

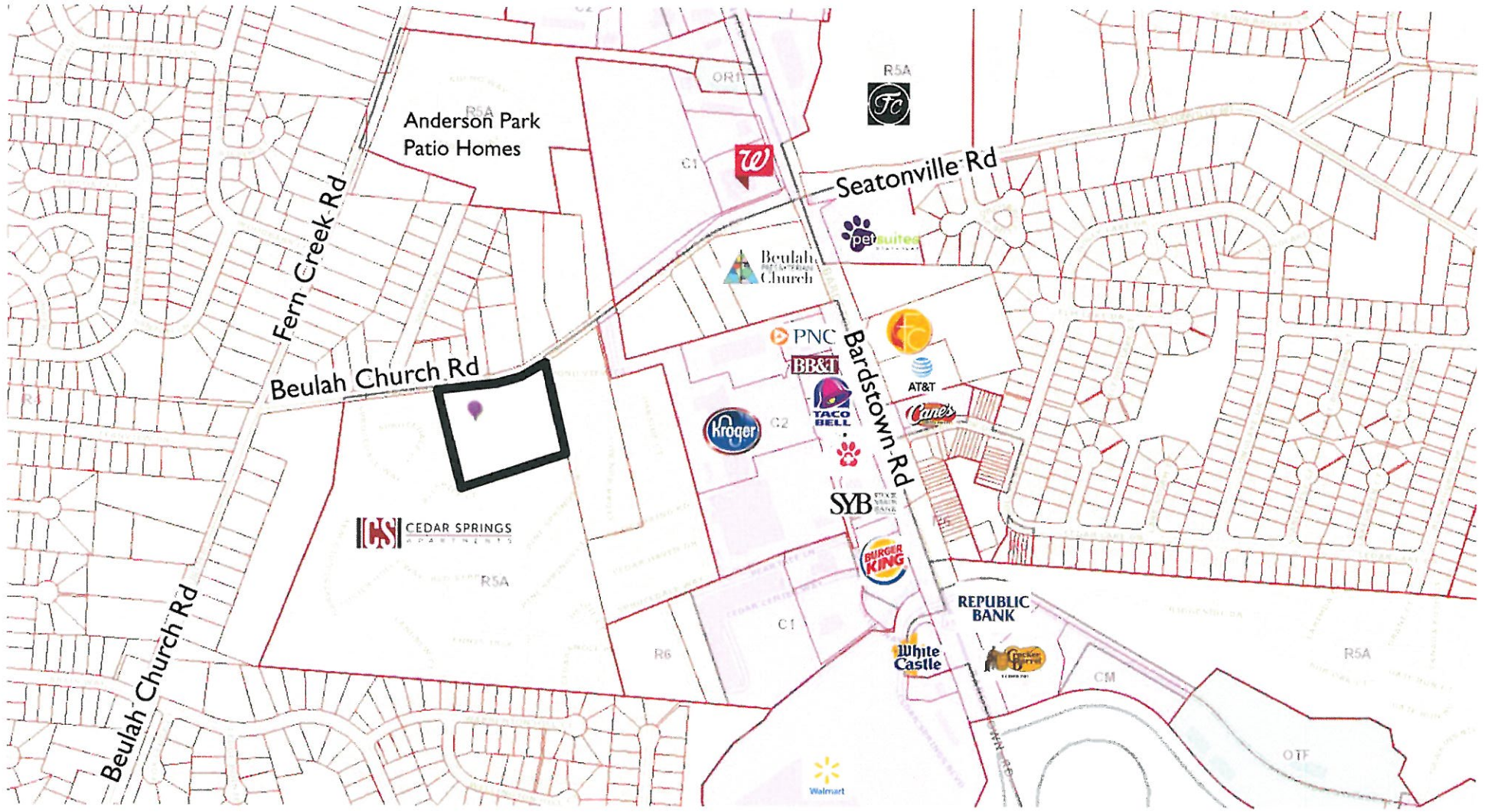
Docket No. 19-ZONE-0078

Zone change from R-4 to R-6 to allow an apartment community on property located at
9108 Beulah Church Road

EMM3, LLC
c/o Brad Mohr, Bryan Etscorn & Aaron Metten

INDEX:

1. LOJIC Zoning Map
2. Aerial photographs of the site and surrounding area
3. Ground level photographs of the site and surrounding area
4. Neighborhood Meeting notice list map, letter to neighbors inviting them to the meeting and summary of meeting
5. Development Plan
6. Building elevations
7. Statement of Compliance filed with the original zone change application with all applicable Goals of the 2040 Plan
8. Proposed findings of fact pertaining to compliance with the 2040 Plan







View of Beulah Church Road looking east towards Bardstown Road. Site is to the right.





View of Beulah Church Road looking west. Site is to the left.

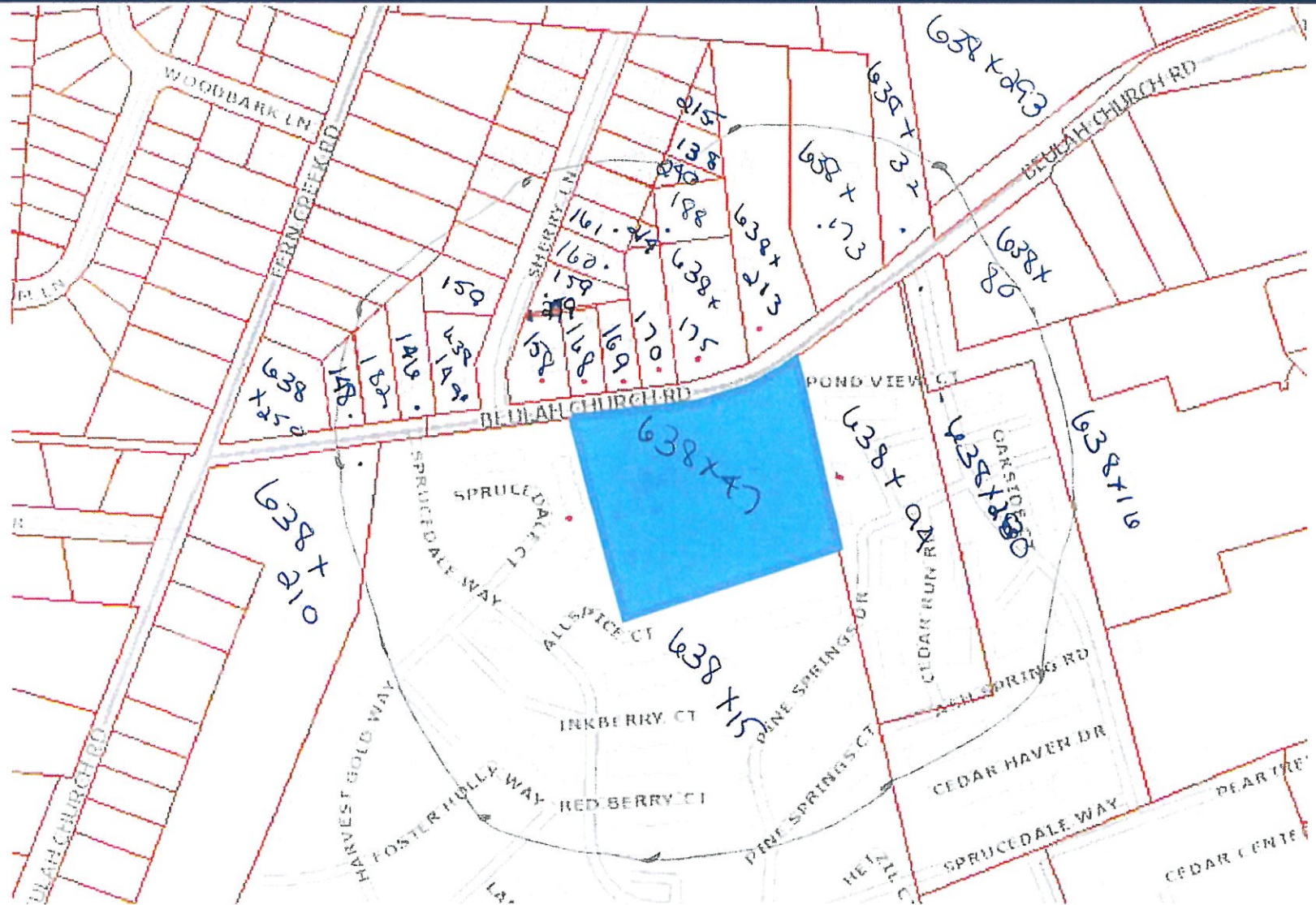




View of site from Beulah Church Road.



Adjoining property owner notice list map wherein 31 neighbors plus those on the DPDS “interested party list” were invited to the neighborhood meeting and subsequent LD&T and Planning Commission public hearing.



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

Paul B. Whitty
Direct dial: 426-0388, ext. 129
Email: PAUL@BARDLAW.NET

September 24, 2019

Dear Neighbor,

RE: Proposed change in zoning from R-4 to R-6 to allow a 36-unit apartment community on approximately 2.25 acres of the overall 4.29 acres site located on the south side of Beulah Church Road, adjacent to the Cedar Spring Apartments at 9108 Beulah Church Road

We are writing to invite you to a meeting we have scheduled to present neighbors with our zone change plan to allow a 36-unit apartment community to be located as above.

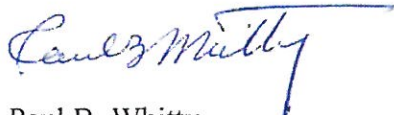
Accordingly, we have filed a plan for pre-application review with the Division of Planning and Design Services (DPDS) that has been assigned case number **19-ZONEPA-0053** and case manager **Joel Dock**. We would like to show and explain to neighbors this plan so that we might hear what thoughts, issues and perhaps even concerns you may have.

In that regard, a meeting will be held on **Wednesday, October 9th at 7:00 p.m.** at the **Fern Creek Community Center** in the **Annex Room** located at **6104 Bardstown Road**.

If you cannot attend the meeting but have questions or concerns, please call me at 426-6688 or the land planning and engineering firm representative Kent Gootee at 485-1508.

We look forward to seeing you.

Sincerely,



Paul B. Whitty

cc: Hon. Robin Engel, Councilman, District 22
Joel Dock, case manager with Division of Planning & Design Services
Steve Scott and Kent Gootee, land planners with Mindel, Scott & Associates, Inc.
Brad Mohr, applicant with EMM3, LLC

Neighborhood Meeting Summary

A neighborhood meeting was held on Wednesday, October 9th at 7:00 p.m. at the Fern Creek Community Center located at 6104 Bardstown Road. Those in attendance included the applicant's representatives, Paul Whitty, attorney with Bardenwerper, Talbott & Roberts, and Steve Scott, land planner and engineer with Mindel Scott & Associates, as well as the applicant Brad Mohr. Kevin Burns, listing real estate agent and Jared Townes, Legislative Aide to Robin Engel were also in attendance. There were only two neighbors in attendance. A WAVE 3 TV cameraman was also present to interview Brad Mohr, the developer.

Mr. Whitty presented a power point presentation showing the general location of the site, the site plan and building renderings as well as interior photos of a similar project by this developer. Mr. Whitty explained that the site would be adjacent to a United States Post Office carrier depot that would be for sorting and delivery only with no public service activity and would be a secure site with fencing.

The neighbors asked if the project would be government subsidized or Section 8 housing to which the response was that it would not be any type of government subsidized program but rather market rate apartments, 2 bedroom units renting for \$800-\$1,000 per month.

The meeting concluded at 7:45 pm.

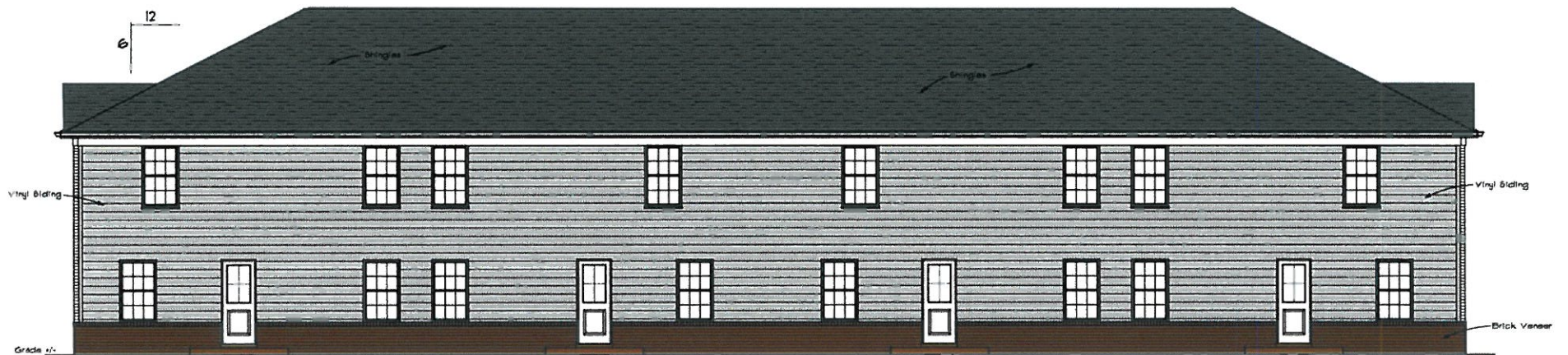






Interior front entry side elevation

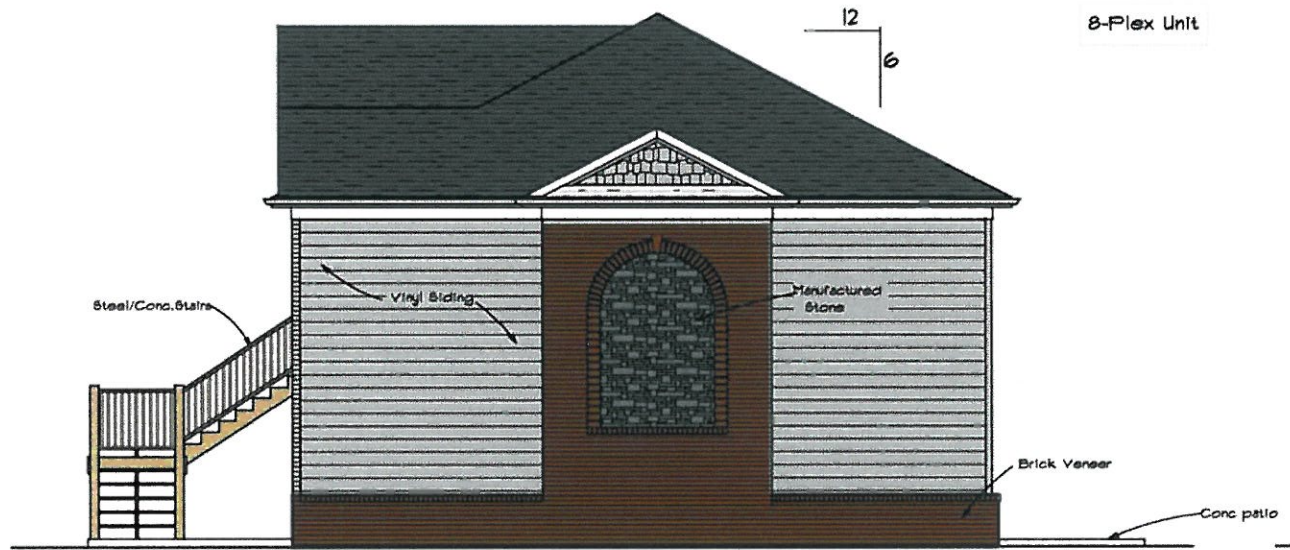




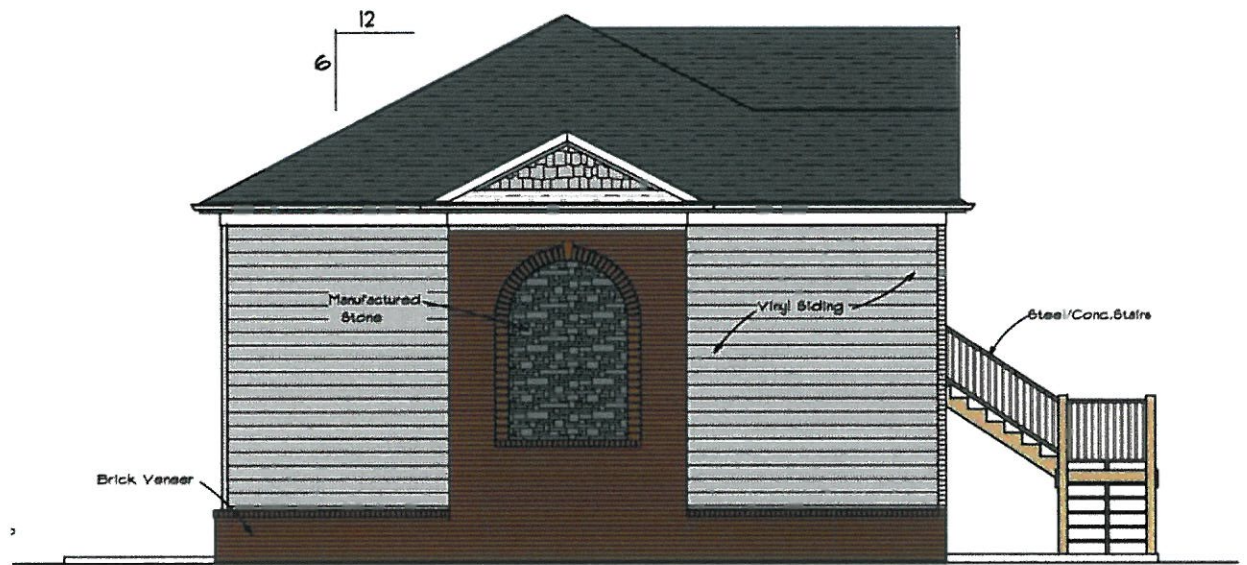
REAR ELEVATION
1/4"=1'-0"

Interior rear side elevation





RIGHT ELEVATION



LEFT ELEVATION



Similar style and design of apartment
community on Six Mile Lane



Similar style and design apartment community built on Six Mile Lane.

































2
BEDROOM











FULL
BATH





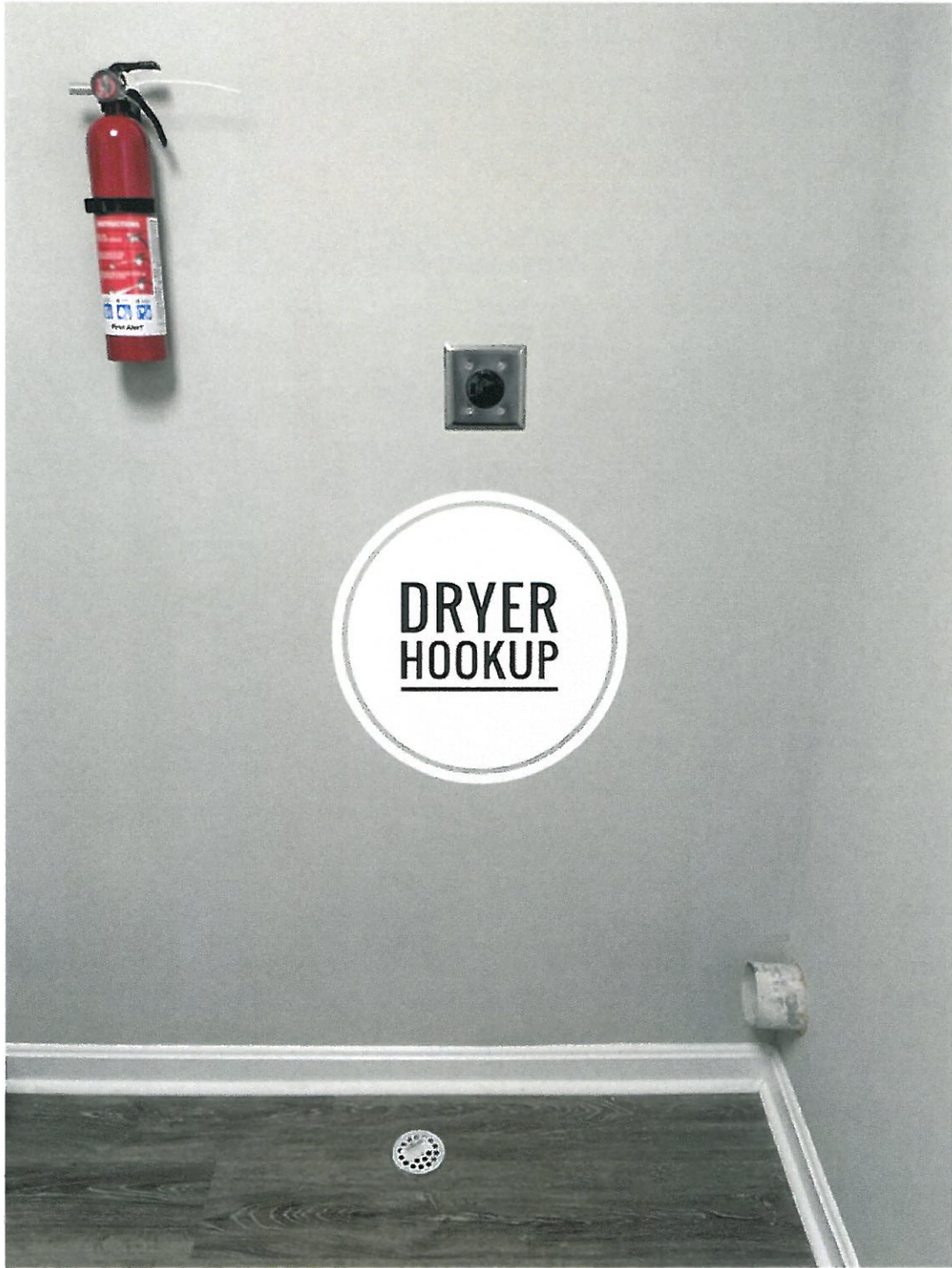




LAUNDRY ROOM

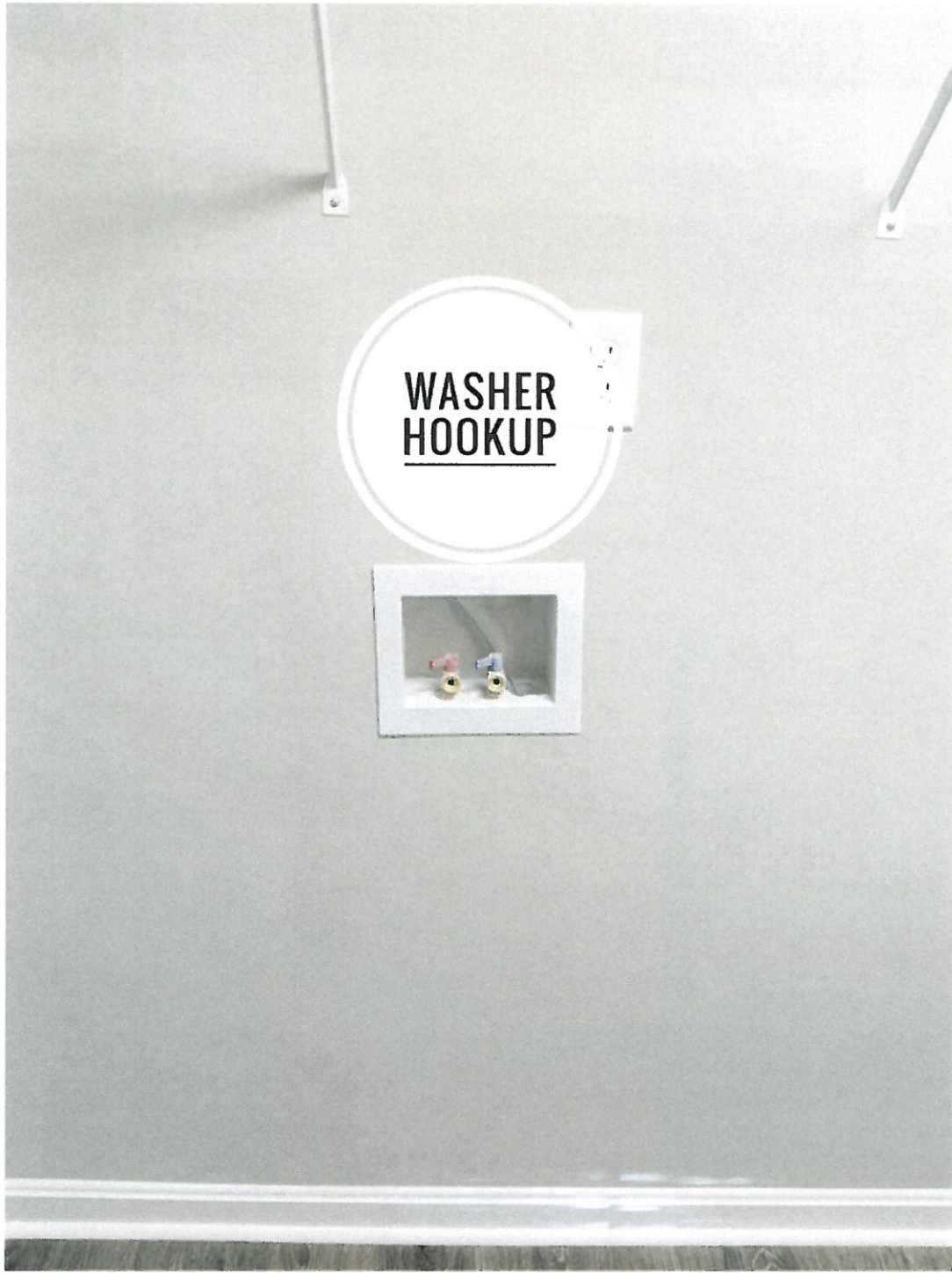
WALK-IN CLOSET





**DRYER
HOOKUP**





**WASHER
HOOKUP**

BARDENWERPER, TALBOTT & ROBERTS, PLLC

ATTORNEYS AT LAW

BUILDING INDUSTRY ASSOCIATION OF GREATER LOUISVILLE BLDG • 1000 N. HURSTBOURNE PARKWAY • SECOND FLOOR • LOUISVILLE, KENTUCKY 40223
(502) 426-6688 • WWW.BARDLAW.NET

STATEMENT OF COMPLIANCE WITH APPLICABLE GOLAS, OBJECTIVES AND POLICIES OF THE PLAN 2040 COMPREHENSIVE PLAN

Applicant: EMM3, LLC

Owner: EMM3, LLC

Location: 9108 Beulah Church Road

Proposed Use: Multi-family residential apartment community

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

Request: Change in Zoning from R-4 to R-6

INTRODUCTION

The applicant is proposing an apartment community consisting of 4 two-story buildings with a total of 36-units on 4.29 acres located at 9106 Beulah Church Road east of Sherry Lane. The apartment buildings face toward the interior of the site, and parking is also located in the interior in front of the buildings. This is an area of Beulah Church Road with quite a few different apartment communities and condominium developments.

COMMUNITY FORM

Goal 1 Guide the form and design of development to respond to distinctive physical, historic and cultural qualities.

The application complies with the applicable Policies 7 and 9 as follows:

The community form for this area is Suburban Neighborhood which, as noted above, is characterized by predominantly single family and multi-family residential uses varying from high density to low density, meaning that a lot of apartments are located in Suburban Neighborhood Form Districts such as in this area. With a large number of apartment complexes, such as located near this property, this project will fit well and blend compatibly into the existing neighborhood, in part because there are multiple other multi-family developments along the South side of Beulah Church Road, such as this one, with single family residential across from the site. Adjacent to the east will be a United States Post Office secure carrier facility. This project will offer another diverse housing opportunity with these other developments, some of which have been existing for some time and will be of a scale compatible with these nearby projects. That, among other reasons, may very well be why the Suburban Neighborhood Form

District contemplates uses such as this kind, both in the specific language contained within the description of the Suburban Neighborhood Form District found within the Comprehensive Plan and as evidenced by the fact there are multiple other residential uses varying from low to high density already located in Suburban Neighborhood Form Districts and the proposed development provides appropriate transitions with respect to setbacks and landscaping as shown on the proposed development plan.

Goal 2 Encourage sustainable growth and density around mixed-use centers and corridors.

This application complies with Policy 9 as the land is currently vacant and the proposed rezoning will result residential development in an area of both multi-family and single-family residential development near the Bardstown Road commercial corridor with access to employment, goods and services.

Goal 3 Enhance neighborhoods by protecting and integrating open space, watersheds and other natural resources.

This application conforms to Policy 10 as the site does not have any issues relating to highly permeable soils or slopes with the potential for erosion.

Goal 4 Promote and preserve the historic and archaeological resources that contribute to our authenticity.

The site does not contain any distinctive cultural features that would require preservation and although there is a house on the site that based upon its age (built 1948) is technically eligible for National Register Listing or local landmark designation, it does not appear to have any unique architectural or historical significance and is therefore in compliance with Policies 2 and 3.

MOBILITY

Goal 1 Implement an accessible system of alternative transportation modes.

This application complies with Policy 4 as the site is located in a mixed intensity and density area ¼ mile from Bardstown Road, which provides goods and services and public transit is available to this corridor as well as to downtown employment centers.

Goal 2 Plan, build and maintain a safe, accessible and efficient transportation system.

This plan meets Policy 4 as it is accessible to goods, services and employment with causing significant nuisances.

Goal 3 Encourage land use and transportation patterns that connect Louisville Metro and support future growth.

The proposed plan complies with Policies 2, 5, 6, 9, 10 and 21 as it contributes to a mixture of compatible uses easily accessible by the various modes of transportation and dedicates additional right of way to the Beulah Church Road arterial and the site has no direct access to high speed roadways.

COMMUNITY FACILITIES

Goal 2 Plan for community facilities to improve quality of life and meet anticipated growth.

The application complies with Policies 1, 2 and 3 because the site is located in an area served by existing and planned (sewer extension from adjacent Post Office property), has access to potable water and water for fire fighting purposes and will provide detention as approved by MSD to ensure there are no negative impacts to stormwater runoff or water quality.

LIVABILITY

Goal 1 Protect and enhance the natural environment and integrate it with the built environment as development occurs.

The proposed plan complies with Policies 5, 17 and 21 as tree canopy will be provided in compliance with the LDC requirements and a karst survey has been performed (dated 10/10/19) which did not reveal any active sinkholes and the site is not located in a floodplain.

HOUSING

Goal 1 Expand and ensure a diverse range of housing choices.

The proposed development serves to promote diversity in housing reflecting the form district pattern with proximity to a commercial corridor providing goods and services with mass transit available in compliance with Policies 1 and 2.

Goal 2 Facilitate the development of connected, mixed-use neighborhoods.

The proposed plan complies with Policies 1 and 2 as it provides for inter-generational and mixed-income housing opportunities that is connected to the immediate neighborhood proximate to the Bardstown Road corridor which provides essential and convenient goods and services.

Goal 3 Ensure long-term affordability and livable options in all neighborhoods.

This plan complies with Policies 1, 2 and 3 because it provides affordable housing with a variety of ownership options and increases efficient, residential occupancy on an underutilized site with a affordable housing in the area..

* * * * *

For all the reasons set forth hereinabove, on the detailed district development plan accompanying this application and in testimony and other evidence to be presented at LD&T and at the full public hearing, this application complies with all other applicable Goals, Objectives and Policies of the Plan 2040 Comprehensive Plan.

Respectfully submitted,

Paul B. Whitty

BARDENWERPER, TALBOTT & ROBERTS PLLC

Home Builders Association of Louisville Building

1000 N. Hurstbourne Parkway, Second Floor

Louisville, KY 40223

e:\client folder\mohr, brad six mile ln rezoning application\comp statement.doc

BARDENWERPER, TALBOTT & ROBERTS, PLLC

ATTORNEYS AT LAW

BUILDING INDUSTRY ASSOCIATION OF GREATER LOUISVILLE BLDG • 1000 N. HURSTBOURNE PARKWAY • SECOND FLOOR • LOUISVILLE, KENTUCKY 40223
(502) 426-6688 • WWW.BARDLAW.NET

PROPOSED FINDINGS OF FACT REGARDING COMPLIANCE WITH ALL APPLICABLE GOALS OF THE 2040 PLAN

Applicant: EMM3, LLC

Owner: EMM3, LLC

Location: 9108 Beulah Church Road

Proposed Use: Multi-family residential apartment community

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

Request: Change in Zoning from R-4 to R-6

The Louisville Metro Planning Commission, having heard testimony before its Land Development & Transportation Committee, in the Public Hearing held on February 20, 2020 and having reviewed evidence presented by the applicant and the staff's analysis of the application, make the following findings:

INTRODUCTION

WHEREAS, the applicant is proposing an apartment community consisting of 4 two-story buildings with a total of 36-units on 4.29 acres located at 9106 Beulah Church Road east of Sherry Lane; the apartment buildings face toward the interior of the site, and parking is also located in the interior in front of the buildings; and this is an area of Beulah Church Road with quite a few different apartment communities and condominium developments; and

COMMUNITY FORM

Goal 1 Guide the form and design of development to respond to distinctive physical, historic and cultural qualities.

WHEREAS, the application complies with the applicable Policies 7 and 9 because the community form for this area is Suburban Neighborhood which, as noted above, is characterized by predominantly single family and multi-family residential uses varying from high density to low density, meaning that a lot of apartments are located in Suburban Neighborhood Form Districts such as in this area; with a large number of apartment complexes, such as located near this property, this project will fit well and blend compatibly into the existing neighborhood, in part because there are multiple other multi-family developments along the south side of Beulah Church Road, such as this one, with single family residential across from the site; adjacent to the east will be a United States Post Office secure carrier facility; this project will offer another diverse housing opportunity with these other developments, some of which have been existing

for some time and will be of a scale compatible with these nearby projects; that, among other reasons, may very well be why the Suburban Neighborhood Form District contemplates uses such as this kind, both in the specific language contained within the description of the Suburban Neighborhood Form District found within Plan 2040; and as evidenced by the fact there are multiple other residential uses varying from low to high density already located in Suburban Neighborhood Form Districts and the proposed development provides appropriate transitions with respect to setbacks and landscaping as shown on the proposed development plan; and

Goal 2 Encourage sustainable growth and density around mixed-use centers and corridors.

WHEREAS, this application complies with Policy 9 as the land is currently vacant and the proposed rezoning will result residential development in an area of both multi-family and single-family residential development near the Bardstown Road commercial corridor with access to employment, goods and services; and

Goal 3 Enhance neighborhoods by protecting and integrating open space, watersheds and other natural resources.

WHEREAS, this application conforms to Policy 10 as the site does not have any issues relating to highly permeable soils or slopes with the potential for erosion; and

Goal 4 Promote and preserve the historic and archaeological resources that contribute to our authenticity.

WHEREAS, the site does not contain any distinctive cultural features that would require preservation and although there is a house on the site that based upon its age (built 1948) is technically eligible for National Register Listing or local landmark designation, it does not appear to have any unique architectural or historical significance and is therefore in compliance with Policies 2 and 3; and

MOBILITY

Goal 1 Implement an accessible system of alternative transportation modes.

WHEREAS, this application complies with Policy 4 as the site is located in a mixed intensity and density area ¼ mile from Bardstown Road, which provides goods and services and public transit is available to this corridor as well as to downtown employment centers; and

Goal 2 Plan, build and maintain a safe, accessible and efficient transportation system.

WHEREAS, this plan meets Policy 4 as it is accessible to goods, services and employment without causing significant nuisances; and

Goal 3 Encourage land use and transportation patterns that connect Louisville Metro and support future growth.

WHEREAS, the proposed plan complies with Policies 2, 5, 6, 9, 10 and 21 as it contributes to a mixture of compatible uses easily accessible by the various modes of transportation and

dedicates additional right of way to the Beulah Church Road arterial and the site has no direct access to high speed roadways; and

COMMUNITY FACILITIES

Goal 2 Plan for community facilities to improve quality of life and meet anticipated growth.

WHEREAS, the application complies with Policies 1, 2 and 3 because the site is located in an area served by existing and planned (sewer extension from adjacent Post Office property), has access to potable water and water for fire fighting purposes and will provide detention as approved by MSD to ensure there are no negative impacts to stormwater runoff or water quality; and

LIVABILITY

Goal 1 Protect and enhance the natural environment and integrate it with the built environment as development occurs.

WHEREAS, the proposed plan complies with Policies 5, 17 and 21 as tree canopy will be provided in compliance with the LDC requirements and a karst survey has been performed (dated 10/10/19) which did not reveal any active sinkholes and the site is not located in a floodplain; and

HOUSING

Goal 1 Expand and ensure a diverse range of housing choices.

WHEREAS, the proposed development serves to promote diversity in housing reflecting the form district pattern with proximity to a commercial corridor providing goods and services with mass transit available in compliance with Policies 1 and 2; and

Goal 2 Facilitate the development of connected, mixed-use neighborhoods.

WHEREAS, the proposed plan complies with Policies 1 and 2 as it provides for inter-generational and mixed-income housing opportunities that is connected to the immediate neighborhood proximate to the Bardstown Road corridor which provides essential and convenient goods and services; and

Goal 3 Ensure long-term affordability and livable options in all neighborhoods.

WHEREAS, this plan complies with Policies 1, 2 and 3 because it provides affordable housing with a variety of ownership options land increases efficient, residential occupancy on an underutilized site with a affordable housing in the area; and

* * *

WHEREAS, for all the reasons explained at LD&T and the Planning Commission public hearing and also in the public hearing exhibit books, on the approved detailed district development plan, this application also complies with all other applicable Goals of the 2040 Plan;

NOW, THEREFORE, the Louisville Metro Planning Commission hereby recommends to the Louisville Metro Council that it rezone the subject property from R-4 to R-6 and approves the Detailed District Development Plan.