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STATEMENT OF COMPLIANCE WITH ALL APPLICABLE GUIDELINES AND POLICIES OF THE CORNERSTONE 2020 COMPREHENSIVE PLAN

Applicant/Owner: John Murrow
Location: 1100 and 1102 Milton Street
Proposed Use: Chiropractor's office and retail
Engineers, Land Planners and
Landscape Architects: Miller Wihry
Request: Zone Change from R-5 to C-1

INTRODUCTION

The proposed project is a result of a recent fire to a then existing chiropractor office operating at the site for many years. As such, the site would have had non-conforming rights to continue to operate as it had for years. However, the insurance adjusters explained the building would have to be torn down and re-built due to structural damage from the fire after establishing non-conforming rights and the approval of the new structure. To do so, the prior shotgun home would have to be rebuilt exactly as it had existed, which wasn't functionally practical to start with. As a result, the applicant has requested this rezoning and Detailed District Development Plan to avoid the issue with non-conforming rights, which includes the adjoining lot to provide enough land to build the proposed new chiropractor office. The additional lot is also required to allow the on-site parking area to address the concern over the parking issues in the area and provide parking on-site. This project will allow for the continued operation of an existing chiropractor business and to also include a small retail area to serve the neighborhood, as well as three apartments on the second floor.

GUIDELINE 1 – COMMUNITY FORM

The subject property is located in the Traditional Neighborhood Form District, which is characterized by predominately residential uses from low to high density with neighborhood serving low-intensity commercial located together at activity centers on corners, as is the case in this area of Germantown. The proposed development is to allow a previously existing chiropractor office, which served the neighborhood, to reopen and to provide needed neighborhood retail opportunities through the small retail area in the project, as well as additional new apartments to replace the second floor existing apartment.

GUIDELINE 2 – CENTERS

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This Guideline encourages mixed land uses organized around compact activity centers that are existing, proposed or planned in order to promote efficient use of land and investment in existing infrastructure. The proposed project is at the corner of Milton Street and Hickory Street, with a similar neighborhood commercial center one block to the west at Hickory Street and Burnett with commercial uses, including a dental office on the corner. The infrastructure is already in place for the proposed project, with additional parking being provided with off-street parking spaces being added.

Policies 1 of this Guideline suggest locating activity centers on at street intersections like this one. Policy 2 of this Guideline is met as this is an expansion of the current corner activity center one block to the West. The proposed chiropractor office will serve the population surrounding the site and avoid expansion of new retail in outlying areas without an activity center.

GUIDELINE 3 – COMPATIBILITY

The proposed project complies with all of the applicable Intents and Policies 1, 2, 3, 5, 6, 7, 8, 9, 10, 12, 14, 15, 20, 21, 22 and 23 of Guideline 3 for these reasons.

This project will serve the surrounding neighborhood with a small chiropractor office, being an existing neighborhood business, with a small additional retail space to server the surrounding properties as well as apartments above. The proposed project does not involve any known nuisances, such as odors, noises, lighting, aesthetics or traffic different than what already exists in the greater area. Setbacks will include compatible side and rear yards with no waivers or variances requested, and the landscape regulations will apply. The detailed district development plan, neighborhood meeting PowerPoint and elevations filed with the application demonstrate all that. This project is located in the population that will support it, result in compact development, and provide a mixture of compatible uses. The new parking area will be to the rear of the property off the alley, as do others in the area. This will provide a transition from the adjoining commercial center to the West to the residential in the area.

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GUIDELINES 4 AND 5 – OPEN SPACE / NATURAL AREAS AND SCENIC AND HISTORIC RESOURCES

The proposed project complies with all applicable Intents and Policies 1, 2 3, 4, 5, 6, and 7 of Guideline 4 and Policies 1 and of Guideline 5 for these reasons.

The project will maintain buffers as provided on the development plan. Due to the small nature of the two lots that comprise the project, the open space will be consistent with what is currently located on the two lots as shotgun homes. The elevations submitted show the new project will fit nicely with the neighborhood.

GUIDELINE 6 – MARKETPLACE

The proposed project complies with all of the applicable Intents and Policies 1, 2, 3, 5, and 11 of Guideline 6 for these reasons:

This project will provide an existing chiropractor business, new small retail space, and apartments to serve both. This project will also provide redevelopment of two underutilized lots to a better and more productive use. And this project will result in a significant investment in an older neighborhood helping to revitalize same.

GUIDELINE 7 AND 8 – CIRCULATION AND TRANSPORTATION FACILITY DESIGN; GUIDELINE 9 - BICYCLE, PEDESTRIAN AND TRANSIT; GUIDELINE 12 – AIR QUALITY

The proposed project complies with all of the applicable Intents and Policies 1, 2, 4, 6, 9, 11, 13, 14, 15, and 18 of Guideline 7; Policies 4, 5, 7, 8, 9, 10 and 11 of Guideline 8; Policies 1, 2, 3 and 4 of Guideline 9; and Policies 1, 2, 3, 4, 6, and 8 of Guideline 12 for these reasons.

This project is situated at a corner where an existing chiropractor business is located and the project will serve the neighborhood thus causing little impact for traffic, etc.. The applicant is adding additional off-street parking to address the parking needs of the area. The project is located along TARC traffic lines allowing easy of access. No additional right of way is requested for dedication. All utilities to serve the project already exist to serve the proposed project. Further, this project must be reviewed by Metro Transportation Planning Services personnel, who must stamp the preliminary plan for approval prior to its docketing for Planning Commission review. That assures that all of these applicable Public Works standards are complied with, including Policies of the 2020 Land Development Code (LDC).

The chiropractor office is an existing business and the apartments and retail to serve the area will not negatively impact traffic as people coming to the project can walk. Thus, all negative traffic impacts are avoided with this development. And, as noted, design of the site, as shown on the detailed district development plan accompanying this application assures that corner clearances, driveway access, median openings, cross connections, etc. are provided as required -- that is, except as some disconnectivity to existing adjoining properties which already exists.

GUIDELINES 10 AND 11 – STORMWATER AND WATER QUALITY

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The proposed project complies with all applicable Intents and Policies 1, 3, 6, 7, 10 and 11 of Guideline 10 and Policies 3 and 5 of Guideline 11 for these reasons.

MSD will require that post-development peak rates of stormwater runoff do not exceed pre-development peak flows. Little additional impervious surface is being proposed.. Thus, new impervious areas will not have a negative impact on existing stormwater systems. Also, MSD will have to stamp for preliminary approval the development plan before it is set for Planning Commission review. And at time of construction, the proposed subdivision will need to include water quality measures to address the new MSD water quality standards. Any new construction will have to comply with MSD's soil erosion and sediment control standards.

GUIDELINE 13 – LANDSCAPE CHARACTER

The proposed project complies with the Intent and applicable Policies 1, 2, 4, 5 and 6 of Guideline 13 for these reasons.

The local LDC requires tree canopies, certain kinds of landscaping for certain kinds of uses and screening and buffering of incompatible uses. Accordingly, the LDC will be fully complied with.

* * *

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 Cornerstone 2020 Comprehensive Plan.

Respectfully submitted,

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