

BARDENWERPER, TALBOTT & ROBERTS, PLLC

ATTORNEYS AT LAW

BUILDING INDUSTRY ASSOCIATION OF LOUISVILLE BUILDING • 1000 N. HURSTBOURNE PARKWAY • SECOND FLOOR • LOUISVILLE, KENTUCKY 40223
(502) 426-6688 • WWW.BARDLAW.NET

STATEMENT OF COMPLIANCE WITH APPLICABLE GUIDELINES OF THE CORNERSTONE 2020 COMPREHENSIVE PLAN

Applicant/Owner: SJE, LLC c/o Scott Eberle

Location: 13913 and a small portion of 14001
Shelbyville Road

Proposed Use: Orthodontics Office

Engineers, Land Planners and
Landscape Architects: Evans/Griffin, Inc.

Request: Change in Zoning from R-4 to OR

RECEIVED

SEP 11 2017
PLANNING &
DESIGN SERVICES

INTRODUCTION

The property owner/applicant have been practicing dentistry and orthodontics at this location since 2006 under the name “Eberle Orthodontics”. In 2006 this site received a Conditional Use Permit in Docket No B-54-06 (the “CUP”) allowing the orthodontist’s office to operate. However, the CUP Condition of Approval #3 limited this orthodontics office to only one dentist and #5 limited the square footage of the improvements to 2260 sf. As Dr. Eberle’s practice has grown, he now needs additional space to accommodate the increase in patients, as well as the ability to allow another orthodontist to serve the patients.

GUIDELINE 1 – COMMUNITY FORM

The subject property is located in a Neighborhood Form District which contemplates the location of “civic uses and neighborhood centers with a mixture of uses, such as offices, retail shops, restaurants and services.” The orthodontist office will provide additional office space nearby the thriving commercial area and adjoining a densely populated residential area which it will serve. This office is located on a major arterial (Shelbyville Road). It is surrounded by a church to the east which is not adversely impacted by the use, and by residences to the west, which will be served by the business and not adversely impacted by the use of landscape screening and other improvements being made to the property. This type of service and office is ideally suited for the Neighborhood Form District as the type of low intensity commercial use, and it will provide a “stub” for future potential connectivity with the church property, as well as walkway/sidewalk to the building and bike racks to encourage pedestrian and bicycle access. Ultimately, this project will allow for the continued operation of the existing orthodontics’ business to continue to serve the neighborhood, rather than move to another area, opening the site to more intensive possible uses or deterioration of the property.

RECEIVED

SEP 11 2017
PLANNING &
DESIGN SERVICES

GUIDELINE 2: CENTERS

The application complies with the applicable Intents and Policies 2, 4, 5, 7 and 16 of this Guideline as follows.

The proposed orthodontist office complies with these Intents and Policies of Guideline 2 because it is located in an established section of eastern Metro Louisville, where through a combination of design measures and the nature of the use itself, will not create any nuisances for surrounding residential properties. Office and residential uses are frequently located adjacent to each other and encouraged to do so because of the relatively low intensity and to reduce traffic by placing services and employment close to the residential areas.

This Guideline also encourages mixed land uses organized around compact activity centers that are existing, proposed or planned in order to promote efficient use of land and investment in existing infrastructure. The proposed project is located on Shelbyville Road, between the intersections with S. English Station Rd./Lake Forest Pkwy. intersection and N. Beckley Station Rd. intersection. This property was formerly a single family home with a driveway onto Shelbyville Road before being granted the CUP in 2006, and not connected to any other residential property before being converted to an orthodontists' office. Retail, office, and other more intense uses are immediately across Shelbyville Road from this site. The infrastructure is already in place for the changes to this property to slightly increase the square footage and to increase parking.

Policy 2 of this Guideline is met as this is a non-residential development in what is already an orthodontist's office. Policy 4 and 5 are met as it is a more compact development resulting in efficient land use mixing compatible uses. Policy 7 is met by the slight expansion of the office use. Policy 16 is met as it is easily accessible by bicycle, with bike racks being added, by car being on Shelbyville Road, and by pedestrians being close to residential areas with the walkway being proposed.

GUIDELINE 3: COMPATIBILITY

The application complies with the applicable Intents and Policies 1, 2, 4-9, 12, 21, 22, 23 and 24 of this Guideline as follows.

The proposed orthodontist's office complies with these Intents and Policies of Guideline 3 because it is designed to be compatible with the surrounding land uses through the reuse of an existing house, which consists of durable, residential style building materials, including brick. The property will have an entrance on Shelbyville Road that if approved by traffic and transportation planners where there will be sufficient parking. Noise and odors from offices is nonexistent or at least minimal. Further, hours of operation will only be during times when area residents are awake. Lighting will be designed in accordance with Land Development Code requirements, and, because of the buffers on the east and west side of the property, visual impacts will be minimal, and improved in many instances to what is currently existing. Moreover, some parking is being positioned on the east side of the property, which is adjacent to a church, in order to reduce and limit any potential adverse impacts to the residential properties to the west. Additionally, appropriate landscape screening will be utilized to make the property compatible and reduce unwanted impacts. Offices, being neighborhood serving uses, are often appropriate transitions to higher intensity uses (such as exist south of this site) and they provide a good transition.

177 ZONE 1027

RECEIVED

SEP 11 2017

DESIGN SERVICES

GUIDELINE 4 – OPEN SPACE

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

The proposed development complies with these Intents of Guideline 4 because of the large amount of open space on front of the property, as well as the large amount of open space which is within the Shelbyville Road landscape buffer area and between the improvements. This is not the type of site to utilize open space for actual activities due to the use and location, but the primary impact of the “open space” as a benefit to the community would be visual aesthetics from the arterial of Shelbyville Road, which is probably more than 100 feet from the pavement of the road, satisfying this guideline.

GUIDELINE 6 – ECONOMIC GROWTH AND SUSTAINABILITY

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

The proposed orthodontist office complies with these Intents and Policies of Guideline 6 because the proposed orthodontist’s office will also provide opportunities for employment at the orthodontist’s office close to the residential properties and nearby population. Also, it is located on a major arterial, providing good access, where nuisances and activities will not adversely affect adjacent areas. Potential users will be users that are compatible with the area, such as families with children.

GUIDELINE 7 – CIRCULATION

The application complies with the applicable Intents and Policies 1, 2, 6, 9, 10 and 16 of this Guideline as follows.

The proposed orthodontist office complies with these Intents and Policies of Guideline 7 because it provides adequate parking while at the same time providing pedestrian connections and good access. The property is easily accessible to and from all of Shelbyville Road and the surrounding area. The parking layout works as far as access and circulation are concerned, and the small office should not generate traffic which is significant compared to the present traffic on the major arterial of Shelbyville Road. The plan also includes a stub for possible future connectivity with the parking lot of the church to the east in the event it is ever developed further.

GUIDELINE 8 – TRANSPORTATION FACILITY DESIGN

The application complies with the applicable overall Intents of this Guideline 8, and the specific and Policy 8 of this Guideline, as follows.

The proposed development complies with the Intents and Policies of Guideline 8 because Shelbyville Road is adequate to handle the proposed small amount of added traffic from this office. The changes to the property, with the landscaping and design, will not negatively impact the aesthetics of Shelbyville Road. A stub is also being added to the back of the parking lot to allow for potential future connectivity with the adjacent church to the east.

17 ZONE 1027

GUIDELINE 9 – BICYCLE, PEDESTRIAN AND TRANSIT

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

The proposed development complies with the Intents and Policies of Guideline 9 because TARC sidewalks will be added, and the property will be accessible by bicycle, with bike racks being added. It is not believed that TARC presently serves this property, but the sidewalk from the building will allow easy access if and when TARC accesses the property in the future.

GUIDELINE 10 – FLOODING AND STORMWATER

The application complies with the applicable Intents and Policies 7 and 11 of this Guideline as follows.

The proposed office complies with the Intents and Policies of Guideline 10 because the downstream system is adequate to handle all stormwater runoff coming from subject property, and the post development rate of run-off will not exceed predevelopment conditions. The water will drain to the adjacent church property, the owners of which are agreeable to accepting this additional run off volume.

GUIDELINE 11 – WATER QUALITY

The application complies with the applicable Intents and Policy 3 of this Guideline as follows.

The proposed office complies with the Intents and Policies of this Guideline, as it will comply with all soil erosion and sedimentation control regulations.

GUIDELINE 12 – AIR QUALITY

The application complies with the applicable Intents and Policies 1, 7, and 8 of this Guideline as follows.

The proposed office complies with the Intents and Policies of Guideline 12 because it will capture traffic otherwise headed to office facilities located at greater distances than this one from the residential population in this area. The plan also encourages the use of bicycles and pedestrian traffic with the addition of the walkway and the bike racks. Because of these improvements, the proposed development will have zero adverse impact on air quality.

GUIDELINE 13 – LANDSCAPE CHARACTER

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

The proposed office complies with the Intents and Policies of Guideline 13 because the proposed development plan provides adequate landscape buffer areas and utilizes presently existing natural landscape buffers between it and the residential uses to the east, west and north.

RECEIVED

SEP 11 2017

PLANNING &
DESIGN SERVICES
17 ZONE 10 27

* * * * *

For all the reasons set forth hereinabove, on the detailed district development plan accompanying this application and in testimony and other evidence to be presented at LD&T and at the full public hearing, this application complies with all other applicable Guidelines and Policies of the Cornerstone 2020 Comprehensive Plan.

Respectfully submitted,

John C. Talbott
Bardenwerper, Talbott & Roberts, PLLC
Building Industry Association of Louisville Building
1000 N. Hurstbourne Parkway, Second Floor
Louisville, KY Louisville, KY 40223

e:\client folder\eberle, scott\shelbyville road\application\compliance statement.doc

RECEIVED
SEP 11 2017
PLANNING &
DESIGN SERVICES

17 ZONE 1027