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**Zoning Justification for 400 Bullitt Lane**

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**R-4 to C-2 in Campus Form District**

*Demonstration of Appropriateness based upon Chapter 11.4.4.A.1.a of the Land Development Code stating, "How the proposed amendment conforms to the Comprehensive Plan"*

The applicant is requesting a change in zoning from R-4, Single Family Residential, to C-2, Commercial, to allow proposed restaurants with outdoor dining on the 4.85 site at 400 Bullitt Lane adjacent to Watterson Expressway ROW. The subject property is within the Campus Form District along the Oxmoor Court and Bullitt Lane corridor. For the reasons stated below, the proposed rezoning conforms to the Comprehensive Plan and, therefore, should be approved by the Planning Commission and Louisville Metro Council.

**Guideline 1: Community Form**

The subject property lies within the Campus Form Area as identified by Core Graphic 1 of the Cornerstone 2020 Comprehensive Plan. In the graphic, the form is described as a master planned area(s) with a mix of uses, support services and a common square plaza. Guideline 1.B.11 discusses a mixture of uses being encouraged that may include residential or commercial that would primarily serve the people whom work or live on the Campus. The particular Campus form area along Bullitt Lane and Oxmoor Court encompasses the mix of land uses surrounding the Oxmoor Center Mall and the properties that back up to the Watterson Expressway and I-64. There is an existing mixture of uses that range from office and residential to restaurants and retail. Cornerstone 2020 also discussed that the form should be compact and walkable, with multiple buildings, central gathering areas, extensive open space, internal shared parking, private walkways and roadways, and shared utilities and signage.

The proposal complies with Guideline 1, Community Form, since it adds to the mixture of non-residential uses that serve the residents and individuals working within the offices of the existing Campus form district. The development will include the elements discussed within the form such as full pedestrian connectivity, a central gathering area shared between the two buildings, shared parking for the lot and a compact layout meeting the minimum parking needs. The proposal connects to the existing road system and network along Bullitt Lane.

**Guideline 2: Centers**

The proposed rezoning complies with Guideline 2, Centers, as specifically stated in Policy A.1 & 3 since it is located in a Campus center with new construction to provide a commercial use to the area that has sufficient population to support it. The site of the proposed development is along the commercial corridor of Bullitt Lane adjacent to the Watterson Expressway. There is a nearby multi-family residential complex and office which both have populations that would be served by the new commercial property. The development has a compact pattern focused around a central shared plaza/patio space that allows for easy access by bicycle, car and pedestrians. The sidewalk network throughout the development will encourage appropriate pedestrian activity and promote accessibility by alternative modes of transportations. These elements of the development are in accordance with Policies A.4, 5, 13, 15 & 16.

**Guideline 3: Compatibility**

The proposed rezoning complies with Guideline 3 of the Cornerstone 2020 Compressive Plan because the Campus Form District identifies its intent to allow a mixture of land uses as long as they are designed

17 ZONE 1048

to be compatible with each other and any impacts are appropriately mitigated. The subject property is a proposed non-residential use along a corridor of other non-residential uses specifically adjacent to it. The buildings will be providing a variety of materials and architectural animating features which will serve as a point of compatibility with the campus area. All of these building elements will be in accordance with the Land Development Code. Appropriate setbacks and landscape buffer areas will be provided along the property boundaries adjacent to the roadway/expressway. The setbacks, buffers and screening will allow for appropriate transition from the proposed non-residential uses to the roadway network in accordance with Policy A.4, 21, 22 & 23. The single story height of the development is compatible with the scale of the existing properties located within the larger Campus Form District. Lighting will be compliant with the Land Development Code to mitigate any adverse impacts of lighting from the proposed development on nearby properties. All site signage will be compatible with the form district pattern.

The proposed rezoning and new development will be located within an existing activity center adjacent to the Oxmoor Mall property. It will have full accessibility to people with disabilities consistent with federal, state and local regulations. The parking areas for the development are not located adjacent to any residential uses the internal and perimeter landscaping will result in diminished impact of the parking, loading and delivery areas around the development. The parking is designed to be safe and allow multi-modal access to the site. For the aforementioned reasons, the proposed development complies with Guideline 3 of the Comprehensive Plan.

#### **Guidelines 4 & 5: Open Space, Natural Areas and Scenic & Historic Resources**

Open space and an outdoor amenity area are being provided as part of the development to provide meet the needs of the community as a component of development. The open space design is compliant with the Land Development Code which follows from Policy A.4 to create open space design consistent with the pattern of development in the form district. The proposal integrates natural features as highlighted in Guideline 5, Policy A.1 into the pattern of development by preserving the southern portion of the site within the local regulatory floodplain and any protect waterway buffers along this portion of the property. There are no identified hydric soils, severe, steep or unstable slopes that would create an impediment to the proposed rezoning and associated development. Accordingly, the proposed development meets Guidelines 4 & 5 of the Cornerstone 2020 Comprehensive Plan.

#### **Guidelines 7, 8 & 9: Circulation, Transportation Facility Design and Bicycle, Pedestrian & Transit**

The rezoning is located along a local level road with the rear of the property against Watterson Expressway ROW. Bullitt Lane connects to another local level roadway at Oxmoor Lane which continues on to Shelbyville Road, a major arterial. The access points to the site are from Bullitt Lane near unimproved ROW at Bunsen Parkway. There are only two curb cuts to facilitate safe vehicular access to the site. The proposal will contribute its proportional share of roadway improvements with sidewalk improvements within the Bullitt Lane ROW. The external and internal sidewalk network promotes bicycle and pedestrian use around and throughout the development. Appropriate access and adequate parking will be provided to further promote safe vehicular access and support the proposed commercial uses. Bicycle amenities will be provided at front entrance to the development in accordance with the Land Development Code. Therefore, the proposed rezoning and development comply with Guidelines 7, 8 & 9 of the Cornerstone 2020 Comprehensive Plan.

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JAN 29 2018

PLANNING & DESIGN SERVICES

17 ZONE 1048



### **Guidelines 10 & 11: Flooding, Stormwater & Water Quality**

The subject site is located with the southern portion of the property within the 100 year floodplain and local regulatory floodplain; therefore, the proposed development has been placed outside of the identified floodplain to mitigate any negative impacts. The site does not contain steep slopes, unstable or hydric soils. The proposed development is located on a site that will enable proper stormwater handling and release management that will not adversely affect adjacent and downstream properties. There will be no increase in velocity at point of discharge at property line and no increase in drainage run-off to the right of way. The storm water detention design will receive approval from MSD prior to construction. In addition, an Erosion Prevention and Sediment Control Plan utilizing best management practices will be implemented prior to construction. The project will meet all MS4 Water Quality Regulations established by MSD with proper use of green best management practices. For above mentioned reasons, the proposed rezoning and development comply with Guidelines 10 & 11 of the Cornerstone 2020 Comprehensive Plan.

### **Guideline 12: Air Quality**

As previously demonstrated, the proposal represents a compact and efficient land use pattern. It utilizes the existing roadway network within the Campus Form. The proposed development is a commercial use with proper circulation and connectivity that will promote multi-modal connectivity to and on the site with an effort to increase pedestrian use. These combined efforts will aid in reducing the air quality impacts of the development. The campus area serving use proposed on the subject property complies with Guideline 12 of the Cornerstone 2020 Comprehensive Plan.

### **Guideline 13: Landscape Character**

The proposed rezoning and development complies with Guideline 13 of Cornerstone 2020 of the Comprehensive Plan by meeting the majority of all landscape requirements of the Land Development Code. Sufficient landscape buffers will be provided along the property perimeters adjacent to the roadway networks to ensure compatibility of the site. Tree preservation practices will be followed within the identified tree canopy credit area to the south of the proposed uses that incorporate the native plant communities of the property. The overall tree canopy requirement for the lot will be exceeded. Interior landscaping will be installed within the vehicular use area to break up the parking areas and enhance the overall aesthetics of the site.

### **Guidelines 14 & 15: Infrastructure and Community Facilities**

The proposal complies with Guidelines 14 & 15 of the Cornerstone 2020 Comprehensive Plan because the subject property will be served by existing utilities and infrastructure which have adequate carrying capacity to accommodate the proposed development. All necessary utilities are available to the site. Fire hydrants will be provided to comply with Kentucky Building Code requirements. The subject property is served by the Louisville Fire Protection District #4 and Louisville Metro Police Department.

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JAN 29 2018

PLANNING & DESIGN SERVICES

17 ZONE 1048

**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.

**1. Explain how the variance will not adversely affect the public health, safety or welfare.**

The variance will not adversely affect the public health, safety and welfare because there will be a 15' landscape buffer area provided along Bullitt Lane and sidewalks for safe pedestrian access to the site.

**2. Explain how the variance will not alter the essential character of the general vicinity.**

The variance will allow parking setbacks similar to the established developments in the area suburban form districts. The existing developments in the general vicinity have similar setbacks where parking is allowed within the 25' front setback while providing similar LBAs.

**3. Explain how the variance will not cause a hazard or a nuisance to the public.**

The variance will not cause a hazard or nuisance to the public because all LBA's and setbacks will match the established pattern of development in the Bullitt Lane, Oxmoor Court and Oxmoor Mall areas. Ample space will be provided for pedestrian and vehicular infrastructure and circulation.

**4. Explain how the variance will not allow an unreasonable circumvention of the requirements of the zoning regulations.**

All required infrastructure and landscape buffers will be provided in compliance with zoning regulations and will be similar to established patterns of development in the vicinity. The applicant proposes to provide 15' of the required 25' setback between parking and ROW.

*Additional consideration:*

**1. Explain how the variance arises from special circumstances, which do not generally apply to land in the general vicinity (please specify/identify).**

The shallow depth of the lot and location along the adjacent expressway ROW restricts the usable area to provide parking, sidewalks and outdoor patios associated with the proposed restaurant uses.

**2. Explain how the strict application of the provisions of the regulation would deprive the applicant of the reasonable use of the land or would create unnecessary hardship.**

The strict application of the provisions of the regulation would prevent the applicant from providing sufficient parking and maneuvering that is required for the proposed restaurant uses. It would put parking below the minimum required and complicate maneuvering at both vehicular entrances.

**3. Are the circumstances the result of actions of the applicant taken subsequent to the adoption of the regulation from which relief is sought?**

No, the applicant is requesting this variance prior to any site disturbance or development.

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JAN 29 2018

17 ZONE 1048 PLANNING & DESIGN SERVICES



**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.**

**1. Will the waiver adversely affect adjacent property owners?**

The waiver will not adversely affect adjacent property owners since sufficient setback, buffering, screening and planting will be provided along the Bullitt Lane and I-264 ROWs.

**2. Will the waiver violate the Comprehensive Plan?**

Guideline 3, policy 9 calls for the protection of the character of residential areas, roadway corridors and public spaces from visual intrusions and mitigate when appropriate. Guideline 3, policy 24 states that parking, loading and delivery areas located adjacent to residential areas should be designed to minimize the impacts from noise, lights and other potential impacts, and that parking and circulation areas adjacent to streets should be screened or buffered. Guideline 13, policy 4 calls for ensuring appropriate landscape design standards for different land uses within urbanized, suburban, and rural areas. The waiver will not violate the Comprehensive Plan since sufficient screening, planting and buffering will be provided on the site.

**3. Is extent of waiver of the regulation the minimum necessary to afford relief to the applicant?**

The extent of the waiver of the regulation is the minimum necessary to afford relief to the applicant since there are extensive utility easements along both the front and rear of the property where landscape buffering is required. The waiver will still allow for sufficient setback, buffering, screening and planting to be provided along the Bullitt Lane and I-264 ROWs.

**4. Has either (a) the applicant incorporated other design measures that exceed the minimums of the district and compensate for non-compliance with the requirements to be waived (net beneficial effect) or would (b) the strict application of the provisions of the regulation deprive the applicant of the reasonable use of the land or would create an unnecessary hardship on the applicant?**

The strict application of the provisions of the regulation would deprive the applicant of the reasonable use of the land or would create an unnecessary hardship on the applicant since it would require placement of buffering outside of the existing utility easements. It would eliminate needed parking and vehicular maneuvering on the site.

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, JAN 29 2018

PLANNING & DESIGN SERVICES

17 ZONE 1048