

**BARDENWERPER, TALBOTT & ROBERTS PLLC**  
ATTORNEYS AT LAW

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**STATEMENT OF COMPLIANCE WITH APPLICABLE GUIDELINES OF THE  
2040 COMPREHENSIVE PLAN**

<u>Applicant/Owner:</u>	Octapharma
<u>Location:</u>	2809 West Broadway
<u>Proposed Use:</u>	Plasma Center
<u>Engineers, Land Planners and Landscape Architects:</u>	Land Design & Development
<u>Request:</u>	Change in Zoning from EZ-1 to C-2

**INTRODUCTION**

Octapharama is proposing to utilize a portion (10,965 square feet) of an existing shopping center on approximately 3.81 acres of property located at West Broadway between 28<sup>th</sup> and 29<sup>th</sup> Streets. The southwest corner of the center will house a facility for plasma donation. Since the applicant is adaptively reusing the existing shopping center, the building will not change the existing scale and design that is compatible with surrounding uses and structures.

**COMMUNITY FORM**

Goal 1 – Guide the form and design of development to respond to distinctive physical historic and cultural qualities.

The proposed zone change and detailed district development plan (DDDP) comply with applicable Objectives A through F and Policies 6,7,8,15, 16, 17, 18, and 21 because the proposed facility is located in an existing high intensity zoning district EZ-1 which permits industrial uses and does not expand into residential areas. 2809 West Broadway is located along a major transportation facilities and transit corridor containing employment centers where demand and adequate infrastructure currently exist and is situated in a mixed intensity area where commercial districts are appropriate. The proposed rezoning is effectively a “down zoning” which will eliminate potentially hazardous nuisances from this portion of the site and further makes unlikely the development of M-2 uses on the remainder of the site. Existing roadways are sufficient for this proposed use and the other existing commercial uses on the site without causing any negative impacts to nearby residential uses.

Goal 2 – Encourage sustainable growth and density around mixed-use centers and corridors.

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The proposed zoning and development plan comply with the applicable Objectives A through I and Policies 1, 5, 6, 7, 8, 9 and 10 because the existing West Broadway commercial corridor supports a variety of intensities and this proposal is much less intense than many uses by right under existing zoning with no negative impact to the current character of the area. Current retail and restaurant uses on the site are supported by sufficient population. Site conditions are existing, and its compatibility with surrounding development is not altered by this proposal. The existing mixed-use corridor provides a wide variety of goods and services is supported by public and alternative modes of transportation. The proposed C-2 District will not hinder redevelopment of residential uses in this activity center. This proposal will rehabilitate long vacant commercial space. The out lot in use is a restaurant existing immediately adjacent to pedestrian access on Broadway. Since this site is fully developed, there are no natural, cultural or environmental features that would be adversely affected.

Goal 3 – Enhance neighborhoods by protecting and integrating open spaces, watersheds and other natural resources.

This proposal meets the Objectives A through I and Applicable Policies 9, 10, 11 and 12 because the site is already fully developed with no natural, cultural or environmental features that would suffer negative impacts.

### **MOBILITY**

Goal 1 – Implement an accessible system of alternative transportation modes.

This proposal complies with Objectives A through E and Policy 4 because the site is in a Town Center Form District which supports commercial growth and employment as well as transit-oriented development served by an efficient transportation system. The existing center lot provides ample off-street parking for all uses.

Goal 3 - Encourage land use and transportation patterns that connect Metro Louisville and support future growth.

This proposal meets the Objectives A through F and Policies 1, 2, 3, 4, 5, 6, 9 and 10 because its serves to reduce many non-neighborhood serving uses that would otherwise be permitted by the industrial uses permitted by right in the current EZ-1 district.

The proposed C-1 district is more consistent the uses along the corridor regarding impacts on its existing transportation characteristics. Improvements to the driveway access will be made at private expense per the recommendations of the Metro Department of Public Works.

### **COMMUNITY FACILITIES**

Goal 2 – Plan for community facilities to improve quality of life and meet anticipated growth.

This proposal complies with the Objectives 1, c, d, g and h and Policies 1, 2, and 3 because the development is served by existing utilities, has potable water and water for fire-fighting purposes. MSD review and approval is anticipated to ensure adequate sanitary sewer service and protect water quality.

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## ECONOMIC DEVELOPMENT

Goal 1 – Provide an economic climate that improves growth, innovation and investment and opportunity for all.

This proposal meets the Objectives a, b, d, g and i and Policies 2, 3, and 5 because the elimination of industrial uses in this portion of the site will not materially diminish the supply of land available for industrial uses.

The C-2 district requested is consistent and compatible with uses along the Broadway corridor relative to its impact on mobility.

## LIVABILITY

Goal 1 – Protect and enhance the natural environment and integrate it with the built environment as development occurs.

This proposal meets Objectives a and c and Policies 17, 21 and 24 because the site is fully developed with no natural, cultural or environmental features that would suffer any negative impacts. The proposed zoning will reduce the potential for hazardous or nuisance uses on the site. The public park adjacent to the north of the site will continue as valuable resources for the users of this development and the community as whole.

\* \* \* \* \*

For all the reasons mentioned herein and based on evidence provided with this application and to be provided in the future at the Land Development and Transportation Committee meeting and Planning Commission public hearing, this application complies with these and all other Guidelines and Policies of the Plan 2040 Comprehensive Plan and should be approved.

Respectfully submitted,

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Paul B. Whitty  
**BARDENWERPER, TALBOTT & ROBERTS, PLLC**  
Home Builders Association of Louisville Building  
1000 North Hurstbourne Parkway, Second Floor  
Louisville, Kentucky 40223

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COMPLIANCE STATEMENT

OCTAPHARMA 2809 West Broadway

Docket No. 20-ZONEPA-0018

INTRODUCTION

Octapharma is proposing to utilize a portion (10,965 square feet) of an existing shopping center on approximately 3.81 acres of property located on West Broadway between 28<sup>th</sup> and 29<sup>th</sup> Streets. The southwest corner of the center will house a facility for plasma donation which requires a conditional use permit pursuant to LDC 4.2.10. The site is in a Town Center Form District which allows this use but the property is simultaneously being rezoned from EZ-1 to C-2 in order to qualify for the CUP.

The site is in a heavy commercial corridor with sufficient support population and will be next door to another medical facility, the Kentucky Kidney Dialysis Center as well several retail stores in the shopping center. There are only two listed conditions:

- A. The property proposed for the blood/plasma collection center shall be at least 1,000 feet away from a property zoned residential.
- B. One parking space per 300 square feet of gross floor area shall be provided.

This proposal meets condition B as it has 37 parking spaces of 217 spaces for the entire center which has a total parking requirement of 106 spaces minimum and 220 spaces maximum. There is ample parking in this shopping center for all proposed and existing uses.

Relief is requested from A as there are multiple residentially zoned properties within 1000 feet of this plasma center to the northeast (see attachment). Relief from this requirement is appropriate because the requirement was at least in part directed toward blood bank donor facilities which tended to attract loitering and vagrancy, often of alcohol and drug addicted persons. The proposal is strictly for a plasma collection facility which has patient health standards that preclude such donors. Additionally, most patients will arrive pursuant to advance reservations and are not paid in cash but rather with bank debit cards. Finally, as noted, this is a very intense commercial corridor where there is substantial pedestrian and vehicle travel such that the presence of additional persons as patients of the facility will not have any adverse effect upon residential uses.

Respectfully Submitted,

Paul B. Whitty

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