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STATEMENT OF COMPLIANCE WITH ALL APPLICABLE GUIDELINES AND POLICIES OF THE CORNERSTONE 2020 COMPREHENSIVE PLAN

Applicant: Hollenbach-Oakley, LLC

Owner: Linak US, Inc.

Location: 1701 N. English Station Road

Proposed Use: Office

Request: Zone change from R4 to PEC, and change the Form District from Neighborhood to Suburban Workplace

Engineers, Land Planners and
Landscape Architects: Mindel Scott & Associates, Inc.

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INTRODUCTION

This overall site is an addition to the existing Linak office/warehouse to the east in the Eastpoint Business Park. The additional lot will be incorporated in to the overall Linak "campus". Although the parking for the site is to be generally exclusively used for the proposed office building use, the campus will be connected internally with drive lanes and pedestrian connections. All of the adjoining and similarly situated properties being used in the office park are the Suburban Workplace Form District.

GUIDELINE 1 – COMMUNITY FORM

This site and the accompanying site plan are more appropriately considered a part of the Suburban Workplace Form District. The site will be connected and be a part of the office park, and specifically will be an addition to the applicant's other two properties which are also a part of this office part and which are both already in the Suburban Workplace Form District. In fact, all of the surrounding properties in the office park are part of the Suburban Workplace Form District. The applicant's sites will be connected internally with drive lanes and pedestrian connections allowing a free flow throughout its sites. The site will share existing infrastructure with the adjacent office park as well as being located on a collector level road in a compact group with the existing Suburban Workplace Form District. The new building and site will also share building characteristics, parking, and compatibility with the existing Suburban Workplace Form District.

GUIDELINE 2 - CENTERS

This application complies with the Intents and applicable Policies 1, 2, 4, 5, 7, 9, 11, 13, 14 and 15 of the Guideline as follows.

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The overall site subject of this rezoning looks and feels very much like the balance of the existing PEC zoned properties to the east and north which are located within the Eastpoint Business Park. Infrastructure and utilities are available at property lines. This has proven to be a good location for offices because of the significant intensity of residential uses and commercial uses west of the site. Locating this office building as proposed at this site helps reduce vehicle miles traveled and further improves the vitality. The design of the site is compatible with the uses in the business park and the residential uses to the west.

GUIDELINE 3: COMPATIBILITY

This application complies with the Intents and applicable Policies 1, 2, 4, 5, 6, 7, 8, 9, 12, 21, 22, 23, 24 and 29 of this Guideline as follows.

As referenced above, the proposed office building will be compatible in design to the current offices in the business park. Appropriate buffers will be in place to mitigate impacts to the surrounding residential properties, which are for the most part not occupied currently for residential purposes. The site not generate significant traffic and regardless the clearing of the site of the significant foliage limiting site lines around the curves will significantly increase the safety to the collector roadway. In addition to these aesthetic factors, office building does not create odors or noise. Lighting will be directed down and away from nearby residential properties and will be in compliance with lighting restrictions of the Land Development Code (LDC).

GUIDELINE 6: ECONOMIC GROWTH AND SUSTAINABILITY

This application complies with the Intents and applicable Policies 2, 3, 4, 6, and 8 of this Guideline as follows.

As referenced above, this is a vacant site. N. English Station Road has proven to be a great location for an office building because it is a center of fairly intense residential and commercial activity. This site will also take advantage of the existing infrastructure and utilities and encourages the applicant expand its footprint with the campus of its industrial facilities with access to collector roadway and the other internally connected drives and pedestrian access, all located near arterials and the expressway system.

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

This application complies with the Intents and applicable Policies 1, 2, 3, 4, 6, 10, 11, 12, 13, 14, 16 and 18 of Guideline 7; Policies 7, 8, 9, 10 and 11 of Guideline 8; and Policies 1, 2, 3 and 4 of Guideline 9 as follows.

The office development will have shared access from the existing Linak office/warehouse building to the east and north of this site and will provide a curb cut along N. English Station Road. It provides for excellent cross-connectivity and helps address issues of traffic congestion at peak hours.

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Furthermore, the detailed district development plan (DDDP) accompanying this zoning and form change application must receive the preliminary stamps of approval from Metro Transportation Planning and Public Works, prior to docketing of this application for any Planning Commission public review. Those agency reviews will look at the proposed points of access and connections as well as corner clearances, site distances, median opening and adequacy of parking. The site plan will provide “stubs” to the parking lot and sidewalks for future connectivity and will further be designed for transit available in the area. Sidewalks will be provided where required and bicycle parking will be accommodated. Moreover, the clearing of the site will tremendously enhance the safety of the collector roadway by increasing visibility around the turns existing on the roadway.

GUIDELINE 10: FLOODING, STORMWATER

This application complies with Intents and applicable Policies 1, 3, 6, 7, 10 and 11 of Guideline 10 as follows.

Post-development rates of runoff will not exceed pre-development conditions. Additionally, the applicant’s engineer will review these drainage conditions and advise MSD of them so as to determine whether any additional mitigation measures need to be made to existing storm water systems in association with this proposed office development.

GUIDELINE 11: WATER QUALITY

This application complies with the Intents and applicable Policies 1, 3 and 5 of this Guideline as follows.

At time of construction, the developer of this site will be required to comply with MSD’s soil erosion and sedimentation control regulations. Also, new water quality standards have been implemented by MSD which must be addressed as well at time of construction plan approval.

GUIDELINE 12: AIR QUALITY

This application complies with the Intents and applicable Policies 1, 2, 3, 6, 7, 8 and 9 of this Guideline as follows.

As referenced above, this proposed corporation office is basically an expansion of the existing Linak office/warehouse located north and east of this proposed site, thus reducing vehicle miles traveled for people already engaged in commerce and residing in this area, leading to reduced miles traveled and improved air quality.

GUIDELINE 13: LANDSCAPE CHARACTER

This application complies with the Intents and applicable Policies 1, 2, 4, 5 and 6 of this Guideline as follows.

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The LDC requires tree canopies as well as both perimeter and interior landscaping of all sites. This application will comply with LDC standards, and will provide screening and buffering as promised nearby residents with the TPA areas and 25,500 square feet for a TCCP area.

* * *

For all of the above-stated reasons, plus those that will be further explained at the LD&T meeting and Planning Commission public hearing, this application complies with all other applicable Guidelines and Policies of the Cornerstone 2020 Comprehensive Plan.

Respectfully submitted,

John C. Talbott
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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.

Variance of Section 5.7.1.B.2 to not be required to meet the adjacent properties 30 ft front setback requirement

1. The variance will not adversely affect the public health, safety or welfare because the part of the property to the North along N. English Station Road is in the same Form District. Additionally, properties to the North and South in the different Form District, are mostly undeveloped and likely in the future to be absorbed by the PEC Form District in the future. Infrastructure has been installed by MSD and the LWC which would anticipate future expansion of the business part between N. English Station Road and Stanley Gault Parkway. Finally, because of the street sightlines in this area, removing landscaping impeding views will improve safety.

2. The variance will not alter the essential character of the general vicinity because his regulation is merely aesthetic to provide uniformity between different Form Districts, but since there is not any uniform setback in the adjacent Form District along N. English Station Road, this regulation does not serve any real purpose and will not adversely affect any adjacent or nearby property owner. In fact, the property to the immediate North violates the very same setback requirement.

3. The variance will not cause a hazard or a nuisance to the public because the regulation is merely aesthetic. Rather, the variance, but opening sight lines on this part of N. English Station Road will improve safety and reduce hazards. Further, the slope of the land will place most of the parking which is set into the setback below the grade of the road, where it will not be easily visible from the road.

4. The variance will not allow an unreasonable circumvention of the requirements of the zoning regulations because the intent of the regulation does not serve any purpose due to the varying setbacks which already exists in the adjacent Form District and because the variance will improve safety along this stretch of N. English Station Road.

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Additional consideration:

1. The Variance arises from special circumstances, which do not generally apply to land in the general vicinity because the road curves, creating limited sight-lines, is a pre-existing condition which cannot be changed by the applicant

2. Strict application of the provisions of the regulation would deprive the applicant of the reasonable use of the land or would create unnecessary hardship because the location along this part of the street frontage is an existing condition which the applicant cannot change and it would unnecessarily limit the parking available to the site.

3. The circumstances are not the result of actions of the applicant taken subsequent to the adoption of the regulation because this is an adaptive use of a property in a transition area.