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**HURSTBOURNE COMMONS**

**8127 Watterson Trail**

**A development of RJ Thieneman Company, Inc.**

RJ Thieneman Company, Inc. (“Thieneman”) proposes to develop approximately 79.8 acres located at 8127 Watterson Trail (the “Property”) as a mixed residential community called Hurstbourne Commons. Hurstbourne Commons will include 105 single family lots, 433 multi-family units split between apartments and townhomes, and two sites for age-restricted independent living and/or assisted living facilities. Hurstbourne Commons is surrounded by a mix of uses. To the east are commercial properties, including a Meijer store and outlot development. Also to the east is the Greenhurst residential condominium community. To the north is the Ridgehurst neighborhood. To the west are the Nachand Springs residential condominium community, the Watterson Heights neighborhood and several large lots fronting on Nachand Lane. To the south is the Laurel Springs neighborhood. Hurstbourne Commons will connect to Watterson Trail on the south, through the Meijer property to Hurstbourne Lane on the east, to Brody Lane on the north, and to Brownwood Road on the west.

The Property is zoned R-4, Single-family Residential. The Applicant proposes to rezone the Property to R-5, Single-family Residential, R-7 Multi-family Residential, and OR-1, Office-Residential. For the reasons set out below, the proposed development complies with the intent and applicable policies of Plan 2040.

**COMMUNITY FORM**

Hurstbourne Commons complies with the Goals and applicable Policies of the Community Form Plan Element. The Property is located in the Neighborhood Form District, a form that “is characterized by predominantly residential uses that vary from low to high density that blend compatibly into the existing landscape and neighborhood area....The Neighborhood Form will contain diverse housing types in order to provide housing choice for differing ages, incomes and abilities....The Neighborhood Form should provide for accessibility and connectivity between adjacent uses and neighborhoods by automobile, pedestrian, bicycle and transit.”

Hurstbourne Commons will provide a variety of housing types designed to appeal to a variety of stages of life, including apartments, townhomes, single-family homes and age-restricted housing/assisted living facilities. Hurstbourne Commons has been designed to connect to adjacent neighborhoods in a way that will minimize impact on those adjacent neighborhoods while also allowing the movement of pedestrians and vehicles. Hurstbourne Commons was designed to transition from the intense commercial uses adjoining the Property on its east side to the lower intensity residential uses to the north and west. The multi-family section of the Property transitions from three-story apartment buildings on the east to two-story townhome buildings on the west.

The single-family section is located close to the single-family Ridgehurst neighborhood and the Greenhurst residential condominiums.

The Property has been used historically as a farm, meaning most of the Property is cleared and relatively flat. Hurstbourne Commons will maintain open spaces in each of the residential sections. Open space is included within the single-family section, within the multi-family section, along the small stream running through the Property and over the existing gas pipeline easement. In addition, Hurstbourne Commons will contain a significant amount of newly planted trees in buffers, along streets and within the development.

## **MOBILITY**

The development of Hurstbourne Commons on the Property complies with the Goals and applicable Policies of the Mobility Plan Element. Hurstbourne Commons will contain four entrances: through Meijer to Hurstbourne Parkway, Watterson Trail, Brody Lane, and Brownwood Road. Hurstbourne Commons has been designed in order to encourage traffic to use the Hurstbourne Parkway and Watterson Trail entrances. The single-family section has been designed to discourage cut-through traffic to Brody Lane. A traffic circle has been designed along the connection between the Meijer property and Brownwood Road to discourage traffic from cutting through Watterson Heights. While there will be some additional traffic entering Watterson Heights and Ridgehurst, the design features shown on the plan were included to minimize the amount of additional traffic and to manage its speed.

Sidewalks will be included throughout Hurstbourne Commons, increasing the walkability of the area and providing pedestrian connections between the surrounding neighborhoods and the commercial uses along Hurstbourne Parkway.

Thieneman has engaged Diane Zimmerman to study traffic in the area of Hurstbourne Commons to determine what issues are present and how the development of Hurstbourne Commons may affect area roads. Working with Louisville Metro and the Commonwealth of Kentucky, these potential impacts will be evaluated and may result in improvements to area roads.

## **COMMUNITY FACILITIES**

The development of Hurstbourne Commons on the Property complies with the Goals and applicable Policies of the Community Facilities Plan Element. The Property is served by all necessary utilities. The development of Hurstbourne Commons will include an evaluation of the current capacity of area stormwater and sanitary sewer systems, and the development will not be allowed to adversely impact those systems.

## **ECONOMIC DEVELOPMENT**

The development of Hurstbourne Commons on the Property complies with the Goals and applicable Policies of the Economic Development Plan Element. The Property has been used as a

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farm for many decades, while properties surrounding it have developed as commercial property, residential condominiums and neighborhoods. The proposed development of Hurstbourne Commons will add to the types of housing available and increase connections between existing neighborhoods and the commercial uses along Hurstbourne Parkway. This additional diversity of housing and connection between neighborhoods and commercial areas will serve to support economic development in the area.

## **LIVABILITY**

The Property is surrounded by commercial, multi-family, and single-family development and has been used as a working farm for many decades. The development of Hurstbourne Commons on the Property complies with the Goals and applicable Policies of the Livability Plan Element. Hurstbourne Commons will include a significant number of additional trees, pedestrian infrastructure where none exists today, water quality features, and open spaces. Hurstbourne Commons will also provide a variety of housing opportunities in close proximity to commercial areas with goods and services that can be accessed without car travel. Hurstbourne Commons will be designed to accommodate through drainage and will detain storm water on-site to minimize impacts on properties downstream.

## **HOUSING**

The development of Hurstbourne Commons on the Property complies with the Goals and applicable Policies of the Housing Plan Element. Hurstbourne Commons will provide a variety of housing choices, including apartments, townhomes, single-family homes, age-restricted housing and assisted living. These housing types are similar to existing neighborhoods that surround the Property but are different enough to provide more housing choices to those seeking to live along the south Hurstbourne Parkway corridor. Hurstbourne Commons is close to a variety of commercial uses, including a Meijer store, Meijer fuel station, strip center, fast food and fast casual dining and a Walgreens. Providing housing opportunities adjacent to necessary services and commercial areas will allow residents convenient access to them, increasing quality of life.

Hurstbourne Commons complies with the intent of Plan 2040. It was designed to blend into the surrounding residential and commercial uses. Thieneman has been conscientious about the design of Hurstbourne Commons, taking expressed neighborhood concerns into account and modifying the design to minimize off-site impacts. Once developed, Hurstbourne Commons will be a positive addition to this part of Louisville Metro.

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**VARIANCE JUSTIFICATION STATEMENT**

**Thieneman Management Group/RJ Thieneman Company**

**8127 Watterson Trail**

**Case No. 20ZONE0020**

The proposed variance, which will permit the applicant to exceed the maximum 35' building height by seven feet on Tract 3 of the applicant's proposed development, will not adversely affect the public health, safety or welfare. The applicant proposes to develop a portion of the subject property with three-story multi-family development. The proposal also includes a 100 unit assisted-living facility and 103 single-family residential lots on two separate tracts. The variance from the maximum building height will allow the applicant to construct all proposed multi-family buildings, as well as the proposed three-story assisted living facility, to a uniform three-story height, or approximately 42'. A variance is necessary for Tract 3 pursuant to Land Development Code Section 5.3.1.C.4 Table 5.3.1 because that tract is proposed to be rezoned from R-4 to R-6, whereas the other two tracts where the applicant proposes to construct multi-family units and the assisted living facility are proposed to be rezoned to OR-1. The requested seven foot variance will have no impact on public health, safety, for welfare.

The variance will not alter the essential character of the general vicinity as the proposal is for 42' three-story apartment/townhome buildings, as is consistent with other multi-family developments in the area along Hurstbourne Parkway. The variance is also consistent with the requirements of the Land Development Code for an R-6 zoned property, except for building height.

The variance will not cause a hazard or nuisance to the public. The seven foot height variance will not have any adverse impact on the sightlines of adjacent property owners. Instead, the variance will make the proposed three-story multi-family buildings on Tract 3 consistent with the other proposed three-story multi-family buildings and the proposed assisted-living facility within the development. The applicant will provide adequate on-site parking for residents.

The variance will not allow an unreasonable circumvention of the requirements of the zoning regulations. The proposal will allow the applicant to construct uniform three-story multi-family buildings in the proposed development. The proposed density of the subject property is below the maximum density allowed in the R-6 zoning district. The seven-foot variance is not unreasonable under the circumstances.

The variance arises from special circumstances that do not generally apply to land in the vicinity of the project. The property directly to the east of the subject property is commercial, making the subject property a good transition between that commercial property and the residential properties to the west. The scope of the proposed development creates special circumstances that do not generally apply to land in the vicinity of the project.

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The strict application of the regulations would create an unnecessary hardship because the applicant is requesting only a seven foot variance from the maximum building height for one tract of the two tracts proposed to be developed into multi-family housing. Strict application of the regulations would force the applicant to reduce the size of the proposed development.

The circumstances are not the result of actions taken by the applicant subsequent to the adoption of the zoning ordinance as the applicant has not yet developed the subject property.

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**VARIANCE JUSTIFICATION STATEMENT**

**Thieneman Management Group/RJ Thieneman Company**

**8127 Watterson Trail**

**Case No. 20ZONE0020**

The proposed variance, which will permit the applicant to exceed the 25' infill setback requirement along Watterson Trail, will not adversely affect the public health, safety or welfare. The applicant proposes to develop Tract 1 of the subject property, which abuts Watterson Trail, into a 100-unit assisted-living facility with access from the proposed Laurel Springs Drive, not Watterson Trail. The variance from the infill setback requirements will allow the applicant to construct a sufficiently-large on-site parking area for the proposed 100-unit assisted-living facility. The parking lot for the proposed assisted-living facility will be within feet of the required 25' infill setback, and the facility itself is within 130' of the property line adjacent to Watterson Trail. The requested variance will have no impact on public health, safety, for welfare.

The variance will not alter the essential character of the general vicinity. The subject property serves as a transition between the commercial properties on Hurstbourne Parkway and the residential areas along Watterson Trail and Nachand Lane. The application of the infill standards to the subject property, while called for by the language of the LDC, is not reasonable. The proposed setback is consistent with other large-lot multi-family developments in the area along Hurstbourne Parkway. The variance is also consistent with the normal *minimum* 25' setback requirement for an OR-1 zoned property (which is the requested zone for Tract 1). The *maximum* 25' setback requirement only applies because of the infill standards applicable to the subject property.

The variance will not cause a hazard or nuisance to the public. To the contrary, the variance will permit the applicant to construct a sufficiently-large on-site parking area for the proposed 100-unit assisted-living facility, while also providing safe access to the proposed development from Watterson Trail.

The variance will not allow an unreasonable circumvention of the requirements of the zoning regulations. The proposal will allow the applicant to construct the proposed 100-unit assisted-living facility as close as reasonably feasible to the property line near Watterson Trail while providing for adequate parking. The variance is not unreasonable under the circumstances.

The variance arises from special circumstances that do not generally apply to land in the vicinity of the project. The proposed development includes 70+/- acres planned in several tracts, including the assisted-living facility, multi-family dwellings, and single-family lots. The scope of the proposed development creates special circumstances that do not generally apply to land in the vicinity of the project.

The strict application of the regulations would create an unnecessary hardship because the applicant is requesting to exceed the maximum setback requirement by mere feet, and

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because the requirements only apply to this property because it is considered an infill development. Strict application of the regulations would force the applicant to bring its proposed assisted-living facility closer to Watterson Trail, which would be undesirable for both residents and the public.

The circumstances are not the result of actions taken by the applicant subsequent to the adoption of the zoning ordinance as the applicant has not yet developed the subject property.

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