

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

Applicant: JDG Triangle Partners, LLC

Owner: JDG Triangle Partners, LLC, JDG Triangle Partners
Lex, LLC, and Louisville and Jefferson County
MSD

Project Name/Location: "One Park North" at 2297, 2313, and 2345
Lexington Road

Proposed Use: Mixed residential/retail/hotel/office

Request: Zone change from R-1, C-1, C-2 to PDD

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

Building Architects: DKN Architects

Traffic Engineer: Diane B. Zimmerman, traffic engineering

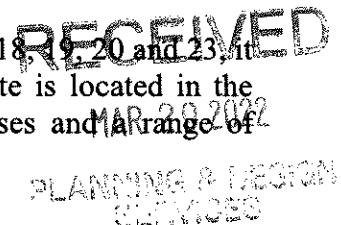
INTRODUCTION

The PDD Pattern Book and PDD Plan submitted with this application ("Application Package") presents an explanation of the site history, current site conditions and PDD land plan and building design details. What it explains is that the site as it exists today is a pre-"Plan Certain" one that offers another great opportunity, like "One Park South", to plan a site that is currently unplanned and to create a more competitive development environment for urban interests over suburban ones. Like "One Park South", this one includes stunning building design that combines mixed residential and commercial uses that embrace a location adjacent to major urban park places at the gateway to Louisville's improving downtown. Through neighborhood meetings and planning and design charrettes, the applicant and its team have presented their ideas, plans and studies and have listened to the neighbors and other interested parties presenting their own plan and design ideas. In the process, the PDD Plan and Pattern Book have evolved and materially changed.

PLAN ELEMENT 4.1: COMMUNITY FORM

This "Application Package" complies with Plan Element 4.1, its 5 Goals and their Objectives plus the following Policies.

As to Goal 1, Policies 2, 2.1, 2.3, 3.1.2, 4, 5, 6, 7, 9 10, 11, 12 13, 14, 16, 17, 18, 19, 20 and 23, it complies as follows, in addition to the other ways set forth herein: The site is located in the Traditional Neighborhood Form District which encourages high density uses and a range of



housing opportunities, notably including multi-family dwellings which can be apartments and/or condos, which this plan proposes. This PDD development (as noted above, called "One Park North"), like its companion PDD project across Lexington Road to the south, includes compatible, project and area-serving commercial uses. Traditional neighborhoods are also encouraged to have open space, which this one does with wide sidewalks and upper level landscaped plazas, as shown in the Pattern Book, that will serve as outdoor seating areas and/or display space for possible bars, cafes, restaurants and retail along Lexington Road and also for residents, other occupants, and guests. The Traditional Neighborhood Form does not prohibit anything that is being proposed with this PDD application, especially given the fact that this site, while it is near and serves other traditional neighborhoods (i.e., the Highlands, Crescent Hill, Irish Hill and Lexington Road), actually only adjoins Cherokee Park, Cave Hill Cemetery, MSD property and the KTC/Metro interchange of I-64/Grinstead Drive/Lexington Road. "One Park North" does not adjoin a single existing residential use and (as the Pattern Book illustrates) is situated at significant distances from nearby residential uses, much like other buildings of "One Park's" maximum 17-story height, now located in the Cherokee Triangle, at Dupont Circle/Dutchmans Lane and in Hurstbourne.

As to compatibility, it begins with a discussion of uses, and, as explained above and below, this proposed "One Park North" PDD project will involve a variety of compatible uses (notably, residential, hotel, retail and possibly offices), eliminating (per the accompanying PDD pattern book) a long list of C-2 uses that otherwise (because the site is a pre-"Plan Certain" one) are permitted as a matter of right today -- for example, car washes, truck stops, peddler malls, and such uses that typically locate at pre-"Plan Certain" sites where they do not have to undergo any discretionary land plan or building design review.

Compatibility also includes building design, not necessarily from the standpoint of whether a particular architect or particular choice of aesthetic design matches everyone's tastes (which is an impossibility), but rather from the standpoint of building materials and design themes that tend to elevate aesthetics while also being representative of the best that a particular geographic area might have to offer. In this case, the selection of building materials and design themes, as presented in the PDD Pattern Book and as discussed at the public meetings and design charrettes, reflect and build upon the best materials and best design themes evident and popular elsewhere in Louisville Metro. The final architecture demonstrates how the proposed project, with multiple different design elements, creates the appearance of several different structures, when viewed from various vantage points.

As to the potential impacts of odors, noises and lighting, because this mixed-use PDD project will be as much as anything a residential one, the hundreds of people who are projected to live in the apartments and condominiums here will be the only ones affected if indeed any odor, noise and lighting issues exist, which this project is designed so that this is not the case.

As to the potential impacts of traffic and air quality, the traffic impact study (TIS) prepared by Diane Zimmerman, PE, transportation engineer, will be part of the MPW&TP plan review, and it must receive its preliminary approval prior to docketing of this PDD plan for LD&T review. Together with the "One Park South" project, several road and access improvements will be made to assure safe and easy access to and within this proposed "One Park North" PDD project and through the larger geographic area via the to-be-improved Lexington Road/Grinstead Drive

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interchange, the limited points of access, and the traffic signal proposed for Lexington Road and Etley Avenue.

As to setbacks, structures here will be set as close as possible to the sidewalks, accounting of course for access and necessary circulation into and out of parking areas and structures. As to height, what's proposed at "One Park North" is approximately the same as what was approved at "One Park South". In many major American cities, buildings of greater height than this location would be permitted, even welcomed. At a hodge-podge, historically unplanned interchange such as this one, which otherwise is uniquely prominent in terms of its access and location, a project such as "One Park North" is exactly what the "Plan 2040" Comprehensive Plan promotes as appropriate.

As to parking, the proposed "One Park North" PDD project includes appropriately sized parking garages and a modest area of surface parking, which eliminate and hide most vehicles from public view.

In terms of loading and delivery, the "One Park North" PDD plan filed with this application demonstrates how access at just two locations with excellent internal circulation eliminates the negative impacts of multiple random curb cuts. Loading and delivery will also not negatively impact residents, diners, retail shoppers, hotel guests, workers, and others because it is all internal to the site.

As to signage, while it hasn't been fully designed yet, the Pattern Book includes limited compatible sign numbers and concepts.

As to Goal 2, Policies 1, 2, 3, 4, 5, 6, 7, 8, 9, 11, 12, 13, 14, 15, 16 and 17, it complies as follows, in addition to the other ways set forth herein: For starters, this "One Park North" PDD project is located, as said, in a Traditional Neighborhood Form District at the intersection of Lexington Road and Grinstead Drive which are two of the several major road spurs (like Brownsboro Road, Frankfort Avenue, Bardstown Road, Eastern Parkway, Southern Parkway, and so on) leading to and from Louisville's center urban hub to and from its innermost, interstate highway ring or band (i.e. the Watterson Expressway). The urban plan effect of this is a "wheel" with spurs or spokes of roads leading to and from the center urban hub with several of the most significant Olmsted parks like (Cherokee, Seneca and Iroquois) located along the outer band and (like Central Park) within the urban hub. This wheel effect constitutes the real urban area that competes for new housing for new and migrating residents and new business activity and also for retaining those that, in decades past, the urban area, not as successfully as in recent years, often lost to suburbia. A dense and intense activity center at this location (as presently exists but which is proposed for dramatic improvement) helps invigorate urban Louisville, enhancing its competitiveness with countervailing suburban forces that are always in play. Further this "One Park North" crossroads location is, as said, an already established non-residential activity center.

Because, as said, this is already an activity center, developing new non-residential and mixed uses at this location is appropriate for the reasons set forth above and given the public parks, cemetery and other public adjoining uses. Also, this site is a special location for an activity center because it is at the intersection of two arterials, Lexington and Grinstead, right off I-64 which, depending on the travel route, is either the second exit leaving downtown or the second to last exit entering downtown. It is accessible therefore from Grinstead Drive north and thereby

official filing. MSD plus Metro Public Works and Transportation Planning (MPW&TP) will need to “stamp” this PDD plan for preliminary approval prior to LD&T review, thereby demonstrating compliance with those agencies’ independent standards relative to their roadway, sanitary sewer and storm water infrastructure.

As to Goal 3, Policies 1, 2, 3, 4, 5, 6, 10 and 13, it complies as follows, in addition to the other ways set forth herein: The proposed “One Park North” building will have wide sidewalks, and upper level plaza space that can also accommodate retail and restaurants. Moreover the “One Park North” site sits proximate to Cherokee Park which hopefully can be improved to better accommodate greater and more active communal use.

As to landscaping, the “One Park North” PDD project includes wide tree lined sidewalks where trees will be planted in ways that will assure their survival, thus over time creating a tree canopy. Upper plaza levels of the buildings will also be shaded with trees and other landscaping -- all as further described in the pattern book accompanying this application.

As to Goal 4, this is not a historic site with historic buildings. But the site’s rejuvenation (as planned and as illustrated on the PDD Plan and in the Pattern Book) will enhance the historic Cherokee Park and Cave Hill Cemetery nearby. Today these two sites receive zero benefit from this site as it exists today.

PLAN ELEMENT 4.2: MOBILITY

This Application Package complies with Plan Element 4.2, its 3 Goals and their Objectives plus the following Policies. As to Goal 1, Policies 1, 2, 3, 4, 5 and 6; Goal 2, Policies 1, 2, 4, 5, 6, 7 and 8; and Goal 3, Policies 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 14, 15, 17, 18, 20 and 21, it complies as follows, in addition to the other ways set forth above and below:

The impacts of the proposed two “One Park” PDD projects have been extensively evaluated over years of back and forth with MPW&TP and KTC through the two TISs prepared and several times revised. Those agencies’ comments have been taken into account, and in the end MPW&TP will have to “stamp” the latest PDD plan for “One Park North” for preliminary approval prior to docketing for LD&T review and public hearing. One of the major road improvements will be the left turns from eastbound Lexington Road to northbound Grinstead Drive and I-64 and from westbound Lexington Road to south bound Etley Avenue. These will be done at the applicant’s cost.

Also, the proposed “One Park North” PDD project includes wider sidewalks than ordinary to accommodate lots of pedestrian and bicycle traffic, as “One Park North” is anticipated to generate, in part because of the higher intensity/density uses proposed here but also because of the proposed pedestrian-intensive uses proposed. Those sidewalks could be lined with outdoor seating and shade trees to enhance the street level experience and provide comfort.

Transportation access to the site will be improved with added right-of-way dedication, if required, and via all of the lane and signal improvements to Lexington Road as required and/or as already permitted by MPW&TP and KTC.

The points of access will be limited to just two locations, as described above

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This Application Package complies with Plan Element 4.4, its Goals and their Objectives, plus the following Policies. As to Goal 1, Policy 3 and Goal 2, Policies 1, 2 and 3, it complies as follows, in addition to the other ways set forth above and below:

This site is planned and intended to become a retail and restaurant workplace.

Also, this and "One Park South" involve a projected several hundred-million-dollar investment in dilapidated, hodge-podge, unplanned in-fill sites, near downtown in proximity to other neighborhoods which they will also serve. No single private development project in the history of Louisville has involved as significant a financial investment as One Park is anticipated and designed to involve.

Furthermore, as an existing activity center that will be greatly transformed in a hugely positive manner from the hodge-podge of design and platting that presently exists on these sites, One Park is exactly the kind of economic activity that is anticipated and promoted by the Plan 2040 Comprehensive Plan -- adaptively reusing, instead of bypassing, a site that cries out for positive change, such as these "One Park" PDD projects propose.

Finally, "One Park North" is designed with a number of climate – positive elements, such that it will contribute both to a better environment and to economic growth through investment.

PLAN ELEMENT 4.5: LIVEABILITY

This Application Package complies with Plan Element 4.5, its Goals and their Objectives plus the following Policies. As to Goal 1, Policies 5, 7, 8, 10, 11, 12, 13, 15, 23, 26, 27, 28, 29, 30, 31, 32, 33 and 35, and Goal 4, Policies 1 and 2, it complies as follows, in addition to the other ways set forth above and below:

The storm water management plan for both this and the "One Park South" sites depend on significant input from MSD because of the combined sewer system. Final storm water determinations will be made by MSD from the preliminary land design concepts evident on the PDD Plan and to be discussed at LD&T and the public hearing. Suffice it say that this project is being designed with storm water, as well as water quality, definitely in mind so as to improve both from what exists at present at this totally unplanned site.

In terms of water quality, buildings will include green roof features in order to help cleanse water particulate matter and vehicular discharges prior to entering the storm water system. Pervious pavers are also planned around street trees. Both of these are set forth on the PDD Plan and/or in the PDD Pattern Book.

The main thing to think about in terms of improved air quality is that whenever you have high intensity/high density mixed uses, like the two "One Park" projects, there is great opportunity to seriously reduce vehicle miles traveled. As anticipated at this "One Park North" PDD project site, lots of residents will occupy a relatively small site, many of whom will also work, dine and shop in the same building and area, with lots of other residents and workers shopping and dining here as well. Also, because this location is directly across the street from Cherokee Park, many residents during evenings and workers during their lunch breaks will access the park by walking

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across Lexington Road and Grinstead Drive rather than driving to a more remote recreational location.

Because this mixed-use location will also generate traffic from nearby neighborhoods, many of those can access it using their bicycles and sidewalk network, same as "One Park North" residents, are anticipated to involve a higher than usual percentage of TARC and bike users, thereby also reducing vehicle miles traveled.

PLAN ELEMENT 4.6: HOUSING

This Application Package complies with Plan Element 4.6, its Goals and their Objectives, plus the following Policies. As to Goal 1, Policies 1, 2 and 3; Goal 2, Policies 1, 2 and 3; and Goal 3, Policies 1, 3 and 4, it complies as follows, in addition to the other ways set forth above:

In terms of housing types, density, accessibility and issues of that kind, there will be a large number of residential units at this proposed "One Park North" mixed-use PDD project. They will include units that are designed to accommodate elderly and handicapped and will also incorporate units at attractive price points for all generations at various income levels. Because this is a popular residential, dining and shopping area at a major already existing activity center, high density is not only encouraged here but will be a significant aspect of this proposed "One Park North" PDD project, indeed, one of the reasons the PDD zoning is proposed -- in order accommodate the kinds of intensity/density for an important gateway location like this one.

* * *

For all of the above-stated reasons, those shown on the revised PDD development plan and those explained in the revised PDD Pattern Book, plus those that will be further explained at the LD&T meeting and Planning Commission public hearing, this revised application complies with all other applicable Goals, Objectives and Policies of the "Plan 2040" Comprehensive Plan.

Respectfully submitted,

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BARDENWERPER, TALBOTT & ROBERTS, PLLC

ATTORNEYS AT LAW

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PROPOSED FINDINGS OF FACT REGARDING COMPLIANCE WITH ALL APPLICABLE GOALS, OBJECTIVES AND POLICIES OF THE 2040 PLAN

Applicant: JDG Triangle Partners, LLC

Owner: JDG Triangle Partners, LLC, JDG Triangle Partners
Lex, LLC, and Louisville and Jefferson County
MSD

Project Name/Location: “One Park North” at 2297, 2313, and 2345
Lexington Road

Proposed Use: Mixed residential/retail/hotel/office

Request: Zone change from R-1, C-1, C-2 to PDD

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

Building Architects: DKN Architects

Traffic Engineer: Diane B. Zimmerman, traffic engineering

The Louisville Metro Planning Commission, having heard testimony before its Land Development & Transportation Committee, in the Public Hearing held on December 1, 2022 and having reviewed evidence presented by the applicant and the staff’s analysis of the application, make the following findings:

INTRODUCTION

WHEREAS, the PDD Pattern Book and PDD Plan submitted with this application (“Application Package”) presents an explanation of the site history, current site conditions and PDD land plan and building design details; what it explains is that the site as it exists today is a pre-“Plan Certain” one that offers another great opportunity, like “One Park South”, to plan a site that is currently unplanned and to create a more competitive development environment for urban interests over suburban ones; like “One Park South”, this one includes stunning building design that combines mixed residential and commercial uses that embrace a location adjacent to major urban park places at the gateway to Louisville’s improving downtown; through neighborhood meetings and planning and design charrettes, the applicant and its team have presented their ideas, plans and studies and have listened to the neighbors and other interested parties presenting their own plan and design ideas; and in the process, the PDD Plan and Pattern Book have evolved and materially changed.

PLAN ELEMENT 4.1: COMMUNITY FORM

WHEREAS, this “Application Package” complies with Plan Element 4.1, its 5 Goals and their Objectives plus the following Policies because as to Goal 1, Policies 2, 2.1, 2.3, 3.1.2, 4, 5, 6, 7, 9 10, 11, 12 13, 14, 16, 17, 18, 19, 20 and 23, as follows: The site is located in the Traditional Neighborhood Form District which encourages high density uses and a range of housing opportunities, notably including multi-family dwellings which can be apartments and/or condos, which this plan proposes; this PDD development (as noted above, called “One Park North”), like its companion PDD project across Lexington Road to the south, includes compatible, project and area-serving commercial uses; traditional neighborhoods are also encouraged to have open space, which this one does with wide sidewalks and upper level landscaped plazas, as shown in the Pattern Book, that will serve as outdoor seating areas and/or display space for possible bars, cafes, restaurants and retail along Lexington Road and also for residents, other occupants, and guests; the Traditional Neighborhood Form does not prohibit anything that is being proposed with this PDD application, especially given the fact that this site, while it is near and serves other traditional neighborhoods (i.e., the Highlands, Crescent Hill, Irish Hill and Lexington Road), actually only adjoins Cherokee Park, Cave Hill Cemetery, MSD property and the KTC/Metro interchange of I-64/Grinstead Drive/Lexington Road; “One Park North” does not adjoin a single existing residential use and (as the Pattern Book illustrates) is situated at significant distances from nearby residential uses, much like other buildings of “One Park’s” maximum 17-story height, now located in the Cherokee Triangle, at Dupont Circle/Dutchmans Lane and in Hurstbourne.

WHEREAS, as to compatibility, it begins with a discussion of uses, and, as explained above and below, this proposed “One Park North” PDD project will involve a variety of compatible uses (notably, residential, hotel, retail and possibly offices), eliminating (per the accompanying PDD pattern book) a long list of C-2 uses that otherwise (because the site is a pre-“Plan Certain” one) are permitted as a matter of right today -- for example, car washes, truck stops, peddler malls, and such uses that typically locate at pre-“Plan Certain” sites where they do not have to undergo any discretionary land plan or building design review.

WHEREAS, compatibility also includes building design, not necessarily from the standpoint of whether a particular architect or particular choice of aesthetic design matches everyone’s tastes (which is an impossibility), but rather from the standpoint of building materials and design themes that tend to elevate aesthetics while also being representative of the best that a particular geographic area might have to offer; in this case, the selection of building materials and design themes, as presented in the PDD Pattern Book and as discussed at the public meetings and design charrettes, reflect and build upon the best materials and best design themes evident and popular elsewhere in Louisville Metro; and the final architecture demonstrates how the proposed project, with multiple different design elements, creates the appearance of several different structures, when viewed from various vantage points.

WHEREAS, as respects the potential impacts of odors, noises and lighting, because this mixed-use PDD project will be as much as anything a residential one, the hundreds of people who are projected to live in the apartments and condominiums here will be the only ones affected if indeed any odor, noise and lighting issues exist, which this project is designed so that this is not the case.

WHEREAS, as respects the potential impacts of traffic and air quality, the traffic impact study (TIS) prepared by Diane Zimmerman, PE, transportation engineer, will be part of the MPW&TP

plan review, and it must receive its preliminary approval prior to docketing of this PDD plan for LD&T review; together with the “One Park South” project, several road and access improvements will be made to assure safe and easy access to and within this proposed “One Park North” PDD project and through the larger geographic area via the to-be-improved Lexington Road/Grinstead Drive interchange, the limited points of access, and the traffic signal proposed for Lexington Road and Etley Avenue.

WHEREAS, as respects setbacks, structures here will be set as close as possible to the sidewalks, accounting of course for access and necessary circulation into and out of parking areas and structures; as to height, what’s proposed at “One Park North” is approximately the same as what was approved at “One Park South”; in many major America cities, buildings of greater height than this location would be permitted, even welcomed; and at a hodge-podge, historically unplanned interchange such as this one, which otherwise is uniquely prominent in terms of its access and location, a project such as “One Park North” is exactly what the “Plan 2040” Comprehensive Plan promotes as appropriate.

WHEREAS, as respects parking, the proposed “One Park North” PDD project includes appropriately sized parking garages and a modest area of surface parking, which eliminate and hide most vehicles from public view.

WHEREAS, in terms of loading and delivery, the “One Park North” PDD plan filed with this application demonstrates how access at just two locations with excellent internal circulation eliminates the negative impacts of multiple random curb cuts; and loading and delivery will also not negatively impact residents, diners, retail shoppers, hotel guests, workers, and others because it is all internal to the site.

WHEREAS, as respects signage, while it hasn’t been fully designed yet, the Pattern Book includes limited compatible sign numbers and concepts.

WHEREAS, as respects Goal 2, Policies 1, 2, 3, 4, 5, 6, 7, 8, 9, 11, 12, 13, 14, 15, 16 and 17, it complies as follows: For starters, this “One Park North” PDD project is located, as said, in a Traditional Neighborhood Form District at the intersection of Lexington Road and Grinstead Drive which are two of the several major road spurs (like Brownsboro Road, Frankfort Avenue, Bardstown Road, Eastern Parkway, Southern Parkway, and so on) leading to and from Louisville’s center urban hub to and from its innermost, interstate highway ring or band (i.e. the Watterson Expressway); the urban plan effect of this is a “wheel” with spurs or spokes of roads leading to and from the center urban hub with several of the most significant Olmsted parks like (Cherokee, Seneca and Iroquois) located along the outer band and (like Central Park) within the urban hub; this wheel effect constitutes the real urban area that competes for new housing for new and migrating residents and new business activity and also for retaining those that, in decades past, the urban area, not as successfully as in recent years, often lost to suburbia; a dense and intense activity center at this location (as presently exists but which is proposed for dramatic improvement) helps invigorate urban Louisville, enhancing its competitiveness with countervailing suburban forces that are always in play; and further this “One Park North” crossroads location is, as said, an already established non-residential activity center.

WHEREAS, this is already an activity center, developing new non-residential and mixed uses at this location is appropriate for the reasons set forth above and given the public parks, cemetery

and other public adjoining uses; also, this site is a special location for an activity center because it is at the intersection of two arterials, Lexington and Grinstead, right off I-64 which, depending on the travel route, is either the second exit leaving downtown or the second to last exit entering downtown; it is accessible therefore from Grinstead Drive north (and thereby from US 42/Brownsboro Rd and Frankfort Ave and thus Crescent Hill), Grinstead Drive south (and thereby Bardstown Road and Cherokee Road and thus the Highlands), Lexington Road east (and thereby all of St. Matthews and beyond), Lexington Road west (and thereby all of Irish Hill, Butchertown and downtown), and I-64 both east and west (and thereby the entire Metro area) -- meaning it is one of the most visible and accessible locations in the entire Louisville Metro area.

WHEREAS, compact retail and mixed uses are always appropriate at intersections of arterial highways such as this one right off an interstate highway; and this site, as said, already serves as a center of mixed retail uses, just not any of the enumerated mix of uses as now planned in this “One Park North” PDD proposal.

WHEREAS, residential uses are encouraged in designated centers like this, often above retail as proposed; and other desirable uses in an activity center include a variety of neighborhood serving retail and restaurant uses, plus (close as the site is to I-64 and downtown) offices and a hotel.

WHEREAS, as respects parking, again what is proposed are two multi-level parking garages and a small, surface parking area, which will mostly screen vehicles from public view; and parking will be shared and will have limited points of access: two off Lexington Road.

WHEREAS, the proposed “One Park North” PDD project is designed to encourage a high level of pedestrian and bicycle usage and make provisions for easy access by TARC service and shared ride (i.e., Uber/Lyft) service; that’s because “One Park North” residents, guests and workers will have opportunities, almost unlike perhaps anyplace in Metro Louisville, to access this location and commute from it via TARC, ride share, bicycle and sidewalks; and if Louisville Metro is ever to begin to seriously encourage alternative forms of transportation, it has to start by permitting high intensity/high density uses at locations that are proximate to open spaces (such as Cherokee Park), to other nearby retail (such as the Bardstown Road strip and the restaurants located across Lexington Road), and to downtown and that are also conveniently accessible to a significant network of roads, bikeways and sidewalks, as planned here.

WHEREAS, the design of an activity center such as this one needs to be appropriate in terms of how it fits with adjoining uses and nearby neighborhoods; once again, the only adjoiners are a public park, a cemetery, major arterials and an interstate highway, plus several restaurants and offices along Lexington Road near Etley Avenue; these are unaffected uses, as no one lives there today, and they are frequented by visitors and travelers who cannot seriously claim to be adversely affected; indeed when the “One Park North” and “One Park South” projects are completed, they will constitute one of the most visited places in all of Louisville Metro -- not just because of the remarkable design that will attract people’s interests but also because of the mixture of uses that will attract residents, hotel guests, workers, shoppers and diners; and together they will also increase the nearby park presence eventually leading to park improvements, enhancing Cherokee Park’s communal usage and invitation to the public to live nearby.

WHEREAS, the main focal points, will be, as suggested, near the entrance locations off Lexington Road and the public spaces for dining and retail sales along the wide Lexington Road sidewalks and at the higher terrace levels of the buildings.

WHEREAS, utilities will be located underground and, as necessary, improved, especially as respects storm water management; these plans will be reviewed during the agency comments, following this official filing; MSD plus Metro Public Works and Transportation Planning (MPW&TP) have given their “stamp” for preliminary approval prior to LD&T review, thereby demonstrating compliance with those agencies’ independent standards relative to their roadway, sanitary sewer and storm water infrastructure.

WHEREAS, as respects Goal 3, Policies 1, 2, 3, 4, 5, 6, 10 and 13, it complies because the proposed “One Park North” building will have wide sidewalks, and upper-level plaza space that can also accommodate retail and restaurants; and moreover the “One Park North” site sits proximate to Cherokee Park which hopefully can be improved to better accommodate greater and more active communal use.

WHEREAS, as respects landscaping, the “One Park North” PDD project includes wide tree lined sidewalks where trees will be planted in ways that will assure their survival, thus over time creating a tree canopy; and upper plaza levels of the buildings will also be shaded with trees and other landscaping -- all as further described in the pattern book accompanying this application.

WHEREAS, as respects Goal 4, this is not a historic site with historic buildings; the site’s rejuvenation (as planned and as illustrated on the PDD Plan and in the Pattern Book) will enhance the historic Cherokee Park and Cave Hill Cemetery nearby; and today these two sites receive zero benefit from this site as it exists today.

PLAN ELEMENT 4.2: MOBILITY

WHEREAS, this Application Package complies with Plan Element 4.2, its 3 Goals and their Objectives plus the following Policies; as to Goal 1, Policies 1, 2, 3, 4, 5 and 6; Goal 2, Policies 1, 2, 4, 5, 6, 7 and 8; and Goal 3, Policies 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 14, 15, 17, 18, 20 and 21, as follows: Because the impacts of the proposed two “One Park” PDD projects have been extensively evaluated over years of back and forth with MPW&TP and KTC through the two TISs prepared and several times revised; those agencies’ comments have been taken into account, and MPW&TP have given their “stamp” of preliminary approval prior to docketing for LD&T review and public hearing; one of the major road improvements will be the left turns from eastbound Lexington Road to northbound Grinstead Drive and I-64 and from westbound Lexington Road to south bound Etley Avenue; and these will be done at the applicant’s cost.

WHEREAS, the proposed “One Park North” PDD project includes wider sidewalks than ordinary to accommodate lots of pedestrian and bicycle traffic, as “One Park North” is anticipated to generate, in part because of the higher intensity/density uses proposed here but also because of the proposed pedestrian-intensive uses proposed; and those sidewalks could be lined with outdoor seating and shade trees to enhance the street level experience and provide comfort.

WHEREAS, transportation access to the site will be improved with added right-of-way dedication and via all of the lane and signal improvements to Lexington Road as required and/or as already permitted by MPW&TP and KTC.

WHEREAS, the points of access will be limited to just two locations, as described above.

WHEREAS, there can be transit (TARC) and ride share, (i.e., Uber/Lyft) pull-offs where appropriate, along the public road frontages, as this site is anticipated to be heavily utilized by those alternate forms of transportation.

WHEREAS, parking and deliveries will be in the applicant constructed parking garages; and over time, as ride share is predicted to increase in favor of and use by a broader segment of the population, garage spaces could become available for independent park use as well.

WHEREAS, the eastern most access along Lexington Road will be right in/right out only, and the Etly Avenue access will be a full cut; and the garage and access to it have also been designed to assure that deliveries, loading and unloading have no negative impact on the traveling public along any of the several arterials and collectors bordering this "One Park North" mixed use project.

WHEREAS, parking areas will be accessible from Lexington Road and the projects interior, making for very easy ingress and egress.

WHEREAS, this site is also accessible from parts near and far via multiple roads: Grinstead Drive north, Grinstead Drive south, Lexington Road east, Lexington Road west and I-64 east and west and all of the many connecting streets and many neighborhoods noted above; and these connecting streets (such as Brownsboro Road, Frankfort Ave, Cherokee Road, Bardstown Road and so on) will make "One Park North" one of the most readily and easily accessible sites in all of Louisville Metro.

WHEREAS, this will be a bicycle and pedestrian accessible/encouraged project, there will be wide and connected sidewalks and plenty of bicycle parking; and bike lanes will be constructed where MPW&TP allows.

PLAN ELEMENT 4.3: COMMUNITY FACILITIES

WHEREAS, this Application Package complies with Plan Element 4.3, its Goals and their Objectives plus the following Policies; as to Goal 1, Policy 3; and Goal 2, Policies 1, 2 and 3 because sanitary sewers, water, gas, and electric lines all also exist or can easily be extended to the site.

WHEREAS, what better location to locate a high intensity/density mixed use development than in relatively close proximity to fire, police, medical, educational, park and cultural facilities, all located in the neighborhoods nearby down Grinstead Drive, Lexington Road or I-64, which are easily accessible from this site, as shown on the PDD plan described hereinabove; and as close as this site is to downtown, the main public library and all of the cultural activities of downtown are easily and quickly accessible.

PLAN ELEMENT 4.4: ECONOMIC DEVELOPMENT

WHEREAS, this Application Package complies with Plan Element 4.4, its Goals and their Objectives, plus the following Policies; as to Goal 1, Policy 3 and Goal 2, Policies 1, 2 and 3 because this site is planned and intended to become a retail and restaurant workplace.

WHEREAS, this and “One Park South” involve a projected several hundred-million-dollar investment in dilapidated, hodge-podge, unplanned in-fill sites, near downtown in proximity to other neighborhoods which they will also serve; and no single private development project in the history of Louisville has involved as significant a financial investment as One Park is anticipated and designed to involve.

WHEREAS, as an existing activity center that will be greatly transformed in a hugely positive manner from the hodge-podge of design and platting that presently exists on these sites, One Park is exactly the kind of economic activity that is anticipated and promoted by the Plan 2040 Comprehensive Plan -- adaptively reusing, instead of bypassing, a site that cries out for positive change, such as these “One Park” PDD projects propose.

WHEREAS, “One Park North” is designed with a number of climate – positive elements, such that it will contribute both to a better environment and to economic growth through investment.

PLAN ELEMENT 4.5: LIVEABILITY

WHEREAS, this Application Package complies with Plan Element 4.5, its Goals and their Objectives plus the following Policies; as to Goal 1, Policies 5, 7, 8, 10, 11, 12, 13, 15, 23, 26, 27, 28, 29, 30, 31, 32, 33 and 35, and Goal 4, Policies 1 and 2, as follows: The storm water management plan for both this and the “One Park South” sites depend on significant input from MSD because of the combined sewer system; final storm water determinations will be made by MSD from the preliminary land design concepts evident on the PDD Plan and were discussed at LD&T and the public hearing; and suffice it say that this project is being designed with storm water, as well as water quality, definitely in mind so as to improve both from what exists at present at this totally unplanned site.

WHEREAS, in terms of water quality, buildings will include green roof features in order to help cleanse water particulate matter and vehicular discharges prior to entering the storm water system; pervious pavers are also planned around street trees; and both of these are set forth on the PDD Plan and/or in the PDD Pattern Book.

WHEREAS, the main thing to think about in terms of improved air quality is that whenever you have high intensity/high density mixed uses, like the two “One Park” projects, there is great opportunity to seriously reduce vehicle miles traveled; as anticipated at this “One Park North” PDD project site, lots of residents will occupy a relatively small site, many of whom will also work, dine and shop in the same building and area, with lots of other residents and workers shopping and dining here as well; also, because this location is directly across the street from Cherokee Park, many residents during evenings and workers during their lunch breaks will access the park by walking across Lexington Road and Grinstead Drive rather than driving to a more remote recreational location.

WHEREAS, as this mixed-use location will also generate traffic from nearby neighborhoods, many of those can access it using their bicycles and sidewalk network, same as “One Park North”; and residents are anticipated to involve a higher than usual percentage of TARC and bike users, thereby also reducing vehicle miles traveled.

PLAN ELEMENT 4.6: HOUSING

WHEREAS, this Application Package complies with Plan Element 4.6, its Goals and their Objectives, plus the following Policies; as to Goal 1, Policies 1, 2 and 3; Goal 2, Policies 1, 2 and 3; and Goal 3, Policies 1, 3 and 4, as follows: Because of housing types, density, accessibility and issues of that kind, there will be a large number of residential units at this proposed “One Park North” mixed-use PDD project; they will include units that are designed to accommodate elderly and handicapped and will also incorporate units at attractive price points for all generations at various income levels; and because this is a popular residential, dining and shopping area at a major already existing activity center, high density is not only encouraged here but will be a significant aspect of this proposed “One Park North” PDD project, indeed, one of the reasons the PDD zoning is proposed -- in order accommodate the kinds of intensity/density for an important gateway location like this one.

* * *

WHEREAS, for all the reasons explained at LD&T and the Planning Commission public hearing and also in the public hearing exhibit books, on the approved detailed district development plan, this application also complies with all other applicable Goals of the 2040 Plan;

NOW, THEREFORE, the Louisville Metro Planning Commission hereby recommends to the Louisville Metro Council that it rezone the subject property from R-1, C-1, C-2 to PDD and approves the Detailed District Development Plan.

Waiver Findings of Fact

Waiver of Section 2.8.4.A to not provide the 15 ft landscape buffer area along the western property line adjacent to the R-1 zoning.

WHEREAS, the waiver will not adversely affect adjacent property owners because the purpose of the landscape buffer area is to eliminate or at least reduce potential negative impacts on adjoining, especially residential, properties; that said, in the instant case, the proposed One Park-North development adjoins major city streets on two sides, another business on a third side and an MSD-owned property on a fourth side — MSD being an agency which with the applicant has a contract to purchase the subject property; those facts, in addition to the fact that the proposed PDD Plan and Pattern Book include all sorts of detailed impact mitigation measures, mean the proposal will not result in adverse aesthetic (or really any other) impacts on the affected adjoining property(ies).

WHEREAS, the waiver will not violate the Comprehensive Plan for all the reasons set forth above.

WHEREAS, the extent of waiver of the regulation is the minimum necessary to afford relief to the applicant because compliance would require a PDD Plan overhaul that would make it difficult, if not impossible, to present the size grocery with parking garage plus residential and office buildings otherwise adequately justified and intricately designed as part of the original and updated filings.

WHEREAS, strict application of the provisions of the regulation would deprive the applicant of a reasonable use of the land or would create an unnecessary hardship on the applicant because, as stated above and elsewhere in this application, the PDD Plan as submitted really causes no negative resulting impacts on adjoining properties, and strict application would deprive the applicant of the ability to present the PDD Plan it has gone to great lengths and considerable time to design with input at lots of meetings with both professional planning and the community at large.

NOW, THEREFORE, the Louisville Metro Planning Commission hereby approves this Waiver.