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STATEMENT OF COMPLIANCE WITH ALL APPLICABLE GOALS, OBJECTIVES AND POLICIES OF THE PLAN 2040 COMPREHENSIVE PLAN

<u>Applicant:</u>	Fern Creek Commons, LLC
<u>Owner</u>	KJS, LLC; Sims Irrevocable Life Insurance Trust; and Will Realty, LLC
<u>Location:</u>	7800, 7902, & 7916 Bardstown Road, & 10541 & 10501 Ichabod Drive
<u>Proposed Use:</u>	Commercial/Retail center
<u>Engineers, Land Planners and Landscape Architects:</u>	Land Design & Development, Inc.
<u>Request:</u>	Zone change from R-4 & R-5A to C-1

INTRODUCTION

The mixed-use development that is the subject of this rezoning application from what is mostly R4 and R5A, with some C-1, to all being C-1 is proposed by an entity organized by a Louisville-based developer, Justin Phelps, and his development company, Fern Creek Commons, LLC, that are responsible for many mixed-use and multifamily developments in Kentucky through a different developer, Hogan Real Estate. The principal of this applicant has developed commercial properties in Louisville, including the current site directly across Cedar Creek Road to the north.

This site is located at the south-west corner of Bardstown Road and Cedar Creek Road, and is one of the last undeveloped tracts in the well-developed Bardstown Road corridor. It lies just south of I-265, with access to significant existing infrastructure. There is significant demand for residential-serving retail and a grocery store on the south side of the Gene Snyder Expressway, eliminating the need to make the difficult path north of the Gene Snyder on Bardstown Road to access these types of retail businesses currently.

Factors such as the spread of housing throughout this area and the resulting demand for retail shopping, significant plans for transportation infrastructure improvements in the area, as well as the prospect of sanitary sewer extensions to this particular property, combine to create a significant opportunity for environmentally positive development on the subject site, again which is one of the largest undeveloped remaining tracts of land in this area of Jefferson County.

Louisville Metro's form of comprehensive land use plan, called "Plan 2040", like its two immediate predecessors (meaning the ones adopted in 1979 and 2000), remains an "impact mitigation" form of comprehensive plan. The "Policies" generally contain several dozen statements of what kinds of growth to encourage and how to address growth's impacts. They specify how the Planning Commission, local legislative bodies, such as Louisville Metro Council in this case, their respective staffs and development-related agencies are supposed to review and consider proposals and plans for development of land in Jefferson County.

The following Plan Elements (which are the ones identified by KRS Chapter 100 for comprehensive plan consideration) are discussed below, resulting in this narrative statement of how this retail proposed project fully complies with Plan 2040, which is all of Louisville and Jefferson County's vision for economic growth and how to address its many and varied impacts.

COMMUNITY FORM

Goal 1 – Guide the form and design of development to respond to distinctive physical, historic and cultural qualities.

The proposed zone change, and detailed district development plan (DDDP) comply with applicable Objectives a, b, c, e & f and applicable Policies 1, 2.1, 2.7, 3.1.3., 4, 6, 7, 9, 10, 11, 12, 14, 17, 18, 19, 20, 23, & 28 as follows:

The proposed change in zoning to C-1 complies with Goal 1 in several ways. The retail center will likely include a grocery store, two large retail stores, a gas/convenience store, a retail strip center, and other potential uses, such as a gym, smaller retail and restaurants. It is proposed in a rapidly growing area of Bardstown Road near Cedar Creek Road, near other large retail activity centers and residential areas, also with good access to roads, expressways, etc. With the new residential growth outside of the Gene Snyder, commercial retail locations on a scale like this have an increased demand and are necessary to serve these new, expanding residential units.

The proposed mixed use retail center will support the existing retail and commercial uses in the centers to the north and south of the development. Its location close to many neighboring residential developments, in addition to the many currently approved along Cedar Creek, will be convenient for the residents and will reduce vehicle miles traveled for those seeking routine neighborhood services, such as a grocery, restaurants, services, and amenities without having drive further north or south along Bardstown Road to other commercial centers. The reduced miles will help alleviate the traffic issues in the area, particularly when combined with the transportation infrastructure improvements in the area. The rezoning will serve the suburban area in a robust and healthy commercial manner fulfilling the Neighborhood Form District goals.

The proposed zone change and development plan are compatible with the scale and site design of the nearby residential and other commercial areas, as this site is on a major arterial roadway near a traffic signals along, with other access points on Bardstown Road. Appropriate buffers will be created in such a way that this development will mitigate the retail expansion and be well buffered from residential areas. The potential adverse impacts, such as noise, lighting and traffic will be mitigated through the use of buffers, setbacks and compliance with the Land Development Code.

Goal 2 – Encourage sustainable growth and density around mixed-use centers and corridors.

The proposed zone change and DDDP comply with applicable Objectives b & d and Policies 1, 2, 5, 6, 7, 8, 9, 11, 16, & 17 as follows:

The proposed change in zoning from R-4 & R-5A to C-1 for the retail center will encourage sustainable growth with these compatible and similar uses on a major arterial and avoid potential decline and will continue to provide appropriate intensity around this mixed-use center by locating uses of similar intensity, which are compatible with the area and existing infrastructure. This is also provided by the proposed access to roadways to help ease the flow of commerce and traffic in a busy area near an intersection with a traffic signal at Cedar Creek Road. The design and intensity are appropriate with adjacent uses that will serve the needs of the surrounding community due to the compatible uses and impacts that match growing needs for the area.

The development is well organized resulting in efficient land use and will take advantage of and complement cost-effective infrastructure investment. This mixture of compatible neighborhood serving uses will reduce vehicle miles travelled and limit trips for customers and users of the site, along with providing “capture trips” by providing additional services, to those already traveling the major arterial of Bardstown Road. These more proximate uses will help residents avoid more lengthy trips further north or south along Bardstown Road to access the same services, putting less strain on overloaded intersections. Many of the proposed businesses and uses have hours and functions that attract customers at all hours of the workday, meaning non-conventional and conventional traffic flows will mix to average into more even disbursement. This site is within a corridor where major support population exists and is growing rapidly. This will be a useful and well-appreciated development and will contain a mixture of acceptable/desirable retail uses, complementary to what exists in the growing area.

Goal 3 – Enhance neighborhood by protecting and integrating open space, watershed and other natural resources.

The proposed zone change and DDDP comply with applicable Objectives a and c, and Policies 9, 10 and 12 follows:

The proposed development plan will protect the surrounding neighborhoods as they will not diminish any open space or natural resources and will provide all applicable LBAs and buffers. The zoning change will not cause any significant negative impacts to any flood prone areas, wet or permeable soils or steep slopes. By providing a detention basin, the stormwater management will be handled more effectively than it is currently. Also, the applicant is discussing stream issues with MSD to add and/or improve stream setbacks in areas where such setbacks would have a more significant positive impact. The proposal avoids any significant change in topography and does not cause any environmental changes or damage that is not appropriately mitigated. The landscape buffers and setbacks will continue to provide the community transitions between the site and the surrounding properties. Moreover, the stormwater drainage improvements will continue to limit any issues with flooding or standing water, while respecting the natural features of the property and protecting the health, safety and welfare of the adjacent properties and future uses of the development. Further, this site proposes to provide sanitary sewer service to properties that are currently on septic systems and allow access to even more properties.

Goal 4 – Promote and preserve the historic and archaeological resources that contribute to our authenticity.

The proposed zone change and DDDP comply with applicable Policies 1 & 2 as follows:

There are no historic buildings on the site. The rezoning and development plan will essentially provide a development within the larger activity center where a large support population exists. Thus, it represents a good opportunity for continued economic development for the area in the appropriate scale and mass.

MOBILITY

Goal 1 – Implement an accessible system of alternative transportation modes.

The proposed zone change and DDDP complies with applicable Objectives e and Policy 4 as follows:

This commercial/retail center will serve and fit with the surrounding transportation characteristics of the surrounding area. The development will serve the nearby existing and approved and future residential developments as well as any future activity and employment centers in this rapidly developing area. The site will be in walking distance from other nearby residential and commercial centers and will allow for different modes of transportation within itself, as well as along a public transportation corridor providing easy access to most of Metro Louisville. Further, the property is located at the intersection of Bardstown Road and Cedar Creek Drive, with a traffic signal on Bardstown Road. Sidewalks and all available modes of pedestrian travel will be provided in compliance with the Land Development Code.

Goal 2 – Plan, build and maintain a safe, accessible and efficient transportation system.

The proposed zone change and DDDP comply with applicable Objectives a, b, c & d and Policy 4 as follows:

The development plan complies with the objectives and applicable policy of Goal 2 by promoting safe, accessible and efficient transportation uses by accommodating pedestrian, bicycle and vehicular access to a major arterial (Bardstown Road) and other local roads and residential areas, which is not through areas of significantly lower density or intensity and will not thereby create a nuisance. The site will have access via three curb cuts on Cedar Creek Road, with one across from Heights Drive at the rear of this development significantly reducing pressure on the intersection at Cedar Creek Road and Bardstown Road. There will be two right-ins and one right out along Bardstown Road as well as access from Ichabod Drive. Public transit is available. Sidewalks will be installed in compliance with the Land Development Code.

Goal 3 – Encourage land use and transportation patterns that connect Louisville Metro and support future growth.

The proposed zone change and DDDP comply with applicable Objectives a, b, c, & d and Policies 1, 2, 3, 4, 5, 6, 7, 9 and 10 as follows:

The development plan complies with the objectives and policies of Goal 3 by providing walking and bicycling opportunities with the sidewalks and by providing a mix of complementary neighborhood serving businesses, services and reducing vehicle miles travelled by providing the activity center with additional development in this situation. The plan will not burden the transportation network, particularly because of the many public road infrastructure projects currently anticipated along and near Bardstown Road, which the applicant deliberately delayed this application to allow for a better transportation plan. Further, the site will continue to be consistent with the intent of the Neighborhood Form District. The parking proposed for the site appropriately addresses the intensity of the proposed use and the character and pattern of the Neighborhood Form District. The plan also satisfies the policy of supporting biking and pedestrian travel by providing for those modes of access. All required utilities are available to the site, including the extension of sanitary sewer service to the site as mentioned.

COMMUNITY FACILITIES

Goal 2 – Plan for community facilities to improve quality of life and meet anticipated growth.

The proposed zone change and DDDP comply with applicable Policies 1, 2, & 3 as follows:

This development plan is not a community facilities plan, but it does locate development in areas currently served by existing infrastructure, and with public plans for road infrastructure improvements. The site has adequate water supply of potable water and will therefore provide sufficient water for fire-fighting purposes. It will have access to sewers so as to not burden existing or future community facilities.

ECONOMIC DEVELOPMENT

Goal 1 – Provide an economic climate that improves growth, innovation, investment and opportunity for all.

The proposed zone change and DDDP complies with applicable Objectives a, c, d, f & h and Policies 3as follows:

This development plan complies with Goal 1 of Economic Development as it will provide appropriate neighborhood serving uses that improves growth, innovation, and investment opportunity for all by providing for the constructive use of an otherwise undevelopable parcel in a high demand area. It locates these new potential uses in an area with existing and planned new infrastructure in an efficient manner increasing economic opportunities in the area. It will also provide opportunities to small and large businesses by providing another location with a supportive residential component with convenient access to major arterials and roadway infrastructure without generating unnecessarily high volumes of traffic. The development of the site will also create new jobs and increased property and other tax revenue, benefitting the City of Louisville and this area.

Goal 2 – Cultivate a vibrant, unique city that attracts, retains, and develops a highly-skilled workforce.

The proposed zone change and DDDP complies with applicable Objectives a, b, c, d & f and Policies 1, 3, 5, & 7 as follows:

This development plan complies with Goal 2 of Economic Development as it enhances the quality of life in the area by expanding on the activities center in the area with the new development, while at the same time protecting and improving the economic value of the surrounding areas by assisting the economic viability of the activity center. It satisfies the goal and policy of new development to take advantage of the existing infrastructure. The development will also serve as a facilitator for job creation, being a stronghold of multiple businesses, which will utilize the surrounding available workforce.

LIVABILITY

Goal 1 – Protect and enhance the natural environment and integrate it with the built environment as development occurs.

The proposed zone change and DDDP comply with applicable Policy 5, 7, 12, 17, 23, 25, 26, 27, 28, 31, 32, 33, 35, & 39 as follows:

The development plan complies with the objectives and policies of Goal 1 of Livability element in that it provides pedestrian and bicycle connectivity while not creating large amounts of new or unnecessary traffic for the area. It also will make improvements to various intersections, while at the same time relying on other public projects at the intersections. It will continue to deal with any impacts to drainage associated with the site through the use of detention basins accounting for the increased impervious surface. Landscaping will be added where necessary and required under the Land Development Code to reduce the impacts of the site to nearby residential uses.

Goal 2 – Ensure equitable health and safety outcomes for all.

The proposed zone change and DDDP comply with applicable Objectives a, b, c & d and Policy 8 as follows:

The development plan complies with the objectives and policies of Goal 2 of Livability element by providing additional goods and services in close proximity to existing residential development.

Goal 3 – Ensure equitable access to land use planning and Policy-making resources.

The proposed zone change and DDDP complies with applicable Objective c and Policies 1, 2, & 4 as follows:

The development plan complies with the objectives and policies of Goal 3 of Livability element providing equitable access to the land use planning and policy resources by providing the surrounding residents and property owners notice of the development changes, notice of all public meetings, by providing the neighborhood meeting, and providing an opportunity for area involvement in the plan design and sought-after zoning changes.

Goal 4 – Integrate sustainability and resilience in community planning processes.

The proposed zone change and DDDP complies with applicable Objectives a, b, c, e & f and Policies 1, 2, & 8 as follows:

The development plan complies with the objectives and policies of Goal 4 of Livability element by providing and enhancing choices for mobility and encouraging clean air by reducing vehicle miles travelled by providing needed neighborhood services. It also provides needed retail services in and along the high-capacity transit corridor of Bardstown Road, supporting public transportation with medium intensity uses.

HOUSING

The proposed zone change and DDDP comply with applicable Objectives and applicable Policies of Goal 1, 2, & 3 as it creates and locates necessary services and employment opportunities near residential areas, thereby strengthening and supporting the housing in the area and connecting the neighborhoods with the surrounding area. This use will facilitate connected and mixed-use areas and ensure long term affordability and living options for all in the community. The proposed zoning will support diversity in housing styles, mixed-income and inter-generational residency without displacing any current residents.

* * *

For all of these and other reasons set forth on the Detailed District Development Plan/preliminary subdivision plan accompanying this application and in accordance with evidence to be presented at Planning Commission public hearings, this application will comply with all other applicable Objectives and Policies of the Plan 2040 Comprehensive Plan.

Respectfully submitted,

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