

# BARDENWERPER, TALBOTT & ROBERTS, PLLC

ATTORNEYS AT LAW

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## **STATEMENT OF COMPLIANCE WITH ALL APPLICABLE GUIDELINES AND POLICES OF THE PLAN 2040 COMPREHENSIVE PLAN**

<u>Applicant/Owner:</u>	Lyndon Leasing, LLC
<u>Location:</u>	8121 New LaGrange Road
<u>Proposed Use:</u>	Expansion of the existing restaurant
<u>Engineers, Land Planners and Landscape Architects:</u>	BTM Engineering
<u>Request:</u>	Change in Zoning from C-1 to C-2

### **INTRODUCTION**

This proposal is a fairly limited one—only for C-2 zoning for a portion of an existing restaurant (the remainder already zoned C-2) Joe’s Older than Dirt Restaurant, to expand on to the adjacent property under the same ownership (lot lines to be shifted by the revised plan) to bring it into zoning compliance for restaurant use and to be able to have “alfresco dining”, meaning sale of food and alcoholic beverages, in a patio area outdoors. The existing restaurant building will continue operations as normal. The new patio area will be an expansion of the existing restaurant business. This location on new LaGrange Road, where other commercial uses already exist and where the existing restaurant has long been located and operating, will allow continued growth of the business with minimal impacts.

### **4.1 COMMUNITY FORM**

This proposal complies with Objectives a., b., and c and Policies 2, 3.1. 6, 4, 6, 7, 17 and 18 as follows:

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

The site of the proposed rezoning is in an area typical of the applicable Town Center Form District, being larger in scale than a neighborhood center and at the intersection of major thoroughfares (Herr Lane and New LaGrange Road). This restaurant does not propose to change anything about the New LaGrange Road conditions with the rezoning and additional patio area to the west side of the existing building and shielded from the road. The site provides accommodations for transit users (TARC route approximately 650’ to the east), bicyclists, and pedestrians being located on New LaGrange Road.

The potential nuisance impacts of the outdoor dining area will be mitigated with a combination of limited hours of operation, limited P.A. system operation and will be enforceable as binding elements. Additionally, the outdoor dining area is located between two buildings providing a visual barrier and additional sound proofing.

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

This proposal supports the Objectives of Goal 2 and Policies 1,4, 5, 6,7 and 9 because it is an expansion of a long standing and popular restaurant site. It supports the neighborhood by expanding a long-standing and popular restaurant. Initially to survive the loss of business during the pandemic, this expansion will ensure its future viability on site rather than relocating to another area.

**Goal 3 - Enhance neighborhoods by protecting and integrating open space, watersheds and other natural resources.**

This proposal complies with the Objectives of Goal 2 and Policies 9, 10 and 12 as the subject site has no recognizable natural features, wet soils, steep slopes or issues that result in erosion.

**Goal 4 - Promote and Preserve the historic and archaeological resources that contribute to our authenticity.**

This proposal complies with the Objectives of Goal 4 and Policy 2 as the site does possess any significant cultural or historic features.

**4.2 MOBILITY**

**Goal 1 - Implement an accessible system of alternative transportation modes.**

This proposal complies with Goal 1 Objectives a, b, c, d and e and Policy 4 because it is a small expansion of an existing restaurant to an adjacent property under common ownership.

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

This proposal complies with all the Objectives of Goal 2 and Policy 4 on access to this location through a mixed-use area that supports the neighborhood with an amenity contributing to a strong sense of place and no new nuisances will be caused by access to the site.

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

This proposal complies with all of the Objectives of Goal 3 and Policies 1, 2, 5, 6, 9 and 10 because Town Form District encourages this neighborhood serving use near a support population in a walkable area supported by multi-modal transportation. It will have a limited impact on the transportation network. Bicycle racks will be provided and sidewalk extensions and repairs will be made as necessary.

### **4.3 COMMUNITY FACILITIES**

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

This proposal complies with the Objectives of Goal 2 and Policies 1, 2 and 3 because the site is served with existing utilities, an adequate supply of both potable water and water for fire-fighting purposes. Sewage treatment is existing and available.

### **4.4 ECONOMIC DEVELOPMENT**

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

This proposal complies with the Objectives of Goal 1 and Policy 3 because it expands upon an existing popular commercial establishment (restaurant) within a well-connected and walkable neighborhood.

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

Respectfully submitted,

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