

BARDENWERPER, TALBOTT & ROBERTS, PLLC

ATTORNEYS AT LAW

1000 N. HURSTBOURNE PARKWAY • HOMEBUILDERS ASSOCIATION BUILDING • SECOND FLOOR • LOUISVILLE, KENTUCKY 40223 • (502) 426-6688 • FAX (502) 425-0561 • WWW.BARDLAW.NET

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

Applicant: Hills Development Company

Owner: Estate of Lowell Orbin Westerfield, by Larry L. Lakin,
Executor; Rosie Upton Westerfield Trust U/W,
by Larry L. Lakin, Executor

Project Name: Tyler View Crossing

Location: 12508 Taylorsville Road

Proposed Use: Apartments

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

Attorneys: Bardenwerper, Talbott & Roberts, PLLC

Request: Rezoning from R-4 to R-6

INTRODUCTION

This rezoning application of Hills Communities is for an upscale apartment community to be known as “Tyler View Crossing”. Hills Communities has been one of the largest multi-family developers in this community in past decades, mostly building large apartment style condominium communities, but also having built apartment communities. Drive around Metro Louisville and you will see many Hills Communities, all of which have stood the test of time. By that we mean that they were well constructed from the beginning, using mostly brick, stone and “hardy plank” siding, which is more durable than wood and more of an upscale building material than vinyl siding. Hills Communities’ developments have also been very well maintained over the years, which reflects the responsibility one would expect of an owner operator of apartment communities and of a manager of many condominium communities. It takes great pride in its original construction and in the quality that it maintains over the years. Hills operates in a number of states and owns and manages over 5,000 apartment units. It is now a third generation company with the father and his several sons still actively involved and a new generation coming on board. Hills Communities has been in Louisville for years and expects to remain for many years, perhaps generations, more. It has a track record of following through on its commitments, making major investments which contribute mightily to the economic growth and well being of Metro Louisville, and it is generally known as a very positive developer/builder/corporate citizen.

One of the reasons that so many apartments are presently being planned in Louisville is because of the demand created by the financial meltdown and the change in lending practices which limits both single-family home construction and the entry ability into single-family ownership by many people who have low credit scores or can’t afford new mortgage requirements. Also, many people are

choosing to rent by choice because of uncertainty in job markets and the fact that housing prices have not been rising, so serious debate exists about the value of home ownership as an investment.

Previous to Hills, Hagan Properties had contracted to acquire this property. In both instances these apartment developer's respective interests are because of its perfect location in accordance with the Cornerstone 2020 Comprehensive Plan recommendation that apartments be located on major arterials, in proximity to shopping, workplaces and parks. This project is located very near all three. Moreover, Metro Government has said that, although it encourages diversity housing, especially housing for workers, located throughout the Metro area and especially in close proximity to Workplace Form Areas, it does not want Workplace Form Area land utilized for housing. That means that apartments like this are better located without, not within, the Workplace Form Areas. Accordingly, this is about as close as possible to the Bluegrass Industrial Park/Commonwealth Industrial Park/Blankenbaker Crossings/Blankenbaker Station industrial and business parks without actually being located with them. In between those business/industrial parks and this site is located the Tyler Rural Settlement Area, which, although residentially zoned and in other ways seemingly appropriate for this kind of development, is considered off limits to medium or high density development. Also, this property is located at the intersection of two new major arterials: Taylorsville Road and the planned and soon-to-be built southern extension of the Urton Lane Corridor. This long planned extension of the Urton Lane Corridor from Shelbyville Road on the north to Bardstown Road on the south includes portions of the Urton Lane Corridor that have already been constructed, in some areas right-of-way has been or is about to be granted for it, and in other areas it remains the subject of significant long-term planning, culminating in 2007 in the Urton Lane Corridor Study commissioned by the Department of Planning and Design Services and Metro Public Works and endorsed by the Planning Commission and Louisville Metro Council. Following on its heels was the August 2009 BTM Engineering Taylorsville Road-Urton Lane Area Comprehensive Traffic Analysis.

Part of the Urton Lane Corridor Study focused on the various alternate routes, eventually selecting the preferred route, and part of it focused on the form districts along that Corridor, especially south of the railroad track, where it designated a large area as a future Town Center. Applications for rezoning in this area were delayed for years while that Study was undertaken and wound its way through the planning and political processes. Dozens of meetings were held by this attorney and his clients/applicants in these and other cases to discuss proposed projects and the future Urton Lane Corridor. Residents in the area, from far and wide, both north of Rehl Road and south of Taylorsville Road, showed up at these many meetings, and the input from those meetings, added to the input from specific neighborhood meetings related to this specific application, have all been taken into account. Because of the lengthy time delays of the planning and political processes involved in the Urton Lane Corridor Study, applications and investment were lost. Time took a serious toll. Yet over time, new applicants emerged, the Town Center "Tyler Town Center" rezoning occurred, and sanitary sewer service through the "Billtown Recapture" is being brought to the area. This particular application is the culmination of serious consideration of the considerable DPDS and neighborhood input and applicant's representatives' time spent these past years with Louisville Metro Works, DPDS and others discussing the location and design of the Urton Lane Corridor, of development related traffic impacts to the area, and of development plans.

Another aspect of all this planning that has been taken into account is that the four "Blankenbaker Station" projects to date are moving successfully through the sale/lease processes, such that those 600 acres are now about 30% sold or under contract. All of this has occurred within about a four-year period. Consequently, at the rate that things are going, those 600 acres could be completed within a

decade, therefore, adding housing nearby to meet the demand, which economists predict will result in 20,000 new jobs to Louisville just this year, is essential.

COMMUNITY FORM – GUIDELINE 1

Guideline 1 of the Comprehensive Plan determines that the subject property is located in the Suburban Neighborhood Form District. This is a short distance from Tyler Town Center, near a large new park system (the planned and under construction 21st Century Park system), and just “down the road” from what has been called one of the largest business parks in the world. The Suburban Neighborhood Form, by definition, is primarily a residential form of development, mixed with neighborhood commercial and other forms of residential, notably multi-family along arterial roads and near places of shopping, work and recreation, as this property is located. Guideline 1 also specifically states that this form “is characterized by predominantly residential uses that vary from low to high density”. Accordingly, because all that is explained above, especially Tyler View Crossing’s location and compatible design, the proposed Tyler View Crossing apartment community complies with the Community Form Guideline for Suburban Neighborhoods.

CENTERS – GUIDELINE 2

Guideline 2 of the Comprehensive Plan is intended 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 mixture of different land uses, to provide an opportunity for a marketplace that includes a diversity of goods and services, to encourage vitality and a sense of place, and to avoid individual or isolated commercial uses from developing along streets and noncommercial areas.

The Intents of this Guideline 2 are fully met because the proposed Tyler View Crossing is located near existing and approved jobs, goods and services for a burgeoning population area where significant residential growth has already occurred and where it can be expected to grow in the future because of the Taylorsville Road arterial that connects so much as noted above and that further, because of the Snyder Freeway interchange with the Urton Lane Corridor, will disperse traffic to and from the overall Blankenbaker Station/Blankenbaker Crossing/Bluegrass /Commonwealth Business and Industrial Parks. Sanitary sewers are now available as a consequence of the two MSD Recapture projects (“Rehl Road” and “Billtown” Recaptures).

Therefore, as stated, Guideline 2 recommends that higher intensity/density uses, such as the Tyler View Crossing Apartments, be located in close proximity to activity centers, such as those noted – i.e., the Tyler Town Center, a very short distance east of this site. In addition to the proximity of Tyler View Crossing to this shopping destination, the Bluegrass Industrial Park/Commonwealth Industrial Park/Blankenbaker Crossings/ Blankenbaker Station industrial and business parks are located just north of this site, up the Snyder Freeway and up several area roads, including Blankenbaker Parkway, Tucker Station Road, and also what will become the new Urton Lane Corridor. The proximity of Tyler View Crossing to these major employment centers and the referenced nearby shopping opportunity, especially considering the fact that Tyler View Crossing will be located along major arterials, which provide or will assure easy access to these facilities, means that Tyler View Crossing fully complies with the Centers guidelines of the Comprehensive Plan. In other words, it is perfectly located. In fact, to utilize the subject property for a use other than a higher intensity/density use such as this one would be a misuse of this property, given what the Comprehensive Plan says about locating apartments near workplaces, shopping and recreational

destinations, all of which are located nearby, which thus really demand a higher intensity and variety of housing opportunities than presently exist.

Policies 1, 2, 4, 5, 6, 7, 8 and 9 all pertain to the proper location of an activity center and the compact nature, mix of desirable uses and residential living opportunities within those activity centers. Activity centers should be located along or near Marketplace Corridors, Workplaces, Town Centers and so on. The Tyler View Crossing proposed apartment community is located in and around all of these form districts, which are known to be form districts of rather intense mixed use commercial/workplace/residential activity. Policy 4, like Policy 1, suggests that development within these form districts be compact, which is what locating an apartment community at this site assures, because of the close proximity of this apartment community to nearby existing and approved retail uses in particular. Policies 5 and 7 of this Guideline encourage activity centers to include a mixture of compatible and desirable land uses. This proposed Tyler View Crossing apartment community involves just that, adding multi-family residential to what presently is a robust Workplace area near an emerging Marketplace along Taylorsville Road where people presumably would like to live in close proximity because of the convenience of it. Policies 6 and 8 encourage residential land uses in or near designated centers, even such as along major corridors, like the Taylorsville Road-Urton Lane corridors.

Policies 11, 12, 13, 14, 15 and 16 all deal with the design of centers, notably parking, access and alternative transportation. This Tyler View Crossing apartment community involves, as depicted on the detailed district development plan, common parking spread around the apartment community for ease and safety of building access to the various apartment dwellers. It also includes lots of walking spaces, sidewalks throughout the development and all the way to and along Taylorsville Road and the future Urton Lane corridor. Accommodations are likewise made for bicycles and transit. It is this shared parking and ease of access to all modes of transportation that makes an activity center work well, such as this one surely will because of its location and design.

COMPATIBILITY – GUIDELINE 3

Guideline 3 includes the principal “impact mitigation” policies of the Cornerstone 2020 Comprehensive Plan. The proposed Tyler View Crossing apartment community complies with the Intents and Policies of this Guideline (specifically Policies 1, 2, 3, 5-15, 20-24, and 28) for reasons generally described in the Introductory section above and in the Community Form Guideline for Suburban Neighborhoods because this is a residential community located along arterial streets in close proximity to the referenced Workplaces, the referenced Tyler Town Center shopping and the planned and under construction 21st Century Parks system. Further, Tyler View Crossing is designed with the adjoining single-family residential communities in mind. That is to say, building materials will be primarily brick and hardy plank, with interesting and attractive architectural treatments evident on the design elevations filed with this application demonstrating how building design for this project was a matter of careful attention to detail in order to assure a community that fits well both with the larger Metro Louisville community and with adjoining neighborhoods like this around it. Nicely landscaped buffers are included along the perimeter in order to protect nearby properties from any potential adverse impacts of apartment residents living nearby. Sidewalks are located throughout the Tyler View Crossing apartment community, circumnavigating it as well so that apartment residents, as well as those from the adjoining residential communities, will have the opportunity to walk within, through and around this apartment community, both for exercise and to create a sense of total neighborhood. Lots of landscaping will be interspersed throughout the Tyler View Crossing community, and a resort style pool and clubhouse is included to meet the community and recreational needs of residents. Apartment units will vary from one to two to three bedrooms, and they will

include upscale, modern conveniences. Internal roads are designed to assure that cut-through traffic is minimized and in order to assure that residents travel throughout the apartment community at low rates of speed, thus assuring a peaceful setting.

Notably, an apartment community is owned and managed by one entity or one individual instead of by many individuals. So, if that management entity or manager is experienced and long term, such as Hills, which manages 5,000 units of its own in several states, developed over its 50-year, three-generations of family leadership history, then the community will also stand the test of time and will not be subject to the many pressures that can drag down a single family residential subdivision or condominium community, particularly if that single family subdivision or condominium community is poorly designed, not well funded, built of inferior materials, or so low priced that residents cannot afford required levels of maintenance. What Hills has designed and is proposing in this community is taken from a brand new design of its under construction in Cincinnati. Hills is bringing the same attention to design detail, construction and quality evident in that project to this one.

The principal issues in this case, thus, are (1) use (i.e., apartments, which many people simply don't like no matter how high the quality), (2) design and materials (which, because brick and hardy plank are proposed, some people nevertheless still oppose because they oppose apartments no matter what quality), and (3) traffic (which can be heavy at times in this area) -- all issues that Hills is certain it is able to fully address at this location.

As to land use, once again apartments are a part of the Louisville Metro's long time housing strategy, which calls for mixed housing choices at various price points throughout the entire Metro Louisville community, from east to west, north to south and inside and outside both the Watterson and the Snyder Expressways. There is a strong market for apartments, notably of this kind and quality at this location, near what has been termed the third largest industrial/business park in the world.

As to the issue of materials and design, you can't get any higher in terms of quality of design and materials than as proposed here by this particular architect working with design themes that have proven successful before with buildings materials that are durable and long lasting.

As to traffic, the traffic analysis prepared by BTM Engineering and updated by Diane Zimmerman, along with the fact that these are arterial roads, one of which will be the beginning of the extension of Urton Lane from Taylorsville Road south to Bardstown Road, mean that this is a perfect location for a higher density multi-family community.

Policies 1, 2 and 3 of this Guideline pertain to scale, site design, building materials, densities, buffers, open spaces and so forth as mechanisms to assure compatibility between adjoining and nearby uses. As described above, this Tyler View Crossing apartment community will include the use of mostly brick and "hardy plank" which are building materials evident in higher quality neighborhoods within the larger Metro Louisville. The apartment buildings that Hills will construct here will be higher quality, and the cost of construction per square foot will be comparable to nearby homes. While the density is proposed to be higher, naturally, than the density of the nearby subdivisions, apartment communities, by definition, are always at a higher density than standard single-family residential communities. But the transitions from them to this apartment community will be smooth ones, with significant setbacks along the shared property lines and the provision of significant landscaping and other forms of acceptable screening within that buffer area. Building heights along Taylorsville Road across from the Tyler Rural Settlement District will be two-story.

Policies 5, 7 and 8 pertain to the odor, noise and lighting nuisance issues. Odors and noises are not associated with an apartment community any more than they are with any other kind of residential communities. Lighting will be directed down and away from the nearby subdivisions. And lighting must be minimal, because the residents of this apartment community will be impacted by whatever lighting exists more than residents of nearby subdivisions.

Policy 6 pertains to traffic, as a potential nuisance. Traffic is addressed more fully at Guidelines 7 and 8, but suffice it here to say that the main access points from Taylorsville Road and Urton (presently Sweeney Lane) through the proposed apartment community will be major public streets.

Policy 9 pertains to visual impacts. As stated, the proposed apartment community will be comprised of buildings that are attractively designed using accepted quality building materials. In addition to attractive looking buildings, there will be a very attractive clubhouse and resort style pool area. Other landscaping will also enhance the visual quality of the apartment community, which will be maintained by a professional manager within the Hills Communities apartment management program. Remember that Hills owns and manages some 5,000 apartment units around the country. It has a very good track record of maintenance, as well as initial quality building design and construction.

Policies 10, 11, 13, 14 and 15 all pertain to encouraging new Tyler View Crossing residential developments to include a variety of housing types, not just standard single-family residential, but also housing at higher densities that are accessible and attractive to the elderly and handicapped and people of varying incomes. While the proposed Tyler View Crossing apartment community will be upscale resort style, nevertheless apartment dwellers choose to live in apartments for different reasons than most individuals choose to live in standard single-family homes. Some of it has to do with incomes, some of it has to do with financing eligibility, some of it has to do with the requirement of significant down payments, and some of it has to do with a desire simply to not own a home, but rather to rent one, which is oftentimes out of choice, not just by necessity. The proposed Tyler View Crossing apartment community addresses the needs of many groups of people who are attracted to apartment living.

Policies 21, 22, 23 and 24 all pertain to design issues relative to transitions, buffers, setbacks and minimizing the impacts of parking, loading and delivery. As stated, setbacks are significant, and within these areas Hills proposes intensive landscaping, beyond what is required by Code. Parking lots will include landscaping, both along the perimeter and within the interior of same. Refuse collection areas will be separated by distance from adjoining residential properties and will be properly screened.

Policy 28 pertains to signage. Signage will comply with provisions of the Land Development Code.

OPEN SPACE - GUIDELINE 4

The Intent of this Guideline of the Comprehensive Plan is to enhance the quality of life in Metro Louisville through the provision of accessible and functional open space. Policies 1, 3, 6 and 7 of this Guideline further address the issues of open space, outdoor recreation, natural features and the maintenance thereof. The primary open space will be the pool and clubhouse area with deck and landscaping to sit and enjoy the communal environment which will provide for recreational and aesthetic needs. As shown on the elevation renderings filed with this application, this will be a very attractive area. In addition, there will be a number of what are called “pocket parks” within the proposed apartment community. These will be small seating areas that involve attractive landscaping, and they will be situated throughout the apartment community at various points so that

residents of individual buildings can relax and enjoy the outdoors within immediate proximity of the buildings in which they live. This often works better than one large open space. One good sized attractively designed and landscaped focal point, as mentioned above, makes sense for the larger communal living that goes on within an apartment community. The smaller pocket parks provide for quieter, more isolated spaces where individuals can sit peaceably or visit with a neighbor within the community.

For these reasons, the Hills application complies with this open space Guideline of the Comprehensive Plan because, as stated, there will be open space throughout the development for residents to sit and visit as well as recreate at the clubhouse, by using the pool and sidewalks. Open spaces will be well maintained because there will be one owner, Hills Communities, which is known for the high level of its apartment amenities and its careful attention to maintenance details. It is essential to the issue of transitions, as well as to the issue of nice, usable, protected open spaces, to have good buffers along the perimeter of a higher density, multi-family community, such as this one, Tyler View Crossing.

NATURAL AREAS, SCENIC AND HISTORIC RESOURCES - GUIDELINE 5

The Intent and Policies of this Guideline are to preserve natural features and historic resources. There are none on this property. As planned above, the Intent and Policies of Guideline 4 (Open Space) will be fully addressed, but the related issues of natural areas and scenic and historic resources are not really involved in this particular application, except that the layout and design of Tyler View Crossing respects the Tyler Rural Settlement District across Taylorsville Road from it.

ECONOMIC GROWTH AND SUSTAINABILITY – GUIDELINE 6

The Intents and Policies of this Guideline are to ensure the availability of necessary usable land to facilitate various kinds of development, including commercial, industrial and residential, to reduce public and private costs for land development, and to ensure that workplaces and industrial land uses have access to people, goods and services. The Policies of this Guideline further elaborate on these Intents. By locating an apartment community of this size and type in this area, where not many apartments presently exist, and in close proximity to significant Workplaces and an emerging Tyler Town Center, as identified above, the Intents and Policies of this Guideline are followed. It is important to have places for all kinds of people and all ages and levels of income, to have nice, attractive, convenient places to live, more than just standard single-family residential neighborhoods. People are attracted to all forms of living environment, and this is an important one.

Therefore, Guideline 6 of the Comprehensive Plan may be the most important Guideline, in this particular case. Often it is ignored. But it represents an effort to provide a positive culture for attracting and sustaining business within Metro Louisville. One way to do that is through a diversity of housing types, especially a mixture of price points within the overall diversity of housing choices available in an area. In other words, residential development (standard single-family lots, residential condominiums and apartments) should offer housing choices at varying price points, from low to high. There are other apartments located within the larger vicinity of the proposed Tyler View Crossing, but none are at the design or amenity level of what Tyler View Crossing proposes. This is especially important because there is an increasing market for upper end apartments by people who fall into certain categories, including these: (1) executives moving to town needing short term housing; (2) persons, often empty-nesters, who are tired of the maintenance responsibilities of standard single-family and who, for one reason or the other, can't or don't want to make the investment in a home or condominium, and (3) people who may need to lease their residence in the

current credit environment, and who can't afford to own, but can afford to rent, often something very nice. Also, younger single people often have no need for the extra space found in many standard single-family homes or condominiums; they are content with a smaller space. Also, as said, especially now, there are people who are not in the position to buy a home. So it is very important to offer a variety of housing choices at different price points, which helps to attract and retain people within the Metro Louisville community.

Policy 1 of this Guideline recommends that Workplace areas be preserved. Given the fact that Workplaces are better served when housing exists in close proximity to them, the choices are for housing to be located (1) within the Workplace, (2) on the edge of it, or (3) just outside it. Metro Government has made it clear in the past that it does not want its limited Workplace Form Areas taken up with housing. Encroachments into Workplace Form Areas are thus not necessarily good, and some areas around the nearby Workplaces are considered off limits, as, for example, the Tyler Rural Settlement District is. Therefore, that just leaves properties, like this one, near but outside of the Workplace Form Areas, as preferred for Workplace-serving housing. The identified nearby Workplace Form Area properties are in need of more and different housing choices. Loads of standard single-family opportunities exist along Taylorsville Tucker Station and Rehl Roads. This applicant's market research and knowledge of the apartment industry indicates that the quality of this proposed apartment community at the price points intended are not widely available anywhere near these mentioned Workplace Form Areas.

CIRCULATION – GUIDELINE 7; TRANSPORTATION FACILITY DESIGN
– GUIDELINE 8; BICYCLE, PEDESTRIAN TRANSIT – GUIDELINE 9

These Guidelines are intended to provide for safe and proper functioning of street networks to insure that new developments do not exceed the carrying capacity of streets, to assure that internal and external circulations provide for safe and efficient travel movements for all types of transportation, to address congestion and air quality issues, and to assure opportunities for transit and non-motorized methods of travel. As the development plan filed with this application and those approved in the recent Tyler Town Center and Blankenbaker Station IV rezonings demonstrate, the new Urton Lane Corridor runs through the middle of these developments, providing good access from the Blankenbaker interchange with I-64 via Blankenbaker Parkway, Bluegrass Parkway and Plantside Drive to the north and to the Snyder Freeway/Taylorsville Road interchange to the south via the Urton Lane Corridor extension from Rehl Road to Taylorsville Road. Plantside Drive already extends into Blankenbaker Station, and will connect in time to Rehl Road where the Urton Lane Corridor coming from the north will intersect. Blankenbaker Parkway now connects to Taylorsville Road, and there is a new traffic signal where intersection improvements were recently made at Tucker Station Road and Taylorsville Road. As a consequence of this, good access will be provided via Bluegrass Parkway and Blankenbaker Parkway to the I-64 interchange and also to the Snyder Freeway at Taylorsville Road via these multiple other roadways.

Of course, it will be a long time before Urton Lane Corridor can be expected to connect from Shelbyville Road to the north over I-64 to the Urton Lane Corridor to the south and to Bardstown Road. But this connection is far less critical than the connection with Urton Lane Corridor to Plantside Drive and eventually to Taylorsville Road, as explained, in order to provide easy access to I-64 to the north, east and west and to the Snyder Freeway to the south. Because of the planned and underway connection of the Urton Lane Corridor to the south, this will provide residents to the southeast with easier access to the referenced business and industrial parks and also with workers

within those business and industrial parks with another access to the Snyder Freeway, not just via the I-64 access to the north. But more important than anything about all these applications and approvals is all of the work that has been done to design and consider the consequences of the new Urton Lane Corridor extension from Rehl Road to Taylorsville Road. Extensive discussions have taken place within government and by residents, businesses and developers with government, notably Metro Public Works, about the Urton Lane Corridor, especially where it will begin, where it will end and its impacts on St. Michael Catholic Church and School, as well as others. Consequently, this applicant/developer has not prepared its development plan in a vacuum, but rather has closely watched all these other projects and consulted with government agencies and the most affected neighborhood interests. This application complies with these Guidelines mostly for these very reasons – in other words, this applicant/ developer has had less to do with transportation design than has Louisville Metro Public Works and other government agencies; it is fitting its proposed Tyler View Crossing proposal into what has already been studied extensively and approved.

Nevertheless, in order to understand more fully the impacts of the proposed developments included within these applications, some level of traffic engineering studies is always required. Because so much transportation planning has already recently been done for government and for other developers in this area, all of that is being consolidated and evaluated in connection with this proposed apartment development. Because of the extensive work already done, it is fully anticipated that all of the Policies of these three Guidelines are already fully complied with.

Policies 1, 2, 3, 4, 8, 9, 11, 12, 13, 14 and 16 of Guideline 7 all address various issues of impact mitigation as a consequence of new development proposals. Street systems obviously need to be designed to adequately carry the proposed traffic, levels of service need to be maintained or possibly improved to better levels of service, oftentimes right-of-way needs to be dedicated, parking needs to be adequate, and such things as corner clearances, points of access and shared access must be addressed on any proposed development plan. All of these are routinely included in proposed development plan applications, and the development plan included with this application is no different than any. Ultimately, preliminary stamps of approval are needed from Metro Public Works, and it is anticipated that the preliminary stamps on this development plan will be received. Because of the significant public and government input already into prior traffic studies and plan approvals plus the specific design of the Tyler View Crossing apartment community, which includes the application of standard engineering practices in plan design, all of these Policies of these Guidelines are, as stated, fully complied with already at this point in the application process. The traffic update likely soon-to-be completed as part of this particular application will more fully address the specific Policies of these Guidelines. But, as noted, because of the level of government and other applicant and consultant studies prepared previously for this area, much is already known and, as a consequence, what is known has been incorporated within these applications and on this proposed development plan.

Policies 1, 2, 3, 4, 5, 6, 7, 8, 9, 10 and 11 of Guideline 8 primarily pertain to the issues addressed under the Policies of Guideline 7, notably in this instance with respect to specific design standards, especially if established corridors are designated as Scenic or Parkway, with adequate right-of-way, access to adjoining developments, and site distances and internal circulation. Once again, the development plan included with this Tyler View Crossing application addresses all of the Policies of this Guideline 8 for reasons said above. As noted, right-of-way will be dedicated to the new Urton Lane Corridor to the extent of design standards heretofore determined. Access, site distances and internal circulation, as engineering practices and normal requirements of Metro Public Works and KTC determine, are addressed on the submitted development plan and will be further considered during the Case Management Review processes.

Further, the proposed Tyler View Crossing complies with this Guideline and these Policies because access will not be through lower intensity/density land uses; rather access will be from the Taylorsville Road major arterial which serves the Bluegrass/Blankenbaker area Workplaces and Tyler Town Center shopping facilities. Taylorsville Road is the kind of traffic facility where high density residential is intended to be located. Also, the large BTM traffic analysis prepared for this area, updated for this project by traffic engineer Diane Zimmerman, demonstrates that the Taylorsville Road arterial street system on which the proposed Tyler View Crossing apartment community fronts will be adequate to handle this project taking into account the road improvements anticipated. One recent improvement is the traffic signal at Tucker Station Road, where the intersection work also improved.

Guideline 9 of the Comprehensive Plan is designed to ensure that developments provide for pedestrian, bicycle and transit access. As noted above, the applicable Policies of this Guideline pertaining to these issues are all addressed because of connectivity, notably pedestrian, throughout the proposed development, bike access and parking facilities will be provided, and a transit stop will be provided, if required.

FLOODING AND STORMWATER – GUIDELINE 10; WATER QUALITY GUIDELINE – 11; AIR QUALITY GUIDELINE -12

The Intents and Policies of these Guidelines of the Comprehensive Plan are to address specifically the environmental concerns evident in the titles of these Guidelines. Policies 1, 2, 7, and 11 of Guideline 10 pertain to water management which will be handled with stormwater directed through a series of catch basins within streets and parking lots to new detention basins. Consequently, the proposed storm water management plan is fully anticipated to receive the preliminary stamp of approval from MSD.

The Policies of Guideline 11 pertaining to water quality are addressed in this community through storm water management and through the temporary construction arrangements of erosion and sediment and control basins. New regulations may be developed in the future to further address water quality.

The Policies of Guideline 12 largely relate to commuting distances and use of alternative modes of transportation, all of which are fully addressed as set forth above and by locating this apartment community near the new Tyler Town center and a stone's throw from the noted business and industrial parks nearby, thus reducing commuting distances for more workers and more residents who wish to locate proximate to places of residence and shopping.

LANDSCAPE CHARACTER – GUIDELINE 13

Guideline 13 seeks to assure that developments include appropriate screening and buffering plus tree canopy through good landscape design, both interior and around perimeters of the site. Native plants should be utilized where additional plantings are required. Tyler View Crossing will fully comply with this Guideline and the Policies thereof because the Tree Canopy Regulation will be fully complied with and because the concept landscape plan that is part of this application creates an internal park like setting and includes excellent perimeter landscaping to help mitigate potential adverse impacts of the proposed apartment community on adjoining standard single-family homes. Both along the adjoining arterial streets and within Tyler View Crossing, high levels of landscaping are included to make for a better community than found most places. Trees are an amenity, and a

high level apartment community, such as this one, requires not only excellent layout and building design, but also careful attention to landscape detail, as is evident in the landscape plan anticipated at the construction plan stage of this proposed project.

INFRASTRUCTURE AND COMMUNITY FACILITIES – GUIDELINES 14 AND 15

These Guidelines are intended to assure that adequate infrastructure and other community facilities exist to support developments such as these. Note again above the MSD Billtown Recapture project which brings sanitary sewers to this unserved area. In addition, the Urton Lane corridor proposed to run along side or through all the referenced developments is expected, in part, to be paid for by the developers of these projects, and right-of-way will be dedicated. Hopefully, state government will be able to participate financially in a meaningful way, at least along the most important section of the Urton Lane Corridor, i.e., the railroad underpass. As planned, it is especially expensive. And because it will serve a population of workers and residents eventually traveling from Shelbyville Road on the north to Bardstown Road on the south, it can't be expected that one developer for one or two projects will bare the entire cost of something as expensive as this, although developers are doing their roughly proportional shares. The same is true of the Snyder Freeway-Taylorsville Road interchange where State assistance will be needed in time. But for now, private combined with public dollars are assuring that projects like Tyler View Crossing can be accommodated.

For all of these reasons and as further evidenced in the materials accompanying this application, including the detailed district development plan, the Chapel View application also complies with all other applicable guidelines and policies of the Cornerstone 2020 Comprehensive Plan.

Respectfully submitted,

William B. Bardenwerper
BARDENWERPER, TALBOTT & ROBERTS PLLC
8311 Shelbyville Road
Louisville, Kentucky 40222
(502) 426-6688