

# BARDENWERPER, TALBOTT & ROBERTS, PLLC

ATTORNEYS AT LAW

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## STATEMENT OF COMPLIANCE WITH ALL APPLICABLE GOALS, OBJECTIVES AND POLICIES OF THE "PLAN 2040" COMPREHENSIVE PLAN

Applicant: Kennedy International

Owners: 4700 South Hurstbourne Parkway, LLC

Project Name/Location: 4700 S. Hurstbourne Parkway

Proposed Use: Multifamily Residential

Request: Zone change from R-4 to R-7

Engineers, Land Planners, Landscape  
Architects: Mindel Scott & Associates

The Applicant, Kennedy International, proposes a 384 unit multi-family community with open space and amenities at 4700 South Hurstbourne Parkway south of the intersection with Watterson Trail in the Neighborhood Form District in an area that is one of Louisville's prime growth areas for development of this exact kind because of these principal factors: (a) availability of sanitary sewers and all necessary infrastructure and utilities; (b) presence of significant and growing retail activity; and (c) proximity to an interstate highway system which moves traffic to and from major employment centers.

### PLAN ELEMENT 4.1: COMMUNITY FORM

This "Application Package" complies with Plan Element 4.1, Goal 1, Policies 7 and 9 as follows: The site is located in the Neighborhood Form District which encourages low-high density and intensity uses and a range of housing opportunities, notably including multi-family dwellings which can be rental apartments, which this plan proposes. Proposed density in this instance is in the high range, both as contemplated by these Policies and where infrastructure and existing activity centers support it. Spread among 13, 3-story apartment buildings with a total of 384 units, the designs, square footages and rental rates are also contemplated by these Policies as appropriate for this Form District and neighborhood where the plan provides appropriate transitions to adjoining development.

As to Goal 2, Policy 9, it complies as follows, in addition to the other ways set forth above and below: As said, the proposed multi-family community is located in a Neighborhood Form District, very near already built shopping and employment centers adding a new residential community

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 and shopping. Given all that is proximate to and surrounds this particular site and given the particular design of this proposed

multi-family community, it nearly appears as though this development within the larger community and proximate to the referenced activity center, is entirely appropriate.

As to Goal 3, Policy 10, it complies as follows, in addition to the other ways set forth above and below: The site is not in an area of wet or highly permeable soils, steep slopes where there is potential for severe erosion that would cause property damage or environmental degradation.

As to Goal 4, Policies 2 and 3 this is not a historic site with historic buildings and has no distinctive cultural features.

#### **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, Policy 4; Goal 2, Policy 4; and Goal 3, Policies 2, 5, 6, 9, 10 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 area proximate to a large activity center, with two good access points off a major arterial roadway and thereby well connected as it is proposed to be close to restaurants, retail shopping and other residential developments and communities) is plainly part and parcel of good pedestrian, bicycle and road networks. No new roadway improvements are likely to be necessary but will depend upon the traffic impact study. There is no direct residential access to high-speed roadways.

Also, bike racks and handicapped parking spots will be installed as and where required near buildings. And 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, P.E. and will soon be submitted in accordance with MPW&TP requirements.

TARC service is generally unavailable in areas like this, but basic and express service is available .6 of a mile away along Bardstown Road.

Further, 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, Goal 2 and their Objectives plus Policies 1, 2 and 3 in addition to the other ways set forth above and below: existing utilities are available to the site including an adequate supply of potable water and water for fire fighting purposes as well as sewer service available by lateral extension to the Derek R. Guthrie Wastewater Treatment Plant.

#### **PLAN ELEMENT 4.5: LIVABILITY**

This Application Package complies with Plan Element 4.5, Goal 1, plus the following Policies 5, 17 and 21 as follows, in addition to the other ways set forth above and below: The site is not located on karst terrain and is not located in a regulatory floodplain. On-site detention is provided subject to MSD review and approval prior to construction. There do not appear to be any unique characteristics of the general landscape. An LDC compliant landscaping plan will be submitted which will incorporate native species wherever possible. 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 Metro Louisville tax base essential to the provision of government services, especially important after the worst economic setback since the Great Depression which has resulted from the current Covid crisis. If Louisville and Kentucky are to economically rebound from this devastating occurrence over time, it will be because new growth opportunities are afforded like this one. That is why this Plan Element of the Comp Plan takes on such overriding significance at this point in Louisville's history.

#### **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 and 2; Goal 2, Policies 1 and 2; and Goal 3, Policies 1, 2 and 3 it complies as follows, in addition to the other ways set forth above:

By bringing brand-new, high-quality apartments to the South Hurstbourne Parkway area, the Applicant's proposal increases the variety of fair and affordable housing types in the area. Also, because of the number of bedrooms, it's possible that renters, taking advantage of proximity to the nearby activity and employment centers and because of the lifestyle changes that the Great Real Estate Recession of 2009 and Coronavirus depression of 2020 have caused, moving ever more people from ownership to rental housing communities, these buildings are multigenerational. Thus, this community can probably expect empty nesters to be among its principal occupants.

And, finally, Plan 2040 does not prohibit the demolition of one existing single family house on large lots, as proposed in this isolated instance but rather it seeks to preserve single family communities of houses, so as to protect an affordable housing stock, which is not what is involved here.

\* \* \*

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 application complies with all other applicable Goals, Objectives and Policies of the "Plan 2040" Comprehensive Plan.

Respectfully submitted,

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