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

Applicant: Artis Senior Living

Owner: Kinman Compund, LLC

Location: 4922 Brownsboro Road

Proposed Use: Retail/Bank/Senior Living Center

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

Request: Zone Change from R-4 to CN and a Conditional  
Use Permit (CUP) for a Senior Living Facility

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### INTRODUCTION

This property is one of the only remaining decent size reusable properties remaining along Brownsboro Road and US 42 in the proximity of the I-264 interchange. Brownsboro Road between Herr Lane and US 42 is all commercial except for this short frontage which is a large single family lot that pre-dates Crossgate Subdivision occupied until recently by Mrs. Kinman who recently entered a nursing home. Her grown children live in homes adjoining it to the northeast and southwest. The property has good access off Brownsboro Road and with this rezoning becomes part of an existing "activity center" which includes Holiday Manor across Brownsboro Road from this site.

Because the Kinman homestead is larger than needed by the proposed senior living facility, CN zoning is also being requested for 2 out-lots fronting on Brownsboro Road for a branch bank and small retail/office building. In addition to the CN zone change for the two out-lots, the applicant is also requesting a Conditional Use Permit (CUP) for the remaining portion of the Kinman Homestead, presently planned as a dementia care senior living facility. Everything is proposed as one-story so as to assure design compatibility with the adjoining City of Crossgate single family neighborhood. And the only use of a Crossgate city street will be emergency access off Warrington Way, given the objection of the City of Crossgate to any other city street access. Homes across Crossgate Lane from the subject property will be substantially screened and buffered so as to preserve and protect their single family residential integrity.

### GUIDELINE 1 – COMMUNITY FORM

The application complies with the Suburban Neighborhood Form District description of an area characterized by *predominantly* residential uses but that also includes, at appropriate locations, a mixture of uses, such as offices, retail shops, restaurants and services so long as these uses are at a scale appropriate for the nearby neighborhoods. This mixed use branch bank/CN level

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retail/office/senior living development (“development”) is precisely what is contemplated by the Suburban Neighborhood Form District with respect to uses other than low to medium density residential.

### **GUIDELINE 2 – CENTERS**

The application complies with the Intents and applicable Policies 1, 2, 3, 4, 5, 7, 8, 9, 11, 13, 14 and 15 of this Guideline as follows.

The subject property adjoins the mixture of commercial and single-family residential uses mentioned above, placing it in or adding it to the activity center that already exists in and around this location. With goods and services already available along Brownsboro Road, including within the Kroger anchored Holiday Manor shopping center across Brownsboro Road, this development makes excellent use of this unusually large single family property. As part of an existing or addition to an “activity center”, this development is appropriately located along a minor arterial road very close to US 42, a major arterial road, and it is designed to be of intensity, density, size and mix of uses appropriate for this location at the front door of the small city of Crossgate.

This location is now considered an infill site where road, sewer and drainage infrastructure already exist. The senior living facility component of this development brings to this area an enhanced level of elder care where an existing support population already exists. The development as a whole is clearly compact, with the mixture of uses above mentioned, all compatible with this development’s residential neighbors. To some extent parking is shared, while access is fully shared.

### **GUIDELINE 3 – COMPATIBILITY**

The application complies with the Intents and applicable Policies 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 12, 13, 14, 15, 16, 20, 21, 22, 23, 24 and 28 of this Guideline as follows.

As set forth above, this development will have an attractive look and feel, constructed of building materials and of a height and scale compatible with the style, design and scale of nearby residential properties. It will be newer and more upscale than the older commercial development across from Brownsboro Road from this site. There will be no odor or noise nuisances that would potentially emanate from the development because of the limited CN uses on the front and senior living facility in the rear of this site. Lighting will follow restrictions of the Land Development Code (LDC) and thus be directed down and away from nearby residential properties, with 90 degree cut-off at property lines. Transitions to adjoining residential properties will be intensively and attractively screened with landscaping. Loading and delivery will be located and/or screened so as to minimize impacts on nearby residential properties. Signage will be in conformance with the LDC. The senior living facility adds to the variety of housing needed in a community to serve a growing aging population, unfortunately increasingly dementia afflicted.

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**GUIDELINE 6 – ECONOMIC GROWTH AND SUSTAINABILITY**

The application complies with the Intents and applicable Policies 2, 5, 6 and 11 of this Guideline as follows.

As set forth above, this property is located along Brownsboro Road and close to US Hwy 42, both of which are minor/major arterials. That places this development in close proximity to the population it intends to serve with elder care services, branch banking and neighborhood compatible retail or office. That reduces public and private costs for land development, reduces travel times and distances and ensures adaptive reuse of an extra-large single family lot in a manner that well serves the existing city of Crossgate, other nearby residential neighborhoods and the traveling public along Brownsboro Road and US 42.

**GUIDELINE 7, 8 AND 9 – CIRCULATION, TRANSPORTATION FACILITY DESIGN AND BICYCLE, PEDESTRIAN AND TRANSIT**

The application complies with the Intents and applicable Policies 1, 2, 4, 6, 9, 10, 11, 12, 13, 14, 15, 16 and 18 of Guideline 7; Policies 1, 4, 5, 7, 9, 10 and 11 of Guideline 8; and Policies 1, 2, 3 and 4 of Guideline 9 as follows.

Traffic utilizing this development will have access off of Brownsboro Road, with only emergency access off one of the small city of Crossgate city streets, that being Warrington Way. That appears to be the preference of City of Crossgate officials and residents. The design of this development, together with its points of access, take into account the standards promulgated by KTC and Metro Transportation Planning and Public Works. The latter will be required to review the detailed district development plan (DDDP) submitted with this application prior to time of LD&T and Planning Commission public reviews, or this application will not be publicly heard. That review and preliminary stamp of approval will assure that Transportation Planning and Public Works standards for corner clearances, access, connectivity, internal circulation and parking minimums are all satisfied. Bike racks and sidewalks will be provided as required.

**GUIDELINES 10 - FLOODING AND STORMWATER**

The application complies with the Intents and applicable Policies 1, 3, 6, 7, 10 and 11 of this Guideline as follows.

Storm water drainage will be routed to on-site catch basins and there directed to on-side detention basins and from there into the existing storm water system. MSD will be required to review the storm water management plan and give its preliminary stamp of approval to the DDDP prior to docketing for LD&T and Planning Commission public reviews.

**GUIDELINE 11 – WATER QUALITY**

The application complies with the Intents and applicable Policies 3, 5 and 8 of this Guideline as follows.

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MSD has promulgated both soil erosion/sedimentation control regulations and even newer ones with respect to water quality. Construction plans for this development will require compliance with these regulations prior to obtaining building permits.

**GUIDELINE 12 – AIR QUALITY**

The application complies with the Intents and applicable Policies 2, 4, 7 and 8 of this Guideline as follows.

This proposed development is located in close proximity to a large residential support population, notably along Brownsboro Road. This will help vehicle miles traveled because more branch banking, neighborhood retail and senior care services will be located in close proximity thereto.

**GUIDELINE 13 – LANDSCAPE CHARACTER**

The application complies with the Intents and applicable Policies 1, 2, 4, 5 and 6 of this Guideline as follows.

Compliance with this Guideline is achieved by virtue of compliance with LDC requirements. But as stated above, landscaping, screening and buffering will exceed LDC requirements, as promised neighbors at the neighborhood meeting.

\* \* \*

For all the reasons listed above and as will be further explained at LD&T and the public hearing, the application complies with the listed and all other relevant and applicable Guidelines and Policies of the Cornerstone 2020 Comprehensive Plan and should be approved.

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 from Table 5.3.2 to allow the assisted living, branch bank and retail/office building to be located greater than minimum required setback from Brownsboro Road/KY 22:

1. The setback variance for these three buildings will not adversely affect the public health, safety or welfare because this is an aesthetic/compatibility issue, and the location of these buildings has no discernable public health, safety or public welfare impacts, positive or negative.
2. The setback variance for these three buildings will not alter the essential character of the general vicinity because other buildings along this stretch of road are similarly set back.
3. The setback variance for these three buildings will not cause a hazard or a nuisance to the public because their locations are not hazard or nuisance issues, but rather aesthetic and compatibility ones.
4. The setback variance for these three buildings will not allow an unreasonable circumvention of the requirements of the zoning regulations because, as stated, other buildings along this stretch of Brownsboro Road/KY 22 are similarly set back.

Additional consideration:

1. The setback variance for these three buildings arises from special circumstances, which do not generally apply to land in the general vicinity because the two front buildings (proposed branch bank and small retail/office building) need room for front access parking, whereas the rear senior care building will only have frontage wide enough for an access road, thus it would be impossible to fit all three buildings within the required setback.
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 senior care building could not be located here at all with this setback requirement, and the two front buildings (proposed for branch bank and small retail/office building) would end up with inconvenient/impractical/unused rear door access.
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 practical way that buildings in the Suburban Neighborhood Form District are accessed for convenience and safety reasons.

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