

Louisville Metro Planning Commission Public Hearing – July 20, 2017

Land Development and Transportation Committee Meeting – June 22, 2017

Neighborhood Meeting – February 28, 2017

Docket No. 17ZONE1006

Proposed change in zoning from R-4 to R-5A to allow a 58-unit residential patio home community on approximately 12.35 acres on property located
at 8602 Old Bardstown Road

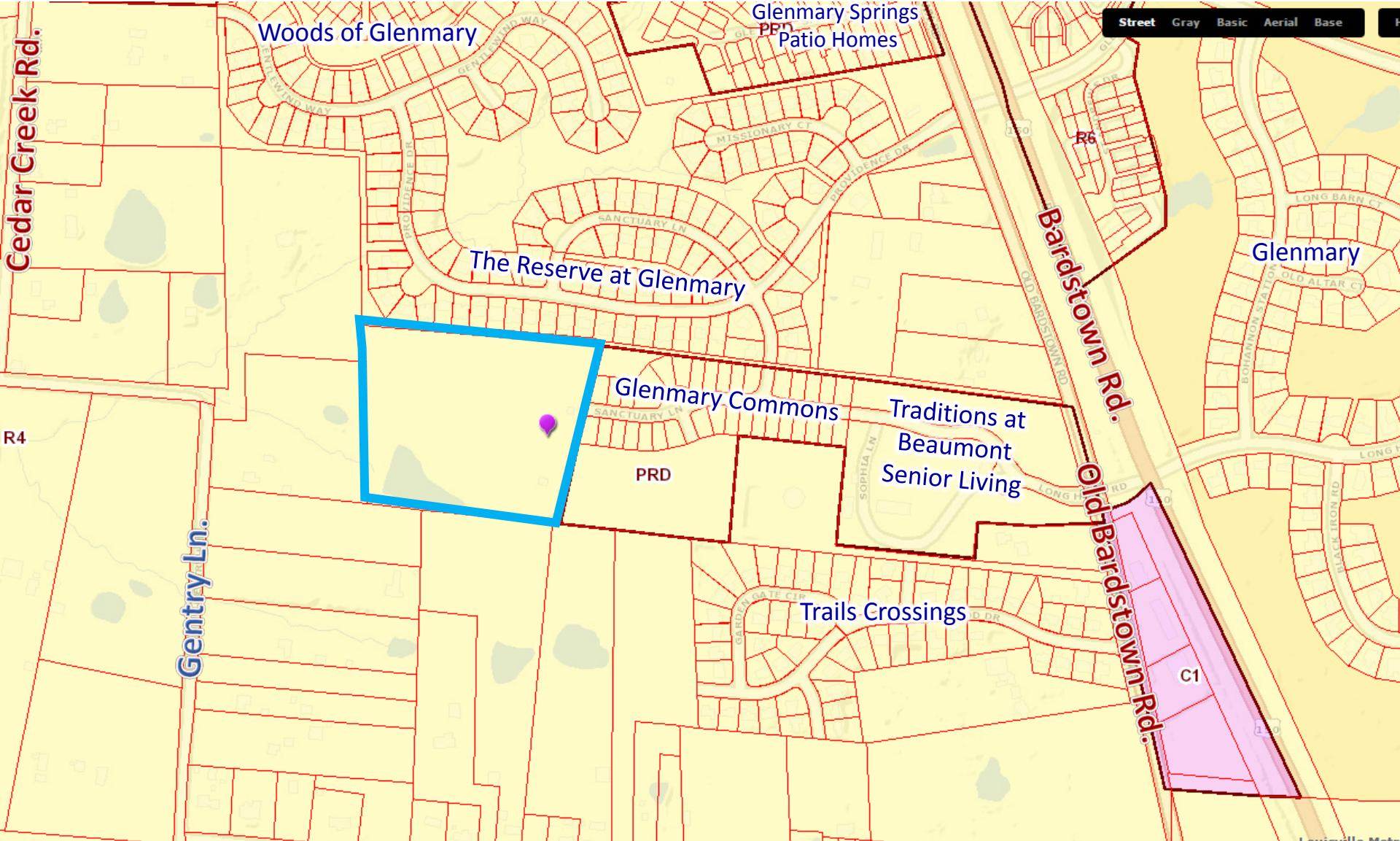
SFLS, LLC c/o John Schutte

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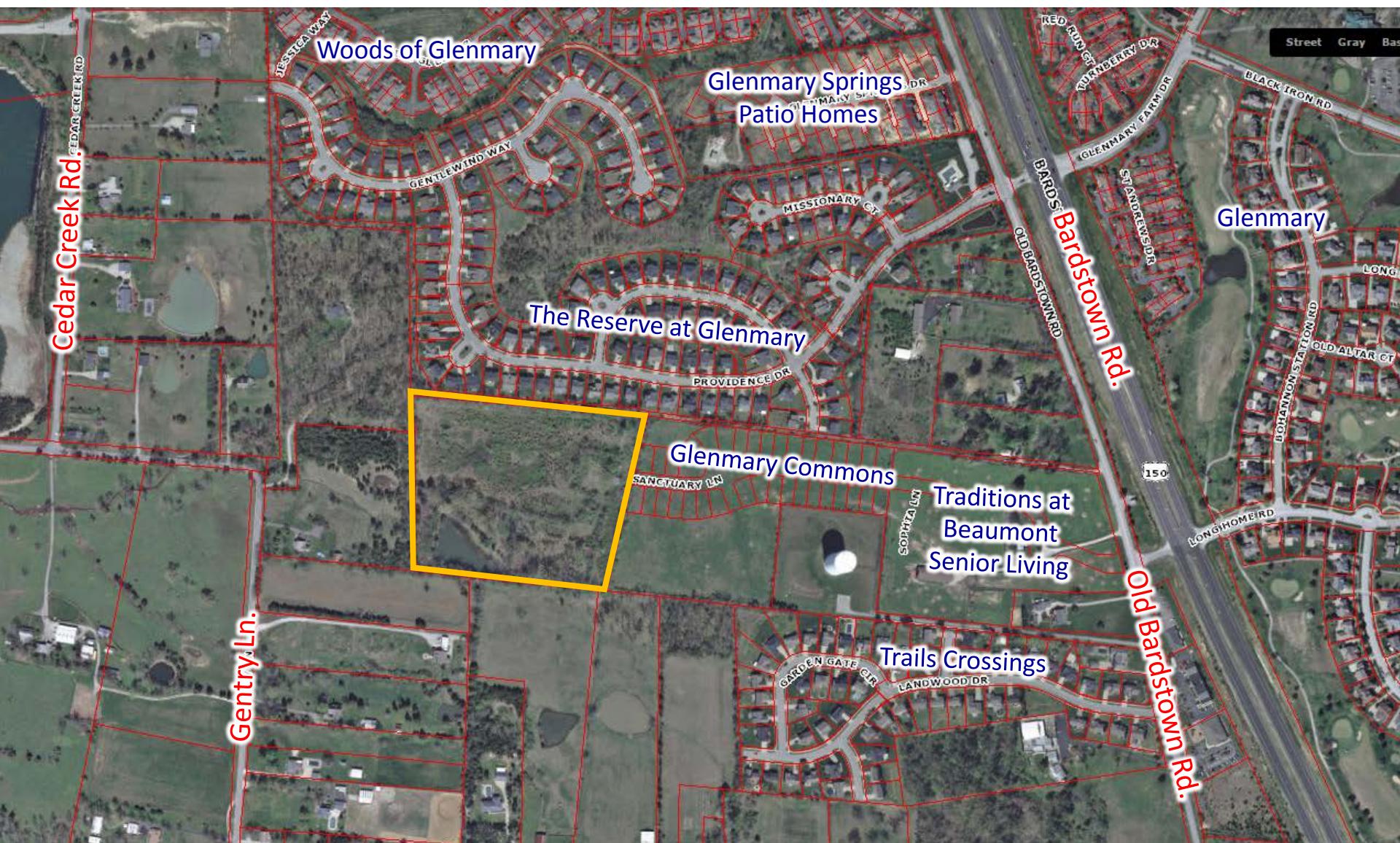
Tab I

LOJIC Zoning Map



Tab 2

Aerial photograph of the site and surrounding area



Tab 3

Ground level photographs of the site and surrounding area

Old Bardstown Rd.

Traditions at
Beaumont
Senior Living

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Google Earth

38°07'16.04" N 85°24'26.21" W elev. 712.8 overalt. 605.8

Looking south down Old Bardstown Rd. Traditions at Beaumont Senior Living is to the right.

Old Bardstown Rd



Exit Street View

N

Old Bardstown Rd.

Long Home Rd.

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Google Earth

Report a problem

Looking south towards entrance to Traditions at Beaumont Senior Living from Old Bardstown Rd.



Google Earth

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Entrance to Traditions at Beaumont Senior Living.



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Google Earth

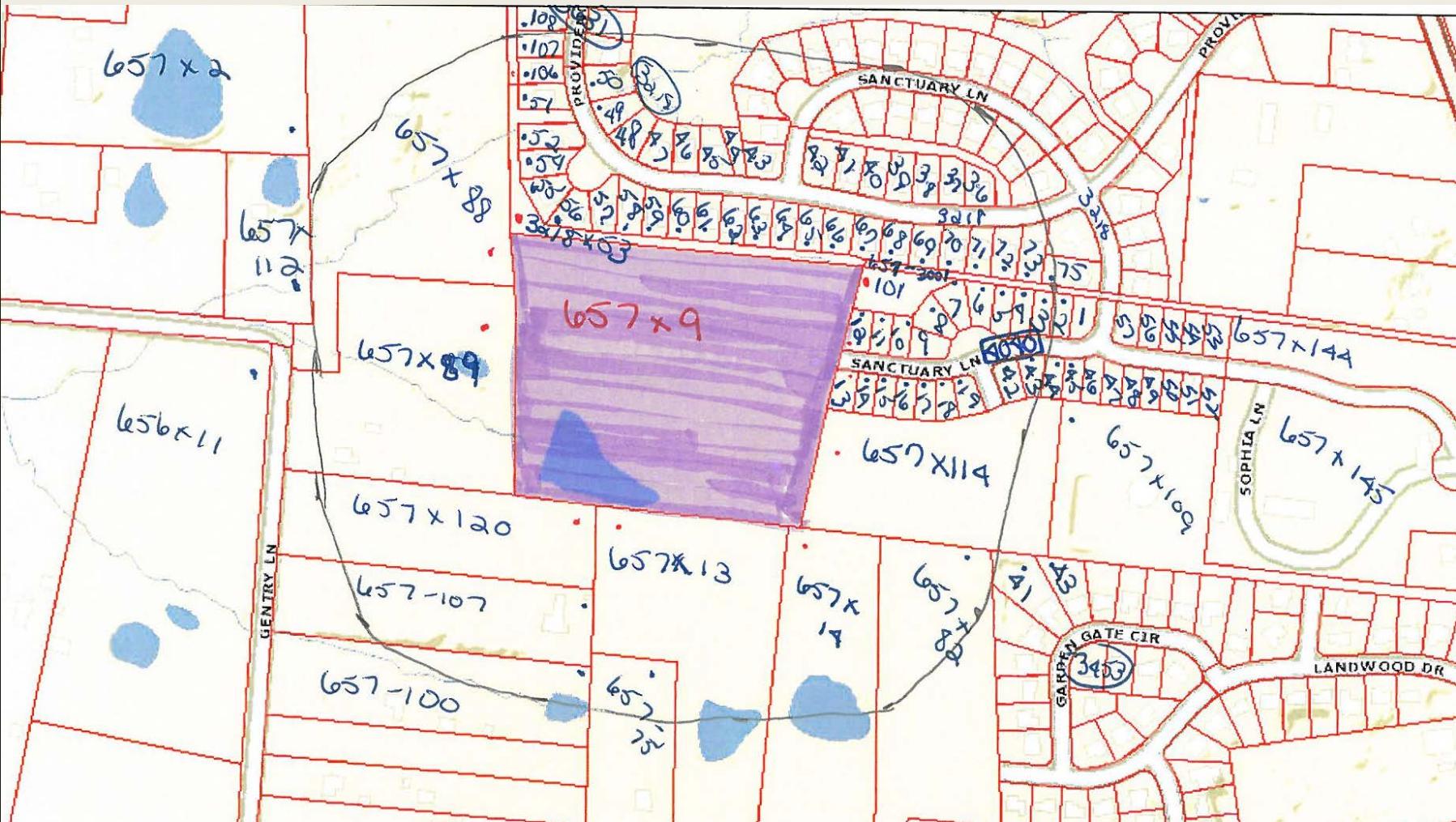
39.9712 N, -85.2422 W | Lat: 39.9712 | Lon: -85.2422 | Elevation: 742.0 | Altitude: 707.0

Looking further south down Old Bardstown Road just past the entrance to Traditions at Beaumont Senior Living.

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 70 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

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

February 13, 2017

Dear Neighbor,

RE: Proposed change in zoning from R-4 to R-5A to allow a 58-unit residential community on approximately 12.35 acres on property located west of the Traditions at Beaumont senior living facility and Glenmary Commons at 8602 Old Bardstown Road

We are writing to invite you to a meeting we have scheduled to present neighbors with our rezoning plan to allow a 58-unit residential 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 manager, **Joel Dock** and case number **17ZONE1006**. We would like to show and explain this plan to neighbors so that we might hear what thoughts, issues and perhaps even concerns you may have.

In that regard, a meeting will be held on **Tuesday, February 28th at 6:30 p.m.** at **the Fern Creek Library** located at **6768 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 representatives David Mindel at 485-1508.

We look forward to seeing you.

Sincerely,
Bill
Bill Bardenwerper

cc: Hon. Robin Engel, Councilman, District 22
Joel Dock, Case Manager with Metro Division of Planning & Design Services
John L. Schutte, applicant with JS Acquisitions, LLC
David Mindel, engineer and land planners with Mindel, Scott & Associates, Inc.

Neighborhood Meeting Summary

A neighborhood meeting was held on Tuesday, February 28th at 6:30 p.m. at the Fern Creek Library located at 6768 Bardstown Road. Those in attendance included the applicant's representatives, Nick Pregliasco, attorney and David Mindel, land planner and engineer with Mindel, Scott & Associates, Inc.

Nick Pregliasco presented a Powerpoint presentation showing the location of the project, and the details of the proposed rezoning from R-4 to R-5A. Mr. Pregliasco started by providing a history of the adjacent Glenmary Commons single family PRD subdivision and Traditions at Beaumont Senior Living project which was originally approved as part of Glenmary Commons and the PRD subdivision. He also explained that the applicant has met with the developer of Glenmary Commons and the primary builder therein as to possible modifications to the Development Plan.

Nick Pregliasco answered questions from those in attendance as to the concerns, including, traffic, differences in this condominium development and the adjoining residential subdivision and the Glenmary Commons subdivision. He explained the style and design of the buildings are still being finalized, but will be available prior to the first Planning Commission Committee meeting. Many of those in attendance were owners in the Glenmary Commons subdivision and were concerned about the location of the buildings being close to the property lines, etc. One of the main concerns related to the additional traffic this development would cause along Sanctuary Lane both through the additional units and persons using the street, but also related to the construction traffic using Sanctuary Lane. Both David Mindel and Nick Pregliasco discussed contacting the neighboring property owners to the West and South about possibly obtaining a construction entrance easement for use during construction. Both agreed to do so, but thought it might be unlikely they would obtain same.

The representatives from the Traditions at Beaumont Senior Living also voiced concern over the construction traffic as well as the increased traffic along Sanctuary Lane through their development, particularly with older individuals residing there.

David Mindel arrived later as he had the wrong start time in his calendar. David then answered many of the same questions answered by Mr. Pregliasco confirming the answers were the same as well as providing more detailed technical answers to some questions previously asked. David Mindel answered many questions as to the existing lake on the property and how the lake will remain and serve as retention basin. Councilperson Robin Engel and his aide attended as well.

All in all, the traffic on Sanctuary Lane and the construction traffic were the largest objections and voiced most often. Nick

Tab 5

Development Plan for the adjoining
Glenmary Commons subdivision,
Traditions at Beaumont Senior Living to
the east, aerials and development plan
for proposed site

Adjoining (to the east) Glenmary Commons single family subdivision and Traditions at Beaumont Senior Living.







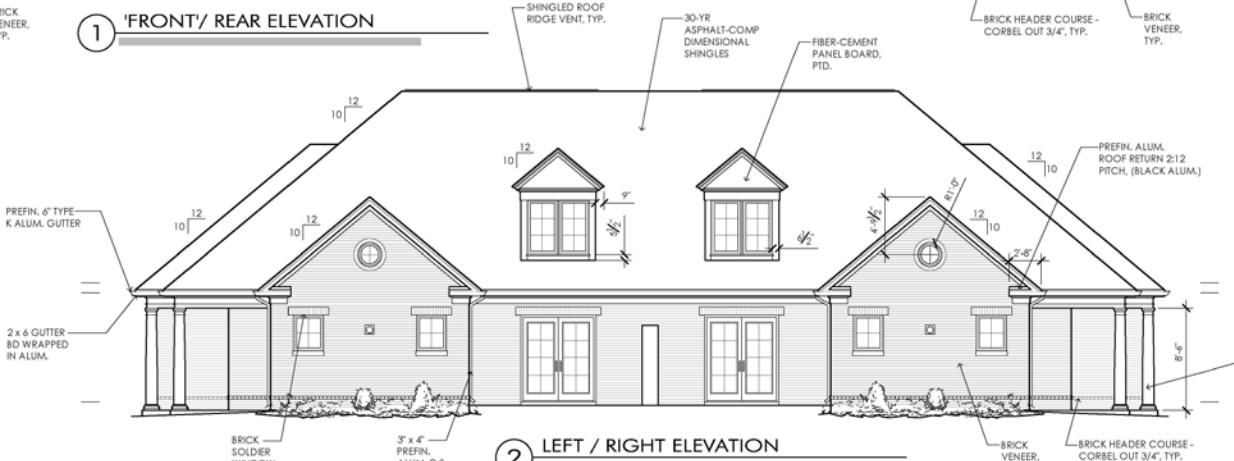


Tab 6

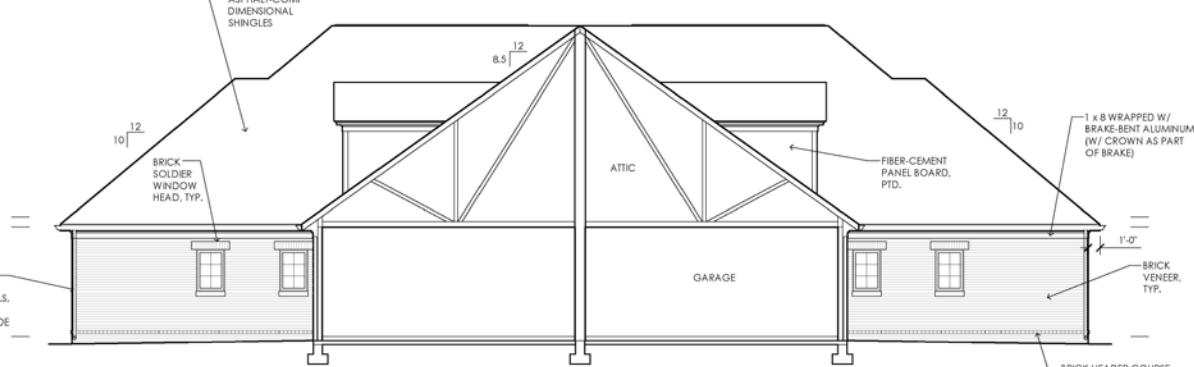
Building Elevations



1 'FRONT'/ REAR ELEVATION



2 LEFT / RIGHT ELEVATION



3 COURTYARD ELEVATION

Tab 7

**Statement of Compliance filed with the
original zone change application with all
applicable Guidelines and Policies of the
Cornerstone 2020 Comprehensive Plan**

BARDENWERPER, TALBOTT & ROBERTS, PLLC

Attorneys at law

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

<u>Applicant:</u>	SFLS, LLC
<u>Owner:</u>	Monsour Builders, Inc.
<u>Location:</u>	8602 Old Bardstown Road
<u>Proposed Use:</u>	Multi-family residential community
<u>Engineers, Land Planners and Landscape Architects:</u>	Mindel Scott & Associates
<u>Requests:</u>	Change in Zoning from R-4 to R-5A

GUIDELINE 1 – COMMUNITY FORM

SFLS, LLC (“SFLS”) proposes a residential condominium community, consisting of 58 patio home style condominium units on 12.35 +/- gross acres at the Sanctuary Lane stub that runs from Old Bardstown Road through the Beaumont senior living community and also through the Glenmary Commons subdivision.

The subject property lies within the Neighborhood Form District and is located just west of Bardstown Road near the intersection of Long Home Road. Direct access to the property via the site’s location near Old Bardstown Road ensures easy access to the Gene Snyder Freeway, to the Fern Creek town center just north of the Gene Snyder Freeway, and to a variety of significant emerging retail shopping along the Bardstown Road corridor south of the Snyder Freeway. This proposal will provide this area with new, attractive, housing choices for residents who desire to live in this community but prefer lower maintenance, less demanding condominium style living. Residents of the proposed residential condominium community will include mostly “empty-nesters,” that is to say, a few young childless singles and mostly older, often retired, singles and couples. The expansion of services and infrastructure in this south Fern Creek/Cedar Creek area makes this area extremely popular, as demonstrated by the success of multiple communities now utilizing the “Glenmary” name.

SFLS proposes 2 and 4-plex patio home style buildings in which each unit will have a garage. SFLS proposes a gross density of 4.70 dwelling units per acre (the upper end of the low density range). Buildings will be constructed of attractive building materials (brick and/or siding) and will feature architectural details similar to those in other nearby residential neighborhoods in order to ensure that the scale and appearance of the development will be compatible with the existing communities in this area.

The condominium council of co-owners will contract with professional groundskeepers for care of the common areas including the entrance frontage, buffers and open space areas, as is typical for planned condominium communities. These features will further serve to keep resident activities away from adjoining properties and to ensure a positive overall appearance for this proposed community.

GUIDELINE 2 – CENTERS

The proposed development conforms with the overall intent of and specifically with applicable Policies 4, 5, 12 and 14 of Guideline 2 of the Cornerstone 2020 Comprehensive Plan for all the reasons listed above and because it will make efficient use of available property that lies within the Neighborhood Form District and is located in an extremely popular area where residents currently seek new housing options and have easy access to Bardstown Road commercial and employment centers. The variety of condominium style homes that will be available at the development will diversify housing options in this area. Future residents will also support the businesses and services in nearby activity centers. Future residents will find that the ease of access to the Fern Creek town center plus south Bardstown Road commercial corridor and, via I-265, other nearby activity centers is an amenity. The proposed development will connect to existing utilities available at the applicant's cost, eliminating the need for costly utility extension and reducing the overall public costs for infrastructure. The landscaped, signature entrance and well-defined internal streets provided, as well as the architectural building style and natural open spaces provided within the community will combine to provide residents with a sense of place and recreational space.

GUIDELINE 3 - COMPATIBILITY

The proposed development conforms with the overall intent of and specifically with applicable Policies 1, 2, 3, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 21, 22, 23, and 28 of Guideline 3 of the Cornerstone 2020 Comprehensive Plan for all the reasons described above and because the proposal is a low gross density of 4.70+/- dwelling units per acre, the applicant is providing new public streets to improve area infrastructure, and the buildings will be one-story in scale and constructed with attractive building materials and in modern design styles to blend easily with adjoining neighborhoods. Perimeter landscaping is provided along all property lines. The subject property is adjoined on the north and south sides by residential land uses and on the west by vacant residential land. Duplexes and four-plexes plus different unit types will be available to support a better choice for housing options in this area. Many "empty nester" residents prefer housing that provides them access to all the positive attributes of a specific community, but do not desire to purchase and maintain single family homes, thus requiring alternatives that support a better mixture of residential density and intensity land uses.

Sidewalks will be provided if and as required. This patio home community will connect to adjoining residential community. Handicap parking, access for the disabled and other safety measures will be provided in accordance with the law. Odor and air quality concerns related to traffic congestion or delay will be mitigated by the fact that internal road and any required sidewalks will be efficiently organized to control traffic flow and prevent delays with provision of multiple street connections to adjoining communities, sidewalks, and safe access for automobiles, pedestrians and bicycles. Refuse will be picked up on a regular basis. Lighting will be residential in character in conformance with Land Development Code regulations.

The proposed development conforms specifically with Policy 28 of Guideline 3 because all signage will be in conformance with Land Development Code regulations.

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

The proposed development conforms with the overall intent of and specifically with applicable Policies 1, 3, 5, 6 & 7 of Guideline 4 and with the intent of Guideline 5 for all the reasons described above and because it will feature open spaces interspersed among the buildings that will be available for passive use by residents and will serve to provide natural areas and an overall positive appearance for the community. Landscaping will also be provided along property perimeters, along street frontage and around buildings. Setbacks and buffers along property lines will ensure good transitions between the proposed development and existing land uses. Maintenance of landscaping, natural and open space areas will be done by professionals and contracted for by the condominium council of co-owners. This maintenance arrangement will result in a higher and more consistent level of maintenance of the open spaces than if the property were developed as a single-family subdivision. No portion of the subject property has been designated as a natural, historic or scenic preservation site.

GUIDELINE 6 – ECONOMIC GROWTH AND SUSTAINABILITY

The proposed development conforms with the overall intent of and specifically with applicable Policies 1, 2 and 6 of Guideline 6 because, as noted above, future residents will support and be supported by the businesses, services, schools and churches in and around nearby activity centers. This proposal also reduces public costs for land development by utilizing connections to existing infrastructure for water, sewer, electric and phone services. The development, as proposed, will provide easy access to Bardstown Road and I-265 and several other roads in the area, and from there to greater Louisville employment and commercial centers.

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

The proposed development conforms with the overall intent and applicable Policies of Guidelines 7, 8 and 9 because the applicant has provided because the proposed development connects at existing streets, which will improve the efficiency of roadway infrastructure in the area as well as support good connectivity among neighborhoods. Old Bardstown Road is adequate to handle the amount of traffic generated by this proposal. The Detailed District Development Plan (DDDP) filed with this application will require the preliminary stamp of approval from Metro Public Works and Transportation Planning prior to Planning Commission review of this application at the LD&T committee meeting and public hearing, thus demonstrating compliance with all MPWTP standards for connectivity, internal circulation, driveway design, sight distances, corner clearances, and alternative modes of transportation.

GUIDELINES 10, 11 AND 12 – FLOODING AND STORMWATER; WATER QUALITY; AND AIR QUALITY

The proposed development conforms with the overall intent and applicable Policies of Guidelines 10, 11 and 12 because no portion of the site lies within the 100 year floodplain, all drainage will comply with MSD requirements, and the DDDP will receive preliminary approval

by MSD prior to review by the Planning Commission at the LD&T meeting or Public Hearing. Post-development peak flows of storm water run-off may not exceed pre-development conditions, which will be assured through the MSD review of the DDDP. Water Quality will also be part of the construction plan design. Louisville Water Company will provide water to the site. A soil erosion and sediment control plan will also be implemented to further manage sediment and drainage during construction.

Air quality will remain at good levels because, as noted above, the proposed internal road system, multiple street connections to adjoining neighborhoods and controlled entrance will distribute traffic to reduce air quality impacts relating to congestion or delays. Also, condominium units generate much less traffic on a per unit basis than single family homes, and condominium residents generally do not have as large an impact on morning and evening peak hour traffic.

GUIDELINE 13 – LANDSCAPE CHARACTER

The proposed development conforms with the overall intent and applicable Policies of Guideline 13 for all the reasons described above and because landscaping will be provided around buildings, along internal streets, and along property perimeters as noted above. Tree canopy requirements will be met, as noted on the development plan.

GUIDELINE 14 – INFRASTRUCTURE

The proposed development conforms with the overall intent and applicable Policies of Guideline 14 because, as noted above, water, sewer, electric and phone connections are available by nearby connection to ensure a reduced cost for infrastructure.

For all of these and other reasons set forth on the Detailed District Development 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 8

Proposed findings of fact pertaining to compliance with the Comprehensive Plan

BARDENWERPER, TALBOTT & ROBERTS, PLLC

Attorneys at law

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

<u>Applicant:</u>	SFLS, LLC
<u>Owner:</u>	Monsour Builders, Inc.
<u>Location:</u>	8602 Old Bardstown Road
<u>Proposed Use:</u>	Multi-family residential community
<u>Engineers, Land Planners and Landscape Architects:</u>	Mindel Scott & Associates
<u>Requests:</u>	Change in Zoning from R-4 to R-5A

The Louisville Metro Planning Commission, having heard testimony before its Land Development & Transportation Committee, in the Public Hearing held on July 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, SFLS, LLC (“SFLS”) proposes a residential condominium community, consisting of 58 patio home style condominium units on 12.35 +/- gross acres at the Sanctuary Lane stub that runs from Old Bardstown Road through the Beaumont senior living community and also through the Glenmary Commons subdivision; and

WHEREAS, the subject property lies within the Neighborhood Form District and is located just west of Bardstown Road near the intersection of Long Home Road; direct access to the property via the site’s location near Old Bardstown Road ensures easy access to the Gene Snyder Freeway, to the Fern Creek town center just north of the Gene Snyder Freeway, and to a variety of significant emerging retail shopping along the Bardstown Road corridor south of the Snyder Freeway; this proposal will provide this area with new, attractive, housing choices for residents who desire to live in this community but prefer lower maintenance, less demanding condominium style living; residents of the proposed residential condominium community will include mostly “empty-nesters,” that is to say, a few young childless singles and mostly older, often retired, singles and couples; the expansion of services and infrastructure in this south Fern Creek/Cedar Creek area makes this area extremely popular, as demonstrated by the success of multiple communities now utilizing the “Glenmary” name; and

WHEREAS, SFLS proposes 2 and 4-plex patio home style buildings in which each unit will have a garage; SFLS proposes a gross density of 4.70 dwelling units per acre (the upper end of the low density range); buildings will be constructed of attractive building materials (brick and/or siding) and will feature architectural details similar to those in other nearby residential

neighborhoods in order to ensure that the scale and appearance of the development will be compatible with the existing communities in this area; and

WHEREAS, the condominium council of co-owners will contract with professional groundskeepers for care of the common areas including the entrance frontage, buffers and open space areas, as is typical for planned condominium communities; and

GUIDELINE 2 – CENTERS

WHEREAS, the proposed development conforms with the overall Intents and specifically with applicable Policies 4, 5, 12 and 14 of Guideline 2 Comprehensive Plan for all the reasons listed above and because it will make efficient use of available property that lies within the Neighborhood Form District and is located in an extremely popular area where residents currently seek new housing options and have easy access to Bardstown Road commercial and employment centers; the variety of condominium style homes that will be available at the development will diversify housing options in this area; future residents will also support the businesses and services in nearby activity centers; future residents will find that the ease of access to the Fern Creek town center plus south Bardstown Road commercial corridor and, via I-265, other nearby activity centers is an amenity; the proposed development will connect to existing utilities available at the applicant's cost, eliminating the need for costly utility extensions and reducing the overall public costs for infrastructure; and the landscaped, signature entrance and well-defined internal streets provided, as well as the architectural building style and natural open spaces provided within the community will combine to provide residents with a sense of place and recreational space; and

GUIDELINE 3 - COMPATIBILITY

WHEREAS, the proposed development conforms with the overall Intents and specifically with applicable Policies 1, 2, 3, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 21, 22, 23, and 28 of Guideline 3 of the Comprehensive Plan for all the reasons described above and because the proposal is a low gross density of 4.70+- dwelling units per acre, the applicant is providing a new public street to assure adequate street infrastructure, and the buildings will be one-story in scale and constructed with attractive building materials and in modern design styles to blend easily with adjoining neighborhoods; perimeter landscaping is provided along all property lines; the subject property is adjoined on the north and south sides by residential land uses and on the west by vacant residential land; duplexes and four-plexes plus different unit types will be available to support a better choice for housing options in this area; many "empty nester" residents prefer housing that provides them access to all the positive attributes of a specific community, but do not desire to purchase and maintain single family homes, thus requiring alternatives that support a better mixture of residential density and intensity land uses; and

WHEREAS, sidewalks will be provided where required; this patio home community will connect to adjoining residential community; handicap parking, access for the disabled and other safety measures will be provided in accordance with the law; odor and air quality concerns related to traffic congestion or delay will be mitigated by the fact that internal road and any required sidewalks will be efficiently organized to control traffic flow and prevent delays with provision of multiple street connections to adjoining communities, sidewalks, and safe access for automobiles, pedestrians and bicycles; refuse will be picked up on a regular basis; and lighting will be residential in character in conformance with Land Development Code regulations; and because all signage will be in conformance with Land Development Code regulations; and

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

WHEREAS, the proposed development conforms with the overall Intents and specifically with applicable Policies 1, 3, 5, 6 & 7 of Guideline 4 and with the Intents of Guideline 5 of the Comprehensive Plan for all the reasons described above and because it will feature open spaces interspersed among the buildings that will be available for passive use by residents and will serve to provide natural areas and an overall positive appearance for the community; landscaping will also be provided along property perimeters, along street frontage and around buildings; setbacks and buffers along property lines will ensure good transitions between the proposed development and existing land uses; maintenance of landscaping, natural and open space areas will be done by professionals and contracted for by the condominium council of co-owners; this maintenance arrangement will result in a higher and more consistent level of maintenance of the open spaces than if the property were developed as a single-family subdivision; and no portion of the subject property has been designated as a natural, historic or scenic preservation site; and

GUIDELINE 6 – ECONOMIC GROWTH AND SUSTAINABILITY

WHEREAS, the proposed development conforms with the overall Intents and specifically with applicable Policies 1, 2 and 6 of Guideline 6 of the Comprehensive Plan because, as noted above, future residents will support and be supported by the businesses, services, schools and churches in and around nearby activity centers; this proposal also reduces public costs for land development by utilizing connections to existing infrastructure for water, sewer, electric and phone services; and the development, as proposed, will provide easy access to Bardstown Road and I-265 and several other roads in the area, and from there to greater Louisville employment and commercial centers; and

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

WHEREAS, the proposed development conforms with the overall Intents and applicable Policies of Guidelines 7, 8 and 9 of the Comprehensive Plan because the proposed development connects to existing streets, which will improve the efficiency of roadway infrastructure in the area as well as support good connectivity among neighborhoods; Old Bardstown Road is adequate to handle the amount of traffic generated by this proposal; the Detailed District Development Plan (DDDP) filed with this application received the preliminary stamp of approval from Metro Public Works and Transportation Planning prior to Planning Commission review of this application at the LD&T committee meeting and public hearing, thus demonstrating compliance with all MPWTP standards for connectivity, internal circulation, driveway design, sight distances, corner clearances, and alternative modes of transportation; and

GUIDELINES 10, 11 AND 12 – FLOODING AND STORMWATER; WATER QUALITY; AND AIR QUALITY

WHEREAS, the proposed development conforms with the overall Intents and applicable Policies of Guidelines 10, 11 and 12 of the Comprehensive Plan because no portion of the site lies within the 100 year floodplain, all drainage will comply with MSD requirements, and the DDDP received a preliminary stamp of approval by MSD prior to review at the Planning Commission Public Hearing; post-development peak flows of storm water run-off may not exceed pre-development conditions, which will be assured through the MSD review of the

DDDP; water quality will also be part of the construction plan design; Louisville Water Company will provide water to the site; and a soil erosion and sediment control plan will also be implemented prior to construction; and

WHEREAS, air quality will remain at good levels because, as noted above, the proposed internal road system, multiple street connections to adjoining neighborhoods and controlled entrance will distribute traffic to reduce air quality impacts relating to congestion or delays; condominium units generate much less traffic on a per unit basis than single family homes, and condominium residents generally do not have as large an impact on morning and evening peak hour traffic; and

GUIDELINE 13 – LANDSCAPE CHARACTER

WHEREAS, the proposed development conforms with the overall Intents and applicable Policies of Guideline 13 of the Comprehensive Plan for all the reasons described above and because landscaping will be provided around buildings, along internal streets, and along property perimeters as noted above and in accordance with the LDC; and tree canopy requirements will be met also in accordance with the LDC; and

GUIDELINE 14 – INFRASTRUCTURE

WHEREAS, the proposed development conforms with the overall Intents and applicable Policies of Guideline 14 of the Comprehensive Plan because, as noted above, water, sewer, electric and phone connections are available by nearby connection to ensure a reduced cost for infrastructure; and

* * * * *

WHEREAS, for all the reasons explained at LD&T and the Planning Commission public hearing and also in the public hearing exhibit books and on the approved DDDP, 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-5A and approves the Detailed District Development Plan.