

18ZONE1020: CHANGE IN ZONING COMPLIANCE STATEMENT

PARK COMMUNITY BANK CREDIT UNION

JUNE 18, 2018

DEVELOPMENT SITE: 7710 BARDSTOWN ROAD & 7509 CEDAR CREEK ROAD

ZONING REQUEST: C-1 COMMERCIAL TO C-2 COMMERCIAL

EXISTING USE: VACANT

PROPOSED USE: BANK, AUTO-SERVICE, RETAIL/RESTAURANT

REQUEST SUMMARY

The applicant, Park Community Credit Union ("Park"), requests a change in zoning from C-1 Commercial District to C-2 Commercial District to develop three commercial lots consisting of a total 2.54 acres of property located at 7710 Bardstown Road and 7509 Cedar Creek Road (the "Property") to provide credit union, automobile, restaurant and/or retail services to the area (the "Proposal"). In 2008, the Louisville Metro Council rezoned the Property to C-1 Commercial as part of a larger zoning application that included 5.4 acres of property for development of a Walgreen's pharmacy, bank, retail and office space. More recently, the Commission approved a revised detailed district development plan for the Property, whereon Park proposed a 4,132 square foot credit union on one tract and open developable land on a second tract. This 2014 RDDDP (14DEVPLAN1033) was approved with full access to Bardstown Road, an internal access drive that linked to Cedar Creek Connector, and cross access provided to the commercially-zoned properties adjacent to the north and south of the Property. Park never acted upon the 2014 RDDDP, however. Accordingly, the applicant is also requesting a revised detailed district development plan approval to this most recent approved RDDDP, per 14DEVPLAN1033.

The Property fronts Bardstown Road, very near the southbound ramp of the Gene Snyder Freeway, just north of where Cedar Creek Road intersects with Bardstown Road. Lot 3 of the Proposal has frontage along Cedar Creek Road. As detailed herein, the Property is located within an expanding commercial center and the Proposal will provide additional commercial services in a manner compatible with its surrounding area and in agreement with the applicable policies of Cornerstone 2020 Comprehensive Plan ("Cornerstone 2020"). Land uses in the immediate area include auto-service, gas stations, retail, restaurant, office, institutional, as well as larger, regionally-serving developments currently under development near the intersection of northbound Bardstown Road and the Gene Snyder. The Property is an appropriate site for C-2, Commercial development because its location can safely support a compact commercial center with auto-service, which isn't a permitted land use within the Property's existing C-1, Commercial designation.

In conjunction with the change in zoning, the applicant requests landscape waivers of Land Development Code ("LDC") Section 10.2.10 and Table 10.2.6 and from Section 10.2.4.B.3 to reduce the required the 10-foot vehicular-use-landscape-buffer area along Cedar Creek Connector to be

7.5 feet and to allow the proposed landscape buffer areas to overlap with utility and drainage easements by more than 50%, respectively. The applicant also requests two setback variances from LDC Section 5.3.1.C and Table 5.3.2: the first variance is to allow the proposed bank and auto service buildings to exceed the maximum 95-foot front setback along Bardstown Road (Bardstown Rd. Setback); and the second variance is to allow the proposed retail/restaurant building to exceed the maximum setback 80-foot setback from Cedar Creek Road (Cedar Creek Rd. Setback).

For the reasons stated herein, the requested change in zoning complies with all applicable guidelines of the Cornerstone 2020 and KRS 100.213 and, therefore, should be approved.

**GUIDELINE 1
COMMUNITY FORM**

The Proposal site is located within the Suburban Neighborhood Form District and the application complies with this Guideline because the Neighborhood Form allows a various uses, including neighborhood-serving uses, along an activity corridor, such as this site. Indeed, according to Cornerstone 2020 Guideline 1.B.3, the Neighborhood Form contemplates, at appropriate locations, neighborhood centers with a mixture of uses such as offices, retail shops, restaurants and services. The Proposal complies with Cornerstone 2020 Guideline 1 because it is a compact, neighborhood-serving commercial center on property located along a major arterial roadway and also has frontage along and access to a secondary collector roadway. To its north and south, the Property is adjacent to other commercially-zoned properties and is located across Bardstown Road from Cedar Creek Baptist Church as well as from other similarly-sized commercial uses, including restaurants, auto service and an insurance office.

**GUIDELINE 2
CENTERS**

The Property is located less than one-third of a mile from the southbound off-ramp of the Gene Snyder Freeway, along the [southbound] west side of Bardstown Road, a major arterial roadway. The Property also maintains frontage on Cedar Creek Road, a secondary collector, as well as the Cedar Creek Connector, which contains 30-feet of right-of-way, in which the Proposal plans for a curb cut to/from Lot 3. This curb cut no Lot 3 will provide the development with a secondary access point. As previously mentioned, the proposal site lies within a growing activity corridor that contains a mixture of neighborhood-serving uses. Though undeveloped, the properties to the immediate north and south of the Property are also zoned C-1, Commercial. Directly across Bardstown Road is an established activity center which contains land uses similar to what the applicant proposes with this application, such as: Brakeway and a Hall's auto service, Waffle House and Popeye's restaurants, as well as a State Farm Insurance office and the Cedar Creek Baptist Church. As Cedar Creek Road traverses Bardstown Road it turns into Brentlinger Lane. And directly south of Brentlinger Lane, commercial land uses extend and include: Chic-fil-A, Kohl's department store, Visionworks, Marathon Gas and a Circle K store. Other commercial uses on Bardstown Road within a mile of this property include: a Rite Aid store, Aspen Creek restaurant, Thornton's gas station, Outback Steakhouse, Pizza Hut, Chase Bank (all within Glenmary Plaza), and various retail stores, not to mention Southpointe Commons, a large regional commercial center currently under development at the southeast node of Gene Snyder and Bardstown Road. The Proposal will add

additional commercial services to the existing commercial activity center, providing customers with more options in the immediate area to serve their needs.

The Proposal complies with Cornerstone 2020 Guideline 2 and its applicable policies because it proposes a compact pattern of development in agreement with the Neighborhood Form District, and compatible with other existing, neighborhood-serving uses in the immediate and general surrounding areas. Planned for vacant, unused land on an established, busy commercial corridor, the proposal will result in an efficient use of land, largely relying on existing infrastructure. Holding tanks will be necessary to serve sewage needs until sewer service is available to the immediate area; a void exists in sewer service infrastructure, the construction of which requires participation from numerous partners.

Also applicable, the Strategy 5 Louisville Metro Retail Market Study noted that the area south of the Bardstown Road/Gene Snyder interchange is experiencing “significant residential development” with twenty-seven separate residential subdivisions containing 6,459 housing units, of which 3,191 had been constructed as of the date of the study. The Retail Study identified the Bardstown retail zone as underserved in practically all major retail categories within a band of zip codes that traverses the breadth of the zone along the I-265 corridor. (Retail Study at p. 14). The Study went on to say that “the demand/supply dynamic . . . points to market support for additional retail inventory, probably beyond what could be accommodated in existing space, or even in potential redevelopment sites....” (Retail Study at p. 15). Accordingly, the subject property is located in an area with sufficient support population exists to support the commercial use.

The Property is within close proximity of numerous residential developments and, therefore, is located in an area where a sufficient population exists to support the proposed commercial development. The Proposal will add to the mixture of compatible land uses within the growing commercial activity center along the Bardstown Road (and Old Bardstown Road) corridor, thereby reducing the need for drivers to go beyond the Fern Creek area for necessary services, consequently further reducing the number of and lessening the length of vehicular trips. The Proposal will have good visibility on a well-trafficked corridor, which allows motorists looking for banking and auto service easy and efficient access to and from the site. The parking and vehicular use areas will be screened and buffered from Bardstown Road as well as adjoining residential uses. The Property is on existing TARC routes, a sidewalk will be constructed as shown on the development plan, and a bicycle racks will be provided on each of the lots to ensure the proposed development is accessible by all transportation modes. For all of the foregoing reasons, the proposed development complies with Cornerstone 2020 Centers Guideline 2.

GUIDELINE 3 COMPATIBILITY

Guideline 3 of Cornerstone 2020 is intended to ensure that all land uses and transportation facilities are compatible with nearby land uses and minimize impacts to residential areas, schools and other sensitive areas. The requested change in zoning complies with Guideline 3 because the proposed development is a compact, efficient commercial development appropriately located along Bardstown Road, a major arterial, and within a growing activity center that serves the Neighborhood Form District. The requested Bardstown Rd. Setback and Cedar Creek Rd. Setback

variances are necessary to maximize site-design efficiencies, but the added setbacks for the credit union, auto-service and restaurant/retail buildings will not alter the essential character of the suburban commercial corridor as similar setbacks exist in the general area. The proposed development will ensure an appropriate transition between commercial and residential uses through proper site design and landscape buffers, and effectively mitigates any potential nuisances caused by vehicular traffic, noise, lighting, or odors. Moreover, the one-story buildings intended for the Property are compatible in terms of mass, scale and design with existing and proposed development in the surrounding area.

As stated, the Proposal will adjoin commercially-zoned properties to the north and south and is consistent with the litany of commercial uses along the high-activity commercial corridor, Bardstown Road, including the restaurant and auto-service uses directly across Bardstown Road from the Property. Specifically, the Proposal will provide easily-accessible banking, auto-service, retail and or restaurant services to the Fern Creek area located south of the Gene Snyder Freeway, which will be especially convenient for southbound vehicles during the pm peak hours. The Proposal's access points include a full-access on Bardstown Road and a secondary access to Cedar Creek Connector, which provides direct connection to Cedar Creek Road; cross-access to the adjacent commercial properties is also being provided. A sidewalk will be constructed across the site's frontage to create a pedestrian connection to the adjacent properties. Proposed handicap parking complies with local, state and federal ADA design requirements, and are appropriately located on the site to not conflict with vehicles as they move throughout the site. And except for a minor waiver of a landscaping buffer between a vehicular use area and Cedar Creed Connector, parking design, including interior landscaping areas located on-site, signage, and lighting will comply with LDC regulations. This minor waiver is necessary to afford the Property's safe and efficient site design, notably the alignment of the internal access drive needed to move site traffic on the Property between Bardstown Road and Cedar Creek Connector; to prevent the use of the Property as a convenient cut-through, the design of the internal drive avoids a straight, direct connection between the respective public rights-of-way. There will be no adverse lighting, odor, or visual impacts on surrounding land uses.

The Proposal will contribute to the overall mixture of uses, reduce vehicle miles traveled, and promote economic development along established commercial corridors. The proposal will minimize land use incompatibilities and the impact on public facilities. The lot dimensions and building heights will be compatible with surrounding buildings that meet form district standards. Accordingly, the proposed development complies with Cornerstone 2020 Guideline 3 and its applicable policies.

**GUIDELINES 4 AND 5
OPEN SPACE, NATURAL AREAS, AND SCENIC AND HISTORIC RESOURCES**

The proposed development complies with Cornerstone 2020 Guidelines 4 and 5 because the subject property does not contain any natural, scenic, historic, distinctive cultural features or limiting environmental features, such as wet soils or steep slopes, that would prevent its development as proposed. Due to its relatively small size, the development is not required to provide open space on-site. The proposed landscaping and parkway buffer areas are consistent with the existing pattern of development within the active Bardstown Road commercial corridor.

Proposed interior landscape areas comply with Land Development Code requirements, and will serve to break up parking and vehicular use areas and enhance the aesthetics of the new commercial center. Therefore, the proposed development complies with Guidelines 4 and 5 of Cornerstone 2020.

**GUIDELINE 6
ECONOMIC GROWTH AND SUSTAINABILITY**

The proposed development application complies with Guideline 6 of Cornerstone 2020 and its applicable policies because it will bring additional investment and promote economic development within the established Bardstown Road commercial corridor. The subject property – being an accessible, unused commercial site along a major arterial roadway where a gap exists between other commercial uses – is an appropriate location for a compact commercial center, which includes a credit union, retail or restaurant, and auto service, because it is located in an area with existing infrastructure, served by transit, and where a large population exists to serve the proposed development. The Property is a vacant site suitable for commercial development, where the proposed uses can provide new employment opportunities to a burgeoning population area.

The Strategy 5 Louisville Metro Retail Market Study identified the Bardstown retail zone as underserved in practically all major retail categories within a band of zip codes that traverses the breadth of the zone along the I-265 corridor. (Retail Study at p. 14). The Study concluded that the demand/supply dynamic points to market support for additional retail inventory beyond what could be accommodated in existing space, or even in potential redevelopment sites. (Retail Study at p. 15). Accordingly, the Property is located in an area with sufficient support population exists to support the commercial use.

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

The Proposal complies with Guidelines 7, 8, and 9 of Cornerstone 2020 because it is designed to ensure the safe and efficient circulation by all types of transportation modes, including automobiles, bicycles, pedestrians, and transit. The Property is located on the western frontage of Bardstown Road, one-third of a mile from the southbound off-ramp of the Gene Snyder and just north of where Cedar Creek Road and Brentlinger Lane intersects with Bardstown Road—a controlled, signalized intersection. The proposed compact commercial development will provide safe, uniform access from Bardstown Road as well as appropriate cross-access to the adjacent commercially-zoned properties to the north and south.

The development will utilize an existing curb cut along Bardstown Road, where Cedar Creek Connector is today. An established entrance to Bardstown Road from the Property, located just south of the Cedar Creek Connector curb cut, will be removed and restored per KYTC standards. A secondary access point to the Property will be provided on Lot 3, via a curb cut to Cedar Creek Connector, which connects to Cedar Creek Road. Internal circulation will meet the Transportation Planning's requirements. On the Property, a total of 79 parking spaces, including 6 handicap parking spaces, will be provided in conformance with Land Development Code and ADA requirements, thereby ensuring adequate parking will be furnished for the proposed uses on the

site. Interior landscaping will be provided to break up parking areas and enhance the overall aesthetics of the site. The Proposal will not exceed the carrying capacity of existing streets and no additional right-of-way dedication is required.

A 5-foot sidewalk will be constructed along Bardstown Road and appropriate provisions has been made for bicycle racks on all the proposed commercial lots. A fee-in-lieu of providing the sidewalk along the Cedar Creek Connector is requested. The Property is served by TARC Route 17, ensuring an adequate level of transit service for the proposed development, especially for employees of the commercial establishments. All of the above will ensure that internal and external circulation of the development provides safe and efficient travel movement by all modes of transportation.

GUIDELINES 10, 11 AND 12 FLOODING, STORMWATER, WATER AND AIR QUALITY

The Property is not located in the 100-year floodplain, and does not contain steep slopes, unstable or hydric soils, or blue-line streams. As a result, there are no environmental constraints which would prevent the development of this Proposal. Two detention basins will be located on the Property, with one basin proposed on the western side of Lot 1, and a second basin planned for the western side of Lot 3, where it will be situated between Cedar Creek Road, Cedar Creek Connector and the western edge of the parking area. The detention basins will be subject to MSD review and approval prior to the issuance of construction permits. The basins are designed to enable proper stormwater handling and release management ensuring that adjacent properties will not be adversely affected. Working together, the detention basins will limit post-development peak flows to pre-development peak flows for the two-, ten- and one-hundred-year storms or to the capacity of the downstream system, whichever is more restrictive. In addition, a water quality unity will be installed to meet all MS4 water quality regulations. An Erosion Prevention and Sediment Control Plan utilizing best management practices will also be implemented prior to commencing construction of the development. For the time being, and until sewers can be brought to the area immediately surrounding the Property, sewer service is proposed to be addressed via holding tanks. Louisville Metro Board of Health approval is required prior to MSD construction plan approval. For the foregoing reasons, the proposed development complies with Cornerstone 2020 Guidelines 10, 11 and 12, and all applicable Guideline Policies.

GUIDELINE 13 LANDSCAPE CHARACTER

Park's Proposal complies with Cornerstone 2020 Guideline 13 because it meets or exceeds the requirements of the Land Development Code. A 30-foot parkway buffer area will be established and maintained along the Property's frontage with Bardstown Road, which will contain landscaping in accordance with LDC requirements. To break up and screen the on-site parking areas, and improve the overall aesthetic appearance of the site, interior landscape areas will be provided on the Property. Landscape waivers are requested to permit landscape buffer areas to overlap with utility and drainage easements by more than 50% and to reduce the required vehicular use area landscape buffer area along Cedar Creek Connector from 10 feet to 7.5 feet. The required plantings will be inserted within the 7.5-foot buffer area, however, which will mitigate any negative impacts

of the requested waiver. Tree canopy on the site will meet or exceed Land Development Code requirements and all dumpsters on the Property will be appropriately screened. Accordingly, the proposed development complies with Cornerstone 2020 Guideline 13 and its applicable policies.

**GUIDELINES 14 AND 15
INFRASTRUCTURE AND COMMUNITY FACILITIES**

The Proposal complies with Cornerstone 2020 Guidelines 14 and 15 because the Property is served by existing infrastructure and all necessary utilities, including water, electricity, and telephone; sewer service is proposed to be addressed via holding tanks, at least temporarily, until a coordinated plan to provide sewers to this immediate area is undertaken. Moreover, the Proposal is located in an established commercial corridor with adequate carrying capacity and will provide appropriate cross-connectivity to adjacent properties. The development also has an adequate supply of potable water and water for fire-fighting purposes, and is served by the Fern Creek Fire Department, located nearby to the north on Bardstown Road.

KRS 100.213 COMPLIANCE

Because the applicant's Proposal is in agreement with the applicable Guidelines and Policies of the Cornerstone 2020, Comprehensive Plan, the Proposal meets the applicable legal standard set forth by KRS 100.213. The proposed change in zoning is for a compact, infill commercial development that will furnish commercial goods and services, including auto service, along the active Bardstown Road commercial corridor. Except for the properties located across Cedar Creek Road and Cedar Creek Connector, the Property is mostly surrounded by commercially-zoned properties, which were fairly recently re-zoned. Considering the already well-established commercial character of the area, the proposed rezoning from C-1 Commercial to C-2 Commercial District complies with KRS 100.213. For these and other reasons set forth herein, this application complies with all other applicable Cornerstone 2020.