

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>	James Daniel Bowling and Mary Catherine Bowling
<u>Owner:</u>	James Daniel Bowling and Mary Catherine Bowling
<u>Location:</u>	1008 E. Washington Street, Louisville, Kentucky 40206
<u>Proposed Use:</u>	Retail store
<u>Engineers, Land Planners and Landscape Architects:</u>	Mindel Scott & Associates
<u>Request:</u>	Change in Zoning from R-6 to C-1

RECEIVED

OCT 24 2022

PLANNING &
DESIGN SERVICES

INTRODUCTION

The property currently contains a multifamily structure with four residential dwelling units. Applicant is proposing a zone change from R-6 to C-1 to allow a mixed-use structure and change one of those residential units into a retail shop. This development adjoins C-2 zoned property to the west, R-6 zoned property to the north and east, all in the Traditional Neighborhood Form District, and CM zoned property to the south, which is in the Traditional Marketplace Form District. It is located along East Washington Street in a small, vibrant, and growing commercial center that contains properties with multiple commercial and residential uses, and is within the study area boundary of the Butchertown Neighborhood Plan and the Butchertown, Phoenix Hill & NuLu Neighborhood Plan.

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, 3.1.2, 3.2, 6, 7, 8, 15, 16, 17, 18, 19, 20, and 21 for the

following reasons. The proposed rezoning will permit one vacant unit from a four-unit multifamily structure to serve the area as a retail store. The subject property is situated within the Traditional Neighborhood Form District, which is characterized predominately by residential uses and, at appropriate neighborhood centers, a mixture of offices, retail shops, restaurants and services. This application complies with these Policies because the proposed use will add a retail shop to an area that already has a variety of residential and non-residential uses and mixed-use sites. Furthermore, the application proposes no changes to the exterior of the building, thus preserving the existing building in this stable neighborhood. Indeed, the three remaining residential units are all long-term leases that will have additional access to retail services through the proposed change in use. The site is located near transit services with TARC stops being located just a few hundred feet away. Numerous mixed-use sites are nearby in this growing commercial center to provide services to the residential aspect of this proposed mixed-use facility. The proposal will comply with all lighting and noise standards of the Land Development Code and the Louisville Metro Code of Ordinances. Moreover, as there are no changes to the existing structures being proposed with this zoning change, including no additional lighting, electronic signage, or any alterations to the exterior that would create any visual, noise or light pollution, there are not any anticipated adverse visual, noise and light impacts to be mitigated. The site will be subject to and anticipates being compliant with all applicable noise ordinances. The addition of the retail use will add only minimal additional traffic, and the proposal includes adding bicycle parking and using an existing pedestrian path to encourage transportation methods other than personal automobiles. This application further avoids all industrial development and hazardous materials concerns as those uses are not permitted on the proposed zoning.

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

The proposal complies with Policies 1, 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 located near and within a mixed-use center providing neighborhood goods and services and jobs with a sufficient support population and appropriate access and connectivity within a compact pattern of development. This site encourages multimodal transportation and utilizes existing access as it is located near TARC routes and pedestrian walkways, and it will contain a bicycle rack to further increase multimodal transportation patterns. The placement and design of the building, which is pre-existing and will not be altered, is already appropriate for the form district. This site does not propose to have any underutilized parking lots. The proposed retail space is compact and appropriate for the existing infrastructure and land use pattern of the area. Walkability and alternative modes of transportation are encouraged by the addition of this multi-use structure to this area. Additionally, the proposed development involves the renovation and reuse of an existing structure, which is in keeping with the land use policies of Plan 2040 and the CHASE principles, in addition to being an appropriate fit for the form district.

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

This proposal complies with Policies 9, 10, 11, and 12 because there are no known natural features, slopes, flood prone areas or hydric soils on the site. The site is not located within the floodplain, nor is the site along the Ohio River. The site proposes no new construction, instead choosing to utilize the already-existing development that has no distinctive natural features.

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

RECEIVED

OCT 24 2022

PLANNING &
DESIGN SERVICES

22-ZONE-0150

The proposal complies with Policies 1 and 2 because it will preserve the existing structure on the site, which is a contributing structure within the Butchertown National Register Historic District.

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 will be a multi-use residential and commercial site located in an expanding activity center and will provide required bicycle parking and requisite vehicular and pedestrian connectivity, with no waivers requested regarding mobility. A nearby TARC route is within walking distance.

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

This proposal complies with Policy 4 because the plan utilizes existing public roadways and does not, through one small retail store contraposed against the surrounding residential, commercial, and industrial uses, create an intensity or density imbalance such as would cause a nuisance. There is currently a TARC route nearby this location.

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

This proposal complies with Policies 1, 2, 3, 4, 5, 6, 9, and 10. This proposal seeks to create a mixed-use structure in an area where multi-modal transportation is highly accessible. There is a TARC route near this site. 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 already has pedestrian access via a sidewalk along E. Washington Street. The plan reduces the need for multiple automobile trips along this growing activity center by permitting higher-density, mixed use development, and improving air quality and reducing vehicle miles traveled through the encouragement of bicycle and pedestrian access. The plan will also comply with identified and necessary improvements or repairs to the sidewalks adjacent to the site.

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. A fire station, Louisville Fire Department Engine 21, is 0.6 miles away.

RECEIVED
OCT 24 2022
PLANNING &
DESIGN SERVICES

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 2 which encourages industries to locate in industrial subdivisions or adjacent to an existing industry to take advantage of special infrastructure needs, because the zoning requested would not permit industrial uses on the site.

This proposal also complies with Policy 3, which suggests locating high-volumes-of-traffic generating commercial uses along major arterial streets or at the intersection of two minor arterials, or at other similarly-traveled locations. This proposed site, though a commercial use, is not anticipated to generate significant amounts of traffic, thus its location on a local class road aligns with the intent of Policy 3. As Louisville Metro's population continues to grow, so does demand for all types of services such as those provided in this plan. This proposed improvement and expansion of a current use is part of a developer/owner response to that demand, and therefore 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 17, 21, and 24 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.

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

RECEIVED

OCT 24 2022

PLANNING &
DESIGN SERVICES

22-ZONE-0150

neighborhood-serving goods and services in the immediate area. Additionally, the site is served by transit.

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. The site is within an established neighborhood scale area, and there are already mixed uses available in the area providing a variety of services and employment opportunities.

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 as the unit that is being converted into a retail use has been vacant for many months. Additionally, the proposed plan provides goods and services in close proximity to the remaining residents and also the other nearby residents. It also creates a mixed-use residential and commercial development, thus increasing production of fair and affordable housing options.

* * *

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,

Christian K.R. Miller
BARDENWERPER, TALBOTT & ROBERTS, PLLC
Bardenwerper Talbott & Roberts, PLLC
1000 N. Hurstbourne Parkway, Second Floor
Louisville, KY 40223
(502) 426-6688

RECEIVED
OCT 24 2011
PLANNING &
DESIGN SERVICES