

# BARDENWERPER, TALBOTT & ROBERTS, PLLC

ATTORNEYS AT LAW

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

Owner: CoxCo Realty, LLC

Applicant: Faulkner Real Estate

Project Name: Jefferson Blvd. Apartments

Location: 1253, 1253 R., 1255 and 1259 McCawley Road, 7489  
Egypt Lane and 7205 Dittmar Drive

Proposed Uses: Apartments and retail/restaurants outlots

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

Attorneys: Bardenwerper, Talbott & Roberts, PLLC

Request: Rezoning from R-4 to R-6 with a portion to remain EZ-1  
and a related height variance for the apartments

### INTRODUCTION

This proposal is for a 552-unit market rate apartment community on property located along Jefferson Blvd. which is still relatively new arterial road connecting the Outer Loop to Fern Valley Road. The site contains approximately 53.55 +/- acres located between McCawley Road (which serves single family and multi-family residential to the south and west and industrial properties to the north). The site is appropriate for an apartment community among other reasons because it serves both large scale commercial (notably Jefferson Mall) and area industrial properties (such as Ford) with ease of access to many employers in this intensively developed area. Given the still relatively new Jefferson Blvd, proximity to shopping and major local employment centers and community infrastructure and facilities, this should be a perfect site for a large scale apartment community. The retail outlots that don't require rezoning as part of this plan are appropriate given their proximity especially to the Jefferson Mall located across Jefferson Blvd. to the east.

Apartments are the one form of development demonstrated to be in significant current demand, as Louisville Metro slowly emerges from the recent real estate depression. Apartment communities have recently been approved all over Metro Louisville. So this is a particularly good location where other new apartment communities are not presently planned. Whereas, all of these proposed apartment communities are expected to fill part of the gap that exists in quality rental housing, this is an area that appears to be particularly underserved.

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**COMMUNITY FORM – GUIDELINE 1**

The subject property is located in 3 form districts – all in Suburban Forms which are characterized by residential industrial and commercial uses that vary from low to high density, from low to high intensity and that naturally blend compatibility into all new development plans. High density uses are supposed to be limited in scope to minor or major arterials and to areas that have limited impact on the low to moderate density residential areas. The Suburban Form Districts is also supposed to contain diverse housing types in order to provide housing choice for differing ages and incomes.

The proposed apartment community and retail/restaurant outlots for the subject property are appropriate because of its location along a major arterial in close proximity to shopping and employment centers and because community facilities are also located in near proximity with easy access to and from this site. Therefore, this application fully complies with this Guideline of the Comprehensive Plan.

**CENTERS – GUIDELINE 2**

The Intents of this Guideline are to promote the efficient use of land and investment in existing infrastructure; to lower utility costs by reducing the need for extensions; to reduce commuting time and transportation-related air pollution; to provide an opportunity for a mix of residential development that includes housing types and building styles that accommodate people of different ages and incomes and that are compatible with existing neighborhoods; and to provide vitality and a sense of place in neighborhoods and the community. This application complies with these Intents of this Guideline, among other reasons set forth herein below, because infrastructure such as roads, sewers and the like, are already available. Again, because of the recent relatively new Jefferson Blvd. with easy access to the Jefferson Mall at the Outer Loop and to such major employers as Ford at Fern Valley Road, this proposed apartment community and there retail/restaurant outlots help with commuting distances and time and thus tends to improve the overall air quality by reducing commuting times and distances. Again, the proposed apartment community provides for the mixture of residential housing types that the Comprehensive Plan commends, and by “filling in the in-fill”, it helps create an overall newer and better larger neighborhood.

Policies 4 and 5 of this Guideline appear to apply to this application in that they encourage compact, mixed or compatible development and uses. This is a vacant site located near major shopping and employment centers where community facilities also exist. Larger though it is, this plan fills in the in-fill, so to speak and adds to the mixture of compatible uses.

Policy 12 encourages developments, larger but perhaps also of this size, to include a focal point. The focal points will be the lake at the middle of the apartment portion of this development site and the pool and clubhouse.

Policy 16 encourages alternative transportation modes. Because these retail outlots and proposed apartment community are located along a major arterial, which presumably includes a bus route, and because bicycle facilities and sidewalks are also located in the area and at this community, this application also complies with this Policy of this Guideline.

**COMPATIBILITY – GUIDELINE 3**

The Intents of this Guideline are to allow a mixture of land uses and densities near each other as long as they are designed to be compatible with each other; to prohibit the location of sensitive land uses

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in areas where accepted standards for noise, lighting, odors and similar nuisances could be violated or visual quality could be diminished; and to preserve the character of existing neighborhoods. This application complies with the Intents of this Guideline, among other reasons as set forth below, because it does indeed add a higher density residential use to a mostly non-residential area. But as noted hereinabove, larger high density residential uses are encouraged along major arterials like Jefferson Blvd. Also, as shown in the images accompanying this application which were shown to neighbors at a recent neighborhood meeting, the lay-out of this proposed apartment community saves significant green space and especially preserves a wetlands area on 22 acres to the west. Both the commercial uses and apartment community will not produce noise, lighting, odors or similar nuisances that can't be fully rectified. As a consequence of this and all else set forth hereinbelow, the character of the existing residential neighborhood is preserved, while nearby neighborhoods, shopping and employment centers are unaffected or enhanced.

Policies 1, 2 and 3 of this Guideline pertain to compatibility of different land and building design, use of building materials, densities, buffers and so on. Once again, the images shown to neighbors at the recent neighborhood meeting and that accompany this application, demonstrate compatibility in a number of ways. As partly already stated, open space is included in this plan for 22 acres of wetlands preservation. That becomes easier when three-story, as opposed to just two-story, buildings are used, as they are here. That allows more land to accomplish other important objectives, such as preserving the wetlands. Building materials will be high quality masonry products with use of other maintenance free materials, not vinyl siding. The designs of these buildings as shown on the accompanying images from the neighborhood meeting and this narrative explain residential compatibility. Nearby buildings are probably not built to the quality of that which has been proposed here.

Policies 5, 6, 7, 8 and 9 of this Guideline pertain to impacts such as odors, traffic, noise, lighting and visual impacts. As partly already explained, the residential community would not ordinarily produce, and is not expected to produce, odors, noise, lighting and other visual impacts. Traffic, as shown on the trip generation numbers accompanying this application, is also minimal, especially relative to the size and capacity of the new Jefferson Blvd. Impacts of these kinds from the proposed commercial outlots will be more fully addressed at the time of detailed district development plan submittal for these sites.

Policies 10, 11, 12, 13, 14, 15 and 16 of this Guideline all pertain to housing types, including density in appropriate areas, and the importance of appropriate/inclusive housing. The proposed apartment community, while intended to be market rate, is also expected to be "affordable enough" so that it doesn't just market itself to the very highest income type renters. That is not to say that it is going to be a subsidized type rental housing community, but rather that, because there is a large range of rental needs within this community, this particular proposed apartment community is not expected to sacrifice quality. Indeed because of the location of this proposed apartment community near large acreage protected in perpetuity for wetlands preservation and because of some of the features of this site which will be preserved, it could be that, in the end, this apartment community attracts the highest demographic group of renters in the area. The market of course determines rental profile and rental rates. Naturally this community will welcome the elderly and handicapped.

Policies 21, 22, 23 and 24 of this Guideline are intended to deal with transitions, buffers, setbacks and minimizing the impacts of parking. As can be seen from the development plan filed with this application, especially the colored site plan that was part of the neighborhood meeting accompanying this application, parking is distributed throughout the apartment community and not located in just one central place. That helps to distribute the impacts of parking. No waivers or variances, except

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for height are anticipated; thus transitions, buffers and required setbacks as set forth in the Land Development Code are met.

#### **OPEN SPACE - GUIDELINE 4**

The Intent and Policies 1, 2, 3, 5, 6 and 7 of this Guideline all pertain to open space, natural resources and the design and maintenance of same. The proposed overall site plan, as explained above, will include significant open space, for wetland preservation. Sidewalks and access should also be plainly visible on the plan submitted herewith.

#### **NATURAL AREAS, SCENIC AND HISTORIC RESOURCES - GUIDELINE 5**

The Intent and Policies 1, 2, 3 and 4 of this Guideline pertain in a way similar as Guideline 4 to natural features and the like. As already explained and as shown in the images contained in the neighborhood meeting presentation accompanying this application, the important natural features, notably wetlands, will be maintained and preserved for posterity.

#### **ECONOMIC GROWTH AND SUSTAINABILITY – GUIDELINE 6**

The Intents of this Guideline are, among other things, to ensure the availability of necessary usable land to facilitate residential and commercial development and to reduce public and private cost of land development. The proposed apartment and retail outlots comply with this Guideline, as they do with all the others, in this instance because it is, as stated above, a new apartment community and added retail/restaurant outlots in a high trafficked area serving shopping and employment centers of major consequence. That will help address the significant rental demand that exists in Metro Louisville, and one would expect especially in an area already so predominated by intensive commercial and industrial development as this location. Also, because infrastructure is located at this site, most notably the recently built Jefferson Blvd., developing at this in-fill location helps reduce the public and private costs for land development.

#### **CIRCULATION AND TRANSPORTATION FACILITY DESIGN – GUIDELINE 7 & 8**

The Intents of these two Guidelines are to provide for safe and proper functioning of street networks; to ensure that new developments do not exceed the carrying capacity of streets; to ensure good internal and external circulation; to address congestion and air quality; to provide for safe and convenient accommodations with special mobility requirements of elderly and handicapped; and to provide an efficient, safe and attractive system of roadways, transit roads, sidewalks and pathways. The proposed apartment community and retail outlots address all of these Intents of these Guidelines, among other reasons because relatively the new Jefferson Blvd. which can easily accommodate the additional traffic from this proposed development. Jefferson Blvd. was built because of carrying capacity problems that previously existed, so to ensure a better means of access between two major arterials, i.e., Outer Loop and Fern Valley Road. Locating an apartment community and new retail at the subject property, near the referenced shopping and employment centers, help move traffic to and from this site around the larger community in a relatively easy manner. Jefferson Blvd. surely is not at capacity, given that it is relatively new. The engineering firm (MSA) that has worked on this plan has also made certain that internal and external circulation and access are well designed within the parameters of Metro Works' transportation design standard. Public transportation, to the extent it exists now or in the future along Jefferson Blvd., will have access to the site. Again, by locating this apartment community and retail/restaurant outlots at an in-fill site with easy access to arterials helps address transportation-related air quality issues in this community. Furthermore, this plan has been

designed to address any requirements of the elderly and physically challenged. Further, the setback along Jefferson Blvd., the provision of sidewalks and the protection and preservation of open space help protect and enhance the public enjoyment of attractive corridors.

Policies 1, 2, 3, 4, 6, 9, 10, 11, 12, 13, 14, 15, 16, 17 and 18 of Guideline 7 all pertain to specific design requirements to ensure transportation impact mitigation, appropriateness of the local transportation network, adequacy of parking and specific site design in accordance with Metro Works' Transportation design manual. The development plan accompanying this application, through the expert consulting engineering firm of MSA, demonstrates compliance with all of these Policies. In anticipation of docketing for LD&T review, it is imperative that this development plan receive the preliminary stamp of approval from Metro Transportation Planning, thus demonstrating compliance with all of these Policies of this Guideline.

Policies 4, 5, 7, 8, 9, 10 and 11 of Guideline 8 raise many of these same issues. And so once again, the answer to the question of compliance is that the detailed development plan accompanying this application evidences compliance of all the Metro Works' transportation design manual requirements. Moreover, as stated, this development plan will require the preliminary stamp of approval from Metro Transportation Planning prior to docketing for LD&T for review. That preliminary stamp is fully anticipated. To the extent that development plan changes between this filing and LD&T review are required, those changes will be made.

#### **BICYCLE, PEDESTRIAN TRANSIT – GUIDELINE 9**

The Intents and Policies of this Guideline are to assure bicycle access, pedestrian safety and the accommodation of mass transit. The development plan accompanying this application addresses all of those requirements.

#### **FLOODING AND STORMWATER – GUIDELINE 10**

The Intents and Policies of this Guideline are to assure that flooding and storm water are addressed. MSD has required the applicant and its engineers to include detention on the development plan, as shown. As with Metro Transportation Planning, MSD must also give its preliminary stamp of approval to this development plan prior to docketing for LD&T review. That is in anticipated.

#### **WATER QUALITY -- GUIDELINE 11**

The Intent and Policies of this Guideline are to assure that water quality is not degraded due to water pollution and erosion. The normal way that this Guideline is addressed is through construction plan and actual construction compliance with the soil erosion and sedimentation requirements of MSD. This applicant will fully comply.

#### **AIR QUALITY -- GUIDELINE 12**

The Intents and Policies of this Guideline are to support an efficient land use pattern that reduces trip distances between work, shopping and home and to encourage development with densities that encourage mass transit. As stated above, because this application is for a large apartment community and retail/restaurant outlots along a major arterial with easy access to existing shopping and employment centers, this application addresses all of these Intents and Policies of this Guideline in exactly the way that it is supposed to. By promoting high density and intensity at an in-fill location,

such as this, near shopping and employment centers and along an arterial with easy access to other arterials, commuting times are reduced, and air quality benefits.

**LANDSCAPE CHARACTER – GUIDELINE 13**

The Intents and Policies of this Guideline are to protect and enhance landscape character. This application complies with the Intents and Policies of this Guideline because it will fully comply with the Land Development Code and provide landscaping where required or needed to mitigate potential adverse impacts on adjoining properties.

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For all the reasons set forth hereinabove, on the detailed district development plan and in testimony and other evidence presented at LD&T and at the full public hearing, this application complies with all other applicable Guidelines and Policies of the Cornerstone 2020 Comprehensive Plan

Respectfully submitted,

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