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STATEMENT OF COMPLIANCE WITH ALL APPLICABLE GOALS, GUIDELINES AND POLICIES OF THE CORNERSTONE 2040 COMPREHENSIVE PLAN

Applicant/Owner: DP Rentals, LLC

Location: 7328 & 7330 Southside Drive

Proposed Use: Contractor's Office

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

Request: Zone Change from R-5 to C-1 and C-2

COMMUNITY FORM

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

The proposed zone change complies with all of the applicable, Objectives and Policies 3.1.5, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 17, 18, 19, 20, 23, 27 & 28 of Goal 1, for these reasons.

As stated in the Goal 1, Policy 3.1.5, the Town Center form:

[T]ypically has a compact mixture of moderately intense uses including shopping, restaurants, offices, and residence...The Town Center should have a high level of pedestrian, roadway, transit and bicycle access, a connected street pattern, shared parking and pedestrian amenities. More intense uses in the Town Center are located in close proximity to the major thoroughfare... [Emphasis added]

The proposed use complies with Goal 1 in several ways. First, this development will take an R-4 use that is completely out of place in a Town Center and re-purpose an unoccupied, deteriorating home on blighted property for an office use, consistent with the Town Center goal. The shape of the lot is atypical for a Town Center, largely created by the fact that this area between New Cut Road and Southside Drive creates a triangle shape, with long, irregular shaped lots, making orientation towards the street difficult. Currently the large, internal open parts of this lot and the adjacent areas have been neglected, used for dumping, and created a refuge for crime. The office use is consistent with the Town Center purpose and will bring this property much closer to the goals of the Town Center form than the property currently provides. The "contractor's shop" will also enhance the Town Center. Even though it is not a more traditional Town Center use, it will occupy the long, unused part of the lot away from the street utilizing otherwise wasted areas. It will clean up the lot, eliminate the draw for criminal elements and thereby dramatically improve the area with appropriate lighting. Further, it will facilitate and assist the entire area and surrounding lots near New Cut Road and Southside Drive fulfilling the Town Center purpose.

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The office and the contractor's shop will have connected and shared parking utilizing a shared access agreement consistent with the Town Center goal, along with sidewalks promoting pedestrian bicycle use.

The Property will further ensure new development and redevelopment that is compatible with the scale and site design of nearby existing development. It will allow a mixture of densities with the use of appropriate buffers and will not cause non-residential use into residential uses. The office and contractor's workshop will locate higher density and intensity near the major thoroughfares of New Cut Road and Southside Drive and place the employment uses near existing infrastructure and transportation. The potential adverse impacts, such as noise, lighting and traffic will be mitigated through the use of buffers and compliance with the Land Development Code. Finally, the use of the office and contractor's workshop promote mixed use development and utilization and density with a long, irregular lot located in the Town Center responding to the distinctive physical, historic, and cultural qualities.

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

The proposed zone change complies with all of the applicable, Objectives and Policies 1, 2, 5, 6, 7, 9, 12 13, 14, 15, 16, & 17 of Goal 2, for these reasons.

The proposed use will encourage sustainable growth and density around mixed-use centers and corridors by placing density compatible with desired form and existing infrastructure. The design and density are appropriate with adjacent uses that will serve the needs of the surrounding community. The development will be compact in an activity center resulting in efficient land use and cost effective infrastructure investment. The mixture of compatible uses will reduce traffic and limit trips. The development will rehabilitate the deteriorating home on the property for office use. The plan will provide neighborhood serving contractor workshop and office use. The two uses will share entrance and parking facilities reducing the number of curb cuts and the site will be easily accessible by pedestrian and bicycle traffic and provide green spaces.

Goal 3 – Enhance neighborhood by protecting and integrating open space, watershed and other natural resources.

The proposed zone change complies with all of the applicable, Objectives and Policies 2, 3, 6, 7, 8, 9 & 12 of Goal 3, for these reasons.

The proposed development plan will enhance the surrounding neighborhoods by protecting the open space and natural resources by creating detention basins and protecting natural resources. The open space is compatible with the Form District in that it provides open space that can be visually enjoyed by the community and ensures transitions between the various surrounding properties.

Detention basins being added will improve the issues with standing water and the problems associated with standing water, while respecting the natural features of the property. These changes will protect the health, safety and welfare of future uses of the development.

Goal 4 – Promote and preserve the historic and archaeological resources that contribute to our authenticity.

The proposed zone change complies with all of the applicable, Objectives and Policies 1, 2 & 3 of Goal 4, for these reasons.

The development plan will promote and preserve the historic and archaeological resources that contribute to our authenticity renovating, preserving and adaptive reuse of the residence currently on the property.

MOBILITY

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

The proposed zone change complies with all of the applicable, Objectives and Policies 1, 3, 4, 7 & 14 of Goal 1, for these reasons.

The development plan implements an accessible system of alternative transportation modes by providing sidewalks and walkway connections between the uses for bicycles and pedestrian traffic, in addition to vehicles. The site is close to public transportation. The office use is located close to the roadway to minimize distances of travel and encourages bicycle use in an activity center. The plan places higher density and intensity near existing corridors and along the minor arterial of Southside Drive and close to the major arterial of New Cut Road and the TARC service available there.

Goal 2 – Plan, build and maintain a safe, accessible and efficient transportation system.

The proposed zone change complies with all of the applicable, Objectives and Policies 1, 2, 4, 5, 6, 7, & 8 of Goal 2, for these reasons.

The development plan complies with the objectives and policies of Goal 2 by promoting a safe, accessible and efficient transportation system by accommodating pedestrian, bicycle and vehicular access through the connected lots and accessible rights of way between the two lots being created. The site distances for the curb cut are adequate for the area. The internal circulation of pedestrian and vehicular traffic is appropriate with the connected walkways and shared access, parking, etc. The entrance is compatible with surrounding development and aesthetically pleasing to adjacent areas.

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

The proposed zone change complies with all of the applicable, Objectives and Policies 1, 2, 3, 4, 5, 7, 10, 11, 12, 14, 17, 18, 20, 24, & 27 of Goal 3, for these reasons.

The development plan complies with the objectives and policies of Goal 3 by providing walking and bicycling opportunities with the sidewalks and interconnected walkways and by providing a mix of complimentary neighborhood serving businesses, services and reducing miles travelled by car. The plan will not burden the transportation network, but will enhance it with developing the lot in a way that is closer to the purpose for the Town Center than the site currently provides and by introducing uses that will not create a lot of peak travel traffic. The plan is consistent with long range transportation plans. The parking requirements of the site consider the density of the use and the character and pattern of the Form District in that it converts a residence to office use by the street. The two differing uses will share a curb cut reducing access points to Southside Drive fulfilling the policy of joint access for development sites. The plan also satisfies the policy of infill development opportunities supporting biking and pedestrian travel.

COMMUNITY FACILITIES

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

The proposed zone change complies with all of the applicable, Objectives and Policies 1, 2, & 3 of Goal 2, for these reasons.

This development plan is not a community facilities plan, but it does locate development in areas currently served by existing infrastructure, it has adequate water supply and access to sewers so as to not burden existing or future community facilities.

ECONOMIC DEVELOPMENT

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

The proposed zone change complies with all of the applicable, Objectives and Policies 3, 7, & 9 of Goal 1, for these reasons.

This development plan complies with Goal 1 of Economic Development as it provides economic climate that improves growth, innovation, and investment opportunity for all by reusing and redeveloping a deteriorated and blighted property in southwest Louisville. It locates the office and contractor's shop in an area with existing infrastructure in an efficient manner increasing economic opportunities in the area. It will provide opportunities to underserved small businesses in the area increasing economic opportunity to business owners and employment. While the development will not create high traffic, the traffic will be directed on a minor arterial.

Goal 2 – Cultivate a vibrant, unique city that attracts, retains, and develops a highly-skilled workforce.

The proposed zone change complies with all of the applicable, Objectives and Policies 1, 3, 4, 5, & 7 of Goal 2, for these reasons.

This development plan complies with Goal 2 of Economic Development as it enhances the quality of life in the area by reusing and readapting a current less desirable use, while at the same time protecting and improving the economic value of the surrounding areas. It satisfies the goal and policy of infill development to take advantage of the existing infrastructure. The design elements being used will limit the heat island effect through the use of gravel rather than black asphalt and green detention basins.

LIVABILITY

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

The proposed zone change complies with all of the applicable, Objectives and Policies 2, 4, 5, 7, 12, 23, 25, 26, 27, 28, 31, 35, 36, & 39 of Goal 1, for these reasons.

The development plan complies with the objectives and policies of Goal 1 of Livability element in that it protects the provides pedestrian and bicycle connectivity while not creating much in new traffic for the area. It also will improve the current drainage problems associated with the

site where water puddles on the area, through the use of detention basins and a gravel parking lot greatly reducing what would otherwise be an impervious surface. Trees will be preserved where they can, particularly on the property boundaries, and landscaping will be added to reduce the impacts of the site to nearby multi-family housing.

Goal 2 – Ensure equitable health and safety outcomes for all.

The proposed zone change complies with all of the applicable, Objectives and Policy 8 of Goal 2, for these reasons.

The development plan complies with the objectives and policies of Goal 2 of Livability element by dramatically cleaning a blighted site which will be a benefit to the residences and businesses in the immediate vicinity, particularly the adjacent properties.

Goal 3 – Ensure equitable access to land use planning and Policy-making resources.

The proposed zone change complies with all of the applicable, Objectives and Policies 1, 2, & 4 of Goal 3, for these reasons.

The development plan complies with the objectives and policies of Goal 3 of Livability element providing equitable access to the land use planning and policy resources by providing the surrounding residents and property owners notice of the development, notice of all public meetings and by providing the neighborhood meeting, encouraging and providing an opportunity for area involvement in the plan design.

Goal 4 – Integrate sustainability and resilience in community planning processes.

The proposed zone change complies with all of the applicable, Objectives and Policies 1, 2, & 8 of Goal 4, for these reasons.

The development plan complies with the objectives and policies of Goal 4 of Livability element by providing and enhancing choices for mobility choices, encouraging clean air by reducing miles driven by providing needed services to an underserved area. It also provides needed office and contractor services in and along high capacity transit corridors of Southside Drive and next to New Cut Road.

HOUSING

The proposed zone change and development plan complies with all of the applicable. Objectives and Policies of Goal 1, 2, & 3 as it creates and locates necessary services and employment opportunities in an existing activity center near residential areas, thereby strengthening and supporting the housing in the area. This use will facilitate connected and mixed use areas and ensure long term affordability and living options for all in the community.

* * *

For all of these and other reasons set forth on the Detailed District Development Plan/preliminary subdivision plan accompanying this application and in accordance with evidence presented at Planning Commission public hearings, this application will comply with all other applicable Guidelines and Policies of the Cornerstone 2040 Comprehensive Plan.

Respectfully submitted,

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Variance Justification:

In order to justify approval of any variance, the Board of Zoning Adjustment considers the following criteria. Please answer all of the following items. Use additional sheets if needed. A response of yes, no, or N/A is not acceptable.

Variance of: Section 5.2.4.C.3.a to allow the buildings to exceed the 15 ft maximum front setback requirement

1. The variance will not adversely affect the public health, safety or welfare because these are aesthetic issues only.
2. The variance will not alter the essential character of the general vicinity because, if anything, the general character of the area is one of buildings set back as significantly already from the public street, as all buildings in this area were originally located on their respective sites before this was designated by Cornerstone 2020 an Plan 2040 as a Town Center Form District. Moreover this overall plan brings the site much closer to the intent in the Form District by changing the use of the current building to an office from residential and improving the building with substantial investment to rehabilitate it. Regardless, the building's present location is an as built condition which will not move further from Southside Drive. The contractor's shop will sit further away from the road, but it is a use which will be designed to fit in the area's design and is necessary because of the long, narrow and irregular shape of the overall property relative to building sizes and shapes.
3. The variance will not cause a hazard or a nuisance to the public because again this is an aesthetic not hazard or nuisance issue.
4. The variance will not allow an unreasonable circumvention of the requirements of the zoning regulations because of all that is said above include the fact that the office building is a reuse of an existing structure that is not being moved at all and the second building placement is necessitated by the irregular lot size.

Additional consideration:

1. The variance arises from special circumstances, which do not generally apply to land in the general vicinity because, as noted above, the building closest to Southside Drive will not be moved from its current location.
2. 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 the applicant wouldn't be able to fit most of its normal-shaped buildings on this overall irregularly shaped and narrow site.
3. The circumstances are not the result of actions of the applicant taken subsequent to the adoption of the regulation but rather are the result of the shape of the buildings the overall site and the present as-built condition of the property.

General Waiver Justification:

In order to justify approval of any waiver, the Planning Commission or Board of Zoning Adjustment considers four criteria. Please answer all of the following questions. Use additional sheets if needed. A response of yes, no, or N/A is not acceptable.

Waiver of: Section 5.5.1.A.1.a to allow the principal building entrance on Tract 2 to not face Southside Drive

Explanation of Waiver:

1. The waiver will not adversely affect adjacent property owners because they are all commercial and temporary, multi-family users that have far less in common with the Cornerstone 2020 Land Development Code and Plan 2040 than this proposed project because those were developed before this area was designated as a Town Center Form District.
2. The waiver will not violate the Comprehensive Plan for all the reasons set forth in the Detailed Statement of Compliance with all applicable Objectives and Policies of the Cornerstone 2040 Plan filed with the original rezoning application.
3. The extent of waiver of the regulation is the minimum necessary to afford relief to the applicant because of one of the buildings needs to face inward because of the long, irregular shape to the lot, while the existing home, being reused as an office will continue to face Southside Drive.
4. 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 it would otherwise not be able to develop the back part of the site which is currently vacant, overgrown, and attracting dumping and criminal elements.

General Waiver Justification:

In order to justify approval of any waiver, the Planning Commission or Board of Zoning Adjustment considers four criteria. Please answer all of the following questions. Use additional sheets if needed. A response of yes, no, or N/A is not acceptable.

Waiver of: Section 5.5.1.A.3 to allow parking to be located in front of the building

Explanation of Waiver:

1. The waiver will not adversely affect adjacent property owners because they are commercial users and multi-family that have far less in common with either Cornerstone 2020 Land Development Code or Plan 2040 than this proposed project because those were developed before this area was designated as a Town Center Form District. Furthermore, the site will have a detention basin and have existing landscaping that mitigate the potential adverse consequences of parking located in the front of the building than the LDC otherwise technically permits.
2. The waiver will not violate the Comprehensive Plan for all the reasons set forth in the Detailed Statement of Compliance with all applicable Goals, Objectives and Policies of the Plan 2040 Comprehensive Plan filed with the original rezoning application.
3. The extent of waiver of the regulation is the minimum necessary to afford relief to the applicant because this involves an existing, as-built condition in on a relatively minor lot where parking is situated in order to accommodate the plan for this mixed use in the area's activity center.
4. 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 it would lose valuable/necessary parking in an area where, as noted, there are no negative resulting impacts.

General Waiver Justification:

In order to justify approval of any waiver, the Planning Commission or Board of Zoning Adjustment considers four criteria. Please answer all of the following questions. Use additional sheets if needed. A response of yes, no, or N/A is not acceptable.

Waiver of: 5.5.1.A.3.d to waive the pedestrian and vehicular connections to parking lots of the abutting developments

Explanation of Waiver:

1. The waiver will not adversely affect adjacent property owners or the public because there would be few if any customers of the applicant since this property will be used primarily as a “contractor’s workshop”. The adjoining properties’ uses on Southside Drive are completely different types than the applicant as one is a multi-family apartment use and the other use is a funeral home making vehicular connections inappropriate. The adjoining properties on New Cut Road already have a connection to allow commercial users access to Southside Drive so the necessity of a connection for those properties is already provided.
2. The waiver will not violate the Comprehensive Plan for all the reasons set forth in the Detailed Statement of Compliance with all applicable Goals, Objectives and Policies of the Plan 2040 Comprehensive Plan filed with the original rezoning application.
3. The extent of waiver of the regulation is the minimum necessary to afford relief to the applicant because the connection would not serve any purpose and it would promote crime by providing pedestrian access behind the buildings on New Cut Road and Southside Drive
4. 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 it would lose valuable/necessary parking, it would serve no useful purpose, and would likely promote criminal activity by providing vehicular and pedestrian access at the back side of several businesses.

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