

Louisville Metro Planning Commission – March 1, 2017

Louisville Metro Land Development & Transportation Committee – January 26, 2017

Louisville Metro Planning Commission Public Hearing – September 15, 2016 (postponed)

Louisville Metro Land Development & Transportation Committee – July 28, 2016

Neighborhood Meetings July 21, 2015, October 3, 2015, October 19, 2015

## Docket No. 15ZONE1036

and related 16STREETS1014

Proposed change in zoning from R-4 to C-1 & C-2 with CUP and DDDP, plus change from Suburban Neighborhood to Regional Center Form District plus related street closure and relocation of Barley Drive to allow the “Bardstown Pavilion” Retail Center on approximately 28 +/- acres located south of Gene Snyder and west of Bardstown Rd at 7500, 7600 & 7602 Bardstown Rd, 9505, 9507, 9509, 9511, 9513, 9515, 9517, 9601, 9608, 9610, 9700 & 9703 Bartley Dr and 7512 Cedar Creek Rd

# **Devonshire REIT and Man O’War Development, LLC c/o Patrick Madden**

Attorneys: Bardenwerper Talbott & Roberts, PLLC

Land Planners, Landscape Architects & Engineers: Land Design & Development, Inc.

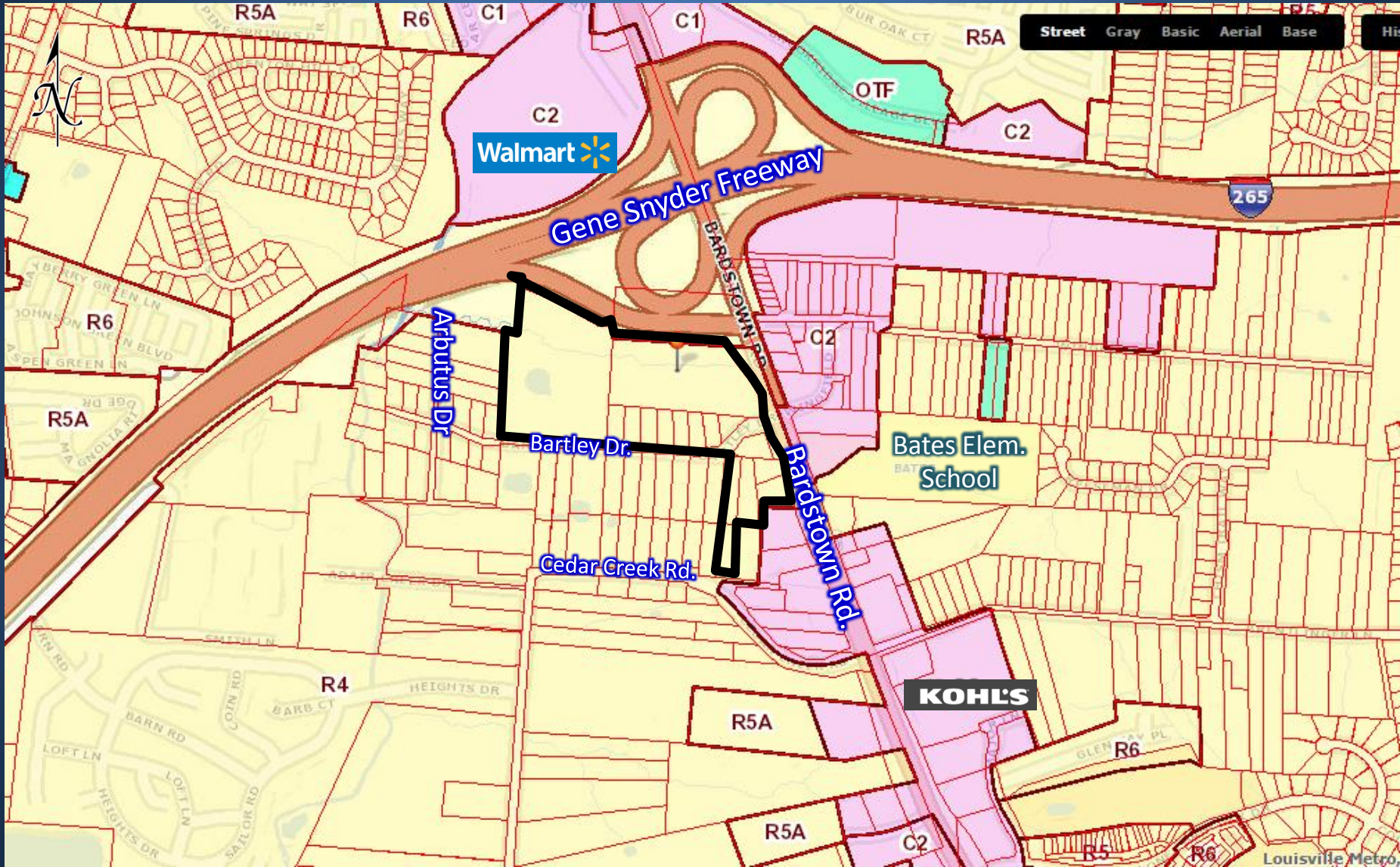
Traffic Engineer: Diane B. Zimmerman Traffic Engineering, LLC

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## Tab 1

LOJIC zoning map, area development and pre-Recession growth trends (to be updated with public record information and Public Hearing).



Walmart

Gene Snyder Freeway

265

Arbutus Dr

Bartley Dr

Cedar Creek Rd

Ralpstown Rd

Bates Elem. School

KOHL'S

Louisville Metro



Walmart

Gene Snyder Freeway

SouthPointe Commons

265

Arbutus Dr

Bartley Dr.

Bardstown Rd

Bates Elem. School

Will & Vires  
DDDPs

Cedar Creek Rd.

Park Federal

Ken Towery  
Commercial  
Cedar Creek Rd.

Brentlinger Ln

KOHL'S

Will Realty





# Map of all the developments that demonstrate the support population in area



Master = # of homes in master plan

Built = # of homes in master plan built by 2006



# Chart of residential developments on prior map denoting approved and built housing

<u>Subdivisions</u>	<u>Lots approved</u>	<u>Lots built</u>	<u>Condo/Patio Homes</u>	<u>Units approved</u>	<u>Built</u>
Superior Homes	14	10	Cottages & Villas of Arbor Creek	277	88
Woodridge Crossings	153	35	Reserve at Glenmary	168	128
Heritage Creek	500	308	Woods of Glenmary	212	183
Cedar Brook	250	0	Beaumont	108	0
Creekview Estates	164	0	Cambridge Commons	94	94
Adams Run	400	385	Meadows at Glenmary Village	77	0
Cedar Glen	70	0	Springs at Glenmary Village	208	40
Trail Crossing	75	75	Gardens of Glenmary Village	48	4
Creekview Reserve	54	0	Overlook at Glenmary Village	108	0
Bardstown Woods	194	194	Glenmary Condos	232	232
Little Spring Farms	509	181	<b><i>Condo Total</i></b>	<b><i>1532</i></b>	<b><i>769</i></b>
EstateRidge	20	4	<b><u>Apartments</u></b>	<b><u>Units</u></b>	<b><u>Built</u></b>
Glenmary Estates	64	41	Glenmary Village	512	190
Glenmary	791	791	<b><i>Apt. Total</i></b>	<b><i>512</i></b>	<b><i>190</i></b>
Glenmary East	180	102	<b><u>Totals</u></b>	<b><u>Total Units</u></b>	<b><u>Built</u></b>
Windgate Meadows	227	85	Subdivisions	4415	2232
Oakland Hills	750	21	Condos/Patio Homes	1532	769
<b><i>Sub Total</i></b>	<b><i>4415</i></b>	<b><i>2232</i></b>	Apartments	512	190
			<b><i>Totals</i></b>	<b><i>6459</i></b>	<b><i>3191</i></b>

As of December 12, 2007

## Final Report

### Louisville/Jefferson County Metro Retail Market Study



*Prepared for:*

**Louisville/Jefferson County Metro  
Economic Development Department**

*Prepared by:*

**Strategy 5 LLC**

Annapolis, MD • Cache Valley, UT

**April, 2008**



The area south of I-264 also contains six Town Center Form Districts encompassing at least one or more shopping centers apiece, the most notable being Jefferson Mall. The Town Center at Bardstown Road and I-265 contains two community shopping centers, while the southern half just outside I-265 contains a community Center (Glenmary Shopping Center) and a neighborhood center (Fern Creek Square) within the Neighborhood Form District. This area could qualify as a candidate for rezoning to an **activity center** for the following reasons:

- It is a growth area. Within the past five years, 3,191 new residential units have been added in the direct vicinity, with another 3,268 approved and in the pipeline.
- The area is very accessible from the band of under-retailed zip codes in the Central and Bardstown Retail Zones.



ECONOMIC DEVELOPMENT DEPARTMENT  
LOUISVILLE, KENTUCKY

JERRY E. ABRAMSON  
MAYOR

C. BRUCE TRAUGHBER, DIRECTOR

August 5, 2008

Mr. Mike Leonard  
COO  
Hogan Real Estate  
420 W. Liberty Street  
Louisville, KY 40202

Dear Mr. Leonard:

In September of 2007 Louisville Metro engaged a national retail expert, Strategy 5, to undertake the first city-sponsored community-wide Retail Market Study. In April of 2008 the study's findings were released to the community.

You have asked about a project being considered for Bardstown Road south of I-265 and if that project is consistent with the finds of this market analysis. The answer to your question is yes.

The study found that the area adjacent to and slightly south of I-265 filled an existing need for a market-driven initiative to create a new regional retail center to serve this portion of the city and surrounding counties. The Economic Development Department of Louisville Metro is currently working with a number of development entities that would like to provide retail services and create jobs in that area of our city.

Because of the numbers of existing homes and the need to insure sensitive treatment of existing property owners, special care will need to be taken with the design of the infrastructure required to suitably serve this expanded retail presence. We are certain that collaboration and an attention to the regional center's design can overcome any difficulties that could be encountered.

This expanded level of retail services will meet the need created by the growth occurring in the corridor and accommodate what is anticipated in the near future.

If you have any other questions, please contact me.

Sincerely,

A handwritten signature in cursive script that reads "C. Bruce Traughber".

C. Bruce Traughber  
Director

[www.louisvilleky.gov](http://www.louisvilleky.gov)

## Tab 2

Aerial photographs of the site and surrounding area with development plan superimposed.





Walmart

Gene Snyder Freeway

Bates Elem. School

Cedar Creek Rd.

KOHL'S

150

Bardstown Road

Louisville





31

150

Walmart

Gene Snyder Freeway

265

265

Arbutus Dr

Bartley Dr.

BARDSTOWN ROAD

Bates Elem. School

Cedar Creek Rd.

Bardstown Road

KOHL'S

31

150





Gene Snyder Freeway

INTERSTATE 265

I-265 EXIT RAMP

Arbutus Dr

PROPOSED DETENTION

PROPOSED DETENTION

TRACT 2  
1.5+/- AC.

TRACT 3  
1.0+/- AC.

TRACT 1  
22.1+/- AC.

TRACT 4  
1.0+/- AC.

Bartley Dr.

DRIVE (PRIVATE ROAD)

TRACT 6  
0.6+/- AC.

TRACT 5  
1.7+/- AC.

TRACT 7  
0.8+/- AC.

Bates Elem. School



BARSTOWN ROAD - RWMA

10 MIN. REQ.

Cedar Creek Rd.

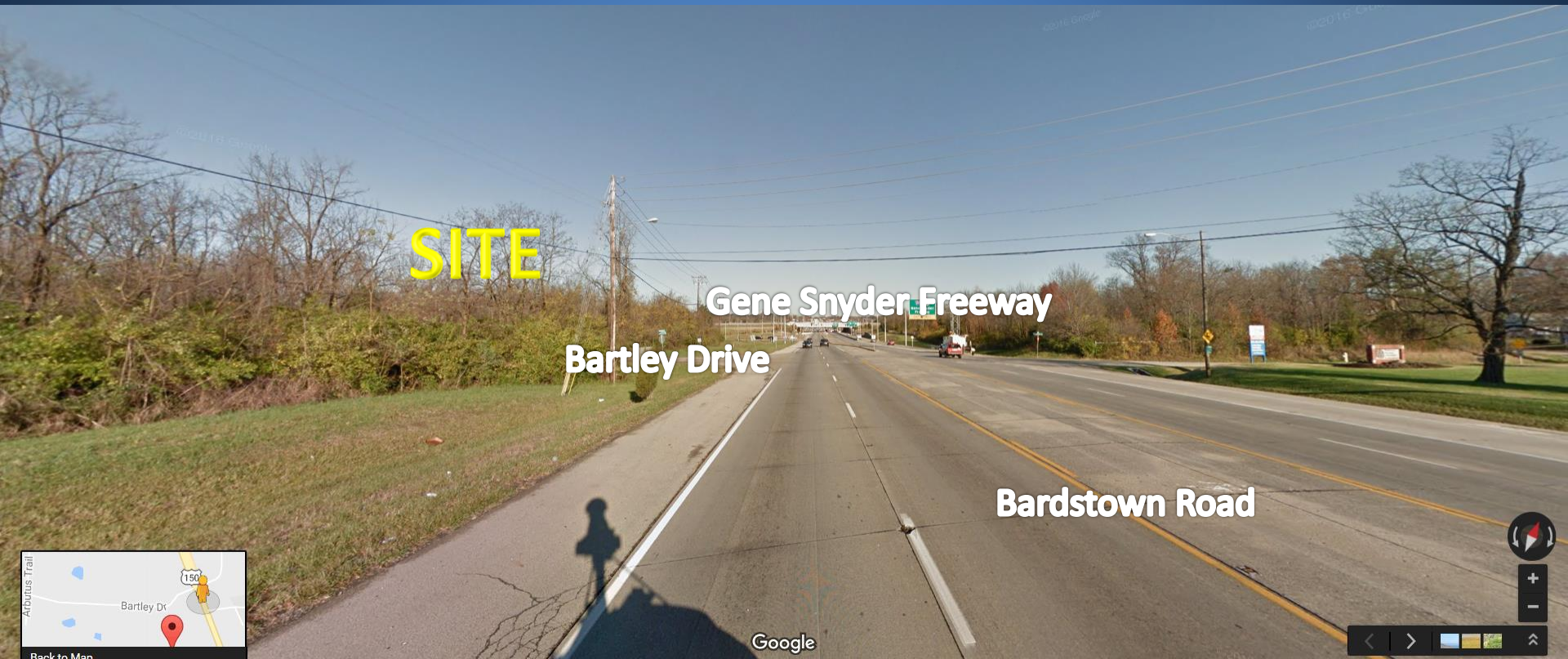
CEDAR CREEK RD

EX. OLD CEDAR CREEK RD



Tab 3

Ground level photographs of the site and surrounding area

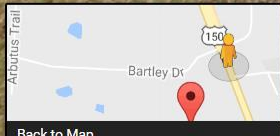


**SITE**

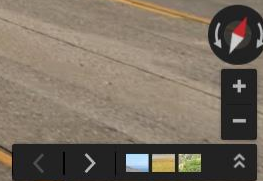
**Gene Snyder Freeway**

**Bartley Drive**

**Bardstown Road**



Google



View of site from Bardstown Road, looking northwardly towards Gene Snyder Freeway.





View of site at Bartley Drive from Bardstown Road.



View of site from Bardstown Road.





View of Bardstown Road looking south from the Gene Snyder Freeway on/off ramps. Site is to the right.



View of site from Gene Snyder Freeway.





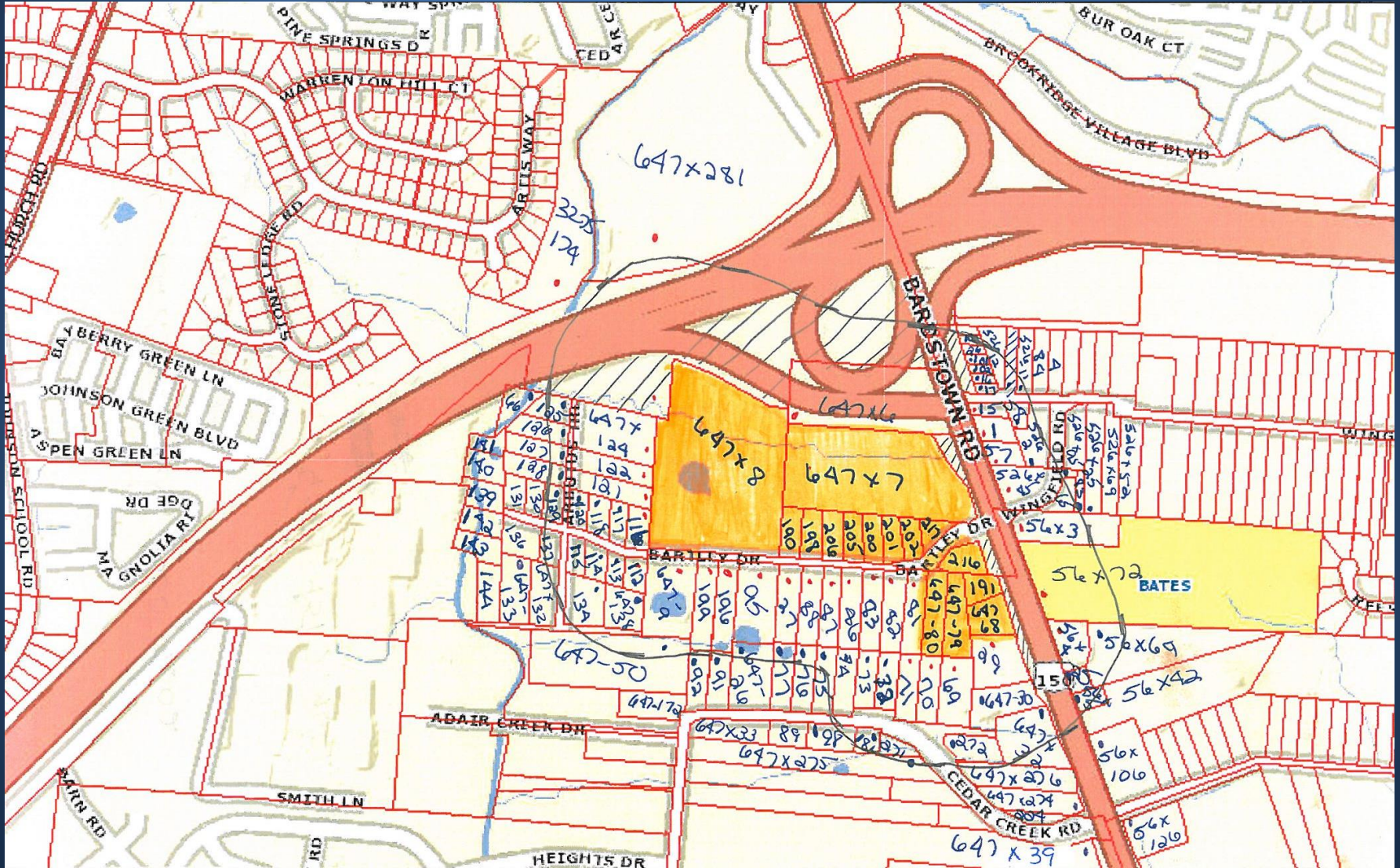
View of site from Gene Snyder off-ramp to Bardstown Road.

## Tab 4

Neighborhood Meeting notice list map,  
letter to neighbors inviting them to the  
meeting and summary of meeting



Adjoining property owner notice list map wherein 141 neighbors were invited to the various neighborhood meetings and the subsequent LD&T and Planning Commission public hearing.





**PATRICK MADDEN**

**Hamburg Place  
P.O. Box 12128  
Lexington, KY 40580**

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July 7, 2015

Dear Neighbor,

**RE: Proposed change in zoning from R-4 to C-2 and detailed district development plan to allow a Retail Center on approximately 28 +/- acres located south of Gene Snyder and West of Bardstown Road at 7500, 7600 & 7602 Bardstown Rd., 9507, 9509, 9511, 9513, 9515, 9517, 9601, 9608, 9610, 9700 & 9703 Bartley Drive -- DPDS Case No. 15ZONE1036**

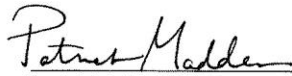
We are writing to invite you to a meeting we have scheduled to present neighbors with our rezoning and detailed district development plan at the location above.

Accordingly, we have filed a plan for pre-application review with the Department of Planning and Design Services (DPDS) that we would like to show and explain to neighbors so that we might hear what thoughts, issues and perhaps even concerns you may have. We have also held preliminary conversations with the District 5 Office of the Kentucky Transportation Cabinet and with Metro Transportation Planning and Public Works. We are aware of recent and planned road and interchange improvements and can also discuss our project's involvement with those and planned appropriate access. In that regard, a meeting will be held on **Tuesday, July 21<sup>st</sup> at 7:00 p.m. at the Fern Creek Fire Station located at 9409 Old Bardstown Road.**

If you cannot attend the meeting but have questions or concerns, please call my attorney Bill Bardenwerper at 426-6688, or my land planning and engineering firm representative Kevin Young at 426-9374.

We look forward to seeing you.

Sincerely,

  
Patrick Madden

cc: Hon. Robin Engel, Metro Councilman, District 22  
Bill Bardenwerper, attorney with Bardenwerper, Talbott & Roberts, PLLC  
Kevin Young, land planners with Land Design & Development, Inc.  
Brian Davis, Planning & Design Supervisor, Department of Planning & Design Services

# MAN O' WAR DEVELOPMENT, L.L.C.

Hamburg Place  
P.O. Box 12128  
Lexington, KY 40580  
C/O Patrick Madden

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September 21, 2015

Dear Immediate Adjoining Neighbors,

**RE: Follow-up meeting to our July 21<sup>st</sup> neighbor meeting regarding our proposed change in zoning from R-4 to C-2 and detailed district development plan to allow a Retail Center on approximately 28 +/- acres located south of Gene Snyder and West of Bardstown Road at 7500, 7600 & 7602 Bardstown Rd., 9507, 9509, 9511, 9513, 9515, 9517, 9601, 9608, 9610, 9700 & 9703 Bartley Drive -- DPDS Case No. 15ZONE1036**

We are writing to invite you to a meeting we have scheduled to present our immediate adjoining neighbors with our rezoning and updated detailed district development plan at the location above. We want to use this specific occasion to discuss the specific issues that our immediate adjoiners have. Another later meeting is being scheduled to give you and others another opportunity to address other concerns.

In that regard, this meeting will be held on **Saturday, October 3<sup>rd</sup> at 11:00 a.m.** at the **Fern Creek Fire Station** located at **9409 Old Bardstown Road**.

If you cannot attend the meeting but have questions or concerns, please call my attorney Bill Bardenwerper at 426-6688, or my land planning and engineering firm representatives Kevin Young or Ann Richard at 426-9374.

We look forward to seeing you.

Sincerely,



Patrick Madden, Member

cc: Hon. Robin Engel, Metro Councilman, District 22  
Bill Bardenwerper, attorney with Bardenwerper, Talbott & Roberts, PLLC  
Kevin Young & Ann Richard, land planners with Land Design & Development, Inc.  
Diane Zimmerman, P.E., Traffic Engineer  
Brian Davis, Planning & Design Supervisor, Department of Planning & Design Services



**MAN O' WAR DEVELOPMENT, L.L.C.**

**Hamburg Place  
P.O. Box 12128  
Lexington, KY 40580  
C/O Patrick Madden**

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October 6, 2015

Dear Neighbor,

**RE: Follow-up meeting to our July 21<sup>st</sup> neighbor meeting regarding our proposed change in zoning from R-4 to C-2 and detailed district development plan to allow a Retail Center on approximately 28 +/- acres located south of Gene Snyder and West of Bardstown Road at 7500, 7600 & 7602 Bardstown Rd., 9505 9507, 9509, 9511, 9513, 9515, 9517, 9601, 9608, 9610, 9700 & 9703 Bartley Drive, and 7512 Cedar Creek Road -- DPDS Case No. 15ZONE1036**

We are writing to invite you to a meeting we have scheduled to again present neighbors with our rezoning and updated detailed district development plan at the location above. Traffic and transportation information, not yet fully analyzed at our meeting held on July 21<sup>st</sup>, will be available at this meeting, including information regarding our proposed access as well to Cedar Creek Road.

In that regard, this follow-up meeting will be held on **Monday, October 19<sup>th</sup> at 7:00 p.m.** at the **Fern Creek Fire Station** located at **9409 Old Bardstown Road**.

If you cannot attend the meeting but have questions or concerns, please call my attorney Bill Bardenwerper at 426-6688, or my land planning and engineering firm representatives Kevin Young or Ann Richard at 426-9374.

We look forward to seeing you.

Sincerely,



---

Patrick Madden, Member

cc: Hon. Robin Engel, Metro Councilman, District 22  
Bill Bardenwerper, attorney with Bardenwerper, Talbott & Roberts, PLLC  
Kevin Young & Ann Richard, land planners with Land Design & Development, Inc.  
Diane Zimmerman, P.E., Traffic Engineer  
Brian Davis, Planning & Design Supervisor, Department of Planning & Design Services

### **Neighborhood Meetings Summary**

Neighborhood meetings were called to order by Bill Bardenwerper at the Fern Creek Fire Station on Old Bardstown Road on Tuesday, July 21<sup>st</sup> at 7:00 PM, again on Saturday, October 3<sup>rd</sup> at 11:00 AM and also on Monday October 19<sup>th</sup> at 7:00 PM. Also attending all three meetings were Kevin Young, land planner with Land Design and Development, Inc., and the first and third meetings Diane Zimmerman, traffic engineer, and applicant representative Pat Madden with Man O' War Development, LLC.

Mr. Bardenwerper showed PowerPoint presentations which included aerial photographs of the area, close up and farther out, versions of the site plan superimposed on aerial views, LOJIC zoning map, and elevation renderings and sample photographs of the proposed retail development.

After the end of Mr. Bardenwerper's introductory presentations, Mr. Young explained the site plan in considerable detail, naturally focusing on the proposed points of access. By the time of the second meeting, a second major point of access had been added to the plan, to and from Cedar Creek Road, in order to alleviate pressure on the access at Bardstown Road and in order to also provide a more convenient means of ingress and egress for residents on remaining single family properties. The two residential streets of single family homes remaining to the south and west of the proposed retail center were given special attention. By the time of the second meeting, the Cedar Creek Road access also included the concept of a private gated access to Bartley Drive in order that residents of that street would have a sense of security and community they might not otherwise have, or perhaps don't even enjoy at present, given their location near a busy interstate highway interchange. Discussions centered around the design of that controlled access gate and maintenance thereof, all paid for by this applicant/developer. There seemed to be a lot of support for that idea.

At the first meeting and continuing into the second smaller group meeting (in between the first and second large ones), there was a lot of discussion about storm water management. Mr. Young explained how proposed detention would work. After the second, smaller group meeting, Mr. Young's and Mr. Bardenwerper's offices had investigated the possibility of obtaining surplus right-of-way along the Snyder Freeway where a much larger basin could be constructed in order, not only to address the required detention for a development of this size and kind, but also attempt to address some of the existing storm water problems evident and much discussed among residents of the area. Mr. Young explained at all these meetings that this site is at the low end of a giant watershed, and so lots of storm water runs through this site today. He and Mr. Bardenwerper also showed LOJIC maps of where a floodplain exists and how some homes of some of the complaining neighbors actually were built within this floodplain. They repeatedly explained that those problems are not a consequence of development so much as a consequence of the location of houses proximate to streams and floodplain.

At all the meetings, people apparently affected by storm water seemed to think that their "problems" were partly associated with the Bardstown Road Wal-Mart development across the Snyder Freeway from this site. But they really had no particular evidence to



back their claims that the Wal-Mart basin was inadequately or badly constructed. Mr. Bardenwerper, in fact, said that he drove by and around that basin between the various meetings to try to get an eyeball determination as to whether there were problems associated with it. Mr. Young said that he had even spoken with MSD about it, in addition to conducting to his own investigation. If there are problems associated with that basin, no one has yet to specifically discover them or point them out, they explained. But they promised to continue to investigate same for these neighbors because of the storm water problems they identified where they live.

In addition to the storm water management issues, residents particularly along the referenced adjoining neighborhood streets wanted to know precisely what this developer could do in terms of good screening and buffering in order to protect against visual, noise and lighting impacts. As a consequence of same, Mr. Young prepared both photo imagery and concept screening and buffering plans to illustrate how a berm can be constructed along the south and west sides of the proposed shopping center topped with fencing and aesthetically improved with high quality shrubbery and taller than usual trees at time of planting. Mr. Madden explained that he had done some screening and buffering much like what Mr. Young showed in his development at Hamburg Place in Lexington. Photographs were shown of that.

Traffic was a major issue at all meetings. But by time of the third meeting, Diane Zimmerman, as a professional traffic and transportation engineer, was able to address many of the issues that were raised about access, road improvements, traffic impacts and so on. A lot of time was spent explaining how previous KTC decisions had been made to relocate Bartley Drive directly across from what is supposed to become a signalized intersection at a new entrance to Bates Elementary School. Plans approved long ago for another shopping center, this one in the southeast quadrant of Bardstown Road and the Snyder Freeway, show that as being the new signalized main access, not just to Bates Elementary School, but also to the approved but never built Southpoint Shopping Center. Ms. Zimmerman and Mr. Young explained the road improvements already made along Bardstown Road as well as those that would be constructed in association with this proposed shopping center as well as the Southpoint one should it be developed, as approved across Bardstown Road.

The developer's representatives also explained how, given that the Bardstown Road/Snyder Road interchange is the primary place and source of traffic problems, shopping of this magnitude on the south side of the Snyder Freeway would tend to serve the burgeoning population south of the Snyder in such a way that fewer cars would need to travel through a clogged interchange in order to satisfy various shopping needs. In other words, if adequate shopping opportunities exist on the south side, why, they asked, would people need to travel to the north side, and especially why would they choose to navigate an interchange if traffic is so heavy there? And being as this proposed shopping center is on the "going home" side of Bardstown Road, as traffic travels south, that traffic can make evening peak-hour right-hand turns into this site rather than crossing lanes of traffic. Morning peak-hour traffic into and out of this shopping center, they explained, is not likely to be of consequence, because, except for perhaps a few quick-casual type restaurants, the shopping center won't even be open until after the morning peak hour. Its greatest impact would be at the evening peak hour for returning southbound (right-in)

shoppers and then those shopping off-peak hours during weekdays and on weekends when peak-hour factors are not of consequence.

Preliminary designs were also shown for the center, although specific users were not yet identified. But Mr. Madden made clear that letters of intent and other expressions of sincere interest were already in place such that space in the shopping center is already nearly fully committed. He gave suggestions of types of stores, hinting at actual names that area residents would be pleased with.

Respectfully submitted,

---

William B. Bardenwerper  
Bardenwerper, Talbott & Roberts, PLLC  
Building Industry Association of Greater Louisville Building  
1000 N. Hurstbourne Parkway, 2<sup>nd</sup> Floor  
Louisville, KY 40223  
(502) 426-6688

e:\client folder\madden, patrick\s. bardstown & gene snyder\neigh mtg\neighborhood meeting summary.doc  
JTR Rev. 11/9/2015 1:20 PM





Tab 5

Previous iterations of the development  
plan



# Plan presented at the 7/21/15 Neighbor Mtg.







# Plan presented at the 10/03/15 Neighbor Mtg.



## Tab 6

Proposed development plan and cross-sections with proposed berm and landscaping



# Current plan



FOR THE CONDITIONAL USE PERMIT AREAS, BEARINGS AND DISTANCES, PLEASE SEE THE CONDITIONAL USE PERMIT WRITTEN DESCRIPTIONS AND EXHIBIT DRAWINGS.

**DETENTION BASIN CALCULATIONS**

X = Δ CRA/12  
 AC = 0.85 - 0.23 = 0.82  
 A = 28 ACRES

**TREE CANOPY CALCULATIONS**

TOTAL SITE AREA = 1,350,360 S.F. (31 ACRES)  
 EXISTING TREE CANOPY AREA = 1,350,360 (100%)  
 CANOPY REQUIREMENT CLASS = CLASS C / 76% - 100%

**C-1/N**  
 Park Community Federal  
 Draft John  
 4101 Fair Valley Road  
 Louisville, KY 40220  
 U.S. 61024 PG. 0018





I-265 NORTH

Arbutus Drive

OPEN SPACE LOT 1000  
2.6± Ac.  
R-4 TO REMAIN

0.9± Ac.  
C.U.P. 1<sup>1</sup>

0.1± Ac.  
C.U.P. 2<sup>2</sup>

0.5± Ac.  
C.U.P. 2<sup>2</sup>

TRACT 1  
22.1± Ac.

TRACT 2  
(C.U.P. 4<sup>4</sup>)  
1.4± Ac.

TRACT 3  
(C.U.P. 4<sup>4</sup>)  
1.0± Ac.

TRACT 4  
(C.U.P. 4<sup>4</sup>)  
1.0± Ac.

TRACT 5  
1.7± Ac.

TRACT 6  
0.6± Ac.

Tract 5  
1.7± Ac.

Bartley Drive to Gene Snyder Cross section

Arbutus Road Cross-section

Bartley Drive

Bartley Drive (20' Private Road)

I-265 RAMP

BARDETOWN RD - R/W  
MIN. REQ'D

Ex. Old Cedar Creek Rd.

CEDAR CREEK

0-4-76  
Charles A. Young & Carol  
1001 S. 10th St.  
Louisville, KY 40203  
S.B. 2023 P.C. 2023

0-4-76  
1001 S. 10th St.  
Louisville, KY 40203  
S.B. 2023 P.C. 2023

0-4-76  
Bill E. & Virginia B. Ryan  
1200 S. 10th St.  
Louisville, KY 40203  
S.B. 2152 P.C. 2044

0-4-76  
Bill E. & Virginia B. Ryan  
1200 S. 10th St.  
Louisville, KY 40203  
S.B. 2152 P.C. 2044

0-4-76  
Charles A. & Carol Young  
1001 S. 10th St.  
Louisville, KY 40203  
S.B. 2023 P.C. 2023

0-4-76  
Charles A. Young & Carol  
1001 S. 10th St.  
Louisville, KY 40203  
S.B. 2023 P.C. 2023

0-4-76  
Gene Snyder  
1001 S. 10th St.  
Louisville, KY 40203  
S.B. 2023 P.C. 2023

0-4-76  
Gene Snyder  
1001 S. 10th St.  
Louisville, KY 40203  
S.B. 2023 P.C. 2023

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Gene Snyder  
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Louisville, KY 40203  
S.B. 2023 P.C. 2023

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S.B. 2023 P.C. 2023

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Louisville, KY 40203  
S.B. 2023 P.C. 2023

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Gene Snyder  
1001 S. 10th St.  
Louisville, KY 40203  
S.B. 2023 P.C. 2023

0-4-76  
Gene Snyder  
1001 S. 10th St.  
Louisville, KY 40203  
S.B. 2023 P.C. 2023

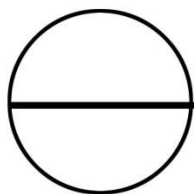
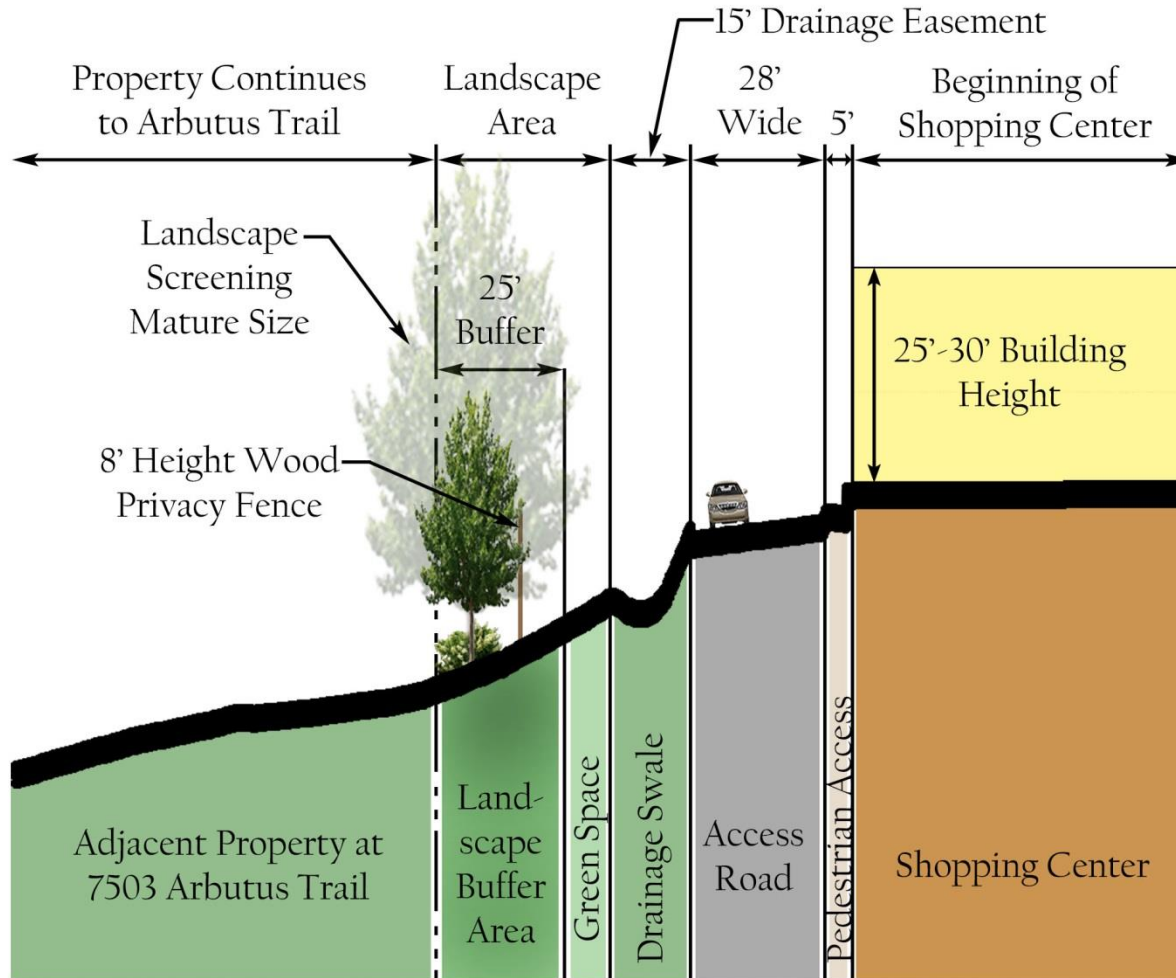
0-4-76  
Gene Snyder  
1001 S. 10th St.  
Louisville, KY 40203  
S.B. 2023 P.C. 2023

0-4-76  
Gene Snyder  
1001 S. 10th St.  
Louisville, KY 40203  
S.B. 2023 P.C. 2023

0-4-76  
Gene Snyder  
1001 S. 10th St.  
Louisville, KY 40203  
S.B. 2023 P.C. 2023

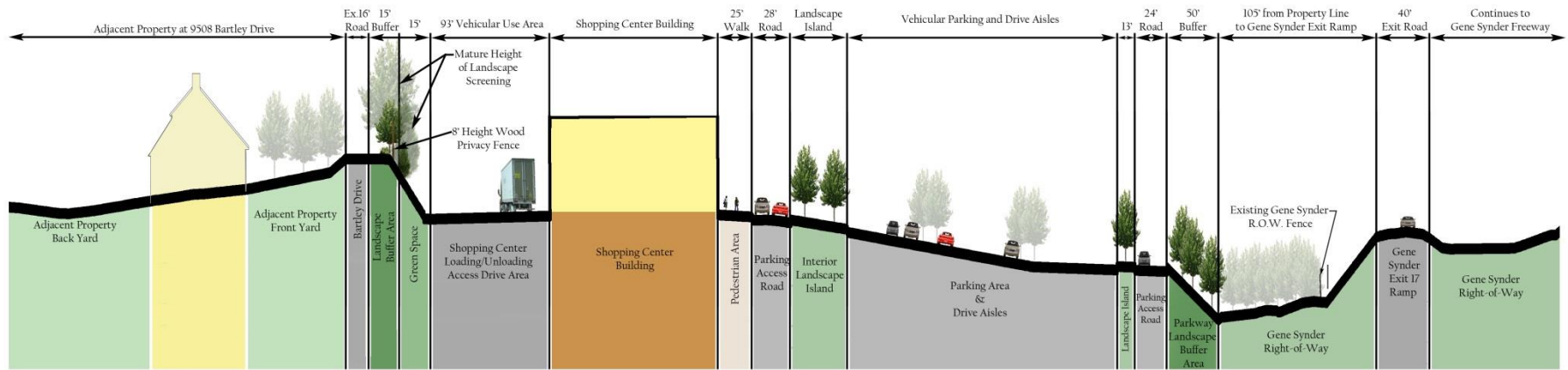


# Cross section from Arbutus Road



Cross Section from Arbutus Road Property to Shopping Center  
Vertical Exaggeration 1' = 5'

# Cross section from Bartley Dr.



○ Cross Section from 9508 Bartley Drive to Gene Synder Freeway Exit Ramp 17

Vertical Exaggeration 1' = 5'



Photos of Berm located behind the larger stores at Sir Barton Place on Pink Pigeon Parkway (from a Pat Madden development in Lexington that served as a prototype example for this project's proposed Bartley Drive Screening and buffering plan)





Photos of Berm located behind the larger stores at Sir Barton Place on Pink Pigeon Parkway (from a Pat Madden development in Lexington that served as a prototype example for this project's proposed Bartley Drive Screening and buffering plan)





# Proposed landscape screening Bartley Drive



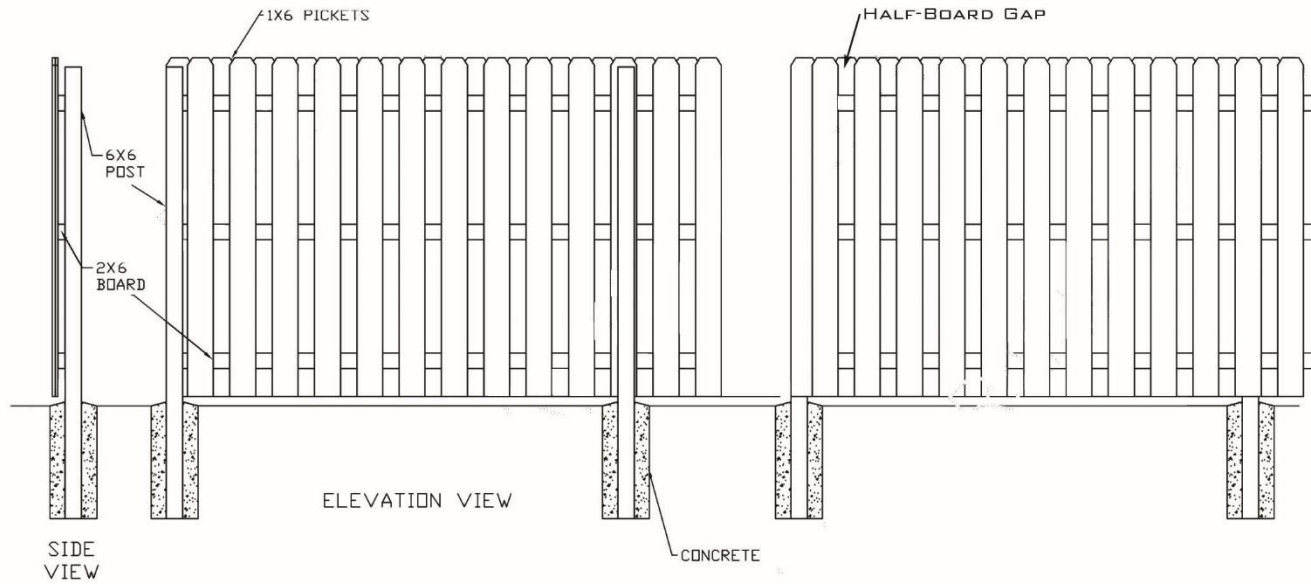


# Proposed landscape screening Bartley Drive





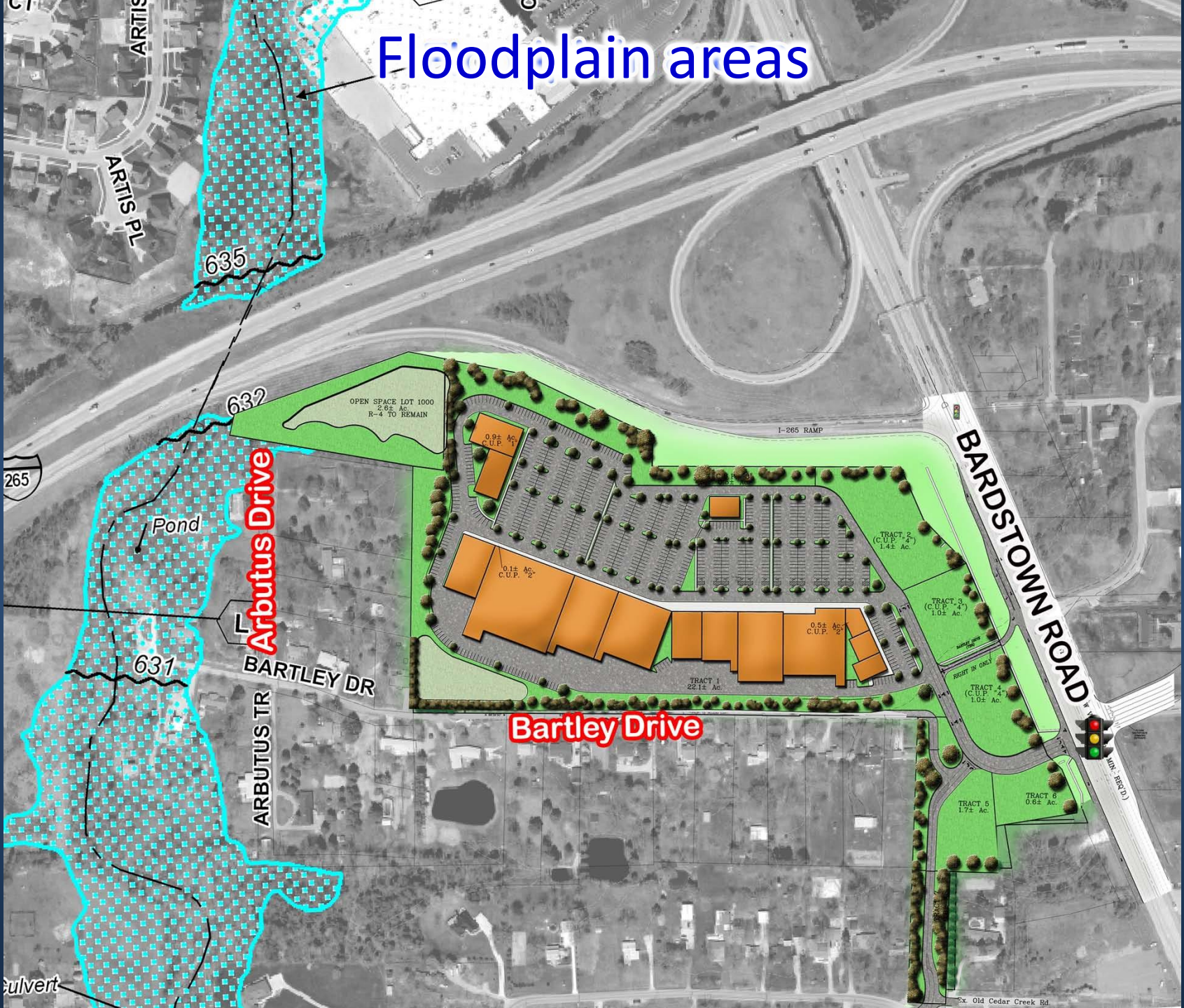
# Shadowbox Fencing







# Floodplain areas



ARTIS PL

ARTIS PL

635

632

**Arbutus Drive**

265

Pond

631

BARTLEY DR

ARBUTUS TR

**Bartley Drive**

BARDSTOWN ROAD

I-265 RAMP

OPEN SPACE LOT 1000  
2.6± Ac.  
R-4 TO REMAIN

0.9± Ac.  
C.U.P. 2

0.1± Ac.  
C.U.P. 2

0.5± Ac.  
C.U.P. 2

TRACT 1  
22.1± Ac.

TRACT 2  
(C.U.P. 4)  
1.4± Ac.

TRACT 3  
(C.U.P. 2)  
1.0± Ac.

TRACT 4  
(C.U.P. 4)  
1.0± Ac.

TRACT 5  
1.7± Ac.

TRACT 6  
0.6± Ac.

Ex Old Cedar Creek Rd

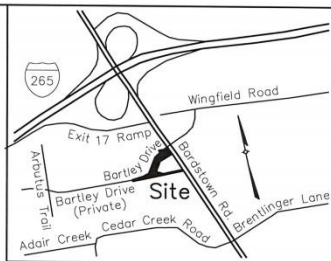


# Tab 7

## Street Closure plat and relocation of Bartley Drive

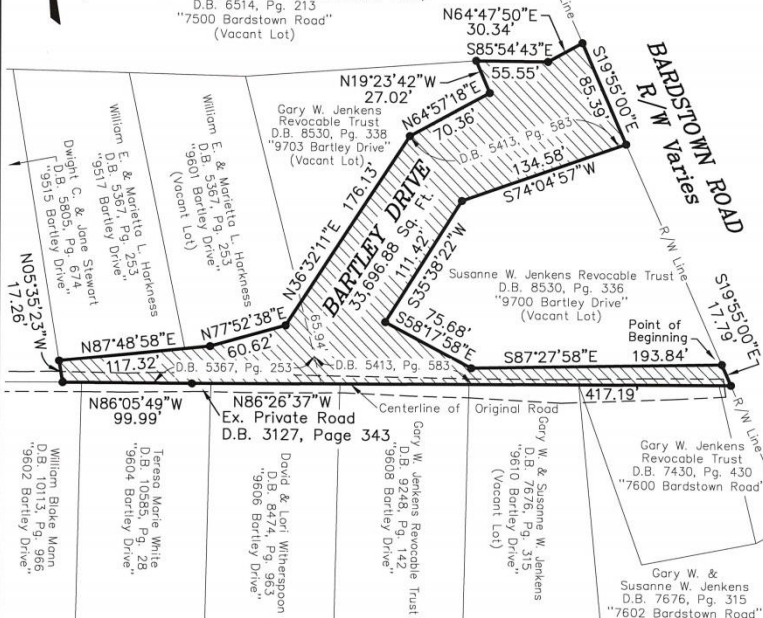
**NOTES:**

1. Related Case: 15ZONE1036
2. The right-of-way being closed hereon shall become a temporary access easement until a new access is constructed. Once the new access is constructed the temporary easement shall be terminated.
3. Please refer to the approved 15ZONE1036 development plan for the proposed property lines and property consolidations.



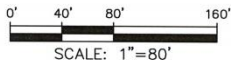
**LOCATION MAP**  
Not To Scale

Edward Harding, Jr. & Madge H. Chalmers  
(Trustee of the Madge H. Chalmers Revocable Trust)  
D.B. 6514, Pg. 213  
"7500 Bardstown Road"  
(Vacant Lot)



**NOTES:**

3. Street Closure is related to Case No. 15ZONE1036 and closure can not be completed until the development is built out.
4. The reference meridian used on this plot to determine the directions of the survey lines were based on the Kentucky State Plane Coordinate System, North Zone 1601, NAD 1983.



**STREET CLOSURE PLAT**

Property of:  
COMMONWEALTH OF KENTUCKY  
200 MERO STREET  
FRANKFORT, KENTUCKY 40622  
DEED BOOK 5367, PAGE 253  
DEED BOOK 5413, PAGE 583  
ZONING: R-4  
FORM DISTRICT: NEIGHBORHOOD

**LAND DESIGN & DEVELOPMENT, INC.**

Engineering Land Surveying Landscape Architecture  
503 Washburn Avenue, Suite 101, Louisville, Ky 40222  
phone (502) 426-9374 fax (502) 426-9375

PLAT DATE: AUGUST 30, 2016

**LAND SURVEYOR'S CERTIFICATE**  
I hereby certify that this plot and survey were made under my supervision, and that the property lines shown hereon were obtained from recorded deeds or plats, and that only the property corners noted as monumented were located in the field.



*David B. Winkler* #3492 8-30-16  
Surveyor's Signature PLS# Date

G:\Current Projects\14072\DWG\PLANNING\EXHIBITS\14072\Closure2.dwg 8/29/2016



# Tab 8

## Building elevations



























Elevation A



Partial Rear Elevation





Elevation B



Elevation C





Elevation D



West Elevation



#### 5.4 SITE FURNISHINGS

Site furnishings, such as tables, chairs, benches, trash receptacles, and bike racks will be consistent in character with the buildings outlined in these guidelines. Commercial grade permanent furnishings will be provided.





TYPE A & B SIZE SITE SIGNAGE



TYPE C SIZE SITE SIGNAGE

Tab 9

Development plan proposed phasing



Arbutus Drive

Bartley Drive

I-265 RAMP

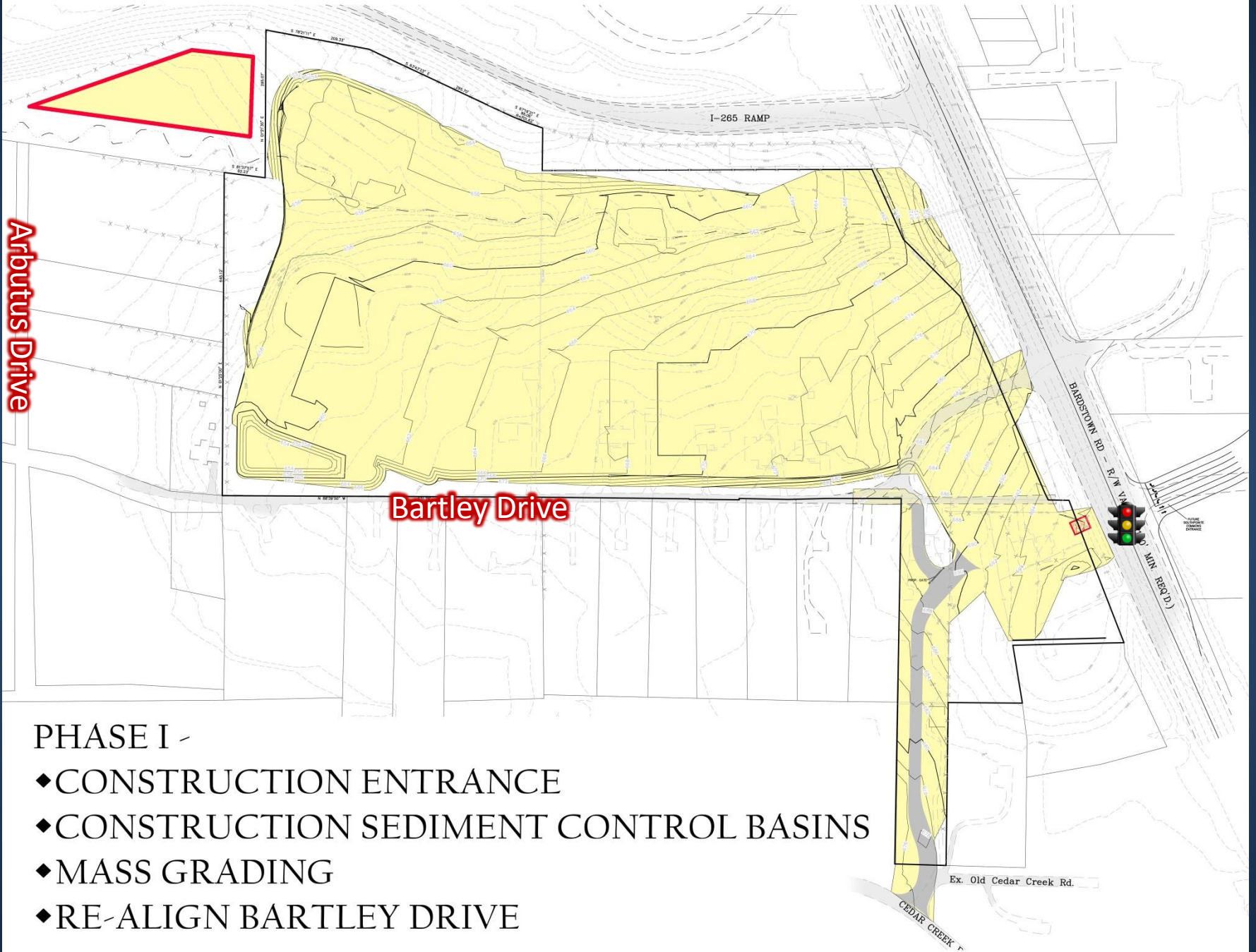
BARDSTOWN RD - R/W V.L.  
MIN. REQ'D.

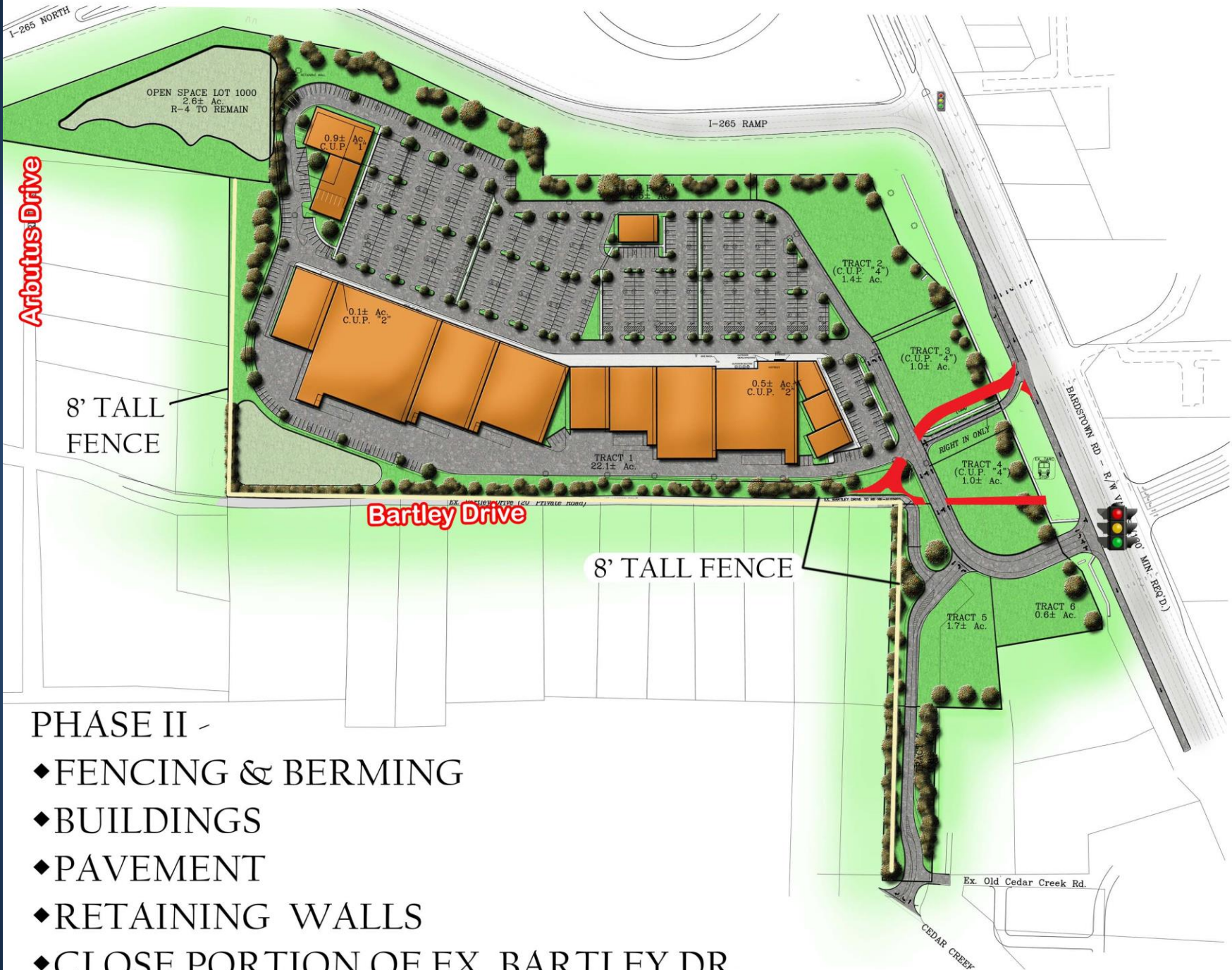
Ex. Old Cedar Creek Rd.

CEDAR CREEK

PHASE I -

- ◆ CONSTRUCTION ENTRANCE
- ◆ CONSTRUCTION SEDIMENT CONTROL BASINS
- ◆ MASS GRADING
- ◆ RE-ALIGN BARTLEY DRIVE





PHASE II -

- ◆ FENCING & BERMING
- ◆ BUILDINGS
- ◆ PAVEMENT
- ◆ RETAINING WALLS
- ◆ CLOSE PORTION OF EX. BARTLEY DR.





Arbutus Drive

8' TALL FENCE

Bartley Drive

8' TALL FENCE

OPEN SPACE LOT 1000  
2.6± Ac.  
R-4 TO REMAIN

0.9± Ac.  
C.U.P. 1

0.1± Ac.  
C.U.P. 2

0.5± Ac.  
C.U.P. 2

TRACT 1  
22.1± Ac.

TRACT 2  
(C.U.P. "4")  
1.4± Ac.

TRACT 3  
(C.U.P. "4")  
1.0± Ac.

TRACT 4  
(C.U.P. "4")  
1.0± Ac.

TRACT 5  
1.7± Ac.

TRACT 6  
0.6± Ac.

I-265 RAMP

BARBASTON RD - R/W V. MIN. REQ'D.

Ex. Old Cedar Creek Rd.

CEDAR CREEK

Tab 10

Transportation improvements and traffic study





Dual Left Turn Lanes from I-265

Barrier Controlled On-ramp

Barrier Controlled On-ramp

New Right Turn Lane to Bates Elementary School

New Northbound Right Turn Lane off Brentlinger Lane

New Right Turn Lane to Brentlinger Lane from Bardstown Road

# Traffic Improvements

265

Arbutus Dr

Bartley Dr.

Cedar Creek Rd.

Bardstown Road

Brentlinger Lane

TRACT 1 (1.91- AC)

TRACT 2 (1.91- AC)

TRACT 3 (1.91- AC)

TRACT 4 (1.91- AC)

PROPOSED DETENTION



final report

May 31, 2016  
Revised July 31, 2016

## Traffic Impact Study

*Bartley Drive Retail Center  
Bardstown Road at Bartley Drive*

Prepared for

Metro Louisville Planning Commission

**DIANE B. ZIMMERMAN TRAFFIC ENGINEERING, LLC.**

12803 High Meadows Pike  
Prospect, KY 40059  
502-648-1858



## INTRODUCTION

The development plan for the Bartley Drive retail center on Bardstown Road shows a shopping center with 221,022 square feet. **Figure 1** displays a map of the site. Access to the development will be from Bardstown Road and Cedar Creek Road. The purpose of this study is to examine the traffic impacts of the development upon the adjacent highway system. For this study the impact area was defined to be the Bardstown Road intersections with I 265 ramps, and Cedar Creek Road/Brentlinger Lane and the proposed entrance on Bardstown Road at Bartley Drive.



Figure 1. Site Map

## EXISTING CONDITIONS

Bardstown Road, US 31E, is maintained by the Kentucky Transportation Cabinet (KYTC) with an estimated 2015 Average Annual Daily Traffic (AADT) volume of 45,500 vehicles per day between Thixton Lane (KY 2053) and I 265 (Gene Snyder), as estimated from the KYTC 2013 count at station 261. The road is a four-lane highway with 12 foot lanes, a center turn lane and 8 foot paved shoulders. An additional northbound lane begins near the entrance of Bates Elementary School. The speed limit is 50 mph. There are no sidewalks. The intersections with the I 265 ramps and Cedar Creek Road /Brentlinger Lane are controlled with traffic signals. The entry ramps to I 265 have exclusive lanes from Bardstown Road and the traffic operation is uncontrolled.

A.m. and p.m. peak hour traffic counts were obtained at the intersections of I 265 exit ramps, Bartley Drive, and Cedar Creek Road/ Brentlinger Lane on September 22, 2015 (see Appendix A). The a.m. peak hour occurred between 7:00 and 8:00 a.m. and the p.m. peak hour occurred between 5:00 and 6:00 p.m. **Figure 2** illustrates the existing a.m. and p.m. peak hour traffic volumes.

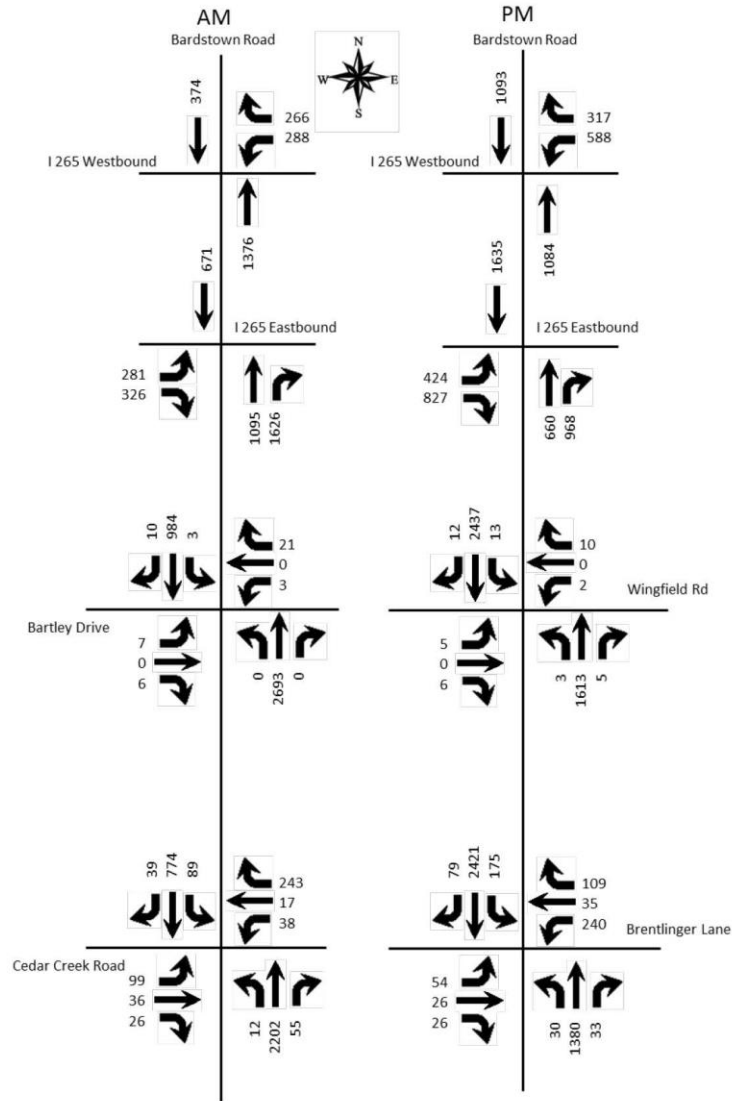


Figure 2. 2015 Peak Hour Volumes



### FUTURE CONDITIONS

The requested analysis year for this project is 2017. To predict traffic volumes in 2017, two and one third percent annual growth in traffic was added to the 2015 volumes on Bardstown Road and the traffic from the proposed Southpointe Commons. (See Appendix for Southpointe Commons traffic.) **Figure 3** displays the 2017 No build volumes.

Note: The proposed Southpointe Commons intersection design does not align Bartley Drive with the entrance. The volumes shown are informational.

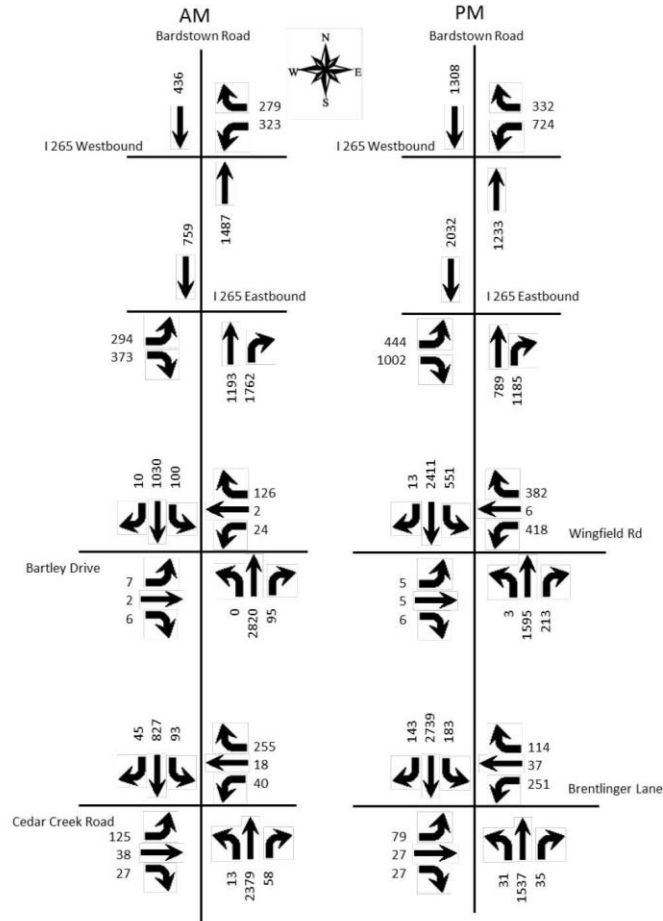


Figure 3. 2017 Peak Hour No Build

### TRIP GENERATION

The Institute of Transportation Engineers Trip Generation Manual, 9<sup>th</sup> Edition contains trip generation rates for a wide range of developments. The land use of “Shopping Center (820)”, was reviewed and determined to be the best match. The trip generation results are listed in **Table 1**. Using the trip generation equation yields 253 a.m. peak hour trips and 1,019 p.m. peak hour trips. The trips were assigned to the highway network with 60 percent to the north, 25 percent to the south, and 5 percent to the east on Brentlinger and to Southpointe Commons, and 5 percent to the west. The pass-by trips were assigned to Bardstown Road using the existing traffic distribution. **Figure 4** shows the trips distribution percentages. **Figure 5** shows the trips generated by this development and distributed throughout the road network for the year 2017 during the peak hours. **Figure 6** displays the individual turning movements for the year 2017 for the peak hours when the development is completed.

Table 1. Peak Hour Trips Generated by Site

Land Use	A.M. Peak Hour			P.M. Peak Hour			
	Trips	In	Out	Trips	In	Out	Pass-by
Shopping Center (820)	253	157	96	1,019	489	530	166

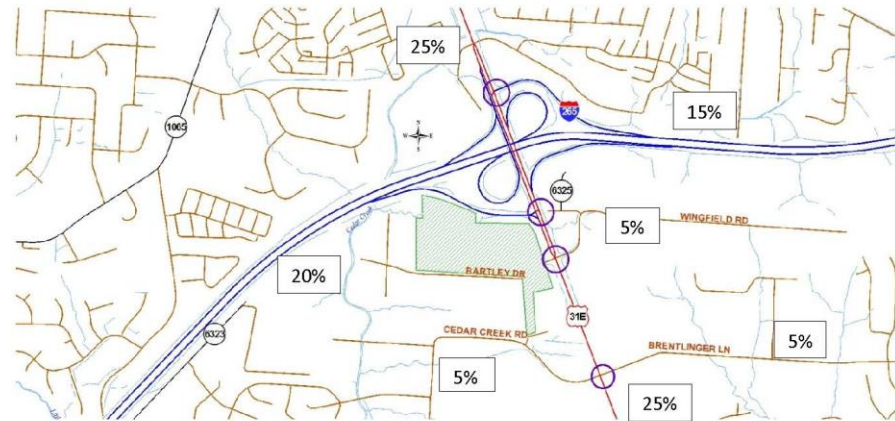


Figure 4. Trip Distribution Percentages



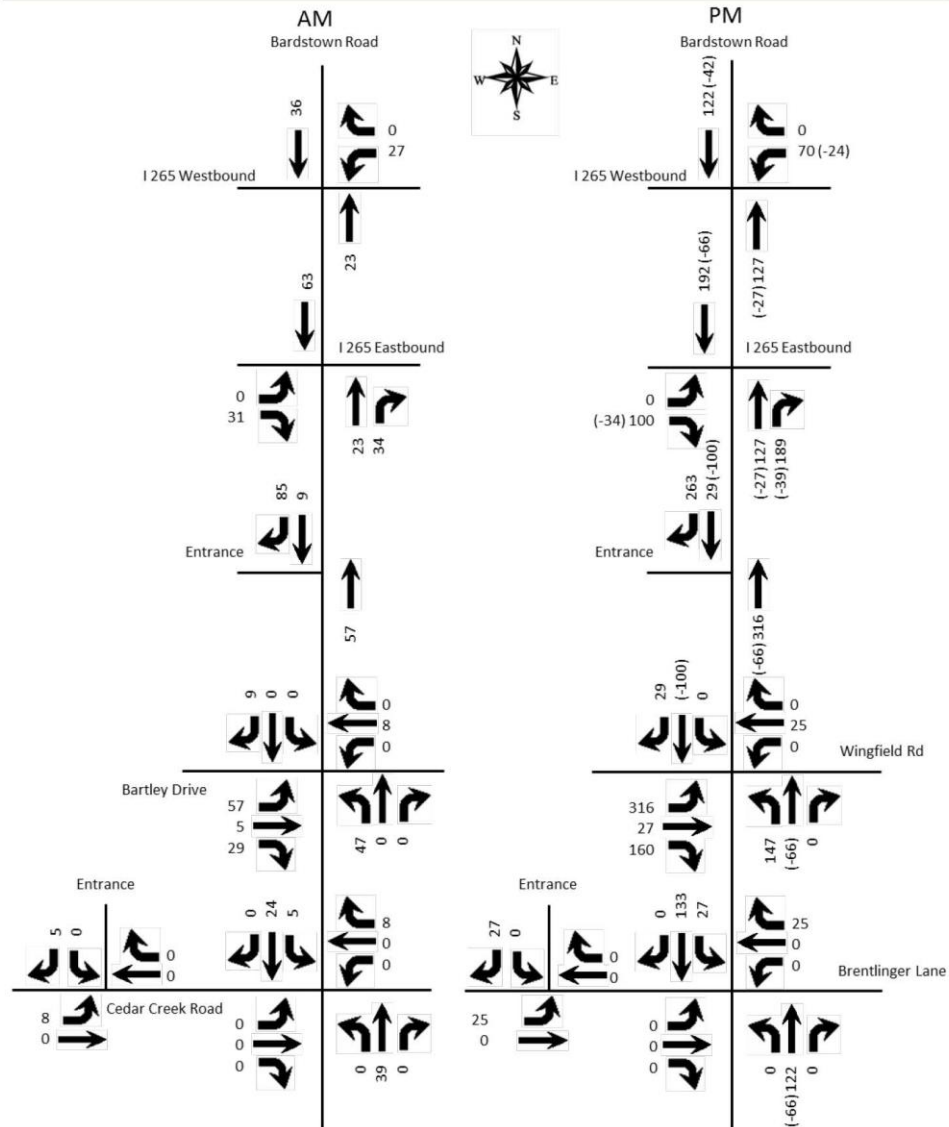


Figure 5. Peak Hour Trips Generated by Site

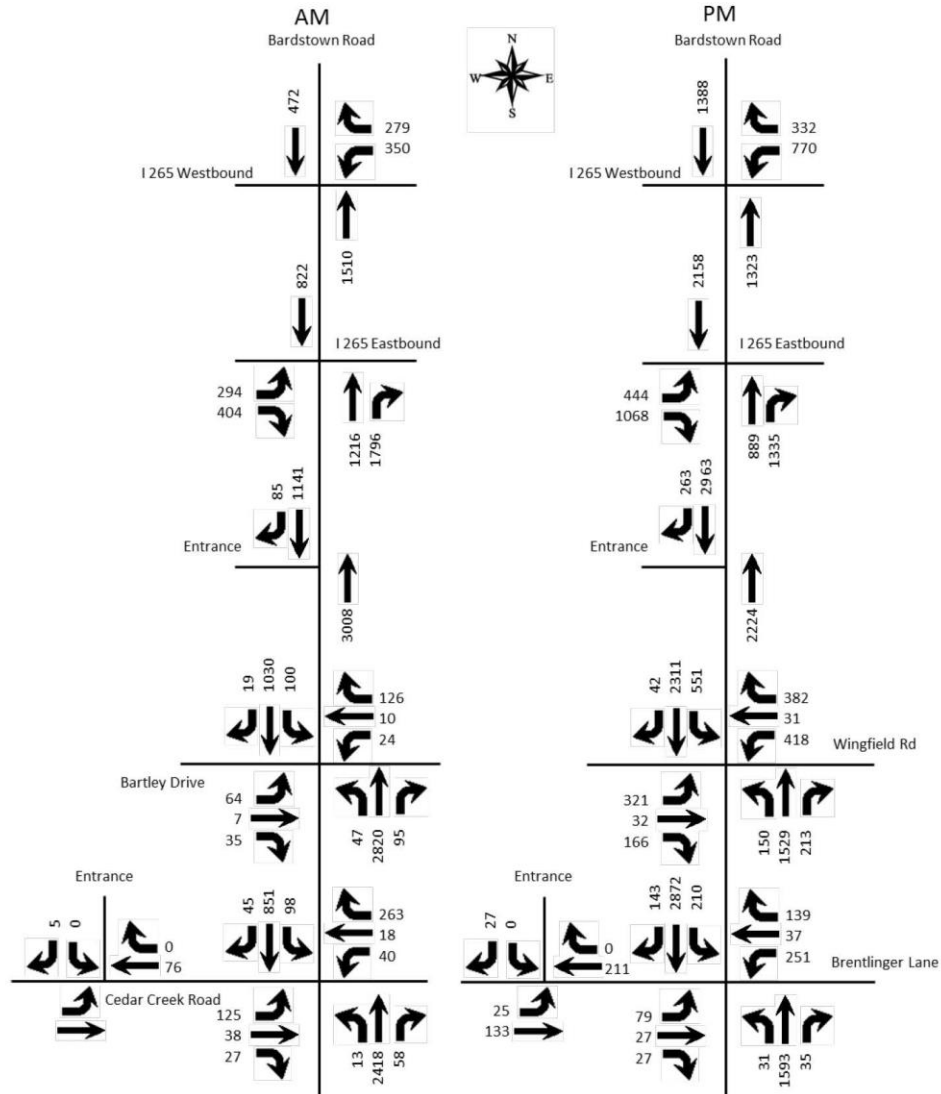


Figure 6. 2017 Peak Hour Build



## ANALYSIS

The qualitative measure of operation for a roadway facility or intersection is evaluated by assigning a “Level of Service” or LOS. Level of Service is a ranking scale from A through F with each level representing a range. LOS results depend upon the type of facility that is analyzed. In this case, the LOS is based upon the average vehicle delay each movement experiences at an intersection.

To evaluate the impact of the proposed development, the vehicle delays at the intersection were determined using procedures detailed in the [Highway Capacity Manual](#), 2010 edition. Average delay and Level of Service were determined for the intersection using HCS 2010 Streets and TWSC (version 6.7) software. **Table 2** shows the results of the analysis.

**Table 2. Peak Hour Level of Service**

Approach	A.M.			P.M.			
	2015 Existing	2017 No Build	2017 Build	2015 Existing	2017 No Build	2017 Build	2017 3 <sup>rd</sup> SB Lane
<b>Bardstown Road at Brentlinger Lane</b>	<b>C</b> <b>24.2</b>	<b>D</b> <b>54.2</b>	<b>E</b> <b>61.9</b>	<b>D</b> <b>40.2</b>	<b>E</b> <b>72.9</b>	<b>C</b> <b>34.5</b>	<b>C</b> <b>27.5</b>
Cedar Creek Road Eastbound	E 60.0	E 60.3	E 59.9	D 53.3	D 54.4	E 61.8	E 56.2
Brentlinger Lane Westbound	E 64.3	E 63.1	E 61.1	E 73.0	E 78.4	F 137.3	F 81.0
Bardstown Road Northbound	D 39.4	E 70.1	F 86.4	C 20.6	C 22.8	B 17.5	C 25.1
Bardstown Road Southbound	B 17.1	B 15.1	B 11.9	D 46.0	F 101.1	C 27.1	B 19.9
<b>Bardstown Road at I 265 Eastbound</b>	<b>C</b> <b>24.2</b>	<b>C</b> <b>26.0</b>	<b>C</b> <b>23.6</b>	<b>C</b> <b>33.6</b>	<b>D</b> <b>49.8</b>	<b>E</b> <b>58.5</b>	<b>E</b> <b>69.8</b>
I 265 Ramp Eastbound	E 66.8	E 64.9	E 63.7	E 57.7	E 59.5	F 133.8	E 66.2
Bardstown Road Northbound	B 18.3	C 21.3	B 17.3	B 15.9	D 39.0	C 24.8	E 66.7
Bardstown Road Southbound	A 9.0	A 9.8	B 10.3	C 32.3	D 53.2	D 39.3	E 75.2
<b>Bardstown Road at I 265 Westbound</b>	<b>D</b> <b>49.0</b>	<b>E</b> <b>63.7</b>	<b>E</b> <b>62.1</b>	<b>E</b> <b>25.7</b>	<b>C</b> <b>30.1</b>	<b>C</b> <b>34.1</b>	<b>C</b> <b>31.8</b>
I 265 Ramp Westbound	E 61.1	E 60.3	E 60.3	E 61.0	E 61.4	E 59.6	E 59.6
Bardstown Road Northbound	D 53.2	E 74.4	E 73.0	C 22.5	C 31.2	D 39.8	D 35.2
Bardstown Road Southbound	A 1.1	A 1.4	A 1.4	A 2.2	A 2.8	A 3.7	A 3.7

<b>Bardstown Road at Bartley Drive</b>	<b>A</b> <b>9.1</b>	<b>C</b> <b>25.4</b>	<b>B</b> <b>19.1</b>	<b>F</b> <b>101.4</b>	<b>D</b> <b>54.6</b>
Bartley Drive Eastbound	NA	E 74.7	NA	F 219.9	E 61.4
Southpointe Westbound	E 76.0	E 73.8	E 61.0	F 121.0	D 54.9
Bardstown Road Northbound	A 8.2	B 19.1	A 7.7	D 49.6	D 52.2
Bardstown Road Southbound	A 2.6	C 27.8	B 14.0	F 104.8	D 54.7

*Key: Level of Service, Delay in seconds per vehicle*

The Kentucky Transportation Cabinet evaluates the need and length of auxiliary turn lanes using Auxiliary Turn Lane Policy dated 7/20/2009. Using the volumes in **Figure 5**, a left turn lane is required at the proposed entrance. A right turn lane is not required at the full access. A right turn lane is required at the proposed right-in entrance.

### CONCLUSIONS

Based upon the volume of traffic generated by the development and the amount of traffic forecasted for the year 2017, there will be an impact to the existing highway network. An additional third southbound lane will be needed upon completion of this development, if the proposed Southpointe Commons is completed as originally approved. This development will construct a third through lane along Bardstown Road from the eastbound exit ramp of the Snyder Freeway through the intersection with Cedar Creek Road. This improvement restores the operation of Bardstown Road to acceptable Levels of Service for an urban corridor.

## CONCLUSIONS

Based upon the volume of traffic generated by the development and the amount of traffic forecasted for the year 2017, there will be an impact to the existing highway network. An additional third southbound lane will be needed upon completion of this development, if the proposed Southpointe Commons is completed as originally approved. This development will construct a third through lane along Bardstown Road from the eastbound exit ramp of the Snyder Freeway through the intersection with Cedar Creek Road. This improvement restores the operation of Bardstown Road to acceptable Levels of Service for an urban corridor.



**From:** Diane B. Zimmerman [<mailto:dianeبزim@att.net>]

**Sent:** Tuesday, August 30, 2016 4:54 PM

**To:** [mtigue@outlook.com](mailto:mtigue@outlook.com)

**Cc:** Bill Bardenwerper <[wbb@bardlaw.net](mailto:wbb@bardlaw.net)>

**Subject:** RE: Bartley Drive additional files

Michael,

Checking in with you to confirm that you received the email below. Also checking to see if I can answer any questions.

**Diane B. Zimmerman, P.E.**

502.648.1858

---

**From:** Diane B. Zimmerman [<mailto:dianeبزim@att.net>]

**Sent:** Wednesday, August 17, 2016 12:04 AM

**To:** 'mtigue@outlook.com' <[mtigue@outlook.com](mailto:mtigue@outlook.com)>

**Cc:** Bill Bardenwerper ([wbb@bardlaw.net](mailto:wbb@bardlaw.net)) <[wbb@bardlaw.net](mailto:wbb@bardlaw.net)>

**Subject:** Bartley Drive additional files

Michael,

The additional files you requested are attached. Please confirm receipt.

Please contact me with any questions or additional data requests. You can reach me at this email address or on my cell phone.

1. Existing Signal Plans for all signalized intersections. **Signal timing.pdf from Metro Louisville Traffic Engineering**
2. Existing Field Signal Timings for all signalized intersections. **This data was not collected.**
3. Clear break out of new site trips and pass by trips for proposed development.
4. Figure indicating site trip percentages at all intersections.
5. Figure indicating pass by trips at all intersections.
6. Trip Generation / Pass by trip calculations for approved development.
7. Figure indicating site trip percentages at all intersections for approved development.
8. Figure indicating pass by trips at all intersections for approved development.
9. Figure clearly showing what improvements are committed by approved development.
10. Scenario indicating site impact if approved development is not constructed prior to proposed development. **Not sure what this is referring to.**
11. Figure indicating all improvements recommended by proposed development. Although a southbound lane is proposed, it will impact driveways for the approved development which is not shown on the provided site plan.
12. Provide all HCS analysis files and any calculations spreadsheets – figures noted above will not be required if the information is easily understandable on the calculations spreadsheets.

**Diane B. Zimmerman, P.E.**

*Diane B. Zimmerman Traffic Engineering, LLC.*

502.648.1858

[dianeبزim@att.net](mailto:dianeبزim@att.net)

## Tab 11

Statement of Compliance filed with the original zone change application with all applicable Guidelines and Policies of the Cornerstone 2020 Comprehensive Plan



# BARDENWERPER, TALBOTT & ROBERTS, PLLC

ATTORNEYS AT LAW

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

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

Project: Retail center

Applicant: Man O'War Development, LLC,  
c/o Patrick Madden

Location: 9700, 9610, 9608, 9511, 9509, 9507, 9513,  
9515, 9517, 9601 and 9505 Bartley Drive;  
7500, 7600 and 7602 Bardstown Road

Engineers, Land Planners  
and Landscape Architects: Land Design & Development, Inc.

Traffic Engineer: Diane B. Zimmerman Traffic Engineering

Request: Change in zoning from R-4 to C-2 and  
possible change from Suburban  
Neighborhood for Regional Center  
Form District

### **Introductory Statement**

The subject property is located at what has been approved as the location of the first signal south of the Snyder Freeway interchange on south Bardstown Road. Properties in and around this intersection of Snyder Freeway and South Bardstown Road on all sides comprise an area that is already mostly developed-out or already approved as a commercial activity center in this, one of the fastest growing areas of Metro Louisville for new residential housing. In fact, a December 2006 analysis prepared by Market Graphics (right before the 2007-2013 economic Recession) reported that some 3,037 homes were by then recently approved by the Metro Louisville Planning Commission for the area south of the Snyder Freeway between Beulah Church Road and Floyds Fork. That number is higher today because of the Recession-slowed, but continued, development of new lots and construction of new homes. This site is in the heart of that area. That number did not count apartments, several hundred of which have been built in this area. Of those 3,037-counted homes in 27-counted active subdivisions, right before the Recession, 146 were under construction at the time, 153 were built and for sale at the time, 887 were already "platted" lots and condominiums but not yet built or under construction at the time, and another 851 were approved and, when the analysis was done, waiting to be recorded. The Market Graphics analysis at that time also found 518 sales during the preceding 12 months.

What all of this signified then is that population in this area was growing rapidly, with homes already approved for close to 10,000 new residents, well beyond estimates included in the 2001

adopted “Fern Creek Small Area Plan”. That alone makes the portion of that Plan for the “Cedar Creek and Glenmary” area obsolete.

During the 2007-2013 Recession, development activity severely slowed down, although it never stopped. But approved yet unbuilt lots were bought up, such that new housing developments are occurring again, adding to demand.

Because retail usually follows rooftops, south of the Snyder interchange is in an area which is well-underserved by commercial services for such a large and growing support population as described above. Retail that exists in this area south of the Snyder Freeway still tends to be located in a bit of a hodgepodge fashion, hit or miss, here and there, partly based on old zoning. And because of the faulty demographic projections done at the time of the “Fern Creek Plan Small Area”, some of the people who have complained about the possibility of new retail growth in the area may have been the first to “violate” this “plan” because these people, in fact many of them, were never themselves projected as ever moving to the area. Rooftops (i.e., homes) are what mostly generate traffic and the need for retail services, especially of the kind proposed in this case. This is especially significant because residents of areas, such as these, often use the Snyder Freeway as a local street instead of reserving it for its primary purpose, which is to move traffic across the Louisville Metro area for jobs and other long-distance commuting purposes. Because of this, the Snyder Freeway is increasingly clogged with local traffic, notably in areas like South Bardstown Road, traveling to places like Preston Highway and Hurstbourne Parkway for their shopping needs at those retail locations. Also, the “old Fern Creek” area north of the Snyder Freeway is often heavily clogged with traffic, because Fern Creek in that area has also grown significantly in recent years, especially with new north interchange-located retail development, such as the Wal-Mart Supercenter. But this clogs the interchange of the Snyder Freeway and Bardstown Road, especially at the evening peak hour when residents return from workplaces far and wide attempting to turn south onto South Bardstown Road, below the Snyder Freeway, which is then made worse by residents south of the interchange traveling for their shopping needs to the north side of the interchange. Likewise, morning traffic also attempting to access the Snyder Freeway has to compete with morning traffic that happens to be passing through the interchange to shopping destinations in old Fern Creek north of the Snyder Freeway.

All of this strongly suggests that additional retail, much like Pat Madden’s Kohl’s-anchored center built just before the Recession hit, is good for this area. It allows residents to remain in the area where they currently reside so that they don’t clog the interstate, local arterials or the Snyder Freeway-Bardstown Road interchange. It cuts down on air pollution. It saves fuel. It is all about “smart”, instead of “stupid”, growth, and this proposal is a smart growth one for sure. It also brings price competition to the area so that a few stores can’t set prices based on a lack of competition, which is precisely what happens in under-served markets.

### **Guideline 1: Community Form**

The proposed Form District for this property is either the existing one, which is Suburban Neighborhood, or Regional Center. This center is appropriate in a Suburban Neighborhood Form because that Form contains at appropriate locations neighborhood centers with a mixture of uses such as offices, retail shops, restaurants and services if on a scale that is appropriate for nearby neighborhoods and as long as it provides for accessibility and connectivity between adjacent uses and neighborhoods by automobile, pedestrian, bicycles and transit. Also, the proposed retail center’s anticipated tenants are neighborhood serving uses characterized as part of the stimulus to link the various above-referenced “hodgepodge” of



existing retail and to serve the significant demand for added and more meaningful commercial services to the area. Of course, there also exists a strong rationale to accept the obvious and thereby establish a more relevant and beneficial “Form” for the area, probably a “Regional Center” which includes the Southpoint Center approved for the opposite side of Bardstown Road at the Snyder Freeway interchange. Moreover, population growth would clearly justify a form district change and much more significant retail development than what exists and is approved today. Perhaps more important than anything else is that this location is at a freeway interchange. But the Form District change is a DPDS and Planning Commission decision, as this applicant believes that either Form District works just fine.

## **Guideline 2: Centers**

Guideline 2 “encourages mixed land uses organized around compact activity centers that exist, proposed or planned.” The Intents of this Guideline are several fold, including “to reduce commuting time and transportation-related air pollution..., to provide an opportunity for neighborhood centers and marketplaces that include a diversity of goods and services that are designed to be assets to the community..., [and] to encourage vitality and a sense of place in neighborhoods and the community. ...”.

This proposed retail center at this highly traveled, well accessed (from both Bardstown Road and from Cedar Creek Road) location is intended to specifically address this Guideline 2 and the Intents of it noted above. Typically, as explained in the Introductory Section of this Compliance Statement, a center like this one will help reduce commuting times and transportation-related air pollution by allowing people to shop closer to home, which is one of the main overriding purposes of the Cornerstone 2020 Comprehensive Plan. This center also helps provide neighborhood services, especially a diversity thereof, that helps keep price competition in the marketplace, which is very important to consumers—stretching paychecks.

Policies 1 and 2 of this Guideline provide that activity centers should be located, if in existing and unchanged Suburban Neighborhoods, at “street intersections with at least one of the intersecting streets classified as collector or above and one of the corners containing established nonresidential uses.” If in Regional Centers, like this location appears because of its proximity to the Snyder Freeway, both along it and at the interchange, then the road classifications are also like these are. Further, nonresidential and mixed uses should be developed in designated activity centers, except “when an existing activity center proposes to expand and the expansion is compatible with adjacent uses and meets Form District Guidelines; [or] when the proposed development is of an intensity, size and has a mixture of uses and site design that are compatible to a designated center; [or] when the proposed use requires a central location in or near a specific land use [or] transportation facility...”.

This proposed retail center complies with these Policies of this Guideline because the location of the proposed center is at the intersection of an interstate highway and major arterial level street. If the Regional Center designation is chosen, for reasons set forth above, then all of this matters little, if at all, of course. But whichever Form is left or adopted, the various existing disparate uses that presently are not well-connected become connected, as this activity center more fully and completely develops out in a better planned, designed and unified manner as presented in this application. Further, this retail center complies with these Policies of this Guideline because there clearly is an activity center in or developing around this interstate interchange, which is absolutely the best location for a retail center in this area. After all, it is the “going-home” quadrant. Remember, from the above Introductory discussion, the new signals

planned at the entrance to this center across from Bates Elementary School and at the point of access to the relatively recently approved Southpoint Center.

Policy 3 of this Guideline is intended to “locate retail commercial development in activity centers where it can be demonstrated that sufficient support population supports it.” As noted in the Introductory Section of this Compliance Statement, there is a large and burgeoning population in this area, which is the reason that retail is following the significant explosion of residential growth within this area.

Policies 4, 5, 11, 12, 13 and 16 of this Guideline pertain to compact and mixed compatible uses in a well designed center that includes a focal point and shared parking. The development plan submitted with this application includes features which assure compact and mixed uses in a well-designed center, with focal point and shared parking – all of which are typical nowadays in new retail centers. DPDS land planners and the new LDC encourage this form of development, and the message has been heard loud and clear by local private sector land planners, architects and engineers, such that new developments, of this kind, fully address these Policies of this Guideline, as demonstrated by the accompanying development plan and building elevations submitted with this application.

### **Guideline 3: Compatibility**

This Guideline is intended to “insure that land uses and transportation facilities are located, designed and constructed to be compatible with nearby land uses and to minimize the impact to residential areas, schools and other sensitive areas in the community.” Further, the Intents of this Guideline are “to allow a mixture of uses ... near each other as long as they are designed to be compatible with each other [and] to preserve the character of existing neighborhoods.”

The Intents of this Guideline are well-followed by this proposed retail center, as nearby residential uses are proposed to be protected with the berm, fencing and landscaping shown on the exhibits presented at the last neighborhood meetings and on the images accompanying this application. Residential properties are well screened and buffered, and lights and noise will not spill over onto nearby residential properties because the Land Development Code (LDC) assures, by law, not just by binding elements, that potentially negative impacts (such as lighting) are fully mitigated. In this particular case, significant efforts have been made to devise an acceptable plan to not just heavily screen the adjoining residential neighborhoods, but also to provide a secure access gate for residents and their guests to use at Bartley Drive.

Policies 1 and 2 of this Guideline address the issues of design compatibility, with an emphasis on size, scale and building materials. The proposed retail buildings on this site take this into account, as the attractive elevations submitted with this application are designs that have been found acceptable in and around residential areas elsewhere in Metro Louisville.

Policies 21, 22, 23, 24, 28 and 29 of this Guideline pertain to transitions, buffers, setbacks, signage and other design techniques to minimize adverse impacts from parking, loading, delivery and related transportation facilities. The development plan submitted with this application demonstrates that the retail center design with buffering and bermed fence and landscaping will mitigate adverse impacts on remaining adjoining residential properties. Even though transitions, buffers, setbacks and so forth are now incorporated as a matter of course in every new development plan (because of the Cornerstone 2020 LDC), special efforts as



explained above and on the images accompanying this application go much further than the LDC requires.

#### **Guideline 4: Open Space**

The Intents and Policies of this Guideline seek to “ensure well-designed and permanently protected open space that meets community needs.” This proposed retail center complies with this Guideline to the extent that, as required by the LDC, open space, is provided through wide sidewalks and focal points.

#### **Guideline 5: Natural Areas and Scenic and Historic Resources**

The Intents and Policies of this Guideline seek to “protect natural areas” and so forth, to “locate development ... in areas that do not have severe environmental limitations.” Because of the location of this proposed retail center and given site characteristics of this property, as described above and on the development plan submitted with this application, this Guideline really does not apply in this particular case.

#### **Guideline 6: Economic Growth and Sustainability**

The Intents and Policies of this Guideline are designed to “provide for a positive culture for attracting and sustaining businesses within Louisville and Jefferson County” and “to insure the availability of necessary usable land to facilitate commercial ...development.”

This proposed retail center is intended, as described in the Introductory Section of this Compliance Statement and elsewhere above, to address the need for retail services for the already existing and burgeoning population within this area, since smart growth proposes to reduce travel to shopping and work and instead to locate convenient services near neighborhoods. Better design is implicit in this Guideline so as to assure a community’s continued growth and the competitiveness of the marketplace. When relatively few retailers are all that is allowed, then those retailers are also allowed to act in anti-competitive ways which aren’t good for the local economy or people’s paychecks, which run contrary to sound economic theory and practice.

Policy 6 of this Guideline says that retail commercial development should locate “in activity centers, [and further to] locate commercial uses generating high volumes of traffic on a major arterial street, at the intersection of two minor arterials or at a location with good access to a major arterial and at locations where nuisances and activities of the proposed use will not adversely affect adjacent areas.” This retail center is ideally located because it is at a planned signalized intersection just off the Snyder Freeway at Bardstown Road across from Bates Elementary School with access points both on Bardstown Road and off Cedar Creek Road near its signalized intersection with Bardstown Road. A growing activity center in this area of burgeoning residential population growth makes good sense for all the reasons set forth above and especially because of the recommendations of this Policy of this Guideline.

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

The Intents of these Guidelines seek to “insure a balanced and comprehensive multi-modal transportation network that is coordinated with desired growth and development patterns and provide for the movement of the people and goods. [Further,] these Guidelines require the

design [of] transportation facilities that are safe and efficient that minimize adverse impacts upon the community and that accommodate, where possible, all modes of travel... [These Guidelines also] support transit and non-motorized methods of travel.” The Intents of these Guidelines are further “to provide an efficient, safe and attractive system of roadways, transit routes, sidewalks, [etc.]..., to promote improved air quality..., to manage the demand for travel and improve efficiency of the transportation system, to improve pedestrian access...[and] to reduce major conflicts between vehicular, bicycle and pedestrian movements for improved safety.”

The Intents of these Guidelines are followed by this application and the accompanying development plan because the development plans submitted with this application shows a location at and near planned and existing signalized intersections of major arterial and collector level streets, just off a freeway interchange. The issues of facilities access, circulation, and provisions for various forms of transportation are all included in this proposal. Access is designed to be easy to and from Bardstown Road and from Cedar Creek Road. Sidewalks are provided. TARC stops are now typically provided at or within all new retail developments.

Policies 1, 2, 3, 9, 10, 11, 12, 13, 14 and 16 of Guideline 7 all pertain to the way that developments are designed. These Policies require right-of-way dedication in appropriate circumstances, intersection improvements when necessary, minimum levels of parking as required under the Land Development Code, ease of access, cross and shared parking, adequately sized openings for access to a site, and good internal circulation. The development plan filed with this application fully demonstrates that all the elements of these Policies are addressed. And the reviews and comments of Metro Transportation Planning and the Department of Public Works are intended to assure that no development plan is permitted to proceed through the DPDS Case Management Review system until all of these Policies, now inherent in regulations of the Land Development Code, are fully addressed, as they are in this particular case. Before this application can be docketed for LD&T review, it must demonstrate to these agencies full compliance with all their transportation access and traffic management standards and practices.

Policies 4, 5, and to the extent applicable, 2 and 6, of Guideline 8 pertain to street designs, especially in cases where roads have been established with special characteristics, such as Parkways. Again, just as in the discussion of Guideline 7, all new development plans, such as the one in this case, must now fully address these Policies in order to be docketed for LD&T Committee review and to be scheduled for public hearing.

### **Guidelines 10, 11 and 12: Flooding and Stormwater; Water Quality; Air Quality**

These Guidelines are the “environmental” guidelines of the Comprehensive Plan and seek to “minimize the potential for and impact of flooding ... [and] stormwater; to prevent the degradation of water quality due to water pollution and erosion, [and to] minimize, reduce or eliminate ... in land use planning and development ... air pollution.” The Intents of these Guidelines are “to protect the conveyance zones, ... natural drainage systems, water quality, and to reduce the impacts of pollution by vehicular traffic and land uses.”

This application complies with the Intents of these Guidelines as follows.

Specifically, Policies 3, 6, 7, 10 and 11 of Guideline 10 address the issues of floodplain management and compensatory storage of drainage. The proposed drainage basin and storm water plan will comply with these Policies, as shown on the accompanying development plan, because, among other things, it has been designed to over-detain in order to do more than regulatorily required by trying to help address drainage problems that neighbors say exist today.



So this development can actually improve existing drainage conditions. Of course, the development plan must be reviewed by MSD to satisfy all of its storm water and water quality requirements.

Policy 3, in particular, of Guideline 11 is one that a development of this kind especially needs to address, i.e., the prevention of erosion and sediment problems. MSD controls this by virtue of its erosion and sediment control ordinance, which is a construction detail required in all instances, such as this particular project, to be presented for review and approval at a future date.

Policies 1, 2, 4, 6, 7, 8 and 9 of Guideline 12 all address air quality from the standpoint, applicable to this case, of traffic impacts from proposed developments and encouraging mass transit, sidewalks, and mixed use developments. As best explained in the Introductory Section of this Compliance Statement, these Policies of this Guideline are fully addressed because this is a retail development which does not primarily create, but rather primarily captures, traffic from the already significant existing and burgeoning residential population in this area. This development further encourages development to occur in and around residential populations to reduce vehicle miles traveled, especially along clogged arterials and in clogged intersections, such as Bardstown Road at the Snyder Freeway.

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

This Guideline is designed to “protect and enhance the landscape character.” This project complies with the Intents and applicable Policies of the Guideline for reasons shown the proposed development plan and accompanying screening and buffering exhibits discussed above. LDC tree canopy requirements will be met, and special landscaping treatments will be particularly added between this development and the adjoining remaining residential neighborhoods as explained above.

\* \* \* \*

For all the reasons above stated, plus those to be presented at LD&T and the public hearing, this application complies with all other relevant and applicable Guidelines and Policies of the Cornerstone 2020 Comprehensive Plan.

Respectfully submitted,

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## Tab 12

Proposed findings of fact pertaining to compliance with the Comprehensive Plan