

Louisville Metro Planning Commission – April 20, 2017

Louisville Metro Land Development & Transportation Committee – March 23, 2017

Neighborhood Meeting - December 19, 2016

Docket No. 16ZONE1076

Proposed change in zoning from R-4 to R-5 for Elite Homes to allow a 161-lot single family residential subdivision, on approximately 50.2 acres located on the east side of Moser Road at Linn Station Road at  
1207 Moser Road



ATTORNEYS: BARDENWERPER, TALBOTT & ROBERTS, PLLC

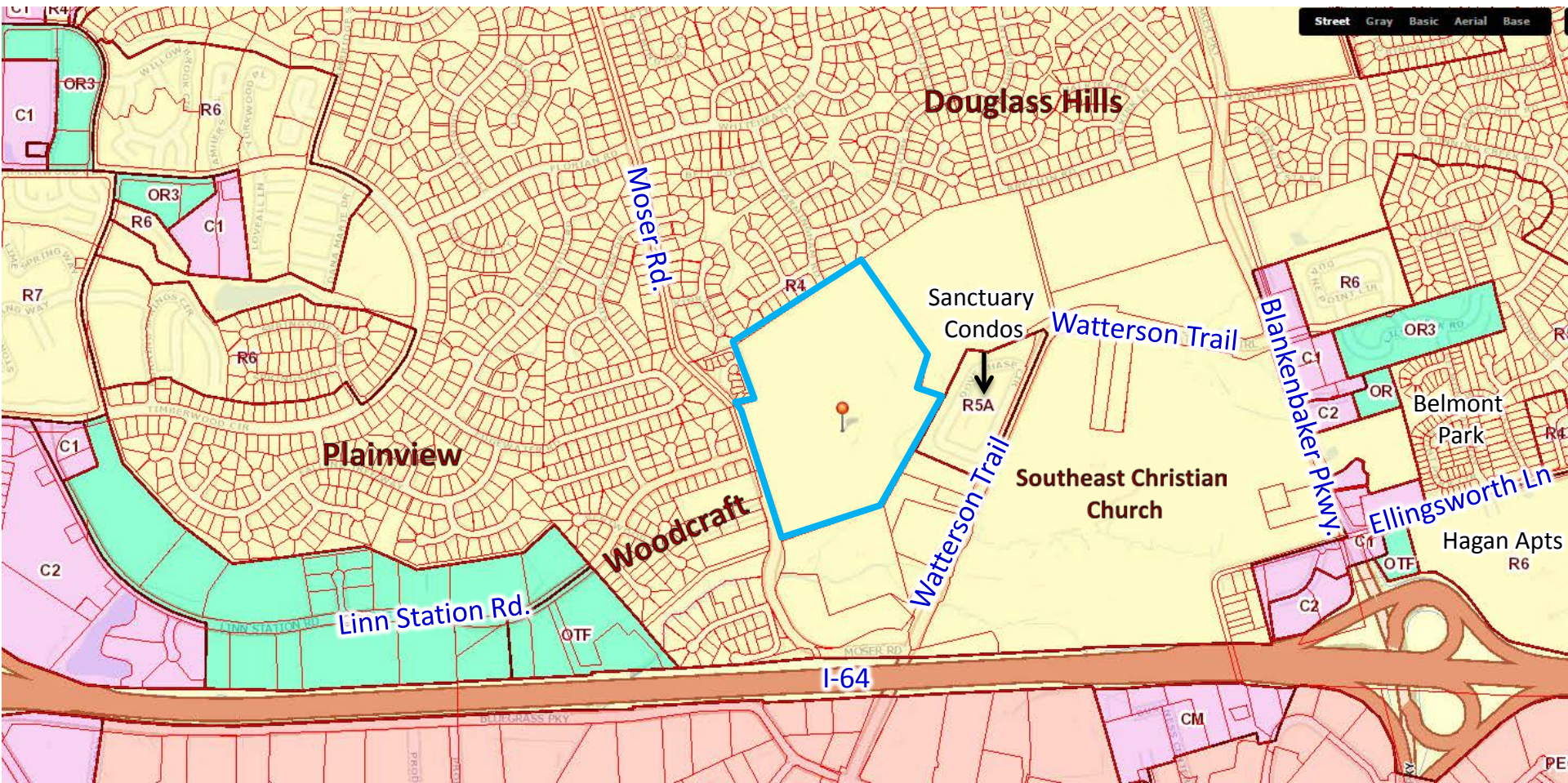
LAND PLANNERS, LANDSCAPE ARCHITECTS & ENGINEERS: SABAK, WILSON & LINGO, INC.

TRAFFIC ENGINEERS: PARSONS

# 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. Traffic Study
8. Statement of Compliance filed with all applicable Guidelines and Policies of the Cornerstone 2020 Comprehensive Plan
9. Proposed findings of fact pertaining to compliance with the Comprehensive Plan

Tab 1  
LOJIC Zoning Map



Street Gray Basic Aerial Base

Douglas Hills

Moser Rd.

Sanctuary  
Condos

Watterson Trail

Blankenbaker Pkwy.

Plainview

Woodcraft

Southeast Christian  
Church

Belmont  
Park

Linn Station Rd.

I-64

Ellingsworth Ln

Hagan Apts  
R6

CM

Tab 2

Aerial photograph of the site and surrounding area



Moser Rd.

Linn Station Rd.

Moser Rd.

Watterson Trail

Watterson Trail

Blankenbaker Pkwy.

Ellingsworth Ln

Sanctuary  
Condos

Southeast Christian  
Church

Belmont Park

Hagan Apts

64

Louisville Metro, MSD, LWC & PVA © 20

## Tab 3

Ground level photographs of the site and surrounding area



SITE

View of site from Moser Road.





**SITE**

**Linn Station Road**

View of Moser Road, looking south. Entrance to subject property will line up with Linn Station Road.

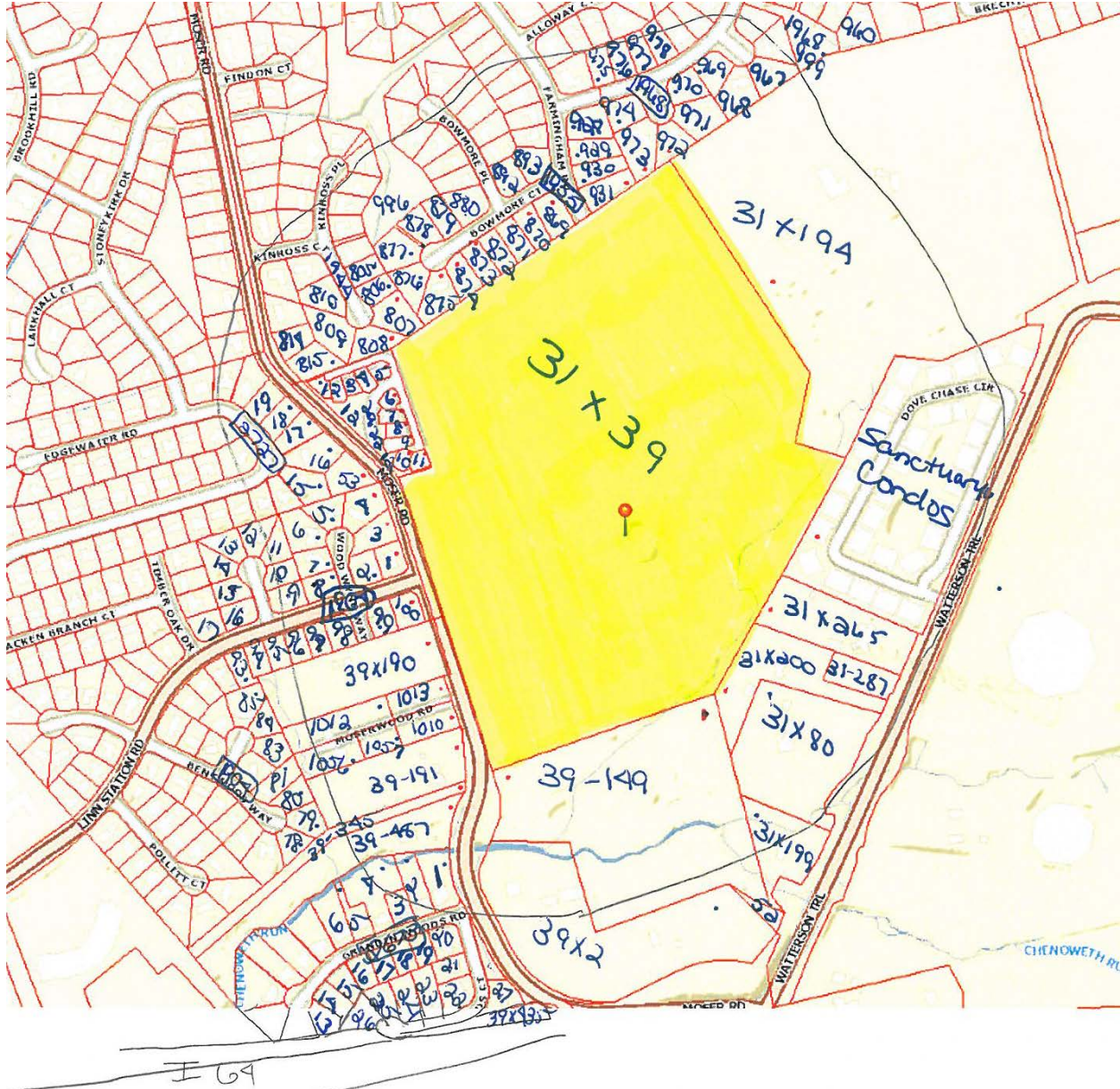


View of Moser Road looking north. Site is to the right.

## Tab 4

Neighborhood Meeting notice list map, letter to neighbors inviting them to the meeting and summary of meeting

Adjoining property owner notice list map wherein 157 neighbors were invited to the various neighborhood meetings and the 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

William B. Bardenwerper  
Direct dial: 426-0388, ext. 125  
Email: WBB@BARDLAW.NET

December 5, 2016

Dear Neighbor,

**RE: Proposed change in zoning from R-4 to R-5 for Elite Homes to allow a 161 lot single family residential subdivision, on approximately 50.2 acres located on the east side of Moser Road at Linn Station Road at 1207 Moser Road**

We are writing to invite you to a meeting we have scheduled to present neighbors with our rezoning plan to allow a 161 lot single-family residential subdivision to be located as above.

Accordingly, we have filed a plan for pre-application review on Monday, December 5<sup>th</sup> with the Division of Planning and Design Services (DPDS) that has been assigned case number **16ZONE1076**. We will provide the name of the case manager at the neighbor meeting. 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 **Monday, December 19<sup>th</sup> at 7:00 p.m.** at the **Holiday Inn Louisville East Hurstbourne** located at **1325 S. Hurstbourne Pkwy.** in the **Carriage Room** which is located across from the registration desk.

If you cannot attend the meeting but have questions or concerns, please call me at 426-6688, or the land planning and engineering firm representatives Pat Dominik or Kelli Jones at 584-6271.

We look forward to seeing you.

Sincerely,



William B. Bardenwerper

cc: Hon. Julie Denton, Councilwoman, District 19  
Hon. Bonnie Jung, Mayor, City of Douglass Hills  
Brian Davis, Planning Supervisor with Division of Planning & Design Services  
Jim Mims & Joe Pusateri, Elite Built Homes, LLC  
Patrick Dominik and Kelli Jones, land planners with Sabak, Wilson & Lingo, Inc.

## **Neighborhood Meeting Summary Elite/Moser Road**

A neighborhood meeting was held on December 19, 2016 at the Holiday Inn Louisville East Hurstbourne, located at 1325 S. Hurstbourne Parkway. Invitations were sent out well beyond the two tiers of adjoining property owners. Public officials were also invited from Douglass Hills and nearby Jeffersontown. A room holding about 100 people appeared to be nearly full.

Bill Bardenwerper began the meeting with a PowerPoint presentation, making certain everyone knew what property was about to be discussed, some of the various ideas that had been considered over the years for this property which had been the subject of considerable interest by apartment developers and how the proposal being discussed tonight involving Elite Homes was probably, at least to his imagination, the least intense, least impactful, most upscale development that had ever been considered for this property.

Mr. Bardenwerper showed the site plans and, with Elite's Joe Pusateri and Jim Mims, discussed them and images of houses that Elite was proposing. They discussed access and the fact that traffic to and from this subdivision, especially because of the nature of the particular homes planned which will be mostly attractive to "empty nesters", will not have serious consequences at the highest traffic hours of each day, which are morning and evening peak hours. That is because people, mostly without children who are likely to live here, do not have the same early morning and evening hour travel demands, since their work schedules tend to be more flexible, and since they're usually not picking up and delivering children to school.

Mr. Pusateri and Mr. Mims addressed issues specific to Elite Homes, the kinds of houses they are developing right now in most of their subdivisions around Metro Louisville, and what they plan here. They also described the perimeter buffers, which take into account some of the concerns of adjoining subdivision dwellers. They talked about the meetings that were held, prior to this large one, with people adjoining and living in close proximity as well as at the City of Douglass Hills. They said that those meetings had been mostly positive.

Mr. Mims in particular addressed issues of stormwater management, as that is a typical problem, and especially here, where stormwater can negatively impact other properties. Because there will be on site detention, he explained that post-development peak rates of runoff will not exceed pre-development conditions. Mr. Bardenwerper helped explain, in laymen's terms, how detention works. They said that any, no matter how small, the development, it reduces the amount of pervious surface, resulting in more impervious surface and thus more runoff. They said that the way that MSD has long addressed stormwater is to make certain that, although all development always causes more runoff, peak rates of flow are not increased. Thus, in the various storm events that this subdivision has to be modeled for, stormwater is held in detention during these storm events and then slowly released as these storm events subside, thus resulting in a longer

but controlled flowage. By handling stormwater that way, the community can continue to grow, they said, and housing demands can continue to be met, yet stormwater problems are not exacerbated. Sometimes, with over-detention, existing stormwater conditions can even be improved, they said.

Most of the questions that were asked were ones about why this property had to be developed at all and could not be left as a nature refuge or as it is, a landscape nursery. Other questions were about how Moser Road, which is a narrow road, can handle the additional traffic and how Moser Road at Watterson Trail, where traffic tends to back up, can be addressed. Answers to these questions included the following.

First, unless the City of Douglass Hills is prepared to purchase the land, it is unreasonable to expect that the sellers would leave it forever as a landscape nursery, since that is a business that will not longer be carried on here, or as their own private nature preserve. No government has shown an interest in creating another park, among other reasons because of the large new Parklands of Floyds Fork and also because there is barely enough government money available to manage the large park system that Metro Louisville already has.

Second, as to Moser Road, it is likely that, at least at the main entrance to this subdivision, the road will have to be widened to three lanes to allow for center-left turns. Right turns in and out are seldom a problem anywhere; rather left turns in and out are, they explained. The center-left turn lane should address this. As to the intersection of Moser Road at Watterson Trail, Metro Works and Transportation Planning officials will further comment on that, and the applicant's own traffic study will further determine what impacts, if any, may need to be addressed, they explained.

Mr. Bardenwerper also made certain that everyone fully understood the options available to this developer in terms of single family development. He said that those included the alternative development incentives (ADI) approach, which requires an affordable housing commitment. Another option was to rezone to the Planned Residential District (PRD) which also requires an affordable housing component. Another option includes Conservation Subdivision, a ministerial review, which until recently wasn't even available to this applicant to consider because new applications under the old conservation subdivision regulation were not being accepted. There is a new conservation subdivision regulation that has partly made its way through the process of being adopted by Louisville Metro government, but not all cities yet, he explained. On the other hand, the R-5 zoning district has been around forever. Its lot sizes match those proposed by Elite. What Elite is proposing, other than simply smaller lots, is some offset with open space interior to the subdivision and around the perimeter, Mr. Bardenwerper explained. That gives nearby residents the best of all worlds, open space, perimeter buffers, and lot sizes that, while smaller, include larger, more expensive homes of a style and design that fit the demands of a growing elderly population. Centrally located well inside the Snyder Freeway, as this property is, the developer and its representatives explained that this site is likely to be very popular even among many Douglass Hills residents as a place to move to.

Mr. Bardenwerper also explained the likely timing of application filing, the length and purpose of the DPDS "Case Management Review" system and when this case is likely to

appear at the various public meetings and hearings scheduled by the Planning Commission. He said that a final consideration and vote will be made by the Douglass Hills City Council.

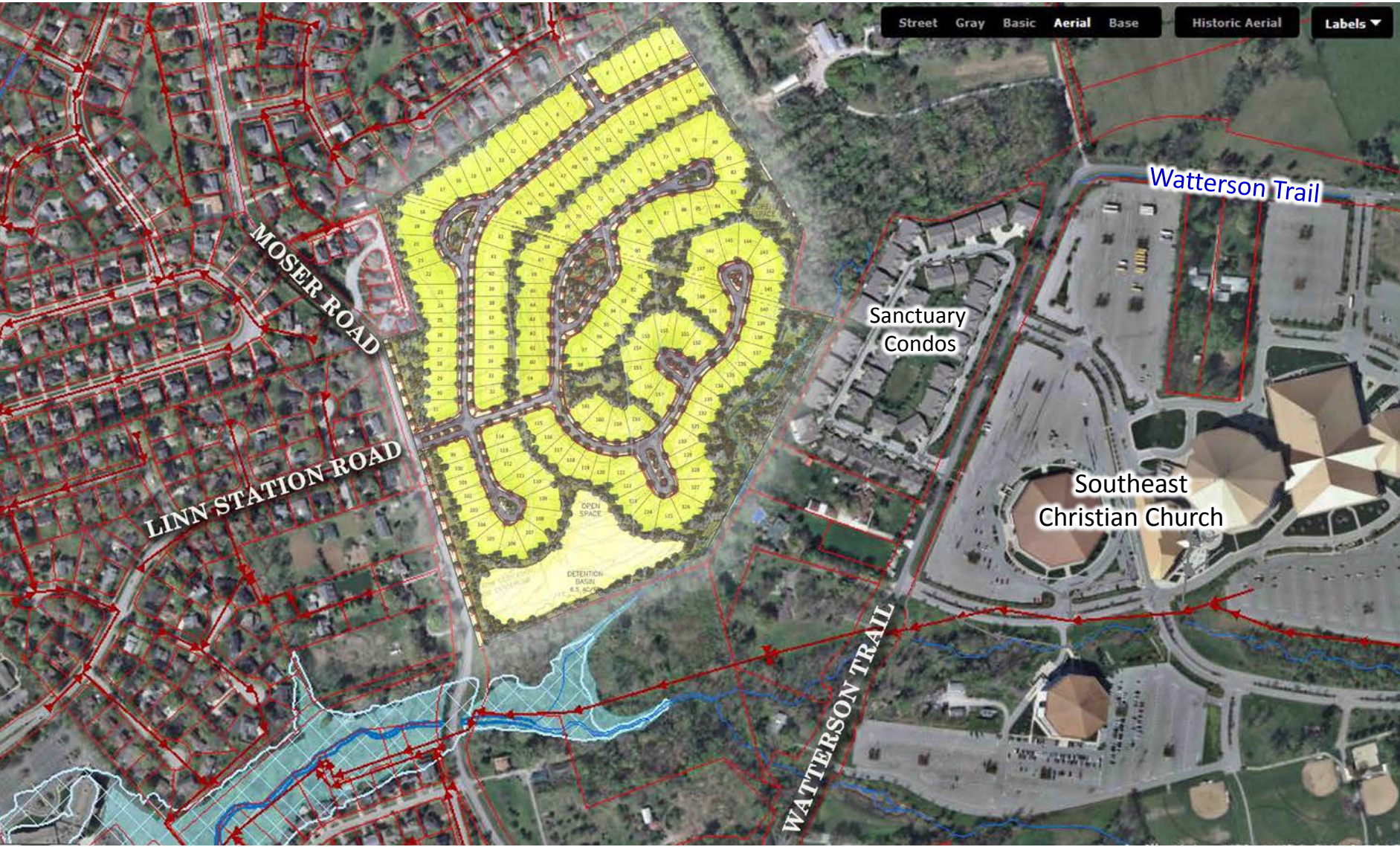
Respectfully submitted,

William B. Bardenwerper  
Bardenwerper, Talbott & Roberts, PLLC  
Greater Louisville Building Association Building  
1000 N. Hurstbourne Parkway, Second Floor  
Louisville, KY 40223  
(502) 426-6688

CLIENT/Elite/Moser Road/Neigh Meeting – Neighborhood Meeting Summary  
JTR 1/23/2017 1:39 PM



Tab 5  
Development Plan



MOSER ROAD

LINN STATION ROAD

WATERSON TRAIL

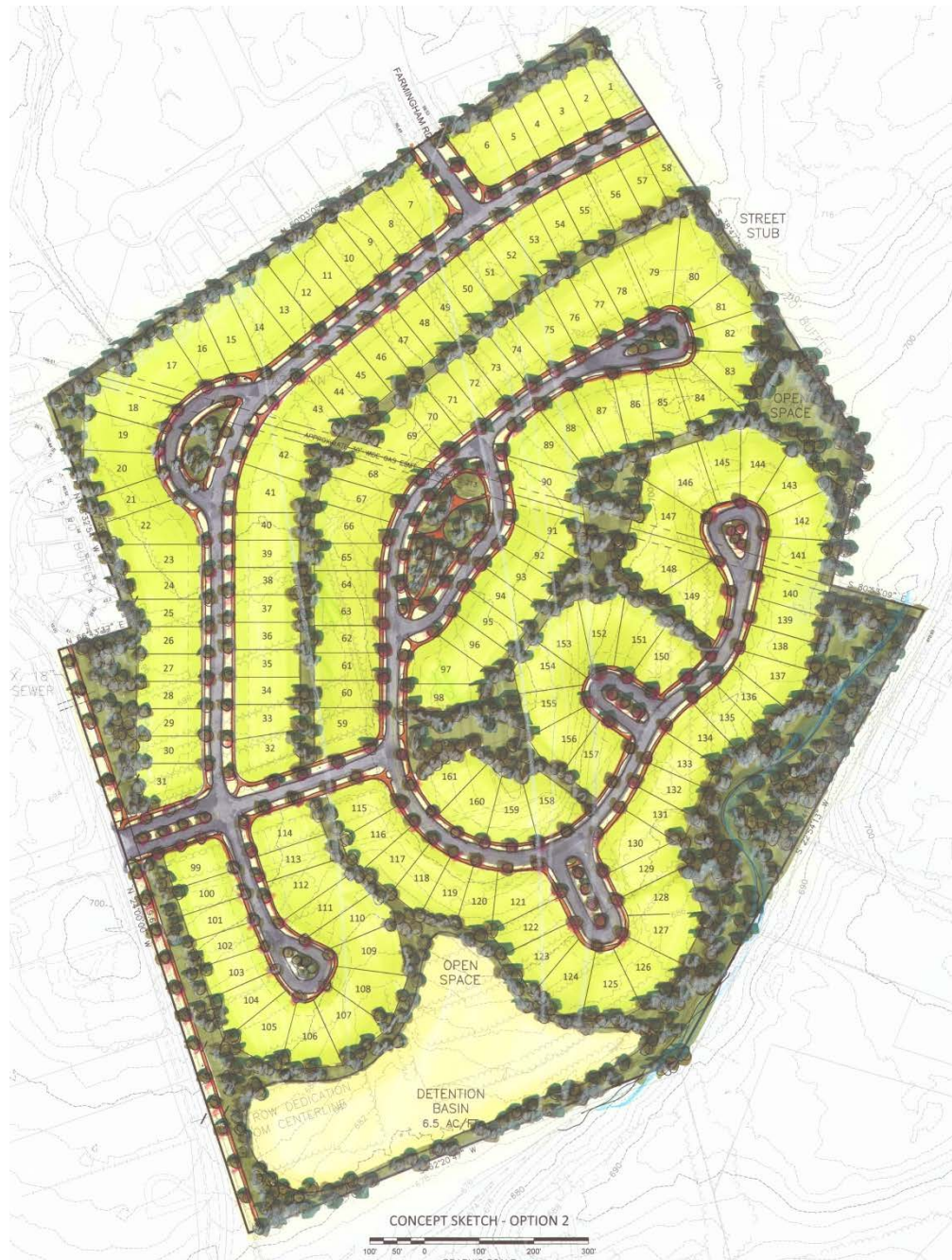
Sanctuary  
Condos

Southeast  
Christian Church

Waterson Trail

OPEN SPACE

DETENTION  
BASIN



- Existing R-4 density = 4.84 du/a
- Proposed R-5 density = 7.26 du/a
- Proposed subdivision plan density = 3.2 du/a

What does the R-5 rezoning accomplish?

- Allows minimum lot size of 6,000 sf as opposed to 9,000 sf
- Allows minimum 50 ft instead of 60 ft lot widths
- Allows 25 ft instead of 30 ft minimum street setbacks
- Results in 618,983 sf of open space (28% of the site) with perimeter buffer, where no open space and no buffer is otherwise required

Tab 6  
Building Elevations

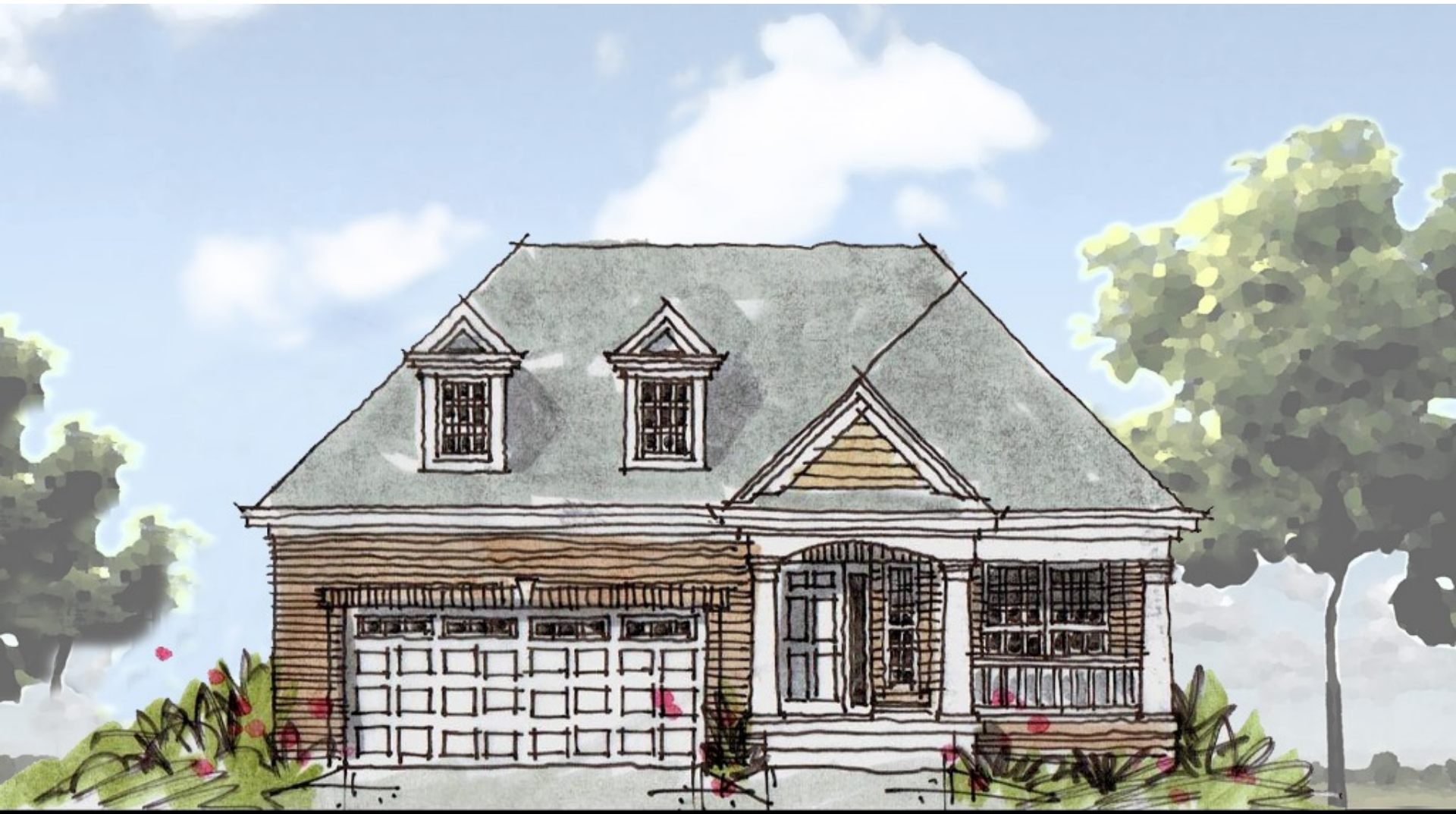






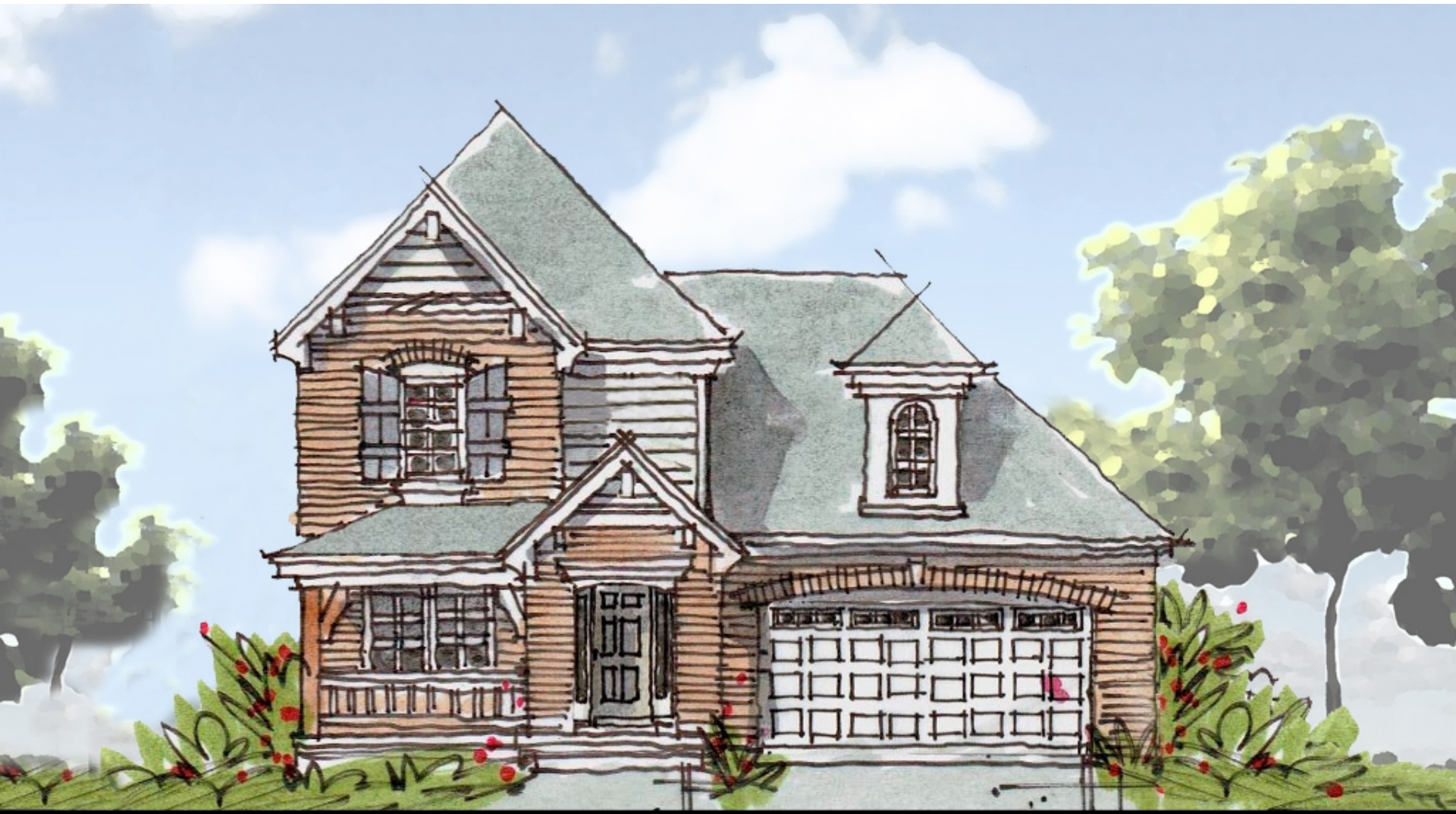


















Homes and streetscape will be similar to this view of Summit Gardens at KY Hwy. 22 and Goose Creek Road.

Tab 7  
Traffic Study



February 27, 2017

Louisville Metro Public Works and Assets  
Metro Development Center  
444 S. 5<sup>th</sup> Street, Suite 500  
Louisville, KY 40202**Subject: Elite Built Homes, LLC - Lilliard Property Traffic Analysis – Addendum 1**

Dear Traffic Staff:

Please find enclosed an addendum to the study titled **Elite Built Homes, LLC – Lilliard Property Traffic Analysis**, dated January 12, 2017 for the proposed age-targeted residential development in eastern Jefferson County, Kentucky. After initial review, Louisville Metro Public Works (LMPW) suggested updated counts for the intersection of Moser Road at Watterson Trail. Louisville Metro Traffic conducted 12-hour vehicular turning movement counts on February 14, 2017 and provided the count information to Parsons in order to update the original traffic analysis. Additionally, LMPW raised concern with land use code #251 (Senior Adult Housing - Detached) from the *ITE Trip Generation Manual, 9<sup>th</sup> Edition* which was used to calculate generated trips for the development. LMPW's concern related to the development's description being *age-targeted* instead of *restrictive* towards adults that are no longer committed to rigid work schedules and that the development could still allow for residents that would contribute to peak period traffic. BTM Engineering, Inc. conducted peak hour traffic counts on February 22, 2017 at the Summit Gardens development, an existing residential development with users and travel patterns with which the Lilliard Property is expected to be similar. In order to eliminate potential construction traffic volumes, the counts focused on Section 1 which is fully built with 32 occupied units.

Attached are the updated four Appendices for your review. *Appendix A* contains analysis tables while *Appendix B* contains a location map as well as analysis figures that coincide with the analysis tables. HCS calculation results for the subject intersections of Moser Road at Watterson Trail and Linn Station can be found in *Appendix C* and include the existing, growth and developed peak hour scenarios. *Appendix D* contains output from the KYTC *Warrant Calcs Interactive* spreadsheet used to calculate warrants for and lengths of auxiliary right and left turn lanes.

Utilizing the recent vehicular counts, analysis of the intersection of **Moser Road at Watterson Trail** now yields failing levels of service (LOS) during the AM and PM peak periods for all conditions for the eastbound Moser Road approach. As *Appendix D* shows, an additional eastbound lane is still warranted based on the updated existing traffic volumes and any additional volumes from growth and/or development would further justify that warrant. As was stated in the original study, however, **the proposed development will only be adding 7 and 5 trips to the eastbound movement during the AM and PM peak periods, respectively.** With the addition of an eastbound auxiliary lane at this intersection, the overall intersection delay decreases substantially and provides more efficient travel for the heavy right turn volume.

No changes were made to the analysis at **Moser Road at Linn Station Road**. LMPW requested analysis with an additional southbound left-turn lane at this intersection given that there will be space, however analysis is limited to two total lanes per approach at all-way stop-controlled intersections due to HCM methodology.

Analysis of the peak hour counts at Summit Gardens (see *Appendix A, Table 9*) shows **actual total entering and exiting volumes of 20 and 18 for the AM and PM peak periods, respectively.** Applying ITE's land use code #251 to the existing development with the 32 occupied units yields **35 total AM trips and 19 total PM trips.** These values reveal that the original analysis using ITE's equations and methodology are accurate when comparing to an already-built development.

Please let me know if you have any additional questions or comments.

Sincerely,



Mathew Van der Meer, PE, PTOE

*Appendix A*  
*Analysis Tables*

**Table 1**  
**Proposed Trip Generation**  
 Lilliard Property Garden Homes Development

ITE Code	Land Use	Intensity	Units	AM Peak Hour		PM Peak Hour	
				In	Out	In	Out
#251	Senior Adult Housing - Detached	161.000	Dwelling Units	20	37	39	25
Total				57		64	

Note:

Senior Adult Housing - Detached:  $T = 0.17(x) + 29.95$  (35% entering/65% exiting)(AM Peak)(ITE 9th Edition)

Senior Adult Housing - Detached:  $\ln(T) = 0.75\ln(x) + 0.35$  (61% entering/39% exiting)(PM Peak)(ITE 9th Edition)

**Table 2**  
**Trip Generation Comparison**

ITE Code	Land Use	Intensity	Units	AM Peak Hour		PM Peak Hour	
				In	Out	In	Out
#210	Single-Family Detached Housing	141.000	Dwelling Units	27	81	90	53
Total				108		143	

Note:

Single-Family Detached Housing:  $T = 0.70(x) + 9.74$  (25% entering/ 75% exiting) (AM Peak) (ITE 9th Edition)

Single-Family Detached Housing:  $\ln(T) = 0.90\ln(x) + 0.51$  (63% entering/ 37% exiting) (PM Peak) (ITE 9th Edition)

**Table 3**

**Peak Hour Volumes - Moser Road @ KY 1819 (Watterson Trail)**

Lilliard Property Garden Homes Development

*SUPERCEDED BY 2017 COUNT DATA*

Count Date Oct-2012	Moser Road		KY 1819 (Watterson Trail)				15-min Total	Hourly Total
	EB Left	EB Right	NB Left	NB Through	SB Through	SB Right		
7:00 AM - 7:15 AM	9	48	31	31	40	7	166	-
7:15 AM - 7:30 AM	8	54	50	36	46	18	212	-
7:30 AM - 7:45 AM	6	65	40	41	65	19	236	-
7:45 AM - 8:00 AM	2	96	60	32	78	37	305	919
8:00 AM - 8:15 AM	9	64	72	24	57	22	248	1001
8:15 AM - 8:30 AM	13	61	68	40	50	25	257	1046
8:30 AM - 8:45 AM	8	64	61	41	41	31	246	1056
8:45 AM - 9:00 AM	10	59	51	38	49	26	233	984
<b>2012 AM Peak Hour Total</b>	<b>32</b>	<b>285</b>	<b>261</b>	<b>137</b>	<b>226</b>	<b>115</b>	<b>1056</b>	<b>AM PHF</b> 0.87
<b>2016 AM Peak Hour Total</b>	<b>33</b>	<b>297</b>	<b>272</b>	<b>143</b>	<b>235</b>	<b>120</b>	<b>1100</b>	
<b>2021 AM Peak Hour Total</b>	<b>35</b>	<b>312</b>	<b>285</b>	<b>150</b>	<b>247</b>	<b>126</b>	<b>1155</b>	
<hr/>								
4:00 PM - 4:15 PM	15	64	49	60	40	12	240	--
4:15 PM - 4:30 PM	11	72	54	53	25	8	223	--
4:30 PM - 4:45 PM	24	92	64	99	40	13	332	--
4:45 PM - 5:00 PM	21	106	45	40	58	18	288	1083
5:00 PM - 5:15 PM	17	108	106	101	53	20	405	1248
5:15 PM - 5:30 PM	25	129	88	71	56	18	387	1412
5:30 PM - 5:45 PM	21	117	64	91	47	16	356	1436
5:45 PM - 6:00 PM	25	96	52	54	49	16	292	1440
<b>2012 PM Peak Hour Total</b>	<b>88</b>	<b>450</b>	<b>310</b>	<b>317</b>	<b>205</b>	<b>70</b>	<b>1440</b>	<b>PM PHF</b> 0.89
<b>2016 PM Peak Hour Total</b>	<b>92</b>	<b>468</b>	<b>323</b>	<b>330</b>	<b>213</b>	<b>73</b>	<b>1499</b>	
<b>2021 PM Peak Hour Total</b>	<b>96</b>	<b>492</b>	<b>339</b>	<b>347</b>	<b>224</b>	<b>77</b>	<b>1575</b>	

Denotes Peak Hour Volume

**Table 3A**

**Peak Hour Volumes - Moser Road @ KY 1819 (Watterson Trail)**

Lilliard Property Garden Homes Development

Count Date Feb-2017	Moser Road		KY 1819 (Watterson Trail)				15-min Total	Hourly Total
	EB Left	EB Right	NB Left	NB Through	SB Through	SB Right		
7:00 AM - 7:15 AM	5	37	47	33	45	10	177	--
7:15 AM - 7:30 AM	8	62	52	40	57	15	234	--
7:30 AM - 7:45 AM	5	63	62	39	74	22	265	--
7:45 AM - 8:00 AM	9	96	72	46	95	23	341	1017
8:00 AM - 8:15 AM	13	77	73	38	74	26	301	1141
8:15 AM - 8:30 AM	12	81	79	42	62	23	299	1206
8:30 AM - 8:45 AM	12	62	76	57	53	18	278	1219
8:45 AM - 9:00 AM	14	59	64	43	55	29	264	1142
<b>2017 AM Peak Hour Total</b>	<b>46</b>	<b>316</b>	<b>300</b>	<b>183</b>	<b>284</b>	<b>90</b>	<b>1219</b>	<b>AM PHF</b>
<b>2021 AM Peak Hour Total</b>	<b>48</b>	<b>329</b>	<b>312</b>	<b>190</b>	<b>296</b>	<b>94</b>	<b>1269</b>	<b>0.89</b>
4:00 PM - 4:15 PM	14	99	71	75	47	15	321	--
4:15 PM - 4:30 PM	7	89	63	60	62	17	298	--
4:30 PM - 4:45 PM	18	138	79	94	44	15	388	--
4:45 PM - 5:00 PM	24	80	83	82	50	25	344	1351
5:00 PM - 5:15 PM	14	152	100	120	60	16	462	1492
5:15 PM - 5:30 PM	22	146	101	76	52	23	420	1614
5:30 PM - 5:45 PM	11	123	84	71	38	17	344	1570
5:45 PM - 6:00 PM	22	99	60	47	34	12	274	1500
<b>2017 PM Peak Hour Total</b>	<b>78</b>	<b>516</b>	<b>363</b>	<b>372</b>	<b>206</b>	<b>79</b>	<b>1614</b>	<b>PM PHF</b>
<b>2021 PM Peak Hour Total</b>	<b>81</b>	<b>537</b>	<b>378</b>	<b>387</b>	<b>214</b>	<b>82</b>	<b>1679</b>	<b>0.87</b>

Denotes Peak Hour Volume

**Table 4**  
**Peak Hour Volumes - Moser Road @ Linn Station Road**  
 Lilliard Property Garden Homes Development

Count Date Dec-2016	Linn Station Road		Moser Road				15-min Total	Hourly Total
	EB Left	EB Right	NB Left	NB Through	SB Through	SB Right		
7:00 AM - 7:15 AM	6	10	23	27	36	7	109	--
7:15 AM - 7:30 AM	7	9	48	40	56	15	175	--
7:30 AM - 7:45 AM	6	10	43	33	62	17	171	--
7:45 AM - 8:00 AM	2	18	52	33	77	23	205	660
8:00 AM - 8:15 AM	6	22	42	33	60	19	182	733
8:15 AM - 8:30 AM	4	15	47	40	71	17	194	752
8:30 AM - 8:45 AM	2	9	48	41	53	24	177	758
8:45 AM - 9:00 AM	6	23	49	36	55	25	194	747
<b>2016 AM Peak Hour Total</b>	<b>14</b>	<b>64</b>	<b>189</b>	<b>147</b>	<b>261</b>	<b>83</b>	<b>758</b>	<b>AM PHF</b>
<b>2021 AM Peak Hour Total</b>	<b>15</b>	<b>67</b>	<b>199</b>	<b>154</b>	<b>274</b>	<b>87</b>	<b>796</b>	<b>0.92</b>
4:00 PM - 4:15 PM	25	42	23	46	43	10	189	--
4:15 PM - 4:30 PM	21	38	22	68	50	11	210	--
4:30 PM - 4:45 PM	22	57	20	60	50	12	221	--
4:45 PM - 5:00 PM	39	57	21	77	59	7	260	880
5:00 PM - 5:15 PM	44	72	27	88	55	12	298	989
5:15 PM - 5:30 PM	21	42	28	71	55	4	221	1000
5:30 PM - 5:45 PM	24	61	27	66	69	9	256	1035
5:45 PM - 6:00 PM	19	45	22	64	58	8	216	991
<b>2016 PM Peak Hour Total</b>	<b>128</b>	<b>232</b>	<b>103</b>	<b>302</b>	<b>238</b>	<b>32</b>	<b>1035</b>	<b>PM PHF</b>
<b>2021 PM Peak Hour Total</b>	<b>135</b>	<b>244</b>	<b>108</b>	<b>317</b>	<b>250</b>	<b>34</b>	<b>1088</b>	<b>0.87</b>

Denotes Peak Hour Volume

**Table 5**  
**Generated Trip Distribution**  
Lilliard Property Garden Homes Development

		Moser Road @ KY 1819 (Watterson Trail)		Moser Road @ Linn Station Road	
		Distribution %	Generated Trip	Distribution %	Generated Trip
AM Peak Hour	Eastbound Left	5%	2	0%	0
	Eastbound Through	--	--	40%	8
	Eastbound Right	15%	5	0%	0
	Westbound Left	--	--	20%	7
	Westbound Through	--	--	40%	15
	Westbound Right	--	--	25%	9
	Northbound Left	15%	3	0%	0
	Northbound Through	0%	0	0%	0
	Northbound Right	--	--	20%	4
	Southbound Left	--	--	25%	5
	Southbound Through	0%	0	0%	0
	Southbound Right	5%	1	0%	0
PM Peak Hour	Eastbound Left	5%	1	0%	0
	Eastbound Through	--	--	40%	16
	Eastbound Right	15%	4	0%	0
	Westbound Left	--	--	20%	5
	Westbound Through	--	--	40%	10
	Westbound Right	--	--	25%	6
	Northbound Left	15%	6	0%	0
	Northbound Through	0%	0	0%	0
	Northbound Right	--	--	20%	8
	Southbound Left	--	--	25%	9
	Southbound Through	0%	0	0%	0
	Southbound Right	5%	2	0%	0

**Table 6**  
**Developed Volumes**

Lilliard Property Garden Homes Development

*SUPERCEDED BY 2017 COUNT DATA*

		Moser Road @ KY 1819 (Watterson Trail)			Moser Road @ Linn Station Road		
		2021 Growth Volume	Generated Trips	Total Developed Volume	2021 Growth Volume	Generated Trips	Total Developed Volume
AM Peak Hour	Eastbound Left	35	2	37	15	0	15
	Eastbound Through	—	—	—	—	8	8
	Eastbound Right	312	5	317	67	0	67
	Westbound Left	—	—	—	—	7	7
	Westbound Through	—	—	—	—	15	15
	Westbound Right	—	—	—	—	9	9
	Northbound Left	285	3	288	199	0	199
	Northbound Through	150	0	150	154	0	154
	Northbound Right	—	—	—	—	4	4
	Southbound Left	—	—	—	—	5	5
	Southbound Through	247	0	247	274	0	274
	Southbound Right	126	1	127	87	0	87
PM Peak Hour	Eastbound Left	96	1	97	135	0	135
	Eastbound Through	—	—	—	—	16	16
	Eastbound Right	492	4	496	244	0	244
	Westbound Left	—	—	—	—	5	5
	Westbound Through	—	—	—	—	10	10
	Westbound Right	—	—	—	—	6	6
	Northbound Left	339	6	345	108	0	108
	Northbound Through	347	0	347	317	0	317
	Northbound Right	—	—	—	—	8	8
	Southbound Left	—	—	—	—	9	9
	Southbound Through	224	0	224	250	0	250
	Southbound Right	77	2	79	34	0	34



**Table 6A**

**Developed Volumes**

Lilliard Property Garden Homes Development

		Moser Road @ KY 1819 (Watterson Trail)			Moser Road @ Linn Station Road		
		2021 Growth Volume	Generated Trips	Total Developed Volume	2021 Growth Volume	Generated Trips	Total Developed Volume
AM Peak Hour	Eastbound Left	48	2	50	15	0	15
	Eastbound Through	--	--	--	--	8	8
	Eastbound Right	329	5	334	67	0	67
	Westbound Left	--	--	--	--	7	7
	Westbound Through	--	--	--	--	15	15
	Westbound Right	--	--	--	--	9	9
	Northbound Left	312	3	315	199	0	199
	Northbound Through	190	0	190	154	0	154
	Northbound Right	--	--	--	--	4	4
	Southbound Left	--	--	--	--	5	5
	Southbound Through	296	0	296	274	0	274
Southbound Right	94	1	95	87	0	87	
PM Peak Hour	Eastbound Left	81	1	82	135	0	135
	Eastbound Through	--	--	--	--	16	16
	Eastbound Right	537	4	541	244	0	244
	Westbound Left	--	--	--	--	5	5
	Westbound Through	--	--	--	--	10	10
	Westbound Right	--	--	--	--	6	6
	Northbound Left	378	6	384	108	0	108
	Northbound Through	387	0	387	317	0	317
	Northbound Right	--	--	--	--	8	8
	Southbound Left	--	--	--	--	9	9
	Southbound Through	214	0	214	250	0	250
Southbound Right	82	2	84	34	0	34	

**Table 7**

**Highway Capacity Software Results Summary - Moser Road @ KY 1819 (Watterson Trail)**

Lilliard Property Garden Homes Development

**SUPERCEDED BY 2017 COUNT DATA**

	AM Peak Hour				PM Peak Hour			
	Level of Service	Control Delay (s/veh)	Volume-to-Capacity	Back of Queue (veh/lane)	Level of Service	Control Delay (s/veh)	Volume-to-Capacity	Back of Queue (veh/lane)
<b>2016 Existing Conditions</b>								
<b>Eastbound Approach</b>	<b>D</b>	<b>26.0</b>	—	—	<b>F</b>	<b>298.6</b>	—	—
Eastbound Left/Right	D	26.0	0.70	5.6	F	298.6	1.58	35.5
Northbound Left/Through	A	9.3	0.27	1.1	A	9.1	0.29	1.2
<b>2021 Growth Conditions</b>								
<b>Eastbound Approach</b>	<b>D</b>	<b>33.0</b>	—	—	<b>F</b>	<b>389.3</b>	—	—
Eastbound Left/Right	D	33.0	0.78	7.1	F	389.3	1.79	42.1
Northbound Left/Through	A	9.4	0.29	1.2	A	9.2	0.31	1.3
<b>2021 Developed Conditions</b>								
<b>Eastbound Approach</b>	<b>E</b>	<b>35.9</b>	—	—	<b>F</b>	<b>412.3</b>	—	—
Eastbound Left/Right	E	35.9	0.81	7.7	F	412.3	1.84	43.6
Northbound Left/Through	A	9.5	0.29	1.2	A	9.3	0.32	1.4
<b>2021 Developed Conditions w/ EB Right Turn Lane</b>								
<b>Eastbound Approach</b>	<b>C</b>	<b>18.2</b>	—	—	<b>F</b>	<b>50.7</b>	—	—
Eastbound Left	E	38.7	0.28	1.1	F	197.0	1.09	7.0
Eastbound Right	C	15.8	0.53	3.1	C	22.4	0.74	6.8
Northbound Left/Through	A	9.5	0.29	1.2	A	9.3	0.32	1.4

**Table 7A**

**Highway Capacity Software Results Summary - Moser Road @ KY 1819 (Watterson Trail)**

Lilliard Property Garden Homes Development

	AM Peak Hour				PM Peak Hour			
	Level of Service	Control Delay (s/veh)	Volume-to-Capacity	Back of Queue (veh/lane)	Level of Service	Control Delay (s/veh)	Volume-to-Capacity	Back of Queue (veh/lane)
<b>2017 Existing Conditions</b>								
<b>Eastbound Approach</b>	<b>F</b>	<b>50.8</b>	--	--	<b>F</b>	<b>405.4</b>	--	--
Eastbound Left/Right	F	50.8	0.90	9.8	F	405.4	1.82	44.3
Northbound Left/Through	A	9.5	0.29	1.2	A	9.4	0.34	1.5
<b>2021 Growth Conditions</b>								
<b>Eastbound Approach</b>	<b>F</b>	<b>69.5</b>	--	--	<b>F</b>	<b>505.6</b>	--	--
Eastbound Left/Right	F	69.5	0.98	12.0	F	505.6	2.05	50.6
Northbound Left/Through	A	9.6	0.31	1.3	A	9.5	0.35	1.6
<b>2021 Developed Conditions</b>								
<b>Eastbound Approach</b>	<b>F</b>	<b>79.6</b>	--	--	<b>F</b>	<b>528.5</b>	--	--
Eastbound Left/Right	F	79.6	1.02	13.2	F	528.5	2.10	51.9
Northbound Left/Through	A	9.6	0.31	1.4	A	9.6	0.36	1.7
<b>2021 Developed Conditions w/ EB Right Turn Lane</b>								
<b>Eastbound Approach</b>	<b>C</b>	<b>22.2</b>	--	--	<b>F</b>	<b>63.0</b>	--	--
Eastbound Left	F	56.7	0.46	2.0	F	292.0	1.27	7.3
Eastbound Right	C	17.1	0.56	3.5	D	28.3	0.83	9.2
Northbound Left/Through	A	9.6	0.31	1.4	A	9.6	0.36	1.7

**Table 8**  
**Highway Capacity Software Results Summary - Moser Road @ Linn Station Road**  
Lilliard Property Garden Homes Development

	AM Peak Hour				PM Peak Hour			
	Level of Service	Control Delay (s/veh)	Volume-to-Capacity	Back of Queue (veh/lane)	Level of Service	Control Delay (s/veh)	Volume-to-Capacity	Back of Queue (veh/lane)
<b>2016 Existing Conditions</b>	<b>B</b>	<b>11.3</b>			<b>C</b>	<b>18.1</b>		
<i>Eastbound Left</i>	A	8.9	--	--	B	11.4	--	--
<i>Eastbound Right</i>	A	8.5	--	--	B	12.2	--	--
<i>Northbound Left/Through</i>	B	13.1	--	--	D	26.3	--	--
<i>Southbound Through</i>	B	11.0	--	--	B	14.8	--	--
<i>Southbound Right</i>	A	7.6	--	--	A	8.7	--	--
<b>2021 Growth Conditions</b>	<b>B</b>	<b>11.8</b>			<b>C</b>	<b>20.6</b>		
<i>Eastbound Left</i>	A	9.0	--	--	B	11.9	--	--
<i>Eastbound Right</i>	A	8.6	--	--	B	12.9	--	--
<i>Northbound Left/Through</i>	B	13.8	--	--	D	31.5	--	--
<i>Southbound Through</i>	B	11.4	--	--	C	16.0	--	--
<i>Southbound Right</i>	A	7.6	--	--	A	8.9	--	--
<b>2021 Developed Conditions w/ Original Geometry</b>	<b>B</b>	<b>12.9</b>			<b>D</b>	<b>27.0</b>		
<i>Eastbound Left/Through</i>	A	9.9	--	--	B	14.6	--	--
<i>Eastbound Right</i>	A	9.3	--	--	C	15.3	--	--
<i>Westbound Left/Through/Right</i>	A	9.6	--	--	B	11.4	--	--
<i>Northbound Left/Through/Right</i>	C	15.7	--	--	E	45.0	--	--
<i>Southbound Left/Through</i>	B	12.2	--	--	C	18.5	--	--
<i>Southbound Right</i>	A	7.9	--	--	A	9.3	--	--
<b>2021 Developed Conditions w/ NB Left Turn Lane</b>	<b>B</b>	<b>10.7</b>			<b>C</b>	<b>16.7</b>		
<i>Eastbound Left/Through</i>	A	9.7	--	--	B	13.9	--	--
<i>Eastbound Right</i>	A	9.1	--	--	B	14.3	--	--
<i>Westbound Left/Through/Right</i>	A	9.3	--	--	B	10.6	--	--
<i>Northbound Left</i>	B	11.5	--	--	B	12.0	--	--
<i>Northbound Through/Right</i>	A	9.7	--	--	C	21.6	--	--
<i>Southbound Left/Through</i>	B	12.2	--	--	C	17.7	--	--
<i>Southbound Right</i>	A	7.9	--	--	A	9.2	--	--

**Table 9**  
**Peak Hour Generated Trips Comparison of Summit Gardens**  
 Lilliard Property Garden Homes Development

Count Date Feb-2017	Summit Gardens		15-min Total	Hourly Total
	Entering	Exiting		
7:00 AM - 7:15 AM	1	0	1	--
7:15 AM - 7:30 AM	0	1	1	--
7:30 AM - 7:45 AM	0	1	1	--
7:45 AM - 8:00 AM	0	1	1	4
8:00 AM - 8:15 AM	0	5	5	8
8:15 AM - 8:30 AM	0	2	2	9
8:30 AM - 8:45 AM	3	2	5	13
8:45 AM - 9:00 AM	5	3	8	20
<b>2017 AM Peak Hour Total</b>	<b>8</b>	<b>12</b>	<b>20</b>	
4:00 PM - 4:15 PM	2	1	3	--
4:15 PM - 4:30 PM	1	3	4	--
4:30 PM - 4:45 PM	0	0	0	--
4:45 PM - 5:00 PM	3	0	3	10
5:00 PM - 5:15 PM	5	1	6	13
5:15 PM - 5:30 PM	4	1	5	14
5:30 PM - 5:45 PM	1	2	3	17
5:45 PM - 6:00 PM	2	2	4	18
<b>2017 PM Peak Hour Total</b>	<b>12</b>	<b>6</b>	<b>18</b>	

Denotes Peak Hour Volume

Summit Gardens Occupied Units  
32

Utilizing ITE Code #251 (See Table 1 for equations)

AM Peak	In	12	<b>Total</b> <b>35</b>
Hour	Out	23	
PM Peak	In	12	<b>Total</b> <b>19</b>
Hour	Out	7	

## Tab 8

Statement of Compliance with all applicable Guidelines  
and Policies of the Cornerstone 2020 Comprehensive  
Plan

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ATTORNEYS AT LAW

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

Applicant: Elite Built Homes, Inc.

Owner: Lillie M. Lillard

Location: 1207 Moser Road

Proposed Use: Single-Family Residential

Engineers, Land Planners and Landscape Architects: Sabak, Wilson & Lingo

Request: Zone Change from R-4 to R-5

### **GUIDELINE 1 – COMMUNITY FORM**

The subject property is located in the Neighborhood 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, meaning an ever-so-slightly higher gross density (3.2 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 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-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 and large industrial parks of Bluegrass, Commonwealth, Blankenbaker Crossings and Blankenbaker Station and close to shopping in Douglass Hills itself at Blankenbaker Parkway and Shelbyville Road but also elsewhere nearby in Jeffersontown and Middletown. 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 major collector street (Moser Road) where sidewalks will be constructed, near public transit at Linn Station Road and at Blankenbaker Parkway, 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 Moser Road access and new subdivision streets and stub connections 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



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,

---

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## Tab 9

Proposed findings of fact pertaining to compliance with  
the Comprehensive Plan

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## PROPOSED FINDINGS OF FACT REGARDING COMPLIANCE WITH ALL APPLICABLE GUIDELINES AND POLICIES OF THE CORNERSTONE 2020 COMPREHENSIVE PLAN

Applicant: Elite Built Homes, Inc.  
Owner: Lillie M. Lillard  
Location: 1207 Moser Road  
Proposed Use: Single-Family Residential  
Engineers, Land Planners and Landscape Architects: Sabak, Wilson & Lingo  
Request: Zone Change from R-4 to R-5

The Louisville Metro Planning Commission, having heard testimony before its Land Development & Transportation Committee, in the Public Hearing held on April 20, 2017 and having reviewed evidence presented by the applicant and the staff's analysis of the application, make the following findings:

### **GUIDELINE 1 – COMMUNITY FORM**

**WHEREAS**, the subject property is located in the Neighborhood 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, meaning an ever-so-slightly higher gross density (3.2 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 those regulations either require affordable components not appropriate for this location or were not available for us when planning on this site began; and 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-5A; and

### **GUIDELINE 3 – COMPATIBILITY**

**WHEREAS**, the proposed rezoning and DDDP 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 because 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), Planning Commission Public Hearing exhibit book and PowerPoint demonstrate all that; and

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

**WHEREAS**, the proposed rezoning and 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 because, 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; and the homeowners association will maintain these open areas; and

**GUIDELINE 6 – MARKETPLACE**

**WHEREAS**, the proposed rezoning and DDDP complies with all of the applicable Intents and Policies 2, 5, and 11 of Guideline 6 because this proposed subdivision helps to ensure the availability of residential building lots where lots are in high demand, meaning near the many businesses and large industrial parks of Bluegrass, Commonwealth, Blankenbaker Crossings and Blankenbaker Station and close to shopping in Douglass Hills itself at Blankenbaker Parkway and Shelbyville Road but also elsewhere nearby in Jeffersontown and Middletown; this land is surrounded by like-kind subdivisions; and 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; and

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

The proposed rezoning and DDDP 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 because this subdivision is situated on a major collector street (Moser Road) where sidewalks will be constructed, near public transit at Linn Station Road and at Blankenbaker Parkway, 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 has been reviewed by Metro Transportation Planning, which gave its preliminary plan approval prior to its docketing for Planning Commission review; and that assures that all of these applicable Public Works standards are complied with, including regulatory standards of the Land Development Code (LDC); and

**WHEREAS**, the proposed rezoning and DDDP will assure that both existing Moser Road access and new subdivision streets and stub connections 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 shown on the DDDP assures that corner clearances, driveway access, median openings, cross connections, etc. are provided as required; and

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

**WHEREAS**, the proposed rezoning and 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 because MSD requires that post-development peak rates of stormwater runoff do not exceed pre-development peak flows which is accomplished through on-site detention; thus, new impervious areas will not have a negative impact on existing stormwater systems; also, MSD has given its stamp of preliminary approval on the DDDP before it was set for Planning Commission review; and at time of construction, the proposed residential subdivision will include water quality measures to address the new MSD water quality standards; and any new construction will have to comply with MSD's soil erosion and sediment control standards; and

**GUIDELINE 13 – LANDSCAPE CHARACTER**

**WHEREAS**, the proposed rezoning and DDDP complies with the Intent and applicable Policies 1, 2, 4, 5 and 6 of Guideline 13 because the local LDC requires tree canopies, certain kinds of interior and perimeter landscaping; and accordingly, the LDC will be fully complied with; 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 Guidelines and Policies of the Cornerstone 2020 Comprehensive 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-5 and approves the Detailed District Development Plan and preliminary subdivision plan.