

LDC WAIVER JUSTIFICATION STATEMENT

CPT LOUISVILLE I, LLC
4001 Summit Plaza Drive

February 4, 2019

REQUEST SUMMARY

RECEIVED

FEB 04 2019

PLANNING &
DESIGN SERVICES

CPT Louisville I, LLC (the "property owner" and "applicant" referred to herein as "owner/applicant") proposes to repurpose existing retail space, that has sat vacant in its Paddock Shops commercial center for over three years. The Paddock Shops is situated on just less than 40 acres of property zoned C-2, Commercial and located at 4001 Summit Plaza Drive, which is essentially at the intersection of the Gene Snyder Freeway (I-265) and Brownsboro Road (Ky 22), and thereby appropriately placed in the Regional Center Form ("Property"). The owner/applicant's development requests involve the existing building located at the southeastern corner of the Paddock Shops, directly adjacent to the access road to the Drury Inn & Suites; the back of the subject building faces the back of the Drury Inn, which faces the Gene Snyder Freeway. This building is currently vacant commercial space that was previously occupied by Office Depot. As indicated on the associated RDDDP filed herewith, the owner/applicant now wishes to repurpose this empty building into a two-story restaurant with the addition of an enclosed patio to the building's south facade; the residual space in the building will remain available for retail. In conjunction with the revised development plan, the owner/applicant is requesting a waiver of Section 10.3.5.A.8 to allow 782 square feet of the proposed patio addition within the 30-foot parkway buffer along Brownsboro Road/KY 22 [access roadway into the Drury Inn & Suites] ("Proposal").

For the reasons stated herein, the requested waiver complies with Plan 2040, A Comprehensive Plan for Louisville Metro and the criteria for granting waivers and, therefore, should be approved.

WAIVER TO ALLOW PATIO ADDITION AND PEDESTRIAN CONNECTION TO ENCROACH INTO THE 30 FOOT PARKWAY BUFFER - LDC SECTION 10.3.5.A.8

A. The waiver will not adversely affect adjacent property owners.

The requested waiver to allow a portion of a patio addition and corresponding pedestrian connection leading from the existing building to the proposed patio within the KY 22 30-foot parkway buffer area will not adversely affect adjacent property owners because the waiver request reflects a very minor encroachment into a parkway buffer

area that is located farther away from KY 22 – the designated parkway the buffer area protects – than the buffer area along the rest of the Property's frontage. As it relates to this specific frontage area of the Property, what would be the standardly-applied parkway buffer area is currently occupied by an access road from KY 22 to Drury Inn & Suites. Said access road was constructed long after the Paddock Shops (previously the Summit) and, in particular, the subject building was constructed. As a result, the parkway buffer area for this specific section of the Property's frontage is measured from the right-of-way of the access road and not from KY 22. Consequently, as it relates to the Property's frontage along KY 22, the required parkway buffer area is applied forty feet closer to the subject building as compared to the location of the parkway buffer being applied to the remaining Property frontage along KY 22. Without the presence of the access road, the parkway buffer area being applied would be closer to KY 22, farther away from the subject building, and the proposed minor patio addition would not come close to encroaching within the buffer area.

The proposed patio addition will be compatible in terms of size, scale, and design with surrounding properties, and the site will be attractively landscaped. Moreover, the waiver is being requested in an effort to repurpose vacant retail space into a restaurant with a patio – a change in use that would benefit the patrons of the Drury Inn & Suites, the adjacent property owner. Accordingly, the waiver will not adversely affect adjacent property owners.

RECEIVED
FEB 04 2015
PLANNING &
DESIGN SERVICES

B. The waiver will not violate the Comprehensive Plan.

The Property is home to a very popular commercial center zoned C-2, Commercial and in the Regional Center Form District. The Proposal simply seeks to repurpose empty retail space into restaurant space. Although the patio area is the only planned addition to the existing structure, the owner/applicant is making a significant investment to its commercial center with the repurposing of this building, including outfitting the repurposed space in new quality building materials that will improve the aesthetics of the building's exterior and help maintain the commercial center's viability. The Proposal will complement existing uses within the Paddock Shops and surrounding areas, which includes a number of retailers, restaurants, offices, banking, a school, general and doctors' offices, and multi-family uses. As demonstrated on the RDDDP, adequate parking is available on-site to accommodate owner/applicant's repurposing of the building. Existing sidewalks will be maintained and the site is served by transit service. Accordingly, the granting of the requested waiver will not violate the Comprehensive Plan.

The requested waiver to allow 782 square feet of a proposed patio addition within the 30-foot parkway buffer will not violate the Comprehensive Plan because, as

mentioned, the current parkway buffer area along KY 22 applicable to this specific area of the Property is occupied by an access roadway that enters the neighboring property. Owner/Applicant's installation of shrub and tree plantings will improve the current condition of the parkway buffer area between said access roadway and the location of the proposed patio addition. Thus, from the perspective of drivers traveling KY 22, their views into this specific area of the Property will include more trees and landscaping than what they see today, not to mention a more attractive building façade. Thus, owner/applicant's Proposal to redevelop this empty building into a two-story restaurant concept promotes both of the Community Form and Economic Development goals, objectives, and policies of the Comprehensive Plan.

C. The extent of waiver of the regulation is the minimum necessary to afford relief to the applicant.

The encroachment into the 30-foot parkway buffer area would not be necessary if the access roadway leading into the Drury Inn & Suites property was not made part of the KY 22 right-of-way. The incorporation of said access road into the KY 22 right-of-way effectually designated the access road itself as a protected parkway. If not for the incorporation of the access road within the parkway right-of-way, the proposed patio addition would not encroach into the parkway buffer area. Therefore, the extent of waiver of the regulation is the minimum necessary to afford relief to the applicant.

D2. The strict application of the provisions of the regulation would deprive the applicant of the reasonable use of the land or would create an unnecessary hardship on the applicant.

As mentioned, the proposal involves the redevelopment of an existing building that has been vacant for several years. The proposed minor patio addition to the existing building is a necessary component to successfully repurposing it with a new, desirable restaurant tenant and, ultimately, reestablishing viability to this important area of the commercial center. Prior to the Drury Inn & Suites locating on the adjacent property (and next to the Gene Snyder Freeway), the applicable KY 22 parkway buffer was along KY 22, not its current location along the access road to the Drury Inn & Suites. To compensate for the encroachment area within the parkway buffer, Owner/Applicant will install enhanced landscaping in the parkway buffer area where little exists today. In all, as it relates to the specific parkway buffer area being impacted, any changes thereto will be unnoticeable. Accordingly, the strict application of zoning regulation requirements would deprive the applicant of a reasonable use of the land and create an unnecessary hardship on the applicant.

RECEIVED

FEB 04 2019

PLANNING &
DESIGN SERVICES

19 Devplan 1024

February 4, 2019

VIA HAND DELIVERY

Louisville Metro Planning and Design Services
444 S. Fifth Street, Suite 300
Louisville, KY 40202

RECEIVED
FEB 04 2019
PLANNING &
DESIGN SERVICES

RE: Revised Detailed District Development Plan for Restaurant/Patio
Addition to Vacant Office Depot Building, Waiver of Parkway Buffer
The Paddock Shops, 4001 Summit Plaza Drive, Louisville, KY
Docket # 9-68-99

To Whom it May Concern:

This firm represents CPT Louisville I, LLC (the "property owner" and "applicant" referred to herein as "owner/applicant") with respect to its application for Revised Detailed District Development Plan (RDDDP) approval to repurpose existing retail space, that has long sat vacant despite being located within the popular Paddock Shops commercial center, into restaurant space. The Paddock Shops is situated on just less than 40 acres of property zoned C-2, Commercial and located at 4001 Summit Plaza Drive, which is essentially at the intersection of the Gene Snyder Freeway (I-265) and Brownsboro Road (Ky 22), and thereby appropriately placed in the Regional Center Form ("Property"). As indicated on the associated RDDDP filed herewith, the owner/applicant wishes to repurpose existing vacant commercial space previously occupied by Office Depot into a two-story restaurant with the addition of an enclosed patio to the building. The subject space being impacted by owner/applicant's development requests is located at the front of the Paddock Shops, directly adjacent to the access road to the Drury Inn & Suites; the back of the subject building faces the back of the Drury Inn, which faces the Gene Snyder Freeway.

Owner/Applicant's request includes an application for a RDDDP to amend the existing detailed district development plan for the Property, which, given the additional restaurant space being sought, also involves a change to existing

Louisville Metro Planning and Design Services
February 4, 2019
Page 2

RECEIVED
FEB 04 2019
PLANNING &
DESIGN SERVICES

binding element No. 2 (Docket # 9-68-99) to increase the allowable restaurant area in the commercial center from 55,000 square feet to 69,400 square feet. A waiver application to allow the proposed patio expansion (and associated pedestrian connection thereto) within the 30-foot parkway buffer from Brownsboro Road [in reality, the access road to the Drury Inn] is also being submitted. (Together, all development review applications are hereinafter referred to as "Proposal").

In an effort to revitalize important commercial space that has remained idle for far too long, the owner/applicant, in conjunction with an unnamed tenant, propose a new restaurant containing 17,708 square feet of space divided between two floors and an enclosed patio. The first floor of the proposed restaurant, including the 782-square-foot-patio addition, will contain 9,604 square feet, while the second floor area will consist of 8,104 square feet. The first floor area of the building not being used for restaurant space will continue to be utilized as retail space.

The owner/applicant will establish enhanced screening with shrubs and native flowering trees along the proposed patio addition to mitigate the patio's encroachment into the Brownsboro Road Parkway Buffer Area. The specific parkway buffer area applicable to owner/applicant's request is different than the parkway buffer area applicable to rest of the Paddock Shops Brownsboro Road frontage, however. Indeed, the parkway buffer area impacted by owner/applicant's Proposal is measured from the access roadway to/from Brownsboro Road to/from the neighboring Drury Inn & Suites property and not Brownsboro Road. The difference between the application of the same Brownsboro Road Parkway Buffer Area to two different areas of the same property frontage is forty (40) feet. Consequently, owner/applicant's waiver request arises due to a unique situation where the required Brownsboro Road Parkway Buffer area, as applied to the entire frontage of the Property, is more burdensome in one specific area of the Property's frontage (the area of the request) than it is to others.

Louisville Metro Planning and Design Services
February 4, 2019
Page 3

RECEIVED
FEB 04 2019
PLANNING &
DESIGN SERVICES

The Proposal includes only a minor patio addition to the existing building and therefore will not impact any natural resources on the Property. Additional shrubs and trees will be added to the existing landscaping in the area of the Property where the owner/applicant's Proposal is planned. The Property's safe and efficient vehicular and pedestrian transportation will be unaffected by the Proposal, for it simply requests a repurposing of existing space into a restaurant use that is consistent and compatible with the other uses currently operating in the commercial center, which is already served by appropriate parking areas, and supporting vehicular and pedestrian use areas. A pedestrian connection from the patio addition, planned for the side of the building, to the front of the building will be constructed.

The Proposal adds a small amount of patio space that will have very little impact on the existing sufficient open space serving the Property. Additionally, the patio is a minor addition to the commercial center that will have little to no effects on the Property's drainage facilities. Owner/Applicant's repurposing of the existing vacant space will include a redesign of the space's exterior. Said redesign of the exterior will include applying newer, higher quality building materials to the existing structure, resulting in an improvement to its visual aesthetics. Renderings of the proposed improvements are still under design and will be submitted at a later date.

Owner/Applicant's Proposal seeks to repurpose existing vacant retail space into restaurant space within a popular regional commercial center, which contains other retail and restaurant uses compatible with the restaurant use now being proposed. The repurposing of the existing empty space also includes adding a minor patio addition to the building facade facing the access road into the Drury Inn and Suites located next door. As a result, the change to the overall site design will virtually be unperceivable as it relates to location of buildings, vehicular use areas and parking lots. The Owner/Applicant will use new quality building materials on the existing building's exterior and install enhanced landscaping within the applicable parkway buffer where little to no landscaping exists now. Consequently, the combination of newer building materials and plantings will be an overall visual improvement to this particular area of the

19 DECEMBER 2019

RECEIVED

FEB 04 2019

PLANNING &
DESIGN SERVICES

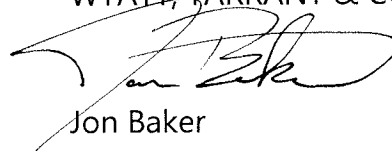
Louisville Metro Planning and Design Services
February 4, 2019
Page 4

regional commercial center, benefitting customers shopping at the Paddock Shops as well as drivers traveling past the commercial center on Brownsboro Road. In short, the Proposal, for numerous reasons, will be an improvement to the Paddock Shops and the repurposing of the long empty space will help establish new viability to that area of the center. For the reasons set forth herein, as well as stated within the waiver justification filed herewith, Owner/Applicant's Proposal conforms to the Comprehensive Plan and Land Development Code.

If you have any questions or require additional information about this application, please do not hesitate to contact me.

Sincerely,

WYATT, TARRANT & COMBS, LLP



Jon Baker