is not to increase density, but to provide the more marketable smaller lot width lot with more open space in the development. The applicant could have chosen the "alternative development incentives (ADI) regulation" or "conservation subdivision regulation", or it could've applied for "PRD" rezoning. But those regulations either require affordable components not appropriate for this location or were not available for us when planning on this site began. Furthermore, R-5 is available, well-known, understood and easy to apply at this site, and there are other residential developments in the area that are zoned R-6 and R-5A.

### 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, 16, 21, 22 and 23 of Guideline 3 for these reasons.

This low density residential subdivision adds to the desired 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 LDC tree canopy and landscape regulations will apply. The detailed

district development/preliminary subdivision plan (DDDP), neighborhood meeting PowerPoint and home design elevations filed with and to be later reviewed with this application demonstrate all that.

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

The proposed subdivision and its DDDP comply 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 meaningful interior and perimeter open space, conserving some natural resources and features, assuring good transitions to neighboring properties and providing for passive outdoor activities off residents' individual home lots. That assures for better buffers and a far superior neighborhood look and 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 high demand, meaning near the many businesses along Blue Lick Road, Mud Lane and Preston Highway. This land is surrounded by like-kind subdivisions. That makes it an infill single-family residential site, appropriate for the area in the larger community, where new single-family housing is in greatest 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 primary collector street (Mud Lane), where sewer, water and other utilities already exist, where road capacity exists, and in close proximity to jobs and shopping in all directions, especially as noted hereinabove. Further, this DDDP will be reviewed by Metro Transportation Planning 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 regulatory standards of the Land Development Code (LDC).

In that regard, the proposed subdivision will assure that both existing Mud Lane and Blue Lick Road accesses and new subdivision streets are constructed to operate safely and to function at relatively low volumes, as neighborhood serving streets are expected to function. Thus, all negative traffic impacts are avoided with this development. And, as noted, design of the site, as

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shown on the DDDP accompanying this application assures that corner clearances, driveway access, median openings, cross connections, etc. are provided as required.

**GUIDELINES 10 AND 11 – STORMWATER AND WATER QUALITY**

The proposed DDDP 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 DDDP 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 interior and perimeter landscaping. 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**  
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