

# 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 GUIDELINES AND POLICES OF THE PLAN 2040 COMPREHENSIVE PLAN**

<u>Applicant:</u>	Hogan Real Estate
<u>Owner:</u>	Estate of William C. Ridge, Jr.
<u>Location:</u>	7609 Bardstown Road
<u>Proposed Use:</u>	Coffee Shop
<u>Engineers, Land Planners and Landscape Architects:</u>	Land Design & Development, Inc.
<u>Request:</u>	Change in Zoning from R-4 to C-1

### **INTRODUCTION**

The applicant is proposing a zone change from R-4 to C-1 to allow a coffee shop. This development adjoins C-1 zoned property to the south, and a church and school to the east and north that are zoned R-4. It is located along a Bardstown Road corridor/commercial center that contains myriad commercially-zoned properties and is south of the regional center, SouthPointe Commons.

### **COMMUNITY FORM**

As Plan 2040 notes, the Community Form plan element is meant to guide the shape, scale, and character of development so as to promote a connected, healthy, authentic, sustainable, and equitable built environment. This plan element is achieved in part through the hybrid form of zoning utilized, where zoning district usage requirements combine with form district design requirements to achieve the requisite-built environment.

This proposed zone change conforms with the Policies in the Community Form as shown below.

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

This proposal complies with Policies 2.1, 3.1.3, 3.2, 4, 5, 7, 9, 10, 11, 12, 15, 16, 17, 19, 20 and 23 for the following reasons. The proposed development is an engaging, fast-paced and upscale coffee shop that predominately services patrons in automobiles and aims to deliver a high-quality, unique, and specialized beverage experience to customers as quickly as possible so they can continue to their destinations. The subject property is situated within the Neighborhood Form District, which is characterized by both residential uses and, at appropriate locations, neighborhood centers with a mixture of offices, retail shops, restaurants and services. This application complies with these Policies because the proposed use at this location is one of the last remaining residentially-zoned parcels among a center of retail/commercial activity in nearly an unbroken stretch from the Gene

Snyder Freeway interchange south to Colonel Hancock Drive and continuing south. This proposed coffee shop will be easily accessible to patrons heading north on Bardstown Road without adversely impacting the public safety or traffic flows since the coffee shop will not be a destination use but will largely capture traffic being persons already on the road and using other services or traveling to work in the morning hours. This heavily-traveled corridor is a highly auto-centric area, and this auto-centric coffee shop model is scaled to address the vehicular needs at this arterial location in this commercial activity center. The building utilizes quality materials and design. It has a small footprint and is appropriately buffered against the residentially-zoned properties property to the east with minimal waivers requested on the side adjoining the residentially zoned church. Rezoning has a minimal impact on residential development as there are currently no residences on the property to displace, it is unlikely that any residential housing units would develop on this parcel given its location fronting on an arterial roadway and within this commercial center, and the surrounding residentially-zoned properties contain no residences, being a church and a school, and appropriate buffering will be provided. There will be no hazardous use, and noise and light emissions will comply with LMCO and LDC restrictions. This plan provides needed goods in this commercial center. This site serves only beverages and no food, thus it will not have noxious fumes being emitted from rotting food in garbage bins or dumpster on the property. The proposed coffee shop has a minimal footprint and is set back more than 30 feet, thus mitigating against any adverse visual intrusions. Land Development Code required height restrictions, interior and perimeter landscaping, maximum lighting and signage and all required setbacks will also be met (with only minimal waivers). Also, as this proposed commercially-zoned site is adjacent to the growing commercial activity center, travel distances are reduced, with a centrally-placed coffee shop for the drivers utilizing the area, reducing miles driven and contributing to improved air quality. The quality components, color scheme, and style and design of this development assures compatibility with and improvement on the general quality of construction in the area. Plus, landscaping, screening, buffering and sidewalks help assure appropriateness for the Bardstown Road area and compatibility with adjoining commercial and residential uses.

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

The proposal complies with Policies 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 13, and 16 for the reasons previously set forth and as set forth below. The site is one of the last remaining residentially-zoned properties located in this Bardstown Road commercial activity center providing neighborhood goods and services with a sufficient support population and appropriate access and connectivity with a compact pattern of development. The placement and design of the building with its small footprint and double-drive-through lanes is appropriate. As the building is compact, the proposed development results in efficient land use and cost-effective infrastructure investment. This site does not propose to have any underutilized parking lots. The addition of this coffee shop will permit an expansion into this growing commercial corridor and center along Bardstown Road in an appropriate design and scale. Additionally, the proposed zoning district would permit residential uses above retail.

Goal 3: Encourage neighborhoods by protecting and integrating open space, watersheds and other natural resources.

This proposal complies with Policies 8, 9, 10 and 12 because there are no known natural features, slopes, flood prone areas or hydric soils on the site. Any karst features will be identified and all regulations relating to same will be complied with.

Goal 4: Promote and preserve the historic and archeological resources that contribute to our authenticity.

The proposal complies with Policies 1, 2, and 3 because there are no historic assets or distinctive cultural features evident on the site.

### **MOBILITY**

As Plan 2040 notes, the Mobility element seeks to create a multi-modal transportation system that is safe and accessible to citizens throughout Louisville. It contains three Goals with multiple Policies, and this proposed rezoning conforms with those Policies as shown below.

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

This proposal complies with Policies 1, 3 and 4 as the site is located in a developing activity center and will provide required bicycle parking and requisite vehicular and pedestrian connectivity, with minimal waivers requested.

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

This proposal complies with Policies 4 and 5 because the plan utilizes one curb cut to provide access in and out of the development with no vehicular access to the school or church so as to avoid creating a nuisance. There is currently a TARC route along Bardstown Road where this site is located.

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

This proposal complies with Policies 2, 3, 5, 6, 8 and 9 to the extent it is within its power to do so. Transportation Planning is still reviewing the proposal. There is a TARC route along this section of Bardstown Road. The plan will comply with the right of way as required by the Land Development Code. The plan also will provide the requisite bicycle parking, and it will also provide the pedestrian sidewalk along Bardstown Road. The plan reduces the need for multiple automobile trips along this corridor by permitting higher-density, mixed use development, and improving air quality through the coffee shop's innovative rapid-delivery method.

### **COMMUNITY FACILITIES**

As Plan 2040 notes, Community Facilities seeks to integrate variegated public and private facilities across Louisville Metro for the purpose of meeting the long-range needs of the community through engaging and sustainable means. This plan element contains three Goals with multiple Policies. This proposed rezoning conforms to those Policies as follows.

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

This proposal complies with Policies 1, 2 and 3 because utilities will be available to the site, including potable water and sewer services through a private, offsite sewer easement. Churches, schools, and a fire station are located a short distance away.

### **ECONOMIC DEVELOPMENT**

As Plan 2040 notes, the Economic Development plan element has as its goal the development of a healthy, equitable, sustainable, and innovative economic climate that strengthens the community's ability to attract and retain a strong and diverse workforce. This plan element contains two Goals

with multiple Policies. This proposed rezoning conforms to these Policies as follows.

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

This proposal complies with Policy 3 which recommends locating commercial uses at a location with adequate access to a major arterial and at locations where nuisances and activities of the proposed use will not adversely affect adjacent areas, which is satisfied by locating in this growing activity center along Bardstown Road. The use will not have negative impacts on the area as the only residential properties nearby are sufficiently buffered from commercial activities. As Louisville Metro’s population continues to grow, so does demand for all types of services such as is provided in this plan. This proposed improvement and expansion of a current use is part of a developer/owner response to that demand, and as such both stabilizes and offers increased opportunities for employment and tax base for the City.

### **LIVABILITY**

As Plan 2040 notes, the Livability plan element seeks to guide and direct the available resources to promote the health and well-being of citizens of Louisville Metro. This element has as its focus the public health through promotion of access to fresh food, health care, and places of health and safety. This element is interested in preserving the tree canopy, reducing waste, and conserving energy. It has four Goals and multiple Policies. This proposed rezoning conforms to the Policies as follows.

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

This proposal complies with Policies 4, 5, 17, 21, 24, and 31 because the site is not proposed for industrial zoning and is not located near the Ohio River or the airport and does not contain a regulatory floodplain. Additionally, the business model for this coffee shop aims to reduce the impact of traffic on air quality by minimizing the amount of time patrons spend obtaining product through the use of a double drive-through lane and other efficiency measures.

### **HOUSING**

As Plan 2040 notes, the Housing plan element, as its name suggests, seeks to enhance this “necessity of life” known as housing. It seeks to promote equitable, diverse, physically accessible, and affordable housing choices. Importantly, this element seeks to provide equitable access to opportunities, services, and amenities. This element contains three Goals with multiple Policies. This proposed rezoning conforms to the Policies as follows.

Goal 1: Expand and ensure a diverse range of housing choices.

This proposal complies with Policy 2 because it supports aging in place by increasing the variety of neighborhood-serving goods and services in the immediate area.

Goal 2: Facilitate the development of connected mixed-use neighborhoods.

This proposal complies with Policies 1 and 2 because it permits inter-generational, mixed-income and mixed-use development connected to the surrounding area and provides amenities in

the provision of goods and services in proximity to housing. This site is on a major arterial adjacent to an activity center, which would not be appropriate for single-family development.

Goal 3: Ensure long-term affordability and livable options in all neighborhoods.

This proposal complies with Policies 2 and 3 because there are no existing residents to displace, and it provides goods and services in close proximity in this developing commercial center along Bardstown Road.

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For all of these and other reasons set forth on the Detailed District Development 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 Plan 2040 Comprehensive Plan.

Respectfully submitted,

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Nicholas Pregliasco  
**BARDENWERPER, TALBOTT & ROBERTS, PLLC**  
Bardenwerper Talbott & Roberts, PLLC  
1000 N. Hurstbourne Parkway, Second Floor  
Louisville, KY 40223  
(502) 426-6688