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

Applicant/Owner: Robert W. Childers

Location: 9101 Taylorsville Road

Proposed Use: Salon/Recording Studio

Engineers, Land Planners and
Landscape Architects: Miller Whiry

Request: Zone Change from R-4 to C-1

INTRODUCTORY STATEMENT

This property is located on Taylorsville Road across from the large Kroger anchored retail center with only three properties separating the subject property from the retail corridor of Hurstbourne Parkway. In addition to the commercial corridor along Hurstbourne Parkway, one of the two other properties separating this property from the busy corner was recently rezoned to C-1 for a Hwang's Martial Arts studio and medical office building. On the other side of this property (the east side) is the recently constructed Forest Hill Commons assisted living facility. Because of all the development surrounding the subject site, it is already located in an "activity center". This is one of the largest remaining residentially zoned properties near this very busy intersection. The property had been used for over 10 years in the recent past as a recording studio for commercials, etc., presumably under non-conforming rights. The property owner again wishes to use the property for this use, however, first obtaining the proper zoning prior to doing so. The Development Plan shows the existing residential building to remain, with only the addition of parking and a small 327 square foot addition to connect the existing residential home to the existing garage. No waivers or variances are requested.

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GUIDELINE 1 - COMMUNITY FORM

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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 application keeps the existing home as it is currently thus protecting the area, while still providing additional uses in this activity center, which is precisely what is contemplated by the Suburban Neighborhood Form District. The salon and recording studio proposed would round out the "activity center" in this corridor. Also, these proposed uses in the existing residential building will be a less intense use than the neighboring Forest Hill Commons assisted living facility, the Hwang's Martial Arts development or the Tire Discounters store and Panera Bread serving as a transition to the residential to the east. Sidewalks will be installed along Taylorsville Road providing pedestrian connectivity, as

B7 ZONE 1047

well as dedication of additional right of way requested as part of this development and requested by the adjoining City of Forest Hills for new TARC improvements that are much needed. No new access will be included, instead the existing access on Taylorsville Road will be relocated to maximize the distance between entrances on Taylorsville Road. The applicant has worked with the adjoining City of Forest Hills to address other potential impacts as well. The limited impact on the adjacent overall low density residential community of Forest Hills will be further discussed in the following sections of this Compliance Statement.

GUIDELINE 2 – CENTERS

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

The subject property adjoins the mixture of commercial, assisted living residential and single-family residential uses mentioned above, placing it in the activity center that already exists in and around this location. The subject property is located in an activity center at the intersection of two major arterial roadways, Taylorsville Road and Hurstbourne Parkway. With goods and services available in close proximity to the west of this site and at the Kroger center and the residential uses mentioned above, this salon and recording studio adds to the vitality and sense of place among the mostly disconnected nearby neighborhoods.

The re-use of the existing residential building will be a compact development and a transition from the heavy commercial intersection to the east, along with the assisted living facility directly to the east. The re-use of the existing residential building will also minimize impacts on the neighboring residential properties.

GUIDELINE 3 - COMPATIBILITY

The planned development complies with the Intents of Guideline 3 and specifically with applicable Policies 1, 2, 4-9, 11, 12, 20, 21, 22, 23, 24, and 28 thereof for all the reasons described above and because the existing residential building respects the pattern of development in the area and is compatible with the neighboring residential properties maintaining good buffering. The development will not create any odor impacts due to the uses and any additional lighting will be mitigated by directing lighting down and away from adjoining properties in accordance with LDC regulations. Hours of operation and traffic are also minimal considering the planned uses compared to many others and due to the small size of the existing building. Like many infill redevelopment proposals, utilities are available at the site, thus reducing public cost for infrastructure. The proposal is also located along a transit corridor on Taylorsville Road, and in very close proximity to another transit corridor on Hurstbourne Parkway with the addition of sidewalks to increase pedestrian connectivity in the area.

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

The proposed development complies with the overall Intents of Guideline 4 and specifically with Policies 1, 2, 4, and 7 thereof and with the Intents of Guideline 5 because it will provide open space in the form of landscape buffer areas and the landscaping. The planned development also complies with the preservation and re-use of historic resources due to the existing home, built in 1940 and thus eligible for historic preservation, being retained. A small outdoor recreation area is designed in the front to allow outdoor martial arts training. No portion of the site has been designated as a natural, scenic or historic resource.

GUIDELINE 6-ECONOMIC GROWTH AND SUSTAINABILITY

This proposed development complies with the overall Intents of Guideline 6 and specifically with Policies 2 and 6 thereof because it will provide a mix of new neighborhood-serving uses as both a salon and recording studio and an investment into an infill parcel that, due to the rapid redevelopment of this corridor is no longer appropriate for residential use. This project is on property R-4, but will serve the community better than rezoning a property not located in an existing activity center. Due to the very limited proposed changes, this project will be very compatible with the neighboring centers. This development will have access from Taylorsville Road (just relocated for better spacing), with no new access created.

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

This proposed development complies with the overall Intents and specifically with Policies 1, 2, 3, 4, 6, 9, 10, 13, 14, and 16 of Guideline 7 thereof, and the Intents of Guidelines 8 and 9 because it is located as described hereinabove, along Taylorsville Road near Hurstbourne Lane near a significant support population and adjoining and near other compatible commercial and institutional uses. Sidewalks will be installed along Taylorsville Road to allow area residents to walk or bike to the subject property, which is served by TARC service. The development provides the full parking needed for the two uses which will have somewhat different hours of operation.

The DDDP will also require and obtain prior to LD&T the preliminary stamp of approval from Louisville Metro Public Works.

**GUIDELINE 10 – FLOODING AND STORMWATER, and GUIDELINE 11 - WATER
QUALITY**

The proposed zone change complies with all of the applicable Intents and specifically with Policies 1, 3, 6, 9, 10, and 11 of Guideline 10 for the reasons evident on the accompanying detailed district development plan and because of the addition of very minimal impervious surface from what exists currently and through on-site detention as shown on the development plan accompanying this application. No portion of the site lies within the 100-year floodplain. The proposed development will connect to existing sewer and water lines available to the site at

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APR 23 2018

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17 ZONE 1043

the applicant's expense, which will eliminate public costs for such infrastructure. Prior to LD&T, the DDDP will require and obtain the preliminary stamp of approval from MSD.

GUIDELINE 12 – AIR QUALITY

The proposed development complies with all of the applicable Intents and Policies 1, 2, 3, 5, 8, and 9 of Guideline 12 for all the reasons explained above and because the addition of these proposed uses helps reduce travel time from home to services and employment. Due to the small size of the existing building, there will be limited traffic impacts as a result of this proposed development. Traffic flow to and through the site will be efficient and controlled through good access and internal traffic circulation design. Readily available transit service will help to eliminate adverse air quality impacts.

GUIDELINE 13 – LANDSCAPE CHARACTER

The proposed zone change complies with all of the applicable Intents and Policies 1, 2, 3, 4, 5, and 6 Guideline 13 because LDC landscaping requirements are fully met.

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The application complies with all other relevant and applicable guidelines and policies of the new Cornerstone 2020 Comprehensive Plan for all the reasons noted above and on the accompanying development plan and as will be further demonstrated at LD&T and at the public hearing.

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General Waiver Justification:

In order to justify approval of any waiver, the Planning Commission or Board of Zoning Adjustment considers four criteria. Please answer all of the following questions. Use additional sheets if needed. A response of yes, no, or N/A is not acceptable.

Waiver of: Section 10.2.4 to allow the drive lane to encroach into the 20 ft LBA long the southeast property line

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Explanation of Waiver:

1. The waiver will not adversely affect adjacent property owners because this is a very small portion of the entrance drive adjacent to an assisted living facility similarly constructed with driving aisles and parking within 20 ft of the property line.
2. The waiver will not violate the Comprehensive Plan for all the reasons set forth in the Detailed Statement of Compliance with all applicable Guidelines and Policies of the Cornerstone 2020 Comprehensive Plan filed with the original rezoning application.
3. The extent of waiver of the regulation is the minimum necessary to afford relief to the applicant because it only relates to a small portion of the entrance drive, and the location is being proposed for transportation planning purposes.
4. Strict application of the provisions of the regulation would deprive the applicant of a reasonable use of the land or would create an unnecessary hardship on the applicant because for the extent of the required buffer to be provided, the location would change and cause issues from a transportation planning perspective. The waiver will have no adverse effect to the commercial use.

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