

Louisville Metro Planning Commission Public Hearing - December 17, 2020
Louisville Metro Land Development & Transportation Committee - October 22, 2020 & November 12, 2020
Neighborhood Meeting - June 16, 2020

Docket Nos. 20-ZONE-0056,
20-Variance-0129, 20-Waiver-0094,
20-Waiver-0095

Proposed change in zoning from R-4 to R-5A, plus 3 Waivers and 1 Variance to allow 54 patio home-style units in 6 tri-plex and 9 four-plex buildings, and a 172-unit apartment community in seven, 3-story buildings on approximately 21.8 acres located at 1007 South English Station Road

c/o Sunshine English Station Development, LLC
W. Damon Garrett

Attorneys: Bardenwerper Talbott &
Roberts, PLLC

Land Planners, Landscape
Architects and Engineers:
Land Design & Development, Inc.

Traffic Engineer:
Diane B. Zimmerman Traffic
Engineering, LLC

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TAB 1

LOJIC ZONING MAP



R6 FOUR DORY

BRADDOCK ST

Christian Academy

Landis Lakes

Woods of Landis Lakes

Midland Trails Golf Course



Signature Point

S. English Station Rd

Fossil Creek

S. Beckley Station Rd

Copperfield

R6

The Lodges
apts

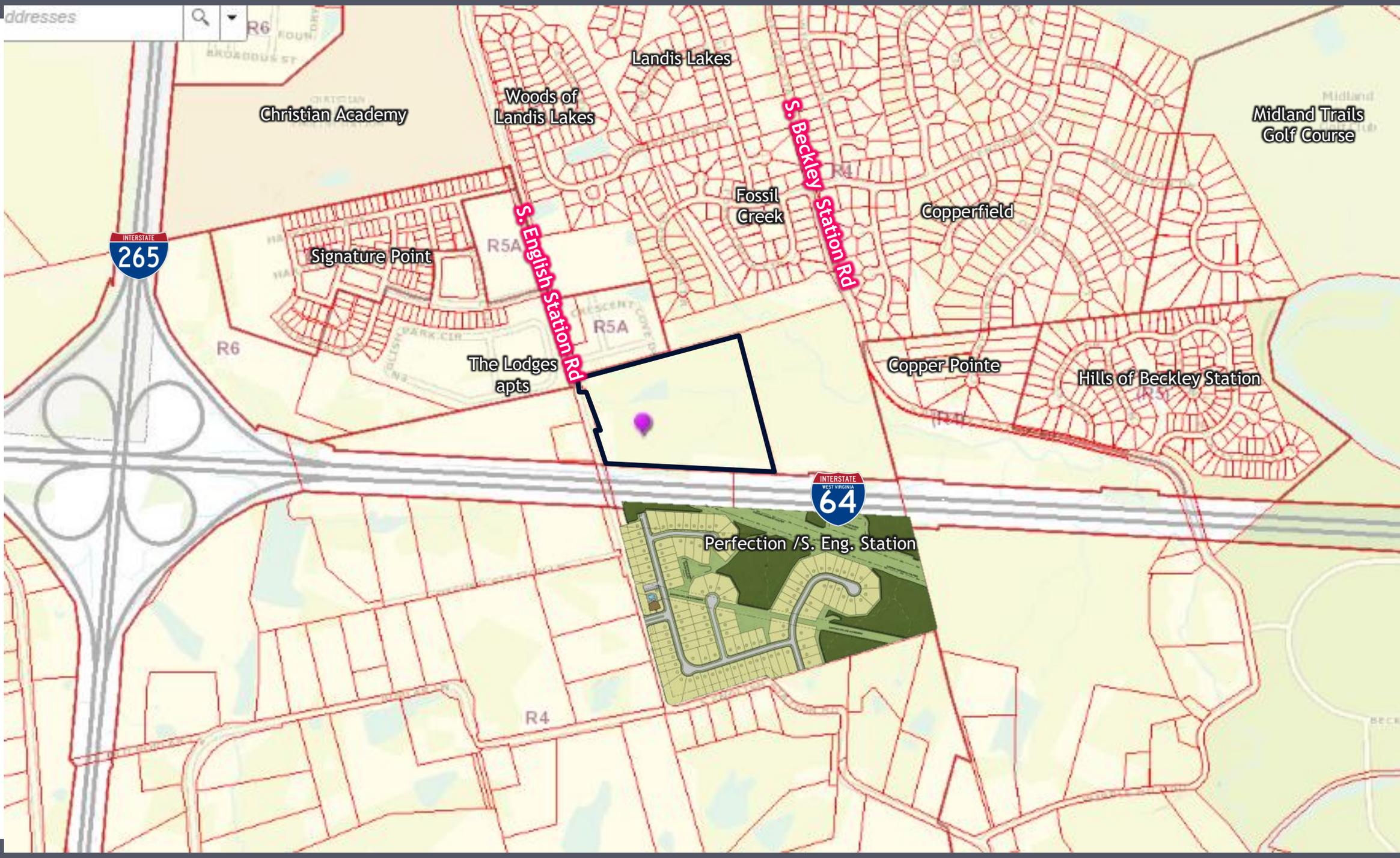
Copper Pointe

Hills of Beckley Station



Perfection /S. Eng. Station

R4



TAB 2

AERIAL PHOTOGRAPH OF THE SITE AND SURROUNDING AREA



Kroger

Target / Walmart

Middletown Commons

Lake Forest

Meridian on Shelbyville Apts

Shelbyville Rd

Landis Lakes

Highview Bapt Church



LC Middletown Apts

Midland Meadows

Midland Trails Golf Course

Urton Ln

Christian Academy

S. English Station Rd

S. Beckley Station Rd

Copperfield

Valhalla

Lake Village at Landis Lakes

Fossil Creek

Signature Point

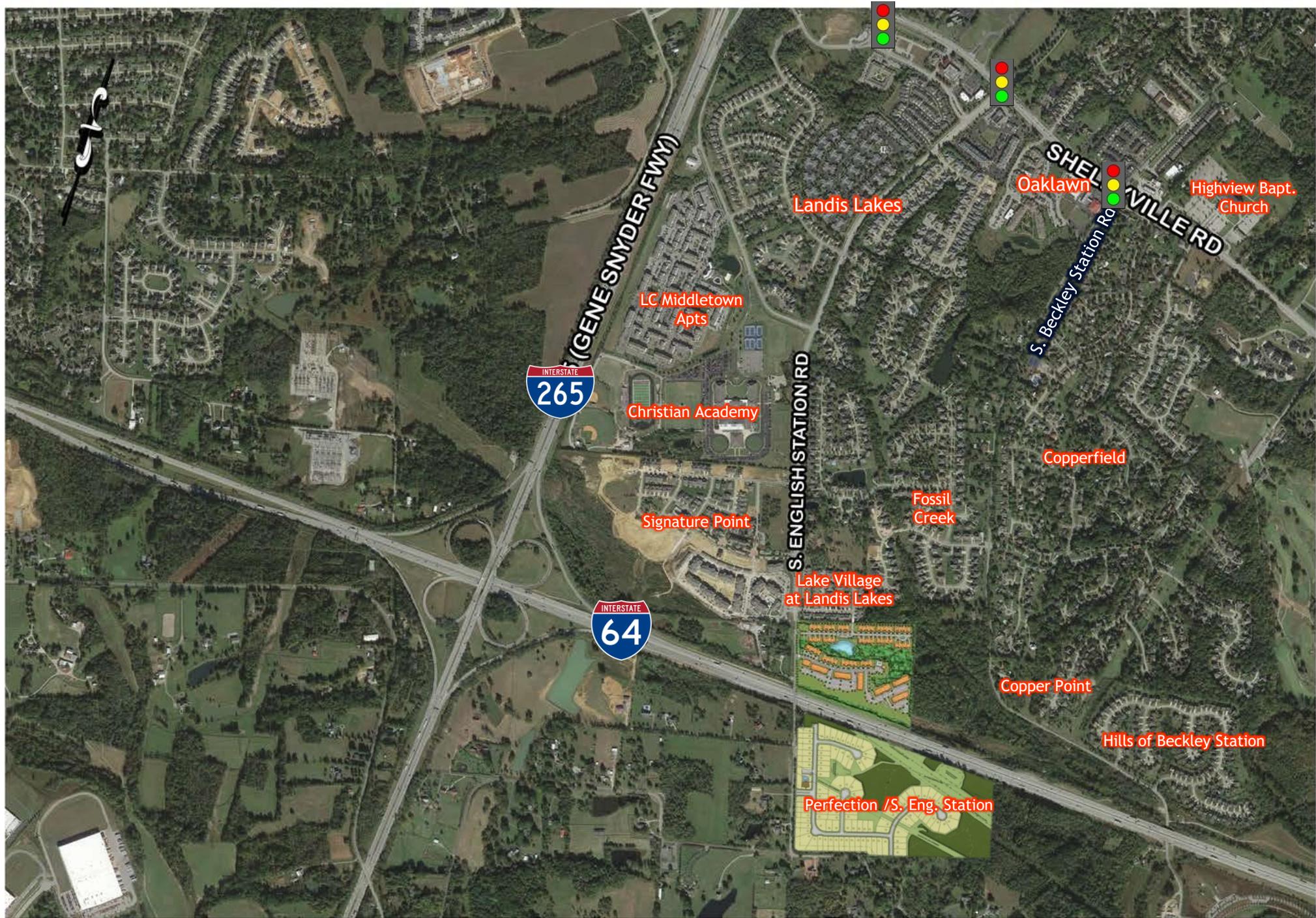
Hills of Beckley Station

Perfection /S. Eng. Station



Parklands of Floyds Fork





(GENE SNYDER FWY)
INTERSTATE
265

INTERSTATE
64

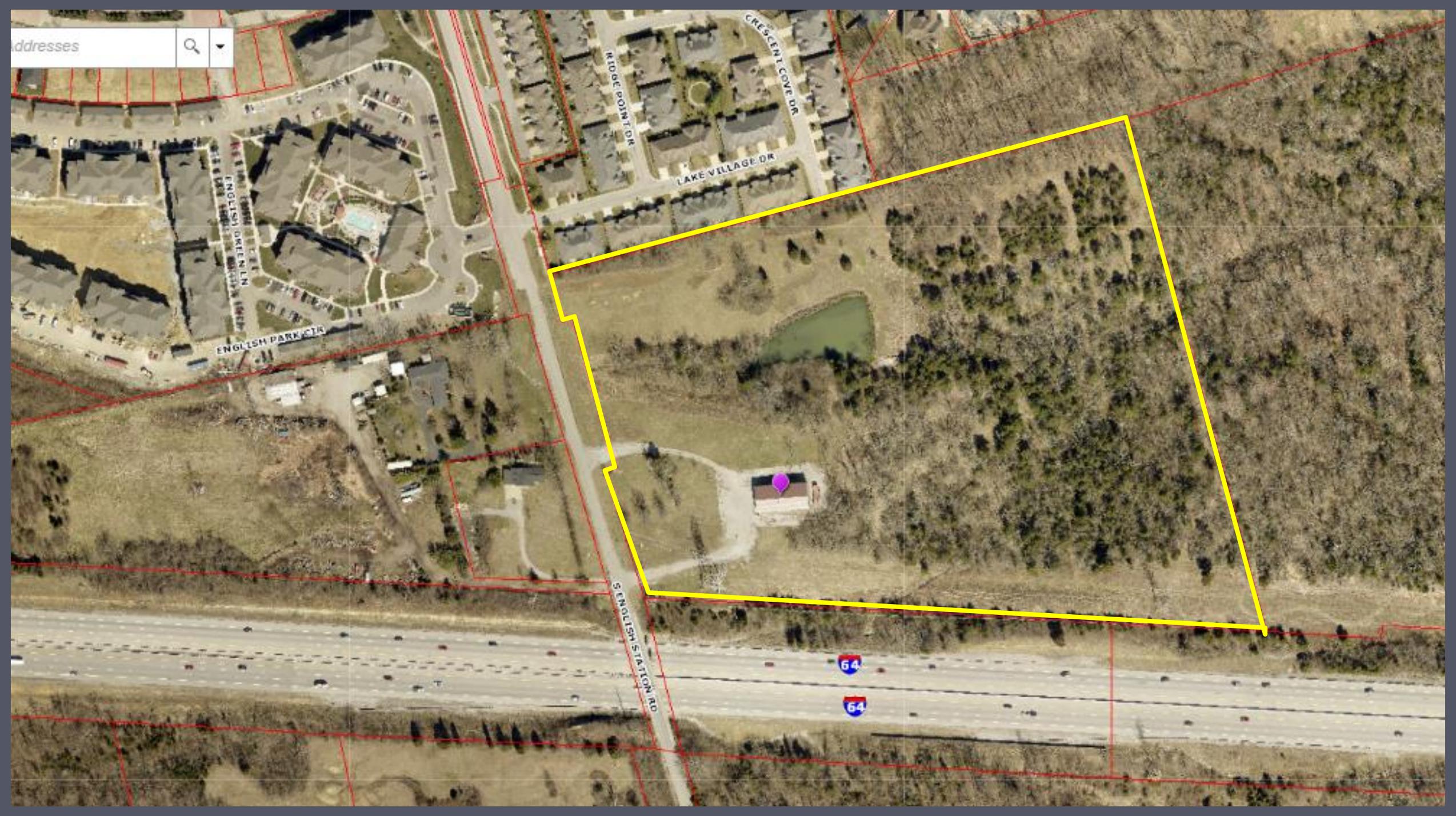
S. ENGLISH STATION RD

S. BECKLEY STATION RD
SHELVILLE RD

- Landis Lakes
- LC Middletown Apts
- Christian Academy
- Signature Point
- Lake Village at Landis Lakes
- Fossil Creek
- Copperfield
- Copper Point
- Hills of Beckley Station
- Oaklawn
- Highview Bapt. Church
- Perfection /S. Eng. Station



Addresses



ENGLISH PARK CIR

RIIDGE POINT DR

LAKE VILLAGE DR

CRESCENT COVE DR

S ENGLISH STATION RD

64

64

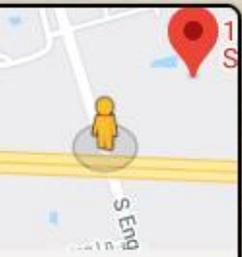
TAB 3

GROUND LEVEL PHOTOGRAPHS OF THE SITE AND SURROUNDING AREA

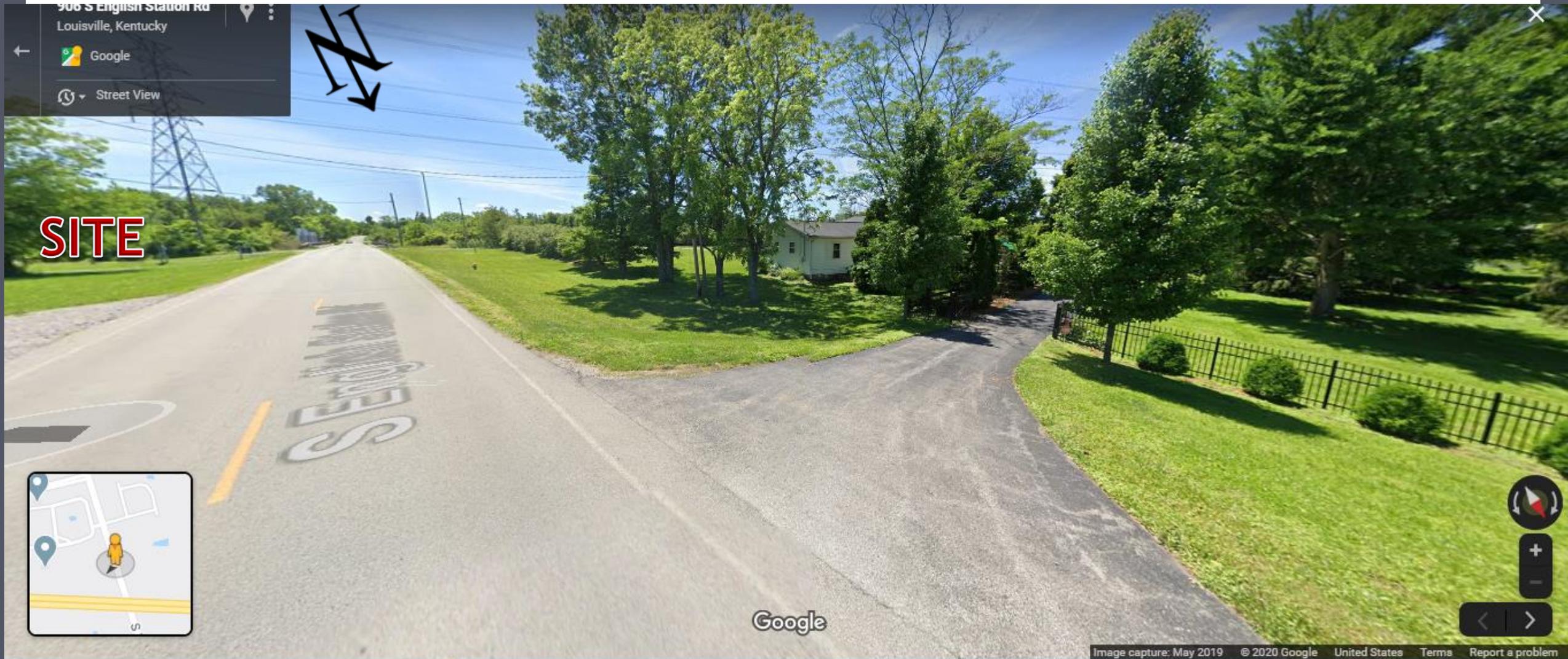
912 S English Station Rd
Louisville, Kentucky

Google

Street View

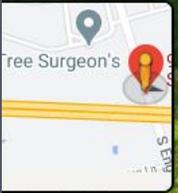


Looking north down S. English Station Road. Site is to the right.



Looking south down S. English Station Road. Site is to the left.

1099 S English Station Rd
Louisville, Kentucky
Google
Street View



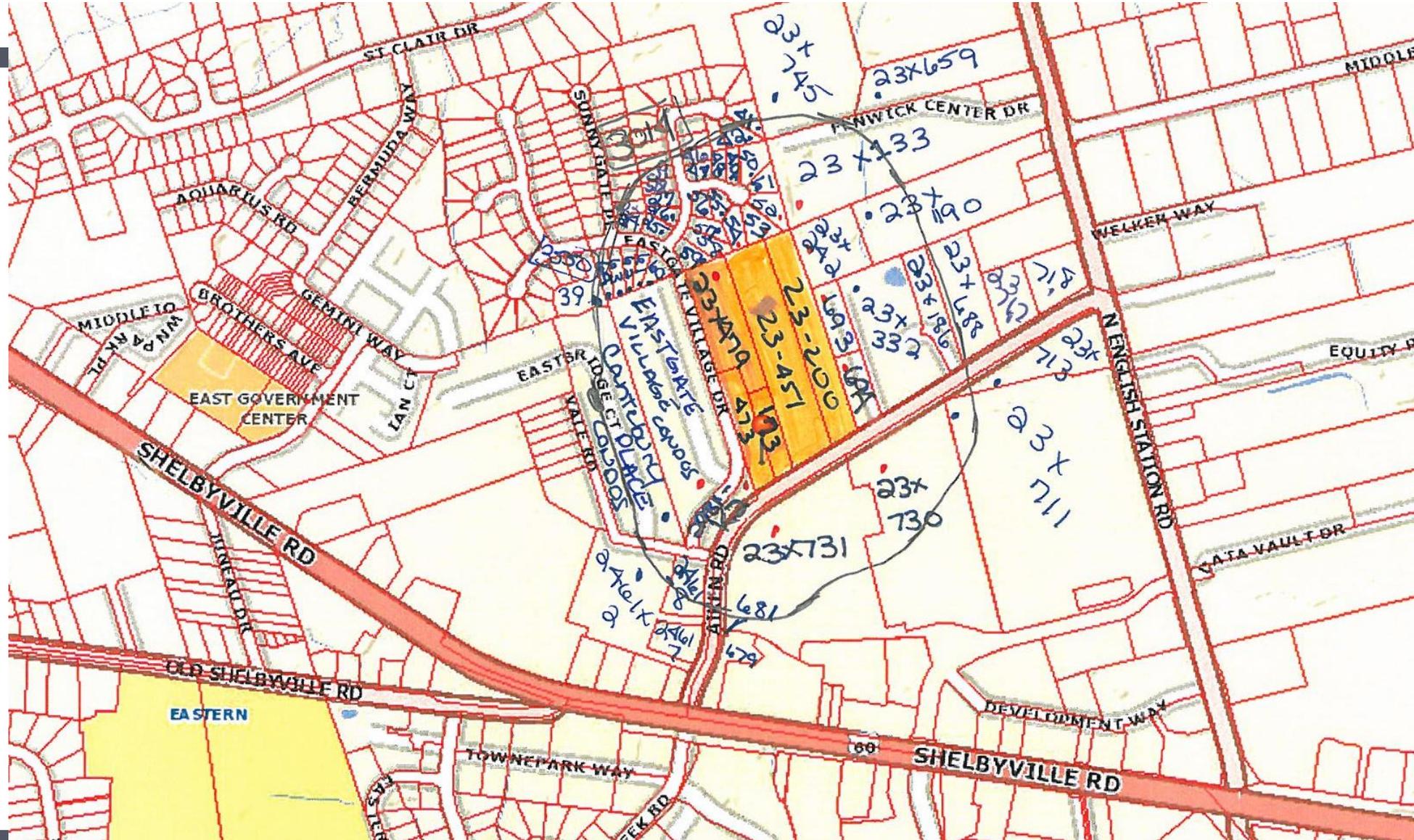
Google

Overhead electrical wires adjacent to I-64.

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 54 NEIGHBORS PLUS THOSE ON THE DPDS "INTERESTED PARTY LIST" WERE INVITED TO THE NEIGHBORHOOD MEETING AND SUBSEQUENT LD&T AND PLANNING COMMISSION PUBLIC HEARING.



BARDENWERPER, TALBOTT & ROBERTS, PLLC

ATTORNEYS AT LAW

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June 3, 2020

RE: Neighborhood meeting for proposed change in zoning located on the east side of S. English Station Road north of I-64 at 1007 South English Station Road

Dear Neighbor:

We are writing to notify you about an upcoming “neighborhood meeting” regarding the above referenced project. Because of the COVID-19 emergency orders requiring and/or recommending social distancing, the neighborhood meeting will be held virtually. The details are set forth in this letter and the supporting attachments. If you cannot obtain access to the virtual meeting, we may be able to assist you in that regard or otherwise assure a telephone or in-person conversation.

Our client W. Damon Garrett with S. English Station Development, LLC is seeking to rezone the property referenced above from R-4 to R-5A. The project is proposed to consist of 58 patio home-style units in 6 triplex and 10 fourplex buildings, and a 168-unit multi-family community in eight, 3-story buildings (three of the eight buildings are walkouts). The overall project is located on approximately 21.8 acres. We have filed a plan for pre-application review with Planning and Design Services (PDS) that has been assigned case number 20-ZONEPA-0024, and the assigned case manager is Dante St. Germain.

The virtual meeting will be held on **Thursday, June 18th** beginning at **6:30 p.m.**

Enclosed for your review are the following:

1. The development plan and aerial photograph sheet
2. LOJIC site location zoning map sheet showing the location of the site
3. Detailed summary sheet of the project
4. Contact information sheet
5. Instruction sheet on how to join the virtual meeting.
6. Information sheet on how to obtain case information online from PDS’ online customer service portal.
7. PDS’ “After the Neighborhood Meeting” sheet

If you are unable to attend the virtual meeting, or have any questions or comments, please feel free to email or call either one of us, or contact the PDS case manager listed on the attached contact information sheet.

We look forward to our opportunity to visit virtually or by phone.

Sincerely,



Bill Bardenwerper & Nick Pregliasco

cc: Hon. Stuart Benson, Councilman, District 20
Dante St. Germain, Case Manager with Planning & Design Services
Derek Triplett, land planner with Land Design & Development, Inc.
Diane B. Zimmerman, P.E., Traffic Engineering, LLC
W. Damon Garrett, applicant with S. English Station Development, LLC

AERIAL PHOTOGRAPH SHEET



LOJIC SITE LOCATION SHEET



DETAILED SUMMARY SHEET

Our client W. Damon Garrett with S. English Station Development, LLC is seeking to rezone the property referenced above from R-4 to R-5A. The project is proposed to consist of 58 patio home-style units in 6 triplex and 10 fourplex buildings and a 168-unit multi-family community in eight, 3-story buildings (three of the eight buildings are walkout buildings). The overall project is located on approximately 21.8 acres. We have filed a plan for pre-application review with the Planning and Design Services (PDS) that has been assigned case number 20-ZONEPA-0024, and the assigned case manager is Dante St. Germain.

The property is located on the east side of S. English Station Road north of I-64 at 1007 South English Station Road, as shown on the attached "LOJIC Site Location" attachment.

The present zoning is R-4, the proposed zoning is R-5A, and the form district is Neighborhood Form District with no proposed change thereto. The landscaping, screening and buffering will generally be as shown on the colored development plan which is the minimum amount required by Chapter 10 of the Louisville Metro Land Development Code (LDC). To meet the 3 ft screening requirement along S. English Station Road, additional shrubs will be planted along the South English Station Road right-of-way which are not shown on the current draft plan. To meet the screening requirement along I-64, 8 ft trees will be planted along I-64, as shown on the current draft plan.

We anticipate preserving some of the existing trees and vegetation, shown on the accompanying plan as existing down the middle of the site. A tree preservation plan basically accomplishing this will be provided to the planning commission's staff landscape architect for approval prior to commencement of construction activities.

All dumpster pads, transformers, AC units, generator pads (if any) will be screened pursuant to Chapter 10 of the LDC. Specifically, the dumpsters will be screened with a wood enclosure, and the transformers will be screened with shrubs and vegetation.

Sanitary sewer service will tie into the existing gravity sewer, then flow in an easterly direction to the Floyd's Fork interceptor which leads to the Floyd's Fork regional sanitary treatment plant.

There are two proposed access points to this project as shown on the colored development plan. One along the northern frontage and the second closer to the I-64 overpass. They are as shown on the colored development plan. At this time, no road improvements are planned, although a traffic impact study (TIS) is being conducted. When completed, it will be available, like everything else pertaining to this proposed project, on the PDS customer service portal.

Storm water will be directed to a new on-site detention basin as shown on the accompanying development plan, which will assure that the post-development rate of run-off does not exceed pre-development conditions. Preliminary stormwater calculations are as shown on the development plan.

NOTICE OF POTENTIAL DEVELOPMENT PLAN CHANGES. Please be advised that this "Detailed Summary" is being provided early in the application process. As such, whereas every effort has been made to assure accuracy, changes may be made to the development plan before the now scheduled neighborhood meeting and also after it based on public comments and those of various agencies and PDS staff review. Any changes will be available for public review on the PDS Online Customer Service Portal. Instructions on how to access this information is provided in the PDS's online customer service portal information sheet. Additionally, those changes with the final plan would be presented at the time of the public hearing(s). You may also contact the PDS case manager if you have any questions, or contact any others listed on the Contact Information Sheet where contact information is provided.

CONTACT INFORMATION SHEET

1. PRIMARY CONTACT

*Bardenwerper, Talbott & Roberts, PLLC
1000 N. Hurstbourne Pkwy., 2nd Floor
Louisville, KY 40223
Attn: Bill Bardenwerper – (502) 419-7333
wbb@bardlaw.net
or Nick Pregliasco – (502) 777-8831
nrp@bardlaw.net*

2. ENGINEERING FIRM

*Land Design & Development, Inc.
503 Washburn Ave., Suite 101
Louisville, KY 40222
Attn: Derek Triplett – (502) 426-9374
triplett@ldd-inc.com*

3. APPLICANT

*W. Damon Garrett
S. English Station Development, LLC
2104 Club Vista Place
Louisville, KY 40228
(502) 418-4150
dg@sunshinebuildersllc.com*

4. CASE MANAGER OR SUPERVISOR

*Dante St. Germain, AICP
Planning & Design Services
444 South Fifth Street, Suite 300
Louisville, KY 40202
(502) 574-4388
Dante.St.Germain@louisvilleky.gov*

INSTRUCTION SHEET ON HOW TO JOIN THE VIRTUAL MEETING

You may join the meeting using a computer, tablet, smart phone, or standard telephone

Please join my meeting from your computer, tablet or smartphone.

<https://global.gotomeeting.com/join/777660669>

You can also dial in using your phone.

United States (Toll Free): [1 877 309 2073](tel:18773092073)

United States: [+1 \(571\) 317-3129](tel:+15713173129)

Access Code: 777-660-669

New to GoToMeeting? Get the app now and be ready when your first meeting starts:

<https://global.gotomeeting.com/install/777660669>

Note: If anyone would like the connection link emailed to them, or a set of the meeting slides, please email Anna Martinez at amc@bardlaw.net or Nanci Dively at nsd@bardlaw.net

IF YOU ARE UNABLE TO ATTEND THE VIRTUAL MEETING AND HAVE QUESTIONS, PLEASE FEEL FREE TO CONTACT ANY OF THE FOLLOWING:

*Nick Pregliasco, Esq. – (502) 777-8831
nrp@bardlaw.net*

*Derek Triplett – (502) 426-9374
triplett@ldd-inc.com
Land Design & Development, Inc.*

*Dante St. Germain, AICP
Case Manager, Planning & Design Services
(502) 574-4388
Dante.St.Germain@louisvilleky.gov*

**PLANNING & DESIGN SERVICES (PDS's)
ONLINE CUSTOMER SERVICE PORTAL INFORMATION SHEET**

To view details of the zone change online, use the link at:

<https://aca-louisville.accela.com/LJCMG/Welcome.aspx?TabName=Home&TabList=Home>

Click on the “Search” tab

Then “Planning Applications”

Enter case number in “Record Number” box

Click on “Record Info” tab

AFTER THE NEIGHBORHOOD MEETING SHEET

After the Neighborhood Meeting

This Neighborhood Meeting is an opportunity for the applicants and surrounding neighbors to discuss and develop an understanding of the proposal prior to a public hearing. At the conclusion of this neighborhood meeting, the applicant has 90 days to file a formal application with Planning & Design Services. If the formal application is not filed within 90 days, the applicant will be required to have another neighborhood meeting.

Once the formal application is filed, a public hearing will be scheduled to consider the application. This public meeting is your official opportunity to speak in support or opposition to the proposal. If you received a notice regarding this neighborhood meeting, or did not receive a notice but signed the sign in sheet, you will receive a notice of the public meeting.

If you are interested in staying informed about this proposal, or have any questions about the formal review process, you may call the Planning & Design Services office at **(502) 574-6230**. Please refer to the case number in your inquiry. You may also go to **<https://louisvilleky.gov/government/planning-design>** to view meeting agendas, search case information, or obtain other Planning & Design Services information.

Neighborhood Meeting Summary

A neighborhood meeting was held virtually on Thursday, June 18th beginning at 6:30 p.m. Those in attendance included the applicant's representatives, and Nick Pregliasco, attorneys with Bardenwerper, Talbott & Roberts, and Derek Triplett, land planner and engineer with Land Design & Development, as well as the applicant Damon Garrett with Sunshine English Station Development, LLC.

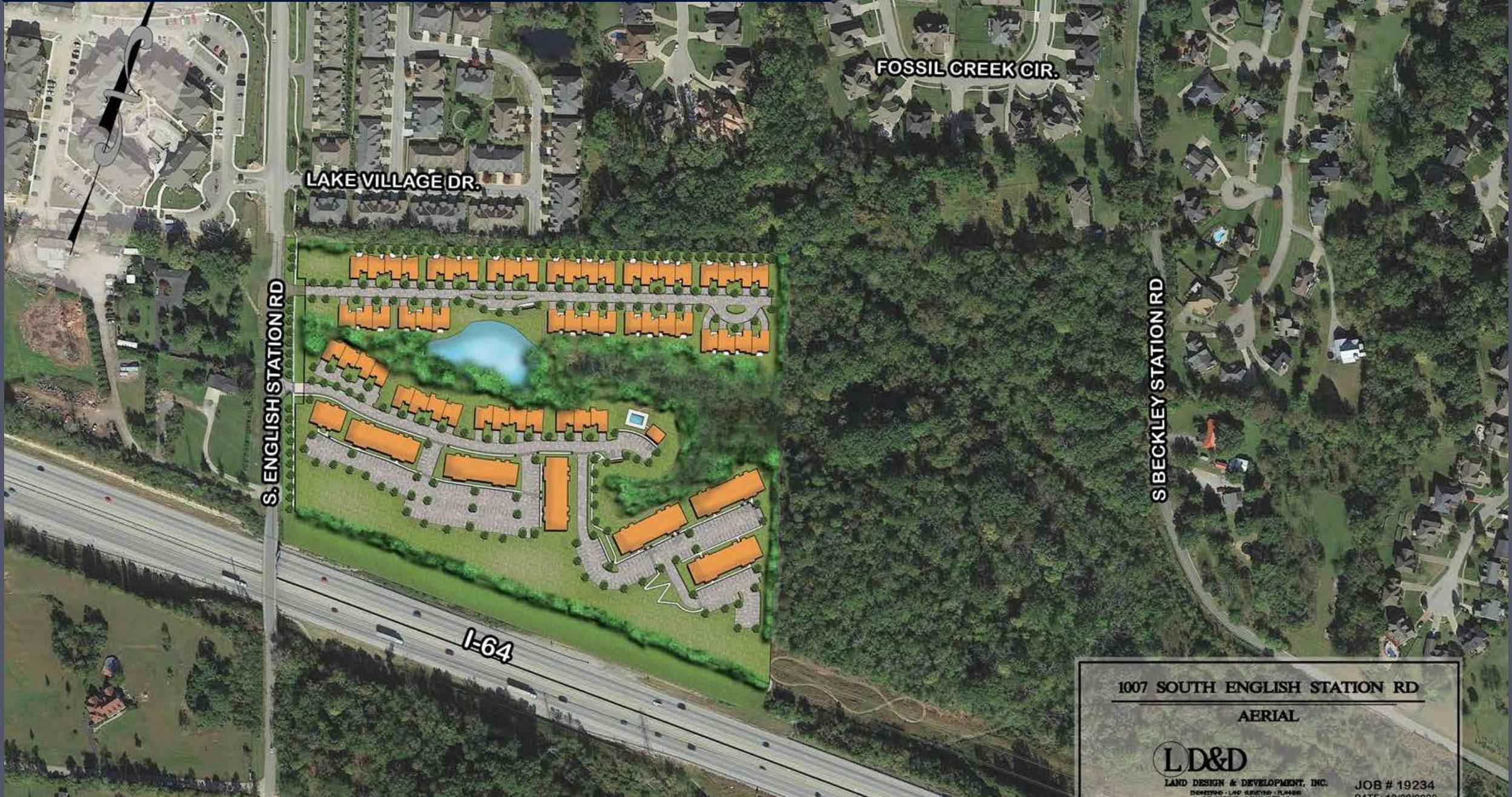
Nick presented a PowerPoint showing the aerial photographs of the area with other nearby projects and described the proposed apartment and patio home project. Derek Triplett explained the development plan and how the site is laid out and reasons for how it is laid out.

Nick and Derek answered questions related to proposed traffic on S. English Station Road, the screening and buffering and storm water detention, and tree preservation. The neighbors were particularly interested in style and design and proposed price points for the patio homes. Nick and Derek explained how this is really two different project combined with the northern portion a patio home project and the southern portion an apartment project. Nick explained the process and the steps along the way.

TAB 5

DEVELOPMENT PLAN

Development plan shown at the 10/22/20 LD&T



FOSSIL CREEK CIR.

LAKE VILLAGE DR.

S. ENGLISH STATION RD

S BECKLEY STATION RD

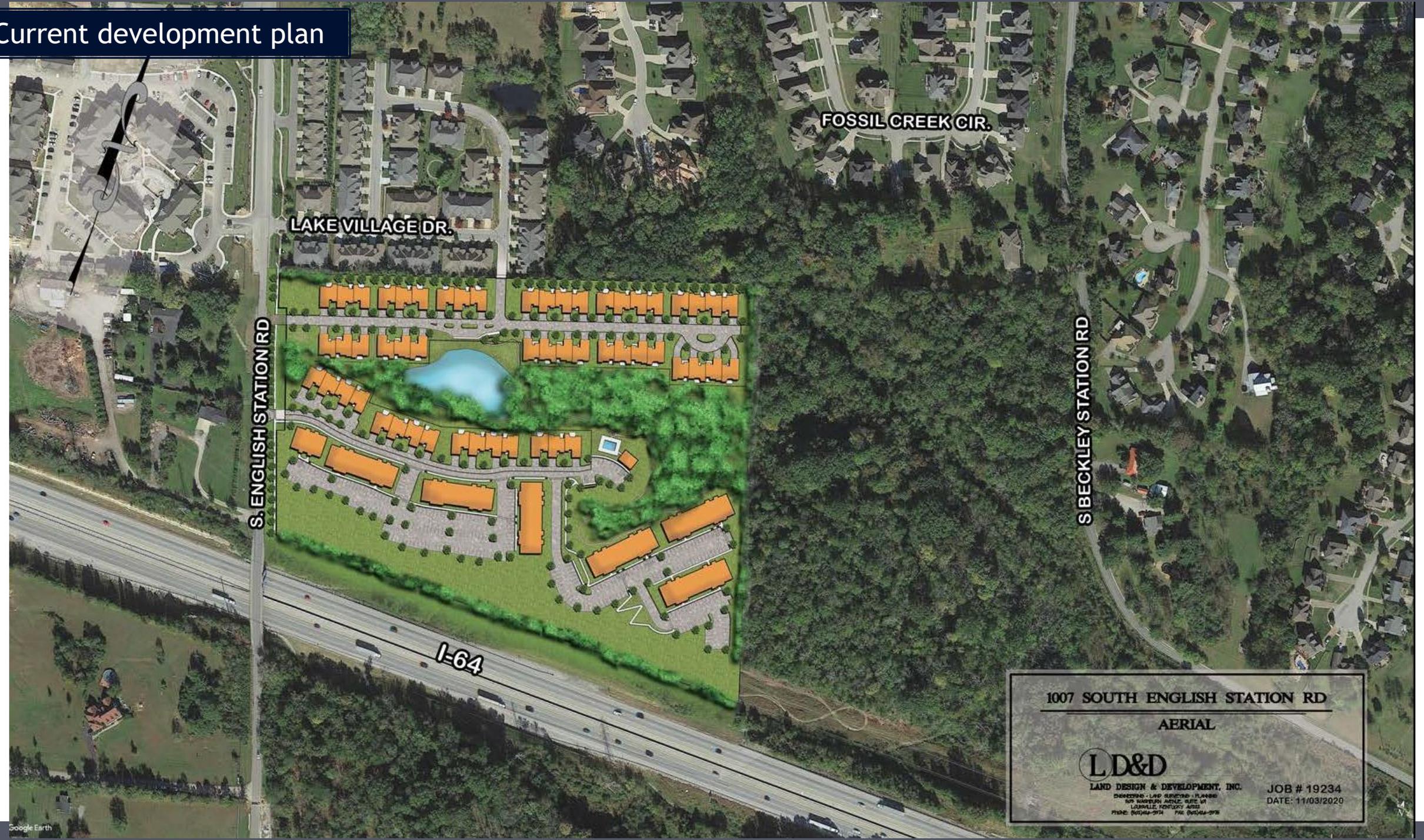
I-64

1007 SOUTH ENGLISH STATION RD
AERIAL

LD&D
LAND DESIGN & DEVELOPMENT, INC.
DESIGNING LAND SURVIVING PLANNING
500 WASHINGTON AVENUE, SUITE 101
LITTLE ROCK, AR 72201

JOB # 19234
DATE: 10/20/2020

Current development plan



LAKE VILLAGE DR.

FOSSIL CREEK CIR.

S. ENGLISH STATION RD

S BECKLEY STATION RD

I-64

1007 SOUTH ENGLISH STATION RD

AERIAL



LAND DESIGN & DEVELOPMENT, INC.
5000 WOODLAND AVENUE, SUITE 104
LOUISVILLE, KENTUCKY 40243
PHONE: 502/444-0714 FAX: 502/444-0715

JOB # 19234
DATE: 11/03/2020

Development plan shown at the 10/22/20 LD&T

Current development plan - shown at 11/12/20 LD&T



Connection to Lake Village at Landis Lakes

4-unit bldg reduced to 3-unit bldg



Future connection to property to the east

70' wide LG&E easement

54 proposed patio home condominium units

Pool and clubhouse

172 proposed apartment units



VARIANCE REQUESTED:
1. A Variance is requested from Table 5.3.1 of The Louisville Code of Ordinances to allow for a 5 ft. Side Yard to 0 ft. between Tracts 1 & 2.

RS4/N
LAKE VILLAGE CONDOMINIUMS
MICHAEL, R EFFINGER LLC
7111 GRAF SPRINGS DR
LOUISVILLE, KY 40241-4503
D.B. 11407, Pg. 46

RS4/N
GRADY, JACQUELINE M
WITHERS DAVID F
702 S BECKLEY STATION RD
LOUISVILLE, KY 40245-4010
D.B. 10243, Pg. 0591

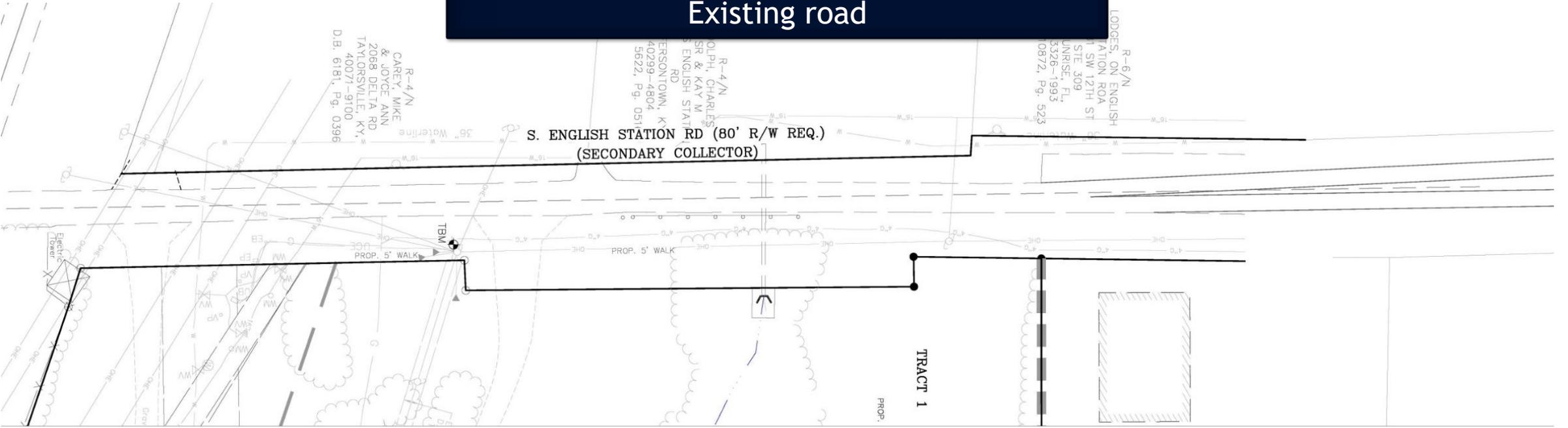
Existing road



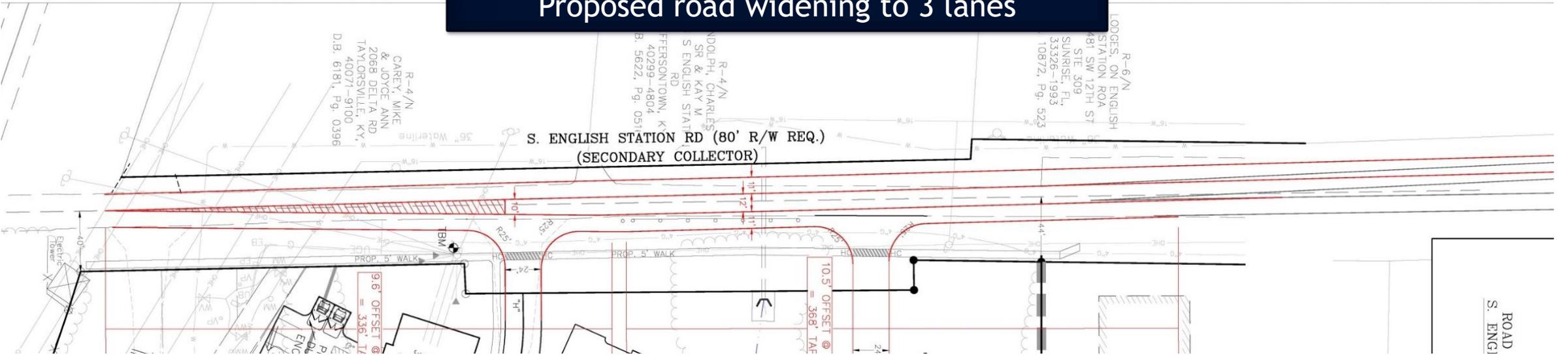
Proposed road widening to 3 lanes



Existing road



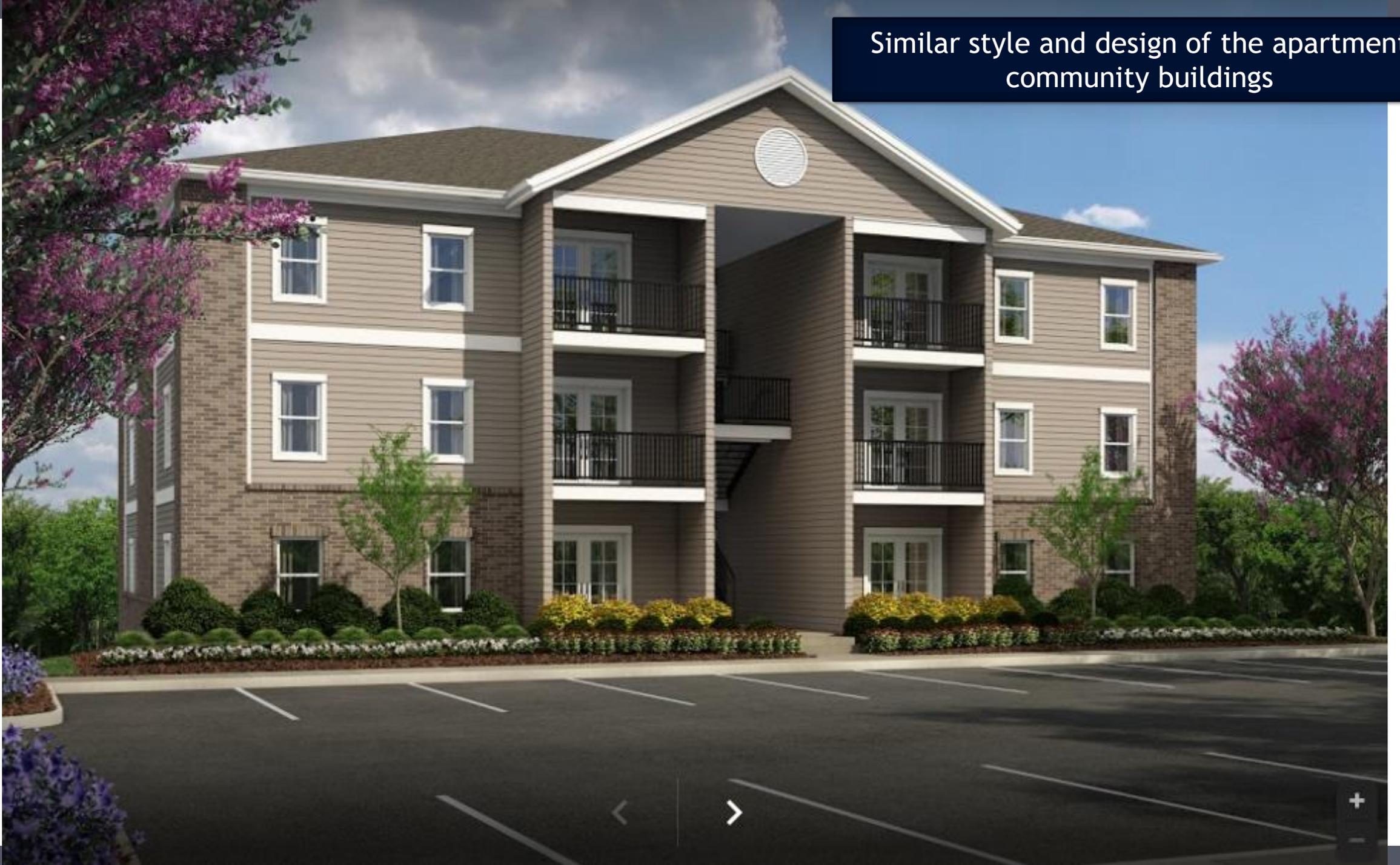
Proposed road widening to 3 lanes



TAB 6

BUILDING ELEVATIONS

Similar style and design of the apartment community buildings



Similar style and design of the apartment community buildings



Similar style and design of patio home buildings with combination of brick, stone and siding



Similar style and design of patio home buildings with combination of brick, stone and siding



Similar style and design of patio home buildings with combination of brick, stone and siding



TAB 7

PROPOSED ADDITIONAL BINDING ELEMENTS

PROPOSED ADDITIONAL BINDING ELEMENTS

7. Prior to developer requesting a Certificate of Occupancy (“CO”) on the first patio home unit on Tract 1, developer shall request Metro Public Works (“Public Works”) to inspect the road infrastructure on Tract 1 to determine what amount of bond, if any, the developer shall be required to post prior to CO issuance. The stub road to the property line to the east shall be built to the east property line prior to release of said bond. The developer can request a bond release and Public Works to inspect the road infrastructure for same whenever the road infrastructure construction is complete.
8. The roadway connections on the patio home Tract 1 to the north and east shall remain open and available to thru traffic.
9. The proposed roadway improvements to S. English Station Rd. shall be substantially similar to the exhibits presented at the 11/12/20 LD&T meeting. Detailed design to be coordinated with Public Works and Transportation Planning during construction plan process.

TAB 8

TRAFFIC STUDY

final report

July 13, 2020

Traffic Impact Study

1007 South English Station Road
Louisville, KY

Prepared for

Louisville Metro Planning Commission



DIANE B. ZIMMERMAN
Traffic Engineering, LLC

12803 High Meadows Pike
Prospect, KY 40059
502.648.1858
diane@tzi.net



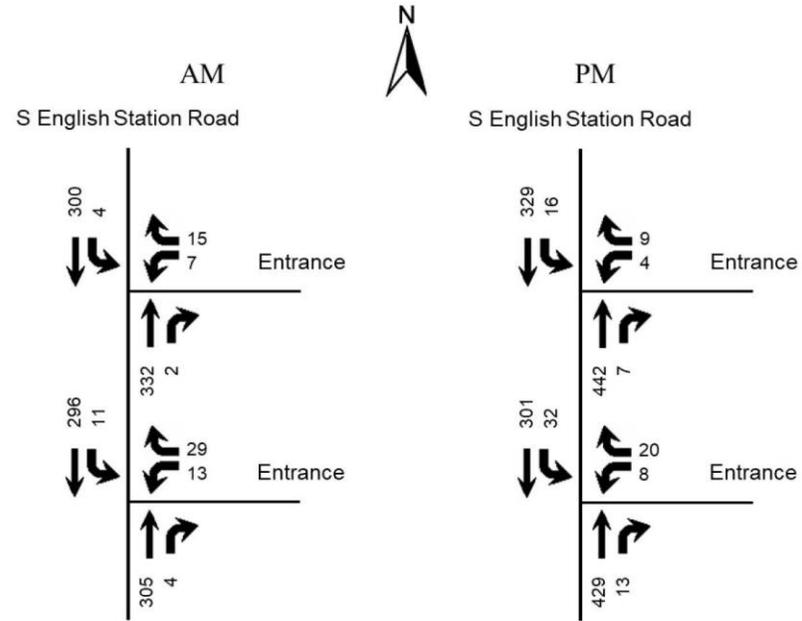


Figure 6. Build Peak Hour Volumes

ANALYSIS

The qualitative measure of operation for a roadway facility or intersection is evaluated by assigning a “Level of Service”. Level of Service is a ranking scale from A through F, “A” is the best operating condition and “F” is the worst. Level of Service results depend upon the facility that is analyzed. In this case, the Level of Service is based upon the total delay experienced at an intersection.

To evaluate the impact of the proposed development, the vehicle delays at the intersections were determined using procedures detailed in the [Highway Capacity Manual](#), 6th edition. Future delays and Level of Service were determined for the intersections using the HCS Streets (version 7.8.5) software. The delays and Level of Service are summarized in [Table 2](#).

Table 2. Peak Hour Level of Service

Approach	A.M.			P.M.		
	2020 Existing	2023 No Build	2023 Build	2020 Existing	2023 No Build	2023 Build
S English Station Road at Patio Homes						
Entrance Westbound			B 11.7			B 13.8
S English Station Road Southbound (left)			A 8.0			A 8.5
S English Station Road at Apartment Entrance						
Entrance Eastbound			B 11.7			B 14.0
S English Station Road Southbound (left)			A 8.0			A 8.6

Key: Level of Service, Delay in seconds per vehicle

The entrances were evaluated for turn lanes using the Kentucky Transportation Cabinet [Highway Design Guidance Manual](#) dated March, 2017. Using the volumes in Figure 6, no turn lanes are required at the entrances.

CONCLUSIONS

Based upon the volume of traffic generated by the development and the amount of traffic forecasted for the year 2023, there will be a minimal impact to the existing highway network. No improvements are required.

CONCLUSIONS

Based upon the volume of traffic generated by the development and the amount of traffic forecasted for the year 2023, there will be a minimal impact to the existing highway network. No improvements are required.

TAB 9

STATEMENT OF COMPLIANCE FILED WITH THE ORIGINAL ZONE CHANGE APPLICATION WITH ALL APPLICABLE GOALS OF THE 2040 PLAN AND WAIVER JUSTIFICATION

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

STATEMENT OF COMPLIANCE WITH ALL APPLICABLE GOALS, OBJECTIVES AND POLICIES OF THE “PLAN 2040” COMPREHENSIVE PLAN

Applicant: Sunshine Builders, LLC c/o Damon Garrett

Owner: 1007 South English Station Road, LLC

Project Name/Location: 1007 S. English Station Road

Proposed Use: Multifamily Residential

Request: Zone change from R-4 to R-5A

Engineers, Land Planners,
Landscape Architects: Land Design & Development, Inc.

Traffic Engineer: Diane B. Zimmerman Traffic Engineering, LLC

INTRODUCTION

This multi-family community is proposed by a Louisville company controlled by a highly experienced custom home builder who also recently constructed an apartment community elsewhere in Louisville similar to the one planned here. As such, he understands and has committed his life's work to quality design and construction.

PLAN ELEMENT 4.1: COMMUNITY FORM

This “Application Package” complies with Plan Element 4.1, its 5 Goals and their Objectives plus the following Policies.

As to Goal 1, Policies 2, 2.1, 3.1.3, 4, 5, 6, 7, 9, 10, 11, 12, 14, 16, 17, 18, 19, 20 and 23, it complies as follows, in addition to the other ways set forth above and below: The site is located in the Neighborhood Form District which encourages even high density uses and a range of housing opportunities, notably including multi-family dwellings which can be rental apartments, which this plan proposes in part. Proposed density in this instance is barely in the medium range, as contemplated by these Policies. Stacked 3-story apartments constitute 168 of the planned units, and patio homes make up the other 58 units. Their designs, square footages and rental rates are also contemplated by these Policies as appropriate for this Form District and this specific neighborhood. Land Development Code required setbacks, height restrictions, both interior and perimeter landscaping, minimum parking and maximum lighting and signage will all be met without variances or waivers. Located as this proposed multi-family zoned community is just a short drive south down S. English Station Road from a sizeable commercial activity center and a very short distance from Christian Academy school, travel distances for purposes of shopping and school are reduced, and walking and biking become very real possibilities. This helps

contribute to improved air quality. The brick and quality siding components and traditional style and design of these buildings assure compatibility with the north-adjointing patio home style condominium buildings and also nearby apartment buildings across S. English Station Road. Landscaping, screening and buffering beyond the bare minimums also helps assure appropriateness for the neighborhood and compatibility with adjoining residential uses. As a consequence of what surrounds this proposal and the fact that this is a proposed multi-family community, same as the north and west adjoining uses, impacts such as traffic, odors, lighting, noise and aesthetic factors will not prove to be nuisance factors.

As to Goal 2, Policies 1, 2, 3, 6, 7, 8, 9, 11, 12, 13, 14, 15, 16 and 17, it complies as follows, in addition to the other ways set forth above and below: The proposed multi-family community is located in a Neighborhood Form District, very near already built shopping and other multi-family zoned communities and in close proximity to a school. As such, and with good pedestrian and vehicular access along S. English Station Road with street and sidewalk connections to other neighborhoods, the proposed multi-family community is part of a large mixed residential, retail and school activity center. Also, as such, it will add to the opportunities existing and planned in this high growth area to reside in close and convenient proximity to places of employment, food, shopping and education. Given all that is proximate to and surrounds this particular site and given the particular design of this proposed multi-family community, it appears as though this development and the larger community, including activity center of which this development is a part, has the overriding feel of having been always planned this way.

As to Goal 3, Policies 1, 2, 3, 6, 9, 10 and 13, it complies as follows, in addition to the other ways set forth above and below: The detailed district development plan (DDDP) filed with the rezoning application for this proposed multi-family community includes a community clubhouse and communal open space for use by residents. Those spaces will be maintained in perpetuity by the owner of the apartment community.

As to Goal 4, this is not a historic site with historic buildings.

As to Goal 5, this proposed multi-family community is neither large nor public enough to include an element of public art.

PLAN ELEMENT 4.2: MOBILITY

This Application Package complies with Plan Element 4.2, its 3 Goals and their Objectives plus the following Policies. As to Goal 1, Policies 1, 2, 3, 4 and 6; Goal 2, Policies 1, 2, 3, 4, 5, 6, 7 and 8; and Goal 3, Policies 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 14, 15, 17, 18, 19, 20 and 21, it complies as follows, in addition to the other ways set forth above and below: This proposed multi-family community (located as it is within an existing and growing mixed use activity center, with good access off both arterial and local streets and thereby well connected as it is proposed to be close to a nearby school, restaurants, retail shopping and other residential developments and communities) is clearly part and parcel of good pedestrian, bicycle and road networks. Locating their development along and with access to and from those networks, the aforementioned developer will at its cost construct sidewalks and to-be-determined S. English Station Road right-of-way improvements. In doing so, it will prepare construction plans that will assure safe access with good site distances and turning radii. Bike racks and handicapped parking

spots will be installed as and where required near buildings. All drive lanes, parking spaces and stub connections will be designed in accordance with Metro Public Work and Transportation Planning (MPW&TP) requirements. These are preliminarily depicted on the DDDP filed with this application. Also a Traffic Impact Study (TIS) is being completed by Diane Zimmerman and will be submitted in accordance with MPW&TP requirements. TARC service is generally unavailable in areas like this, but is available nearby along Shelbyville Road. All necessary utilities are located proximate to this site and accessible by it via public right of way or easements.

PLAN ELEMENT 4.3: COMMUNITY FACILITIES

This Application Package complies with Plan Element 4.3, its 3 Goals and their Objectives plus the following Policies. As to Goal 2, Policies 1, 2 and 3, it complies as follows, in addition to the other ways set forth above and below: Christian Academy school is located across S. English Station Road with an access road to it situated almost directly across from the proposed principal point of access to this proposed multi-family community. A fire station is located a short distance away down Shelbyville Road at Urton Lane. Public library and community center are located in the heart of Middletown, the nearest municipality to this site.

PLAN ELEMENT 4.4: ECONOMIC DEVELOPMENT

This Application Package complies with Plan Element 4.4, its 2 Goals and their Objectives, plus the following Policies. As to Goal 2, Policies 1 and 3, it complies as follows, in addition to the other ways set forth above and below: As Louisville Metro's population continues to grow, so does demand for housing of all types. This proposed multi-family community is part of a developer response to that demand, and as such both stabilizes and offers increased opportunities for employment in the building trades and associated industries. It also increases the tax base essential to the provision of government services.

PLAN ELEMENT 4.5: LIVEABILITY

This Application Package complies with Plan Element 4.5, its 4 Goals and their Objectives plus the following Policies. As to Goal 1, Policies 5, 7, 8, 10, 11, 12, 13, 15, 16, 23, 26, 27, 28, 29, 30, 31, 32, 33 and 35; and Goal 4, Policies 1 and 2, it complies as follows, in addition to the other ways set forth above and below: The DDDP filed with this application shows how storm water is proposed to be addressed, including where detention is anticipated to be located such that post development rates of run-off will not exceed pre-development conditions. Sanitary sewer service is available at the nearby Floyds Fork regional wastewater treatment plant. It can be accessed via lateral extension to and from an existing nearby manhole. There are no minimally impacted regulated streams or other protected waterways that are directly affected by this proposed development, although measures will be taken to assure that erosion and sediment impacts are fully controlled and/or mitigated. As mentioned above, given the location of this proposed multi-family community in a large existing and expanding activity center, air quality impacts will be minimized because vehicle miles travelled are reduced.

PLAN ELEMENT 4.6: HOUSING

This Application Package complies with Plan Element 4.6, its 3 Goals and their Objectives, plus the following Policies. As to Goal 1, Policies 1, 2 and 3; Goal 2, Policies 1, 2 and 3; and Goal 3, Policies 1, 3 and 4, it complies as follows, in addition to the other ways set forth above: Designed as it is as part stacked apartment buildings in close proximity to I-64 and part patio homes adjacent to other patio homes, this proposed multi-family community will serve a different role and purpose as other similarly designed patio home and apartment style communities in this area of Louisville Metro. Because of the number of bedrooms, it's possible that renters, taking advantage of proximity to the nearby Christian Academy school, will have children. And because of the different style and design of the patio home units, they can probably expect empty-nesters are their principal occupants.

* * *

For all of the above-stated reasons, those shown on the detailed district development plan and those explained at the LD&T meeting and Planning Commission public hearing, this revised application complies with all other applicable Goals, Objectives and Policies of the "Plan 2040" Comprehensive Plan.

Respectfully submitted,

William B. Bardenwerper
Bardenwerper, Talbott & Roberts, PLLC
Building Industry Association of Greater Louisville Bldg.
1000 N. Hurstbourne Parkway, Second Floor
Louisville, KY 40223

TAB 10

PROPOSED FINDINGS OF FACT PERTAINING TO COMPLIANCE WITH THE 2040 PLAN AND WAIVER CRITERIA

BARDENWERPER, TALBOTT & ROBERTS, PLLC

ATTORNEYS AT LAW

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

Applicant: Sunshine Builders, LLC c/o Damon Garrett

Owner: 1007 South English Station Road, LLC

Project Name/Location: 1007 S. English Station Road

Proposed Use: Multifamily Residential

Request: Zone change from R-4 to R-5A

Engineers, Land Planners,
Landscape Architects: Land Design & Development, Inc.

Traffic Engineer: Diane B. Zimmerman Traffic Engineering, LLC

The Louisville Metro Planning Commission, having heard testimony before its Land Development & Transportation Committee, in the Public Hearing held on December 17, 2020 and having reviewed evidence presented by the applicant and the staff's analysis of the application, make the following findings:

WHEREAS, this multi-family community is proposed by a Louisville company controlled by a highly experienced custom home builder who also recently constructed an apartment community elsewhere in Louisville similar to the one planned here; as such, he understands and has committed his life's work to quality design and construction; and

PLAN ELEMENT 4.1: COMMUNITY FORM

WHEREAS, this "Application Package" complies with Plan Element 4.1, its five Goals and their Objectives plus the following Policies; as to Goal 1, Policies 2, 2.1, 3.1.3, 4, 5, 6, 7, 9 10, 11, 12, 14, 16, 17, 18, 19, 20 and 23, it complies as follows, in addition to the other ways set forth above and below: the site is located in the Neighborhood Form District which encourages medium and high density uses and a range of housing opportunities, notably including multi-family dwellings which can be condominium patio homes and rental apartments, which this plan proposes; proposed density in this instance is barely in the medium range, as contemplated by these Policies; stacked 3-story apartments constitute 172 of the planned units, and patio homes make up the other 54 units; their designs, square footages, rental rates and sales prices are also contemplated by these Policies as appropriate for this Form District and this specific neighborhood; located as this proposed multi-family zoned community is just a short drive south down S. English Station Road from a sizeable commercial activity center and a very short distance from Christian Academy school, travel distances for purposes of shopping and school are reduced, and walking and biking become very real possibilities; this helps contribute to

improved air quality; the frontage improvements along S. English Station Road to add a center turn lane will improve the existing condition of the frontage and stub streets are being provided to the east and north; the brick and quality siding components and traditional style and design of these buildings assure compatibility with the north-adjointing patio home style condominium buildings and also nearby apartment buildings across S. English Station Road; landscaping, screening and buffering beyond the bare minimums also helps assure appropriateness for the neighborhood and compatibility with adjoining residential uses; and as a consequence of what surrounds this proposal and the fact that this is a proposed multi-family community, same as the north and west adjoining uses, impacts such as traffic, odors, lighting, noise and aesthetic factors will not prove to be nuisance factors; and

WHEREAS, as to Goal 2, Policies 1, 2, 3, 6, 7, 8, 9, 11, 12, 13, 14, 15, 16 and 17, it complies as follows, in addition to the other ways set forth above and below: the proposed multi-family community is located in a Neighborhood Form District, very near already built shopping and other multi-family zoned communities and in close proximity to a school; as such, and with good pedestrian and vehicular access along S. English Station Road with street and sidewalk connections to other neighborhoods, the proposed multi-family community is part of a large mixed residential, retail and school activity center; also, as such, it will add to the opportunities existing and planned in this high growth area of Louisville Metro to reside in close and convenient proximity to places of employment, food, shopping and education; and given all that is proximate to and surrounds this particular site, and given the particular design of this proposed multi-family community, it appears as though this development and the larger community, including the activity center of which this development is a part, has the overriding feel of having been always planned this way; and

WHEREAS, as to Goal 3, Policies 1, 2, 3, 6, 9, 10 and 13, it complies as follows, in addition to the other ways set forth above and below: the detailed district development plan (DDDP) filed with the rezoning application for this proposed multi-family community includes a community clubhouse and communal open space for use by residents (both of the apartments and condominium owners); and those spaces will be maintained in perpetuity by the owner of the apartment community; and

WHEREAS, as to Goal 4, this is not a historic site with historic buildings; and

WHEREAS, as to Goal 5, this proposed multi-family community is neither large nor public enough to include an element of public art; and

PLAN ELEMENT 4.2: MOBILITY

WHEREAS, this Application Package complies with Plan Element 4.2, its three Goals and their Objectives plus the following Policies; as to Goal 1, Policies 1, 2, 3, 4 and 6; Goal 2, Policies 1, 2, 3, 4, 5, 6, 7 and 8; and Goal 3, Policies 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 14, 15, 17, 18, 19, 20 and 21, it complies as follows, in addition to the other ways set forth above and below: This proposed multi-family community (located as it is within an existing and growing mixed use activity center, with good access off both arterial and local streets and thereby well connected as it is proposed to be close to a nearby school, restaurants, retail shopping and other residential developments and communities) is clearly part and parcel of good pedestrian, bicycle and road

networks; locating their development along and with access to and from those networks, the aforementioned developer will at its cost construct sidewalks and the S. English Station Road right-of-way improvements to add a turn lane as depicted at the public hearing; in doing so, it will prepare construction plans that will assure safe access with good site distances and turning radii; bike racks and handicapped parking spots will be installed as and where required near buildings; all drive lanes, parking spaces and stub connections are designed in accordance with Metro Public Work and Transportation Planning (MPW&TP) requirements; also a Traffic Impact Study (TIS) was completed by Diane Zimmerman and was submitted in accordance with MPW&TP requirements; TARC service is generally unavailable in areas like this, but is available nearby along Shelbyville Road; and all necessary utilities are located proximate to this site and accessible by it via public right of way or easements; and

PLAN ELEMENT 4.3: COMMUNITY FACILITIES

WHEREAS, this Application Package complies with Plan Element 4.3, its three Goals and their Objectives plus the following Policies; as to Goal 2, Policies 1, 2 and 3, it complies as follows, in addition to the other ways set forth above and below: Christian Academy school is located across S. English Station Road with an access road to it situated almost directly across from the proposed principal point of access to this proposed multi-family community; a fire station is located a short distance away down Shelbyville Road at Urton Lane; and a public library and community center are located in the heart of Middletown, the nearest municipality to this site; and

PLAN ELEMENT 4.4: ECONOMIC DEVELOPMENT

WHEREAS, this Application Package complies with Plan Element 4.4, its two Goals and their Objectives, plus the following Policies; as to Goal 2, Policies 1 and 3, it complies as follows, in addition to the other ways set forth above and below: as Louisville Metro's population continues to grow, so does demand for housing of all types; this proposed multi-family community is part of a developer response to that demand, and as such both stabilizes and offers increased opportunities for employment in the building trades and associated industries; and it also increases the tax base essential to the provision of government services; and

PLAN ELEMENT 4.5: LIVEABILITY

WHEREAS, this Application Package complies with Plan Element 4.5, its four Goals and their Objectives plus the following Policies; as to Goal 1, Policies 5, 7, 8, 10, 11, 12, 13, 15, 16, 23, 26, 27, 28, 29, 30, 31, 32, 33 and 35; and Goal 4, Policies 1 and 2, it complies as follows, in addition to the other ways set forth above and below: the DDDP filed with this application shows how storm water is proposed to be addressed, including where detention is anticipated to be located such that post development rates of run-off will not exceed pre-development conditions; sanitary sewer service is available at the nearby Floyds Fork regional wastewater treatment plant; it can be accessed via lateral extension to and from an existing nearby manhole; there are no minimally impacted regulated streams or other protected waterways that are directly affected by this proposed development, although measures will be taken to assure that erosion and sediment impacts are fully controlled and/or mitigated; as mentioned above, given the location of this

proposed multi-family community in a large existing and expanding activity center, air quality impacts will be minimized because vehicle miles travelled are reduced; and

PLAN ELEMENT 4.6: HOUSING

WHEREAS, this Application Package complies with Plan Element 4.6, its three Goals and their Objectives, plus the following Policies; as to Goal 1, Policies 1, 2 and 3; Goal 2, Policies 1, 2 and 3; and Goal 3, Policies 1, 3 and 4, it complies as follows, in addition to the other ways set forth above: designed as it is as part stacked apartment buildings in close proximity to I-64 and part patio homes adjacent to other patio homes, this proposed multi-family community will serve a different role and purpose as other similarly designed patio home and apartment style communities in this area of Louisville Metro; because of the number of bedrooms, it's possible that renters and condominium owners, taking advantage of proximity to the nearby Christian Academy school, will have children; and because of the different style and design of the patio home units, they can probably expect empty-nesters are their principal occupants; and

* * *

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

NOW, THEREFORE, the Louisville Metro Planning Commission hereby recommends to the Louisville Metro Council that it rezone the subject property from R-4 to R-5A and approves the Detailed District Development Plan.

WAIVER FINDINGS OF FACT

Waiver of Section 10.2.10 to not provide the 15 ft vehicular use area landscape buffer area between tracts 1 and 2.

WHEREAS, the waiver will not adversely affect adjacent property owners because the purpose of the VUA landscape buffer area is to reduce the visual impact of VUAs on residential properties; however, in the instant case, the property is being developed functionally as one overall development with the patio home condominium owners having the right to the use and enjoyment of all the open space on the Tract 2 apartment property, etc.; therefore, the waiver requirement is only created by the proposed lot line to separate the tracts which does not affect the adjacent property owners; and

WHEREAS, the waiver will not violate the Comprehensive Plan for all the reasons set forth in the Detailed Statement of Compliance with all applicable Guidelines and Policies of the comprehensive plan filed with the original rezoning application; and

WHEREAS, the extent of waiver of the regulation is the minimum necessary to afford relief to the applicant because any effort to comply would require a complete overhaul with major revisions to the development plan; and for example, in order to comply, the southern entrance road would need to be removed or significantly revised; and

WHEREAS, strict application of the provisions of the regulation would deprive the applicant of a reasonable use of the land or would create an unnecessary hardship on the applicant because there are no negative resulting impacts and strict application would deprive the applicant of the ability to have two different forms of ownership;

NOW, THEREFORE, the Louisville Metro Planning Commission hereby approves this Waiver.

WAIVER FINDINGS OF FACT

Waiver of Section 10.2.7 to not provide the required trees within the 35ft perimeter landscape buffer area.

WHEREAS, the waiver will not adversely affect adjacent property owners because the 35 foot LBA is still being provided, just without the required trees; the reason for the waiver request to not provide tree plantings is the 35 LBA is completely overlapped with a 100 ft LG&E transmission line easement along the I-64 property line; the applicant's representatives have contacted LG&E, and LG&E will not allow any plantings over 10 feet in height within the area of the transmission line easement; the applicant will still provide the required 8 foot screen along this property line; the purpose of the code required plantings with the LBA are to protect and enhance the visual quality along high traffic roadways and to reduce the impacts of the roadway on the development; in the instant case, the 100 foot LG&E transmission line easement results in the closest apartment building being 100 feet from the property line and will be shielded with the 8 foot screen; further, there is dense vegetation in the right of way between I-64 and the property line providing additional buffering; the applicant has also completed a noise impact study and revised the development plan accordingly to avoid negative impacts of I-64 on the proposed development; and

WHEREAS, the waiver will not violate the Comprehensive Plan for all the reasons set forth in the Detailed Statement of Compliance with all applicable Guidelines and Policies of the comprehensive plan filed with the original rezoning application; and

WHEREAS, the extent of waiver of the regulation is the minimum necessary to afford relief to the applicant because the applicant is not allowed to provide the code required plantings due to the LG&E easement; and

WHEREAS, strict application of the provisions of the regulation would deprive the applicant of a reasonable use of the land or would create an unnecessary hardship on the applicant because the applicant would be required to install plantings in direct violation of the LG&E transmission line easement restrictions;

NOW, THEREFORE, the Louisville Metro Planning Commission hereby approves this Waiver.

VARIANCE FINDINGS OF FACT

Variance of: Section 5.3.1 to vary the 5 ft side yard to 0 ft between Tract 1 & 2.

WHEREAS, the variance will not adversely affect the public health, safety or welfare because this variance is internal to the overall development, having no impact on any other properties; the required Variance arises solely due to the creation of a proposed lot line to allow the patio homes to be constructed in a condominium form of ownership separate from the proposed stacked apartments; and

WHEREAS, the variance will not alter the essential character of the general vicinity because this variance is internal to the overall development, having no impact on the neighboring properties or the character of the area; the only proposed encroachments within the 5 foot side yard setback created by the proposed lot line is paving, being the clubhouse parking lot and the proposed southern access road; the patio home buildings will have an additional 25 foot rear yard setback (as to Building #15) and a 25 foot front yard setback from the access road; as a result, no building or structure will be any closer to the any other structure than as previously shown on the development plan; and the variance arises solely due to the creation of the property line, not a revision or change in the physical layout; and

WHEREAS, the variance will not cause a hazard or a nuisance to the public because this variance is a technical requirement that arises when the proposed lot line is added to the development plan to allow the condominium form of ownership; further, the only encroachments into the side yard setbacks are the proposed internal street and the asphalt parking lot, not another proposed building; and the reason the southern proposed street has the property line down the center of the roadway is the two tracts will share in the cost and expense of maintenance and repair; and

WHEREAS, the variance will not allow an unreasonable circumvention of the requirements of the zoning regulations because the need for the variance only arises due to the proposed lot line being added to the development plan; and

WHEREAS, the Variance arises from special circumstances, which do not generally apply to land in the general vicinity because it arises due to the creation of the two separate lots to separate the patio homes to be created within the condominium form of ownership from the apartment buildings; and

WHEREAS, strict application of the provisions of the regulation would deprive the applicant of the reasonable use of the land or would create unnecessary hardship because it would require the entire project to be within the condominium form of development or, conversely, would prohibit the sale of the patio home units thus requiring them to be rentals; and disallowing this variance would render the project impractical; and

WHEREAS, the circumstances are not the result of actions of the applicant taken subsequent to the adoption of the regulation because this variance is technical in nature and not related to the site design or layout and would not be required without the proposed lot line separating the property into two tracts;

NOW, THEREFORE, the Louisville Metro Planning Commission hereby approves this Variance.