

LAND DEVELOPMENT CODE SEC 10.2.4.A - TABLES 10.2.3 & 10.2.4
PROPERTY PERIMETER BUFFER AREA AND SCREENING
WAIVER JUSTIFICATION STATEMENT

Investors Exchange Company, Inc.

SOUTHPOINTE COMMONS - 17DEVPLAN1155 & CASE No. 11640

7405 Bardstown Road

Louisville, KY 40291

Investors Exchange Company, Inc. (the Applicant), is requesting approval of a Revised General/Detailed District Development Plan (RDDDP) for Phase I of its Southpointe Commons lifestyle center. On November 15, 2017, the Development Review Committee of the Louisville Metro Planning Commission, under Case Nos. 17DEVPLAN1155 & 11640, approved Applicant's request for a Detailed District Development Plan to allow various commercial, retail, and restaurant uses on 24 acres of property located at the intersection of Bardstown Road and the I-265, Gene Snyder Freeway (Subject Property). The Subject Property is zoned C-2, Commercial and within the Regional Center Form District.

The Applicant now proposes certain changes to the previously approved plan, which include adjustments to the Department/Home Improvement building labeled as Building A.1 on the previously approved plan and relocation of the Garden Center area labeled as A.2 on the previously approved plan. Applicant is also requesting to modify the parking lot entrances from Southpointe Boulevard and enhance the focal point central to Buildings A, B & C onsite with additional landscape walkway connectivity to the intersection of Southpointe Blvd and Wingfield Road. Additionally, the Applicant will be providing a second, dedicated right-turn lane for the Bates Elementary School. It is this proposed change to the recently-approved DDDP that triggers a waiver from LDC Section 10.2.4, Tables 10.2.3 and 10.2.4 to adjust the landscape buffer area requirement (LBA) between the C-2 and R-4 zoning. Trees will be provided as required within the Land Development Code.

The waiver of the 35-foot property perimeter buffer area and 8-foot screening requirements along the shared-property line with Bates Elementary to instead allow a variable perimeter buffer area between Southpointe Boulevard, a private road, and the abutting R-4 residential properties will not adversely affect adjacent property owners because an ample buffer area will still be provided for the specific area and because the waiver is necessary for the Applicant to provide Bates Elementary School, a neighboring R-4 property, a much-desired additional right-turn lane from Southpointe Boulevard into the property. It is the Applicant's intent to have Southpointe Boulevard appear as a parkway entrance into the regional center and as it continues on to connect with Wingfield Road.

The requested landscape waiver complies with the Cornerstone 2020 Comprehensive Plan because the proposed use is consistent with the Regional Center Form District, which encompasses the community's major shopping facilities, where medium-

and high-intensity commercial development serving a regional market are found, and where a wide range of related uses, including residential, office and institutional development is strongly encouraged. Indeed, Regional Center developments are common along the Gene Snyder Interstate, especially where the Snyder intersects with major and minor arterials level roadways, like Bardstown Road in this case. Here, the Applicant is proposing an attractive transition area between Southpointe Boulevard and the two abutting R-4 properties to the east, one of which is Bates Elementary School. This transition area, starting after the second entrance into Bates, will include landscaping and the required tree plantings, through which an 8-foot multi-use path will be constructed. As it relates to Bates Elementary in particular, and as previously mentioned, the requested waiver is necessary for the Applicant to install a new right-hand turn lane from Southpointe Boulevard's intersection with highly-trafficked Bardstown Road into the Bates Elementary property. This new turn lane into Bates will help alleviate traffic congestion in the immediate area, especially during the times in the morning and afternoon when traffic needs to access Bates to drop off and pick up children. For all of the foregoing reasons, the requested waiver will not violate the Cornerstone 2020 Comprehensive Plan.

The extent of the waiver of the regulation is the minimum necessary to afford relief to the Applicant because all properties being serviced by Southpointe Boulevard, which will feed Wingfield Road, will benefit from an extra turn lane into Bates elementary. The construction of the added turn lane into Bates will allow for school traffic accessing Bates to safely and efficiently exit Southpointe Boulevard without disrupting traffic continuing on past the Bates property. Buffering in the form of landscaping and tree plantings will still be furnished within the buffer area.

Strict application of the provisions of the regulation would deprive the Applicant (and Bates Elementary) of a reasonable use of the land because, if the buffer area were provided, it would frustrate the ability to install a second turn lane from Southpointe Boulevard into the Bates Elementary School property, which would disrupt a plan to create a safer traffic-flow for vehicles entering Southpointe Boulevard from Bardstown Road, especially during the school year. The section of Bardstown Road where it will intersect with the newly-designed Southpointe Boulevard is a highly-trafficked roadway and any opportunity to relieve traffic pressure in this area of Bardstown Road, which this added right turn lane will do, is welcomed.

RECEIVED
DEC 18 2017
PLANNING &
DESIGN SERVICES

LAND DEVELOPMENT CODE 10.3.7.A.1 – TABLE 10.3.3
I-265 BUFFER AREA WAIVER JUSTIFICATION STATEMENT

Investors Exchange Company, Inc.

SOUTHPOINTE COMMONS – 17DEVPLAN1155 & CASE No. 11640

**7405 Bardstown Road
Louisville, KY 40291**

RECEIVED
DEC 18 2017
PLANNING &
DESIGN SERVICES

Investors Exchange Company, Inc. (the Applicant), is requesting approval of a Revised General/Detailed District Development Plan (RDDDP) for Phase I of its Southpointe Commons lifestyle center. On November 15, 2017, the Development Review Committee of the Louisville Metro Planning Commission, under Case Nos. 17DEVPLAN1155& 11640, approved Applicant's request for a Detailed District Development Plan to allow various commercial, retail, and restaurant uses on 24 acres of property located at the intersection of Bardstown Road and the I-265, Gene Snyder Freeway (Subject Property). The Subject Property is zoned C-2, Commercial and within the Regional Center Form District.

The Applicant now proposes certain changes to the previously approved plan, which include adjustments to the Department/Home Improvement building labeled as Building A.1 on the previously approved plan and relocation of the Garden Center area labeled as A.2 on the previously approved plan. Applicant is also requesting to modify the parking lot entrances from Southpointe Boulevard and enhance the focal point central to Buildings A, B & C onsite with additional landscape walkway connectivity to the intersection of Southpointe Blvd and Wingfield Road. These focal point enhancements will require a landscape waiver for a slight encroachment of fifteen feet for vehicle maneuvering along a portion of the Gene Snyder Buffer near the vicinity of the eastbound on-ramp. This waiver, while still providing the required landscape plantings and screening, will also allow for additional enhancements of the focal point areas and more connectivity, better enhancing the spirit and intent of usable focal points. For the reasons stated herein, the requested waiver complies with the Cornerstone 2020 Comprehensive Plan and the criteria for granting waivers and, therefore, should be approved.

The requested waiver to allow thirty-five feet of Gene Snyder Buffer area along its eastbound on-ramp will not adversely affect adjacent property owners because these property owners will not be able to detect this minor encroachment as the section of vehicular use area triggering the waiver will be located behind the Department/Home Improvement building and the required landscaping for the Gene Snyder Buffer area will be provided. Besides, if the waiver is approved, the adjacent property owners will benefit more from having enhanced outdoor amenity areas with larger focal points in the development with landscaped connectivity for pedestrians to safely traverse the parking areas and access retail and restaurant services.

The requested landscape waiver complies with the Cornerstone 2020 Comprehensive Plan because the proposed use is consistent with the Regional Center Form District, which encompasses the community's major shopping facilities, where medium-

and high-intensity commercial development serving a regional market are found, and where a wide range of related uses, including residential, office and institutional development is strongly encouraged. Indeed, Regional Center developments are common along the Gene Snyder Interstate, especially where the Snyder intersects with major and minor arterials level roadways, like Bardstown Road in this case. Under Case No. 19316, the Planning Commission approved a similar waiver to allow for a hotel development's vehicular use and parking areas to encroach into the same Gene Snyder Buffer Area.

In this case, Applicant's request to adjust its parking and vehicular maneuvering areas, the latter of which will encroach slightly into the Gene Snyder Buffer Area, is necessary to allow more outdoor amenity space in the parking area for enhanced focal points and pedestrian connectivity, both of which Cornerstone 2020 strongly encourages for regional activity centers such as Southpointe Commons. The proposed enhancement to the focal point areas and landscaped walkways will provide an aesthetically-pleasing way of breaking up the large parking area, create areas where customers can rest and meet others, and implement a safe connection for pedestrians to get to the various stores and restaurants from their cars or from the surrounding residential area down Wingfield Road. The waiver will create no adverse visual impacts to the surrounding areas, including the residential properties to the east of the proposed Southpointe Commons. For all of the foregoing reasons, the waiver request to allow a slight encroachment of the vehicular use area into the Gene Snyder Parkway Buffer Area, as applied to the Subject Property, will not violate the Cornerstone 2020 Comprehensive Plan.

The extent of the requested waiver to permit the Gene Snyder Buffer Area to be thirty-five feet in an area where the Subject Property has frontage along the Gene Snyder Freeway's eastbound on-ramp is the minimum necessary to afford relief to the applicant because the buffer area will only be marginally less in area and the same amount of required plantings will be provided in said area, providing the Snyder on-ramp with ample screening protection. Moreover, the waiver will allow the applicant to adjust its parking areas to increase the outdoor amenity space and pedestrian connections therein, which will provide a greater benefit to future patrons of Southpointe Commons, especially those patrons who are nearby residents who will utilize the pedestrian connection to access the retail center via foot or bicycle.

The Applicant's Revised Detailed District Development Plan proposes enhanced outdoor amenity areas, including more usable focal point space with seated areas as well as a landscaped walkway that will link the focal point space to the network of pedestrian connections throughout Phase I of the Southpointe Commons. Thus, the waiver will allow the Applicant to provide safe, aesthetically-pleasing amenity spaces that are connected to each other by well-landscaped pedestrian walkways. These proposed enlarged amenity areas will strengthen Phase I's safety, functionality, appearance and, ultimately, its overall compatibility to the surrounding neighborhood. The strict application of the Gene Snyder Buffer area will prevent the Applicant from a reasonable use of the land because the Applicant would not be able to accommodate visitors to Phase I of Southpointe Commons with quality amenity space and safe pedestrian connections without losing very crucial parking and vehicular use area.