

Docket No. 19-ZONE-0095

Proposed change in zoning from R-4 to C-1 to allow a commercial center with retail, restaurant and 2nd floor multi-family residential with a Variance on 3.19 +/- acres on property located at the northwest quadrant of Old Henry Trail and Old Henry Road at 14015 Old Henry Trail

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c/o One Fourteen LLC, applicant

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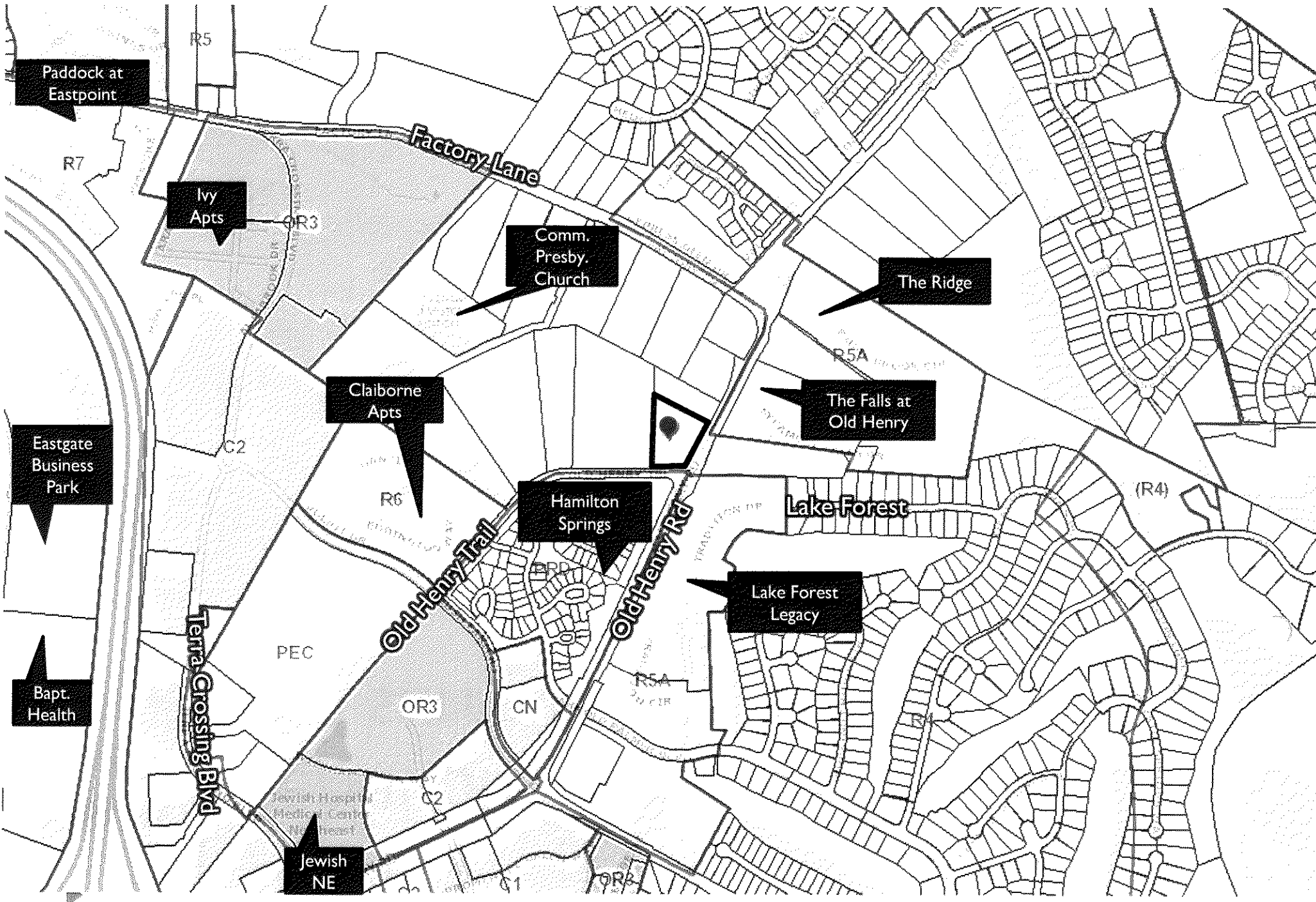
Attorneys: Bardenwerper Talbott & Roberts, PLLC

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



Tab 1

LOJIC Zoning Map



Paddock at Eastpoint

Ivy Apts

Comm. Presby. Church

The Ridge

Eastgate Business Park

Claiborne Apts

The Falls at Old Henry

Bapt. Health

Hamilton Springs

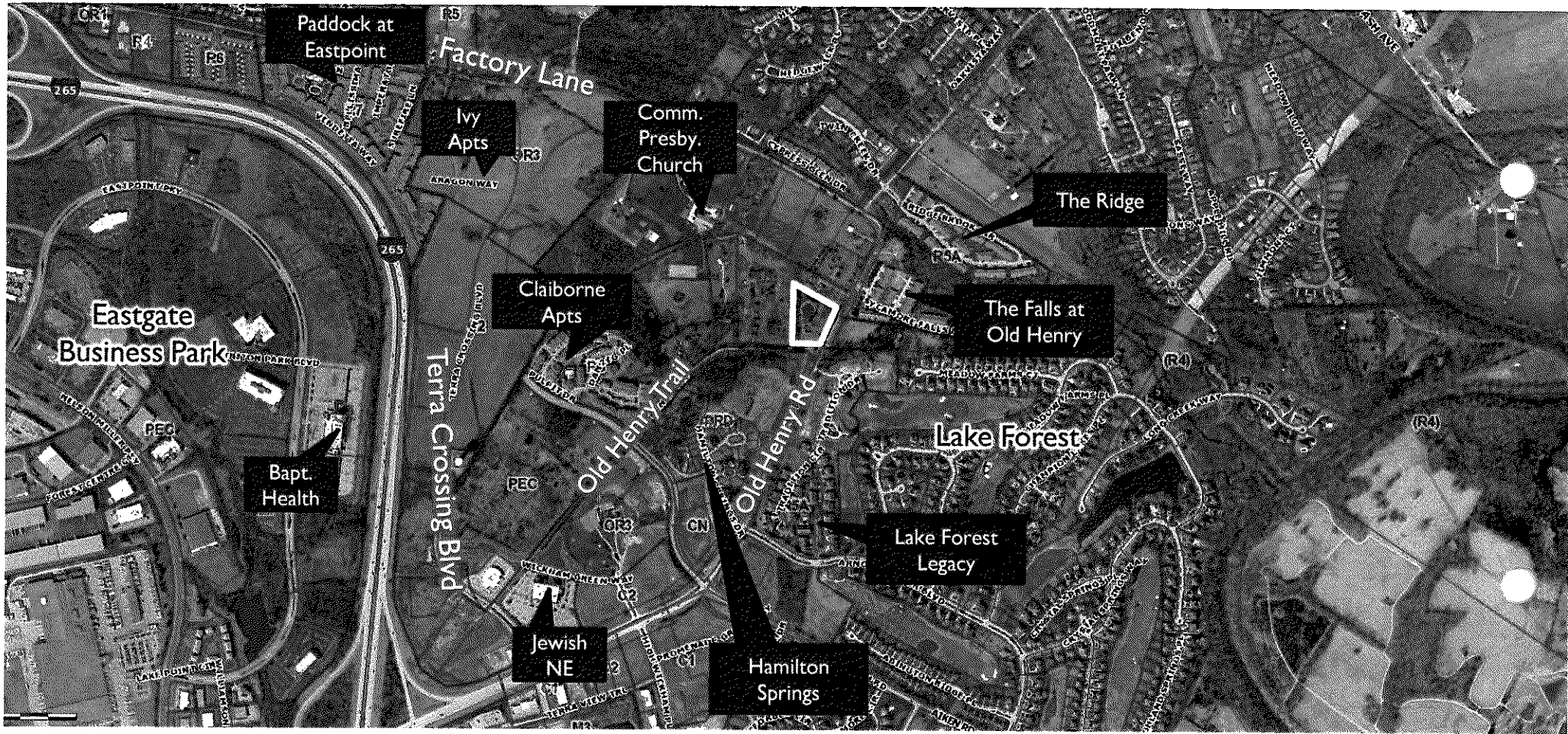
Lake Forest

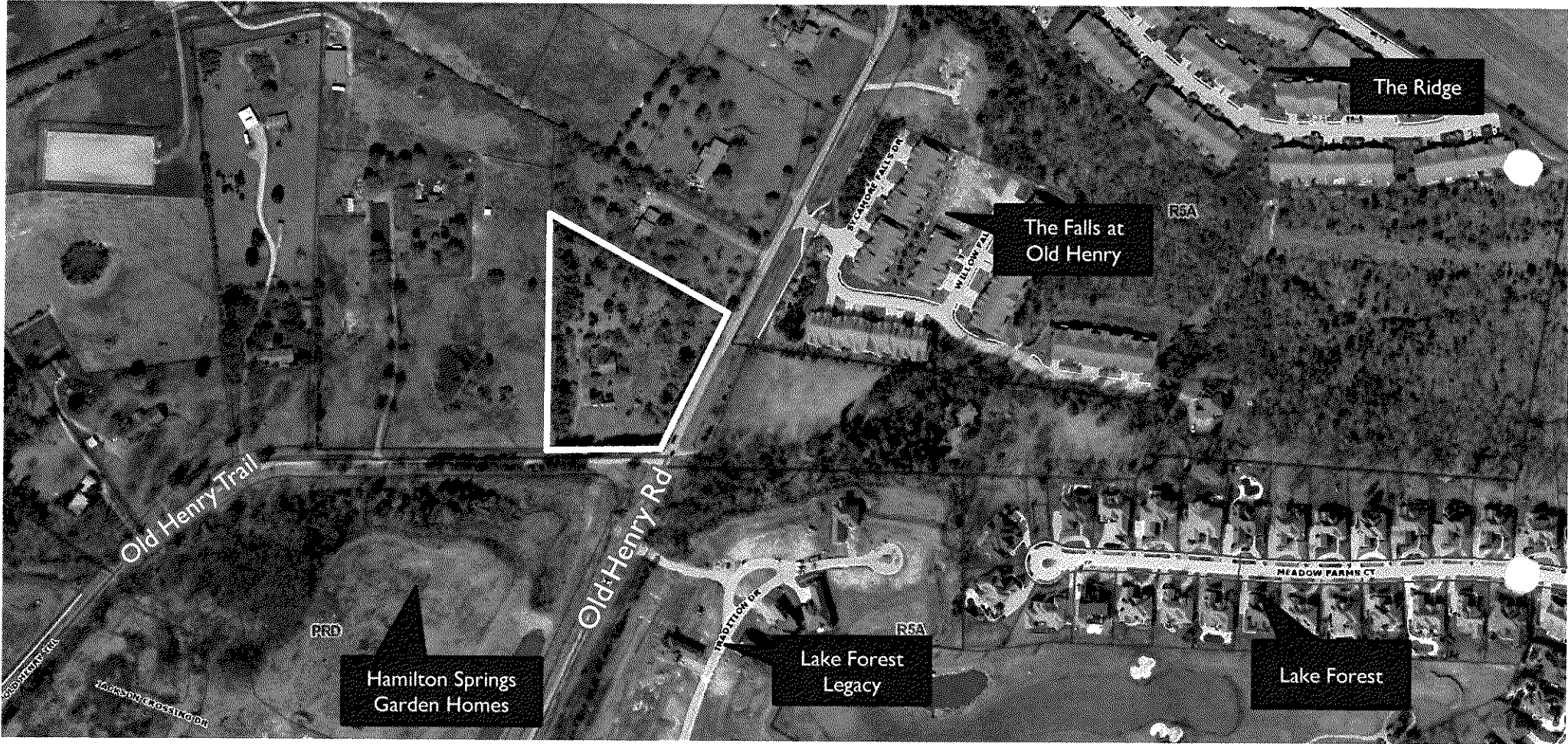
Lake Forest Legacy

Jewish NE

- ● ● | Tab 2

- ● ● | Aerial photograph of the site  
and surrounding area





- ● ● | Tab 3

- ● ● | Ground level photographs of the site and surrounding area



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Looking northeast down Old Henry Road towards site.

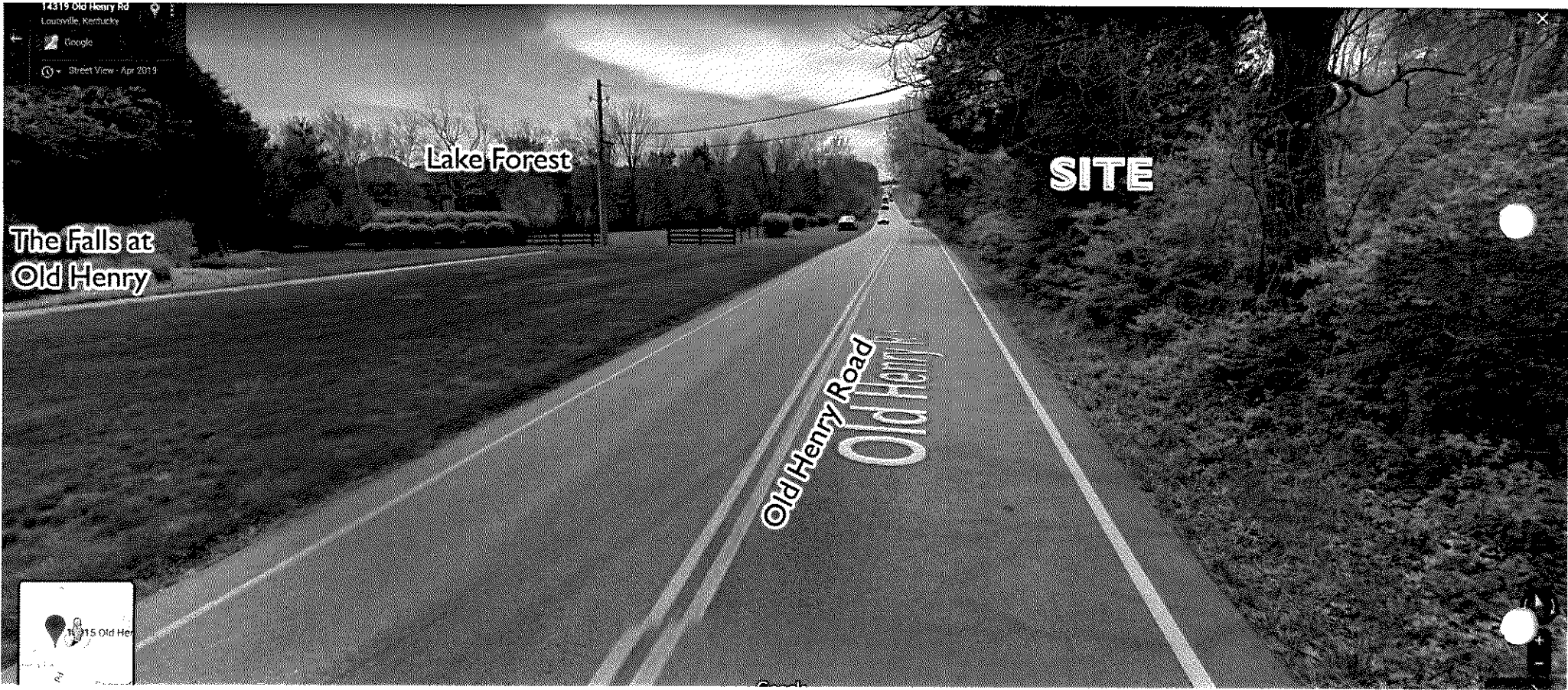




Looking north towards site from Old Henry Trail and Old Henry Road intersection



Looking north towards site from Old Henry Trail and Old Henry Road intersection.



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Looking south down Old Henry Road. Site is to the right.

## 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 31 neighbors plus those on the DPDS "interested party list" were invited to the neighborhood meeting and subsequent LD&T and Planning Commission public hearing.



# BARDENWERPER, TALBOTT & ROBERTS, PLLC

ATTORNEYS AT LAW

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(502) 426-6688 • (502) 425-0561 (FAX) • WWW.BARDLAW.NET

Nicholas R. Pregliasco  
Cell: (502) 777-8831  
Email: NRP@BARDLAW.NET

November 4, 2019

**RE: Proposed change in zoning from R-4 to C-1 to allow a commercial center with retail, restaurant and 2<sup>nd</sup> floor multi-family residential on 3.19 +/- acres on property located at the northwest quadrant of Old Henry Trail and Old Henry Road at 14015 Old Henry Trail**

Dear Neighbor,

We are writing to invite you to a meeting we have scheduled to present neighbors with our rezoning plan to allow a commercial center on property to be located as above. The proposed development will consist of a 2,400 sf coffee shop, 7,500 sf of retail, 3,000 sf of restaurant and 12,900 sf for the second floor multifamily residential.

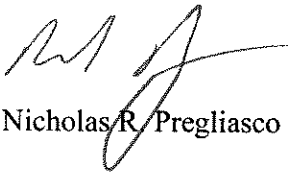
Accordingly, a plan for pre-application review has been filed with the Division of Planning and Design Services (DPDS) that is assigned case number **19-ZONEPA-0074** and case manager **Dante St. Germain**. We would like to show and explain to neighbors this plan so that we might hear what thoughts, issues and perhaps even concerns you may have.

In that regard, a meeting will be held on **Tuesday, November 19<sup>th</sup> at 7:00 p.m.** at **Community Presbyterian Church** located at **13902 Factory Lane**.

If you cannot attend the meeting but have questions or concerns, please call me at 426-6688 or the land planning and engineering firm representatives Kevin Young or Sarah Beth Sammons at 426-9374.

We look forward to seeing you.

Sincerely,



Nicholas R. Pregliasco

Cc: Hon. Anthony Piagentini, Councilman, District 19  
Dante St. Germain, Case Manager with Metro Division of Planning & Design Services  
Kevin Young & Sarah Beth Sammons, engineers and land planners with Land Design & Development, Inc.  
Aaron Murphy & Jim Marcus, applicants with One Fourteen, LLC

## Neighborhood Meeting Summary

A neighborhood meeting was held on Tuesday, November 19th at 7:00 p.m. at Community Presbyterian Church located at 13902 Factory Lane. Those in attendance included the applicant's representatives, Nick Pregliasco, attorney with Bardenwerper, Talbott & Roberts, and Kevin Young, land planner and engineer with Land Design & Development, Inc., as well as the applicants Jim Marcus and Aaron Murphy with One Fourteen, LLC. Mr. Pregliasco presented a powerpoint presentation, showing the property in question on a LOJIC zoning map, on an aerial map, ground level photographs of the site, along with a colored up site plan. Mr. Pregliasco explained the proposed rezoning and the details thereof, being a rezoning from R-4 to C 1 to allow a commercial center with retail, restaurant and 2nd floor multi-family residential. Mr. Pregliasco described the site plan and the details thereof, including the 2,400 sq. ft. coffee shop, the 3,000 sq. ft. restaurant, and the 7,500 sq. ft. retail space. Then, Kevin Young provided more details as to the site plan, including the entrances (which still require approval from Transportation Planning and Louisville Metro Public Works), the parking layout, and the proposed drainage.

Then, the floor was opened up for questions from those in attendance. Many of the questions/concerns related to the existing traffic along Old Henry Road and the potential that this would worsen same. Part of this discussion would whether the proposed neighborhood serving retail, coffee shop and restaurant increase traffic, or really act as a traffic capture such that those that live further out could drive in toward town to this property for these services rather than having to drive the Gene Snyder area. These concerns were followed up by questions about how the proposed/pending Old Henry Road widening will affect this property and the potential access points. There were questions as to whether the timing of the roadway improvements would occur at the same time as the construction of this project if approved, which was explained as not known now. Irrespective of the Old Henry Road widening, there were concerns of this project increasing traffic on Old Henry Trail. And concerns about site visibility turning onto Old Henry Road from Old Henry Trail.

There were concerns raised as to the drainage issues in the area and the potential that this proposal would exacerbate same. Kevin Young answered these by explaining how the detention will be sized and how it will work.

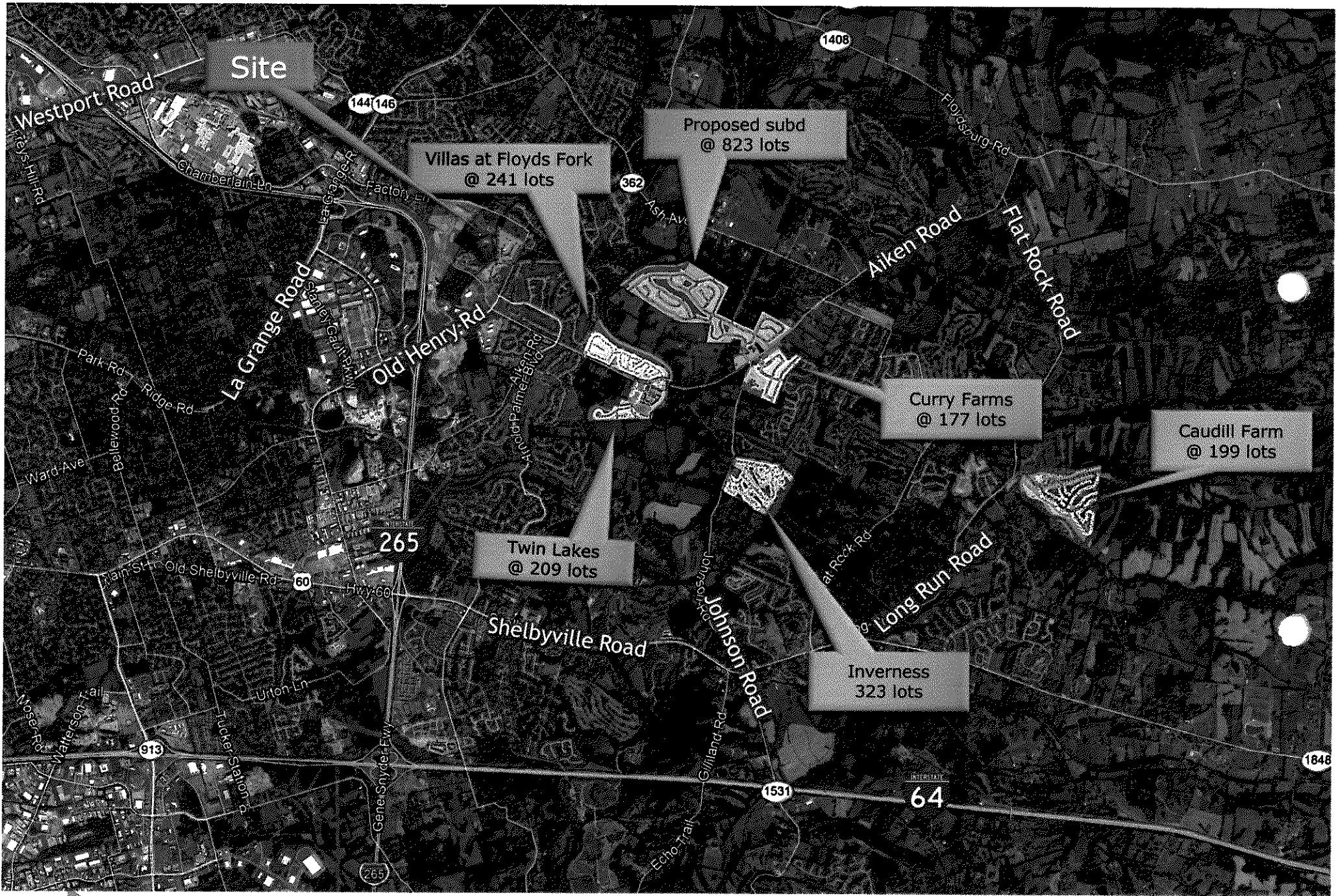
There was a discussion as to the Old Henry Small Area plan and how this area is classified in the plan with the applicant's representatives explaining why this proposed neighborhood serving use is exactly what was contemplated and those in opposition disagreeing with same. Related thereto was a concern that this proposal would allow for further commercial expansion down Old Henry Road.



Tab 5

Development Plan





Site

Villas at Floyds Fork  
@ 241 lots

Proposed subd  
@ 823 lots

Twin Lakes  
@ 209 lots

Curry Farms  
@ 177 lots

Caudill Farm  
@ 199 lots

Inverness  
323 lots



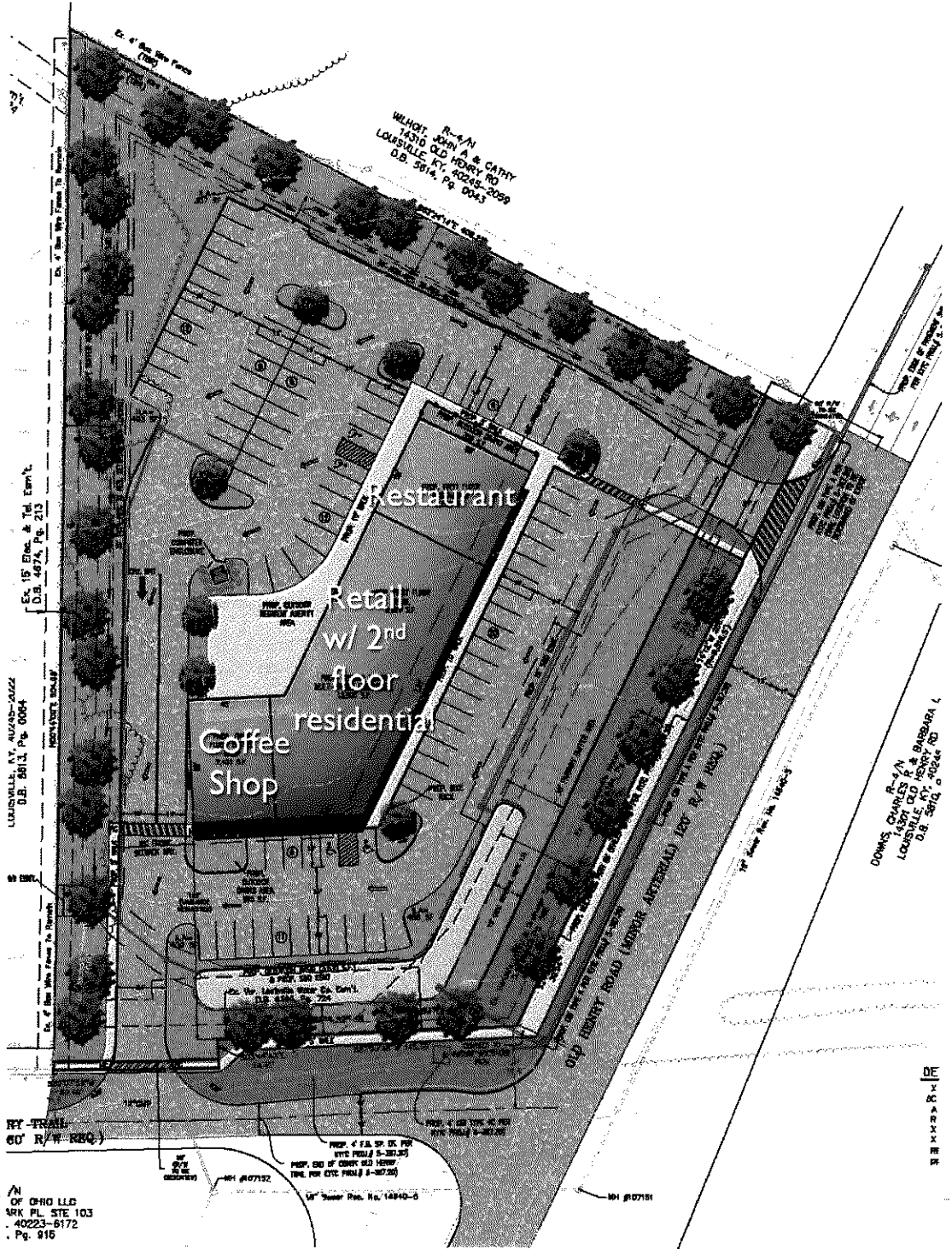
REVISIONS	
NO.	DATE

PROJECT DATA  
 NO. NAME WITH OWNERS NAME  
 DATE DATE  
 DATE DATE  
 DATE DATE  
 DATE DATE

**L D & D**  
 DESIGN & DEVELOPMENT, INC.  
 AN EQUAL OPPORTUNITY FIRM  
 100 WEST 100th STREET  
 NEW YORK, NY 10025

SCALE CHANGE SEE PLAN  
**MURPHY OLD HENRY ROAD**  
**14016 OLD HENRY TRAIL**  
 ONE, FOURTEEN LLC  
 513 S 2ND STREET  
 OUSTVILLE, NY 12022 1801

DR NO 19133  
 SHEET 1 OF 1



WILHOIT R-4.1N  
 14310 JOHN A. & CARRY  
 LOUISVILLE, KY 40244-2059  
 O.B. 5814, Pg. 0043

EX. 19 ELEC. & TEL. ESTIM.  
 D.B. 4674, Pg. 213

LOUISVILLE, KY 40244-2022  
 D.B. 5813, Pg. 0064

Restaurant

Retail  
 w/ 2nd  
 floor  
 residential

Coffee  
 Shop

DOWNING CHARLES R-4.1N  
 14310 JOHN A. & CARRY  
 LOUISVILLE, KY 40244-2059  
 O.B. 5814, Pg. 0043

RY TRAIL  
 60' R/W REQ.

PROP. 4 F.S. SP. DE. FOR  
 THIS PROJECT 1-2013  
 PROP. END OF CONY OLD TRAIL  
 TIME FOR ETC. PROJ. 1-2013

1st Issue Ref. No. 14940-5

/N  
 OF CHHO LLD  
 SRK PL SITE 103  
 40223-6172  
 Pg. 816

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Tab 6

Building Elevations

# Proposed building elevation



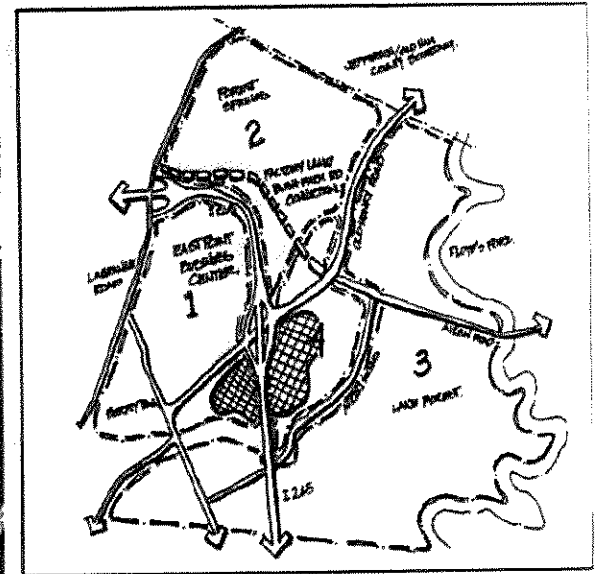
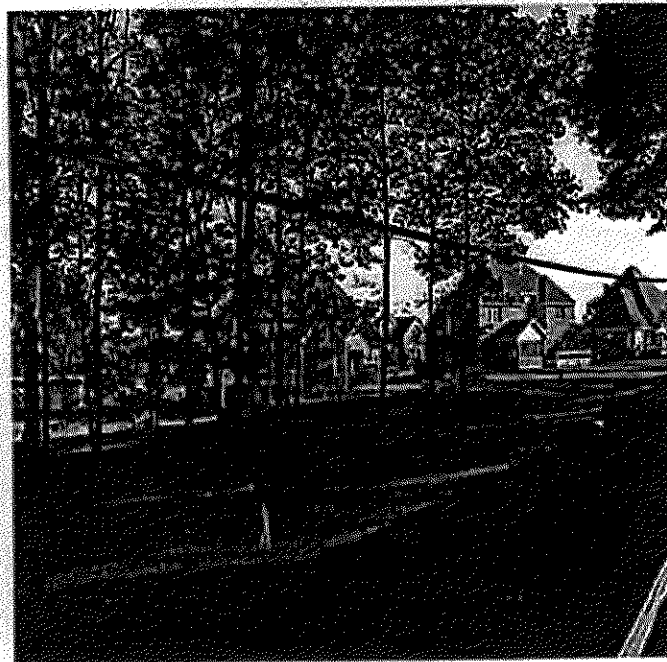


Tab 7

# Old Henry Road Subarea Plan

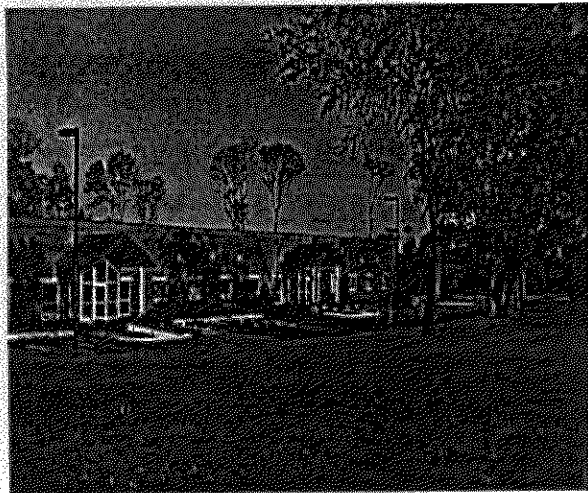
# OLD HENRY ROAD

## Subarea Plan



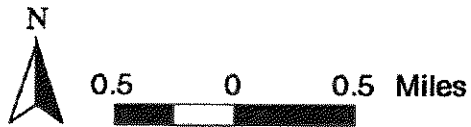
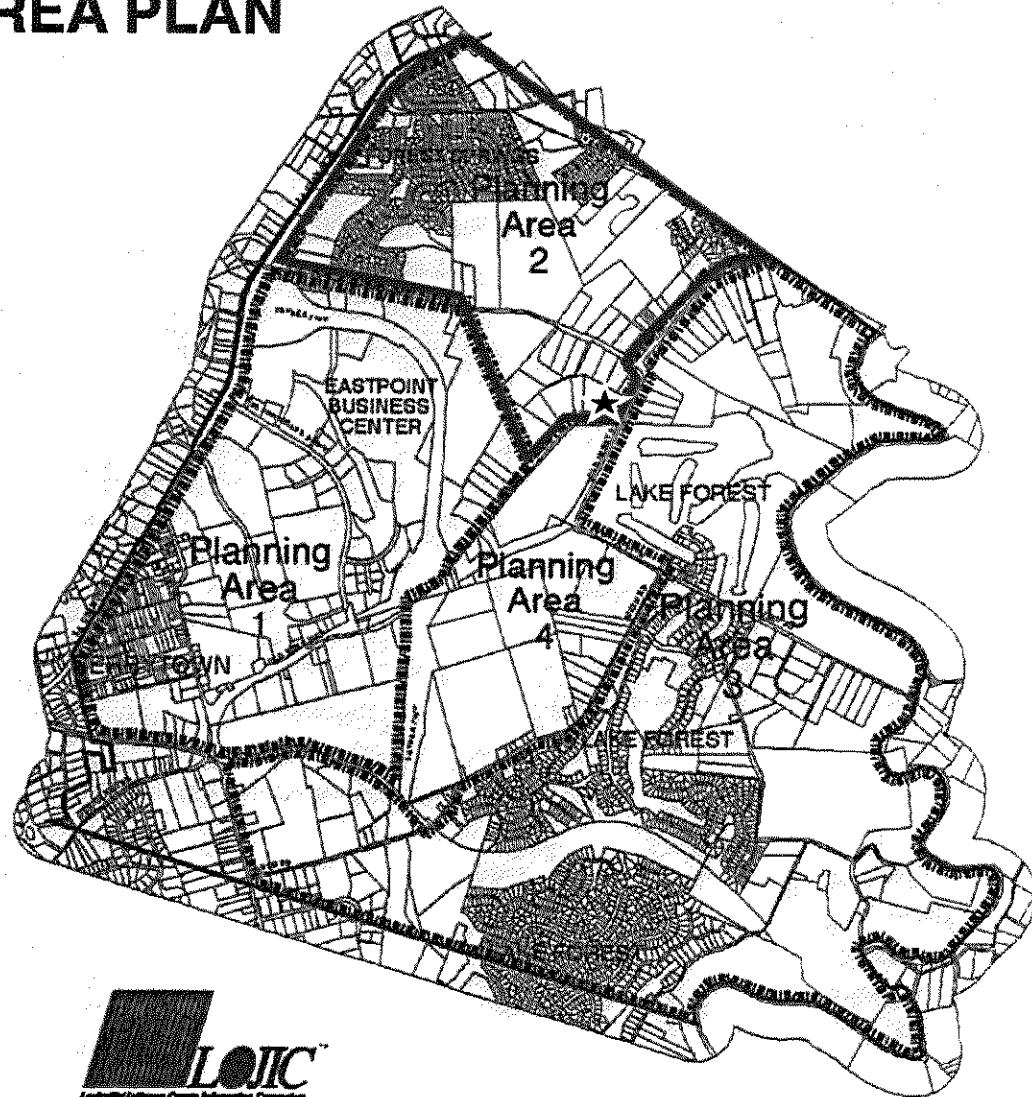
## FINAL PLAN

ADOPTED BY  
**JEFFERSON COUNTY FISCAL COURT**  
MAY 9, 2000



# OLD HENRY SUBAREA PLAN

## Planning Areas



Map Prepared By Planning  
and Development Services




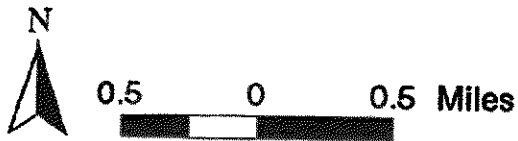
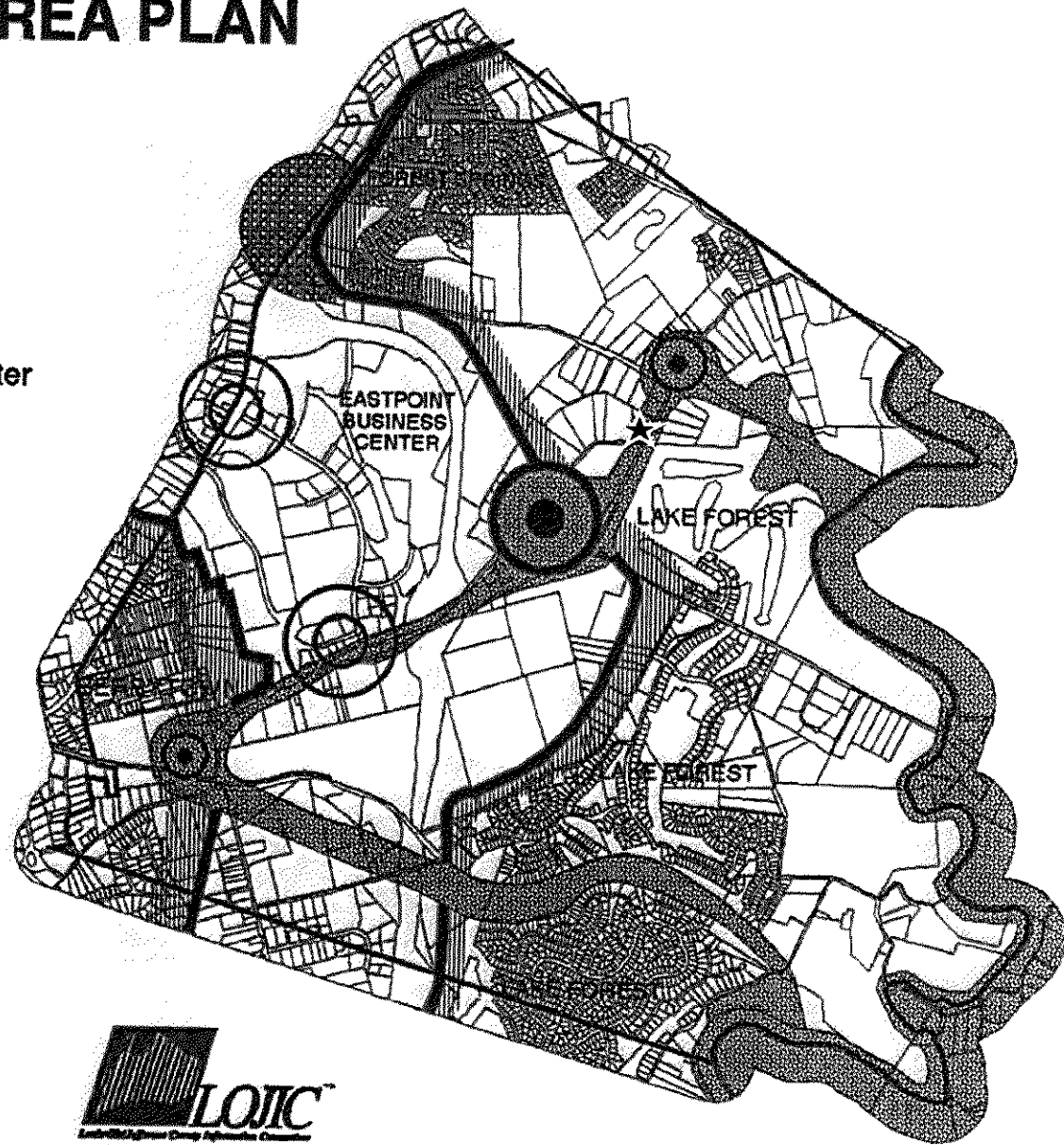
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ALL RIGHTS RESERVED. CONTACT: JEFFREY.S@LOJIC.COM



# OLD HENRY SUBAREA PLAN

**Figure 9:  
Consensus Elements  
of the Subarea Plan**

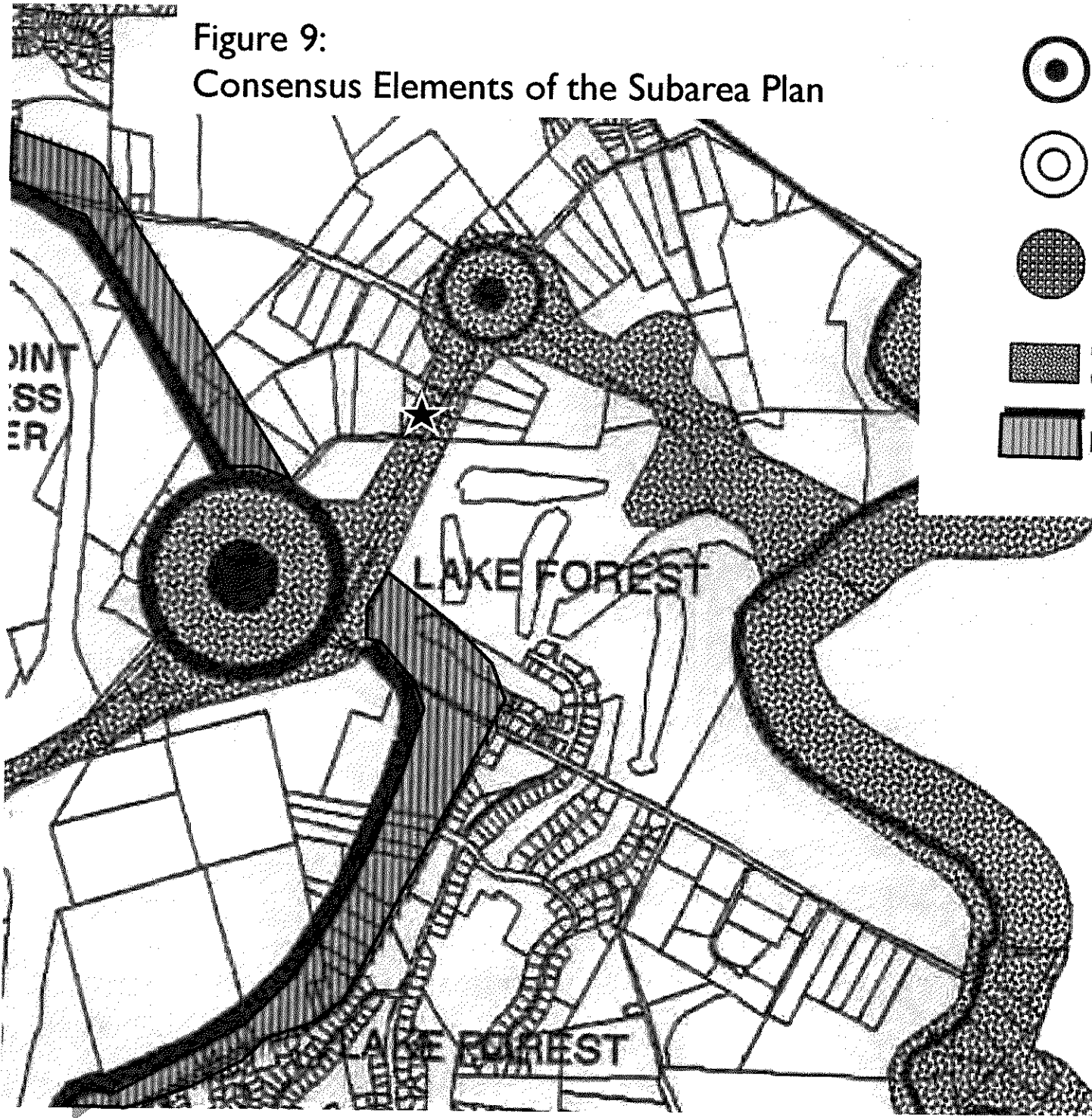
-  Community Gateway
-  Supports Uses for Business Center
-  Community Retail
-  Connected Park and Open Space System
-  Residential "Collars"



**LOJIC**  
 Land Use and Planning  
 CONSULTING AND PLANNING CORPORATION  
 1000 W. 10TH STREET, SUITE 1000  
 DENVER, CO 80202

Map Prepared By: Planning  
and Development Services

Figure 9:  
Consensus Elements of the Subarea Plan



- Community Gateway
- Supports Uses for Business Center
- Community Retail
- Connected Park and Open Space System
- Residential "Collars"

Figure 9:  
Consensus Elements of the Subarea Plan

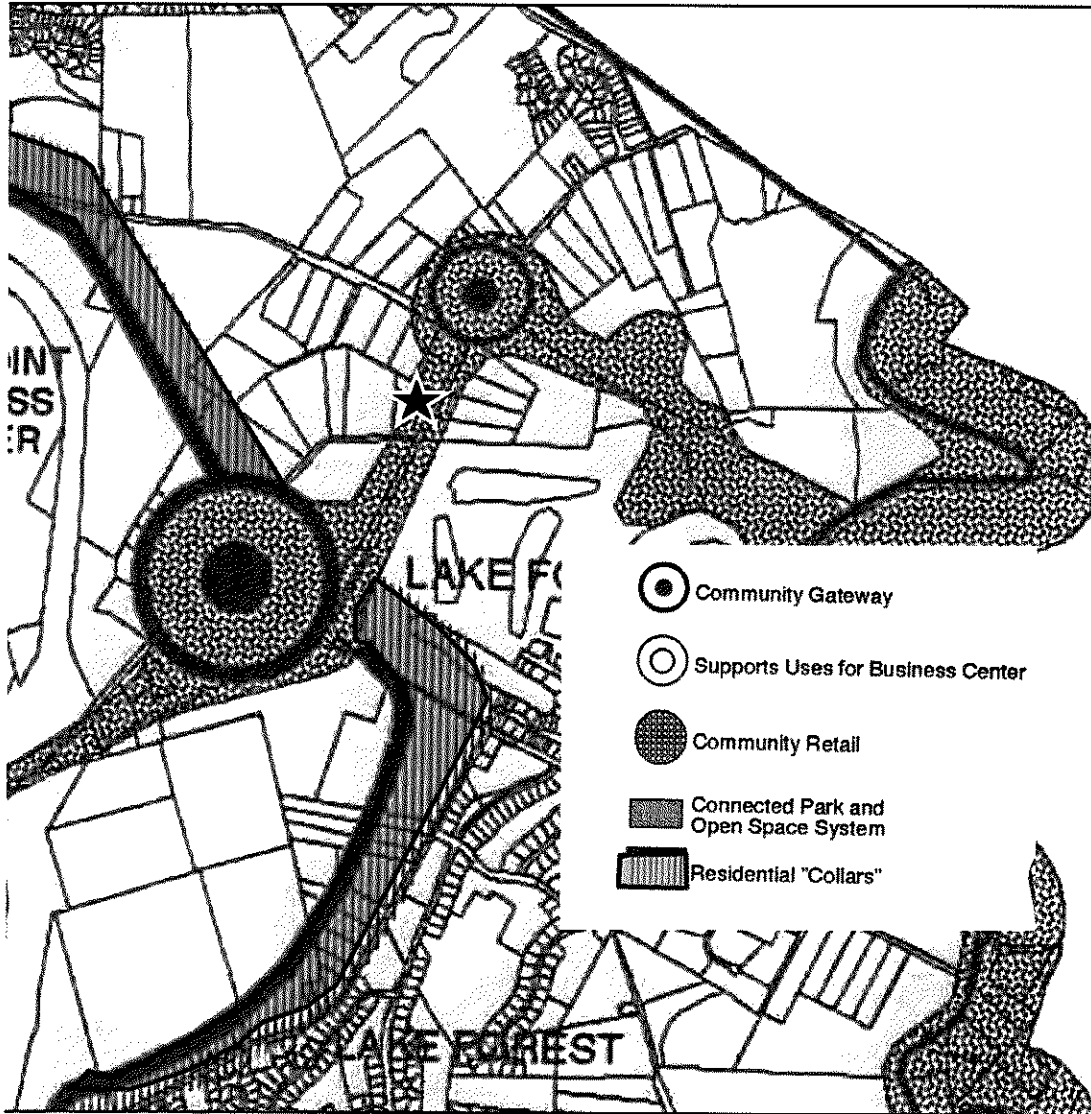


Figure 10:  
Recommended Land Use Plan



- All projections in the Subarea Plan are for the years 2000, 2010 and 2020
- No date references past the end of the 20-year planning period ending in 2020

### 6.2 Transportation System Analysis – Year 2000

The analyses of travel demands on the existing transportation network indicate a very high level of service for the Study Area. There are two exceptions. LaGrange Road exhibits a poor level of service (greater than 1.05 or F) for segments east of the intersection of Factory Lane. Old Henry Road also experiences a poor level of service.

The deficiencies expected for these roadways appear to result from pre-existing conditions and represent increasing travel demands from residential development in Jefferson and southern Oldham Counties and for travel to Peewee Valley and Crestwood.

All other roadway facilities which serve the Subarea exhibit a good level of service (less than 0.85 or C/D). Since the KIPDA and Old Henry Subarea socio-economic forecasts are very similar for the year 2000, it is likely there would be a high degree of similarity between the traffic impacts of both scenarios.

### 6.3 Transportation System Analysis – Year 2010

The relative differences between the socio-economic forecasts discussed in Section 2.0 are recognizable in the 2010 analysis. The addition of the Old Henry Road Extension project to the network has two obvious and related effects. First, the average daily traffic volume (for both directions) for the facility

east of the interchange is in the range of 27-35,000 depending on the proximity of the road segment to the interchange. This projected volume will result in a poor level of service for this four lane arterial (greater than 1.05 or “F”).

The second apparent effect of the extension project is that the 2010 volumes on LaGrange Road remain fairly consistent with the volumes projected for 2000. Although level of service remains poor because of the limited number of travel lanes (one in each direction), the Old Henry Road extension project appears to be satisfying travel demands that would have been focused in the LaGrange corridor. Traffic volumes remain fairly constant between the 2000 and 2010 analyses.

The Old Henry Road interchange also begins to exhibit some deficiencies, particularly with the ramps south of Old Henry Road. This type of deficiency is consistent with the increased travel volumes for Old Henry Road east of I-265. The level of service on Old Henry west of I-265 is at “C/D”. Increased employment at the Eastpoint Business Center appears to impact the LaGrange Road segment between Nelsen Miller Parkway and the I-265 ramps. This segment is shown to have a poor level of service, but overall the interchange does not exhibit any significant deficiencies.

Along the western edge of the study area, English Station Road between LaGrange and Old

Henry Roads is shown to experience a decline in level of service. This facility is comprised of one lane in each direction, whereas the segments south of Old Henry are included with two lanes in each direction – a result of the currently planned improvement by Jefferson County.

### 6.4 Transportation System Analysis – Year 2020

The analysis for 2020 indicates increasing traffic volumes on the arterial and collector system serving the study area. Projected ADT (average daily traffic) volumes on Old Henry Road east of I-265 are in the range of 30-40,000. The remaining segments of Old Henry Road experience additional declines in the level of service.

The Old Henry Road interchange is most affected by this increase in traffic as the difference between capacity and projected volumes on the ramps increases. These ramps will fail to handle the projected traffic volumes resulting in other system and traffic safety problems.

### 6.5 Access and Movement Issues and Recommended Improvements

Three principal transportation issues emerge from the future conditions analysis. First, the demand for access to I-265, at both the LaGrange and Old Henry interchanges, will dramatically increase over the next two decades. The Old Henry Road extension project

- All projections in the Subarea Plan are for the years 2000, 2010 and 2020
- No date references past the end of the 20-year planning period ending in 2020

### **Guiding Principle No. 7 – A Neighborhood Center**

The prospect for neighborhood serving commercial, office and service uses within the Subarea is certainly one that does not have a clear consensus for support among workshop participants. The discussions have focused on the need for such uses, the impact to surrounding neighborhoods from lighting, operations and traffic, and the ability of decision-makers to limit the area of commercial development.

There is no question of market for such uses in the existing and future neighborhoods of the Old Henry Road Subarea. There are also transportation and air quality benefits for locating neighborhood serving commercial land uses in close proximity to the residents served.

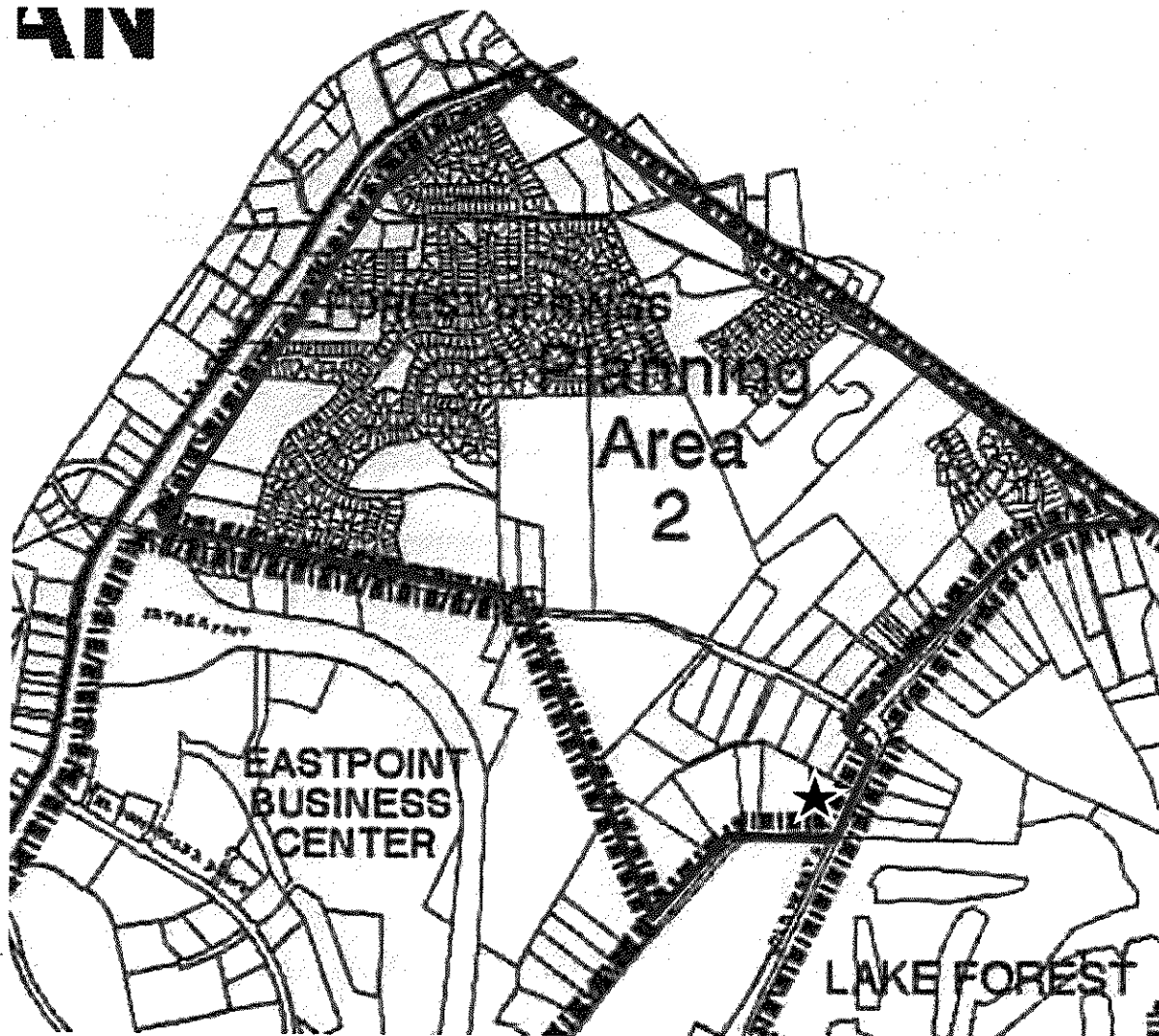
Whether or not neighborhood serving commercial can locate on the east side of I-265 should be decided on the basis of design and commitment. The design part of this equation would address location, site and architectural design. The commitment part would address the ability of decision-makers to limit the area of commercial development.

The guiding principle and implementing strategies address the design and commitment issues for consideration. The provision of neighborhood commercial is a reasonable and supportable objective, if it can be located and designed to minimize impacts and fully integrate the uses with surrounding neighborhoods.

## Planning Area 2

“Should non-residential development options be approved for properties adjoining I-265, some mix of residential and non-residential uses could be expected.”

“An additional 100 acres of residential and/or office development (300 dwelling units) was forecast for the year 2020...”

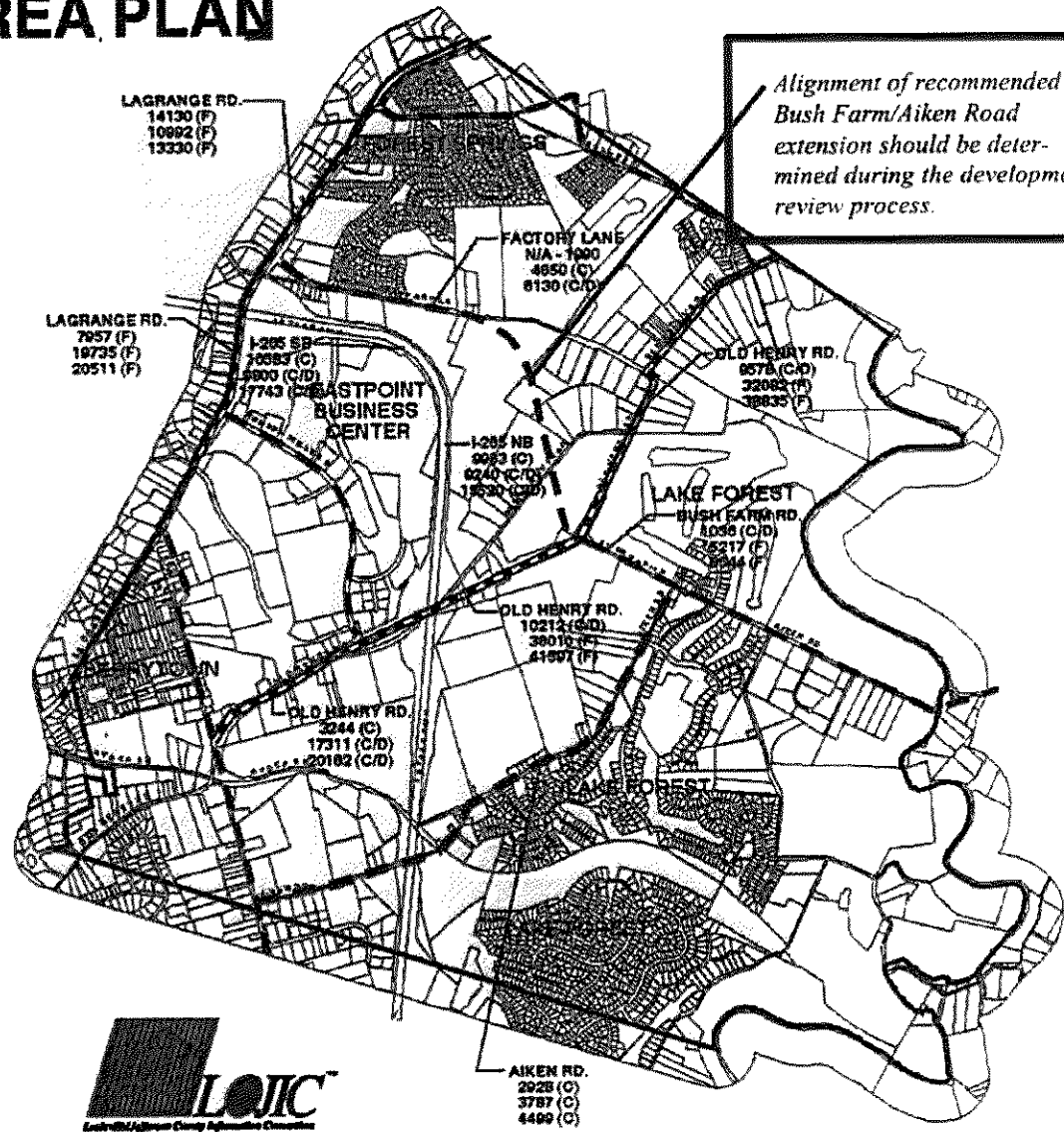


# OLD HENRY SUBAREA PLAN

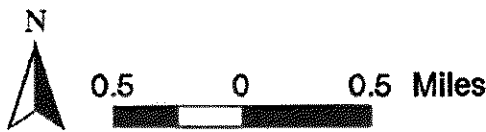
**Figure 8:  
Transportation Volumes  
and Level of Service**

- ===== EXPRESSWAY
- ARTERIAL
- - - - - COLLECTOR

- 14130 (F) - TOP NUMBER IS YEAR 2000 VOLUME AND LEVEL OF SERVICE
- 10992 (F) - SECOND NUMBER IS YEAR 2010 VOLUME AND LEVEL OF SERVICE
- 13330 (F) - THIRD NUMBER IS YEAR 2020 VOLUME AND LEVEL OF SERVICE



Alignment of recommended Bush Farm/Aiken Road extension should be determined during the development review process.

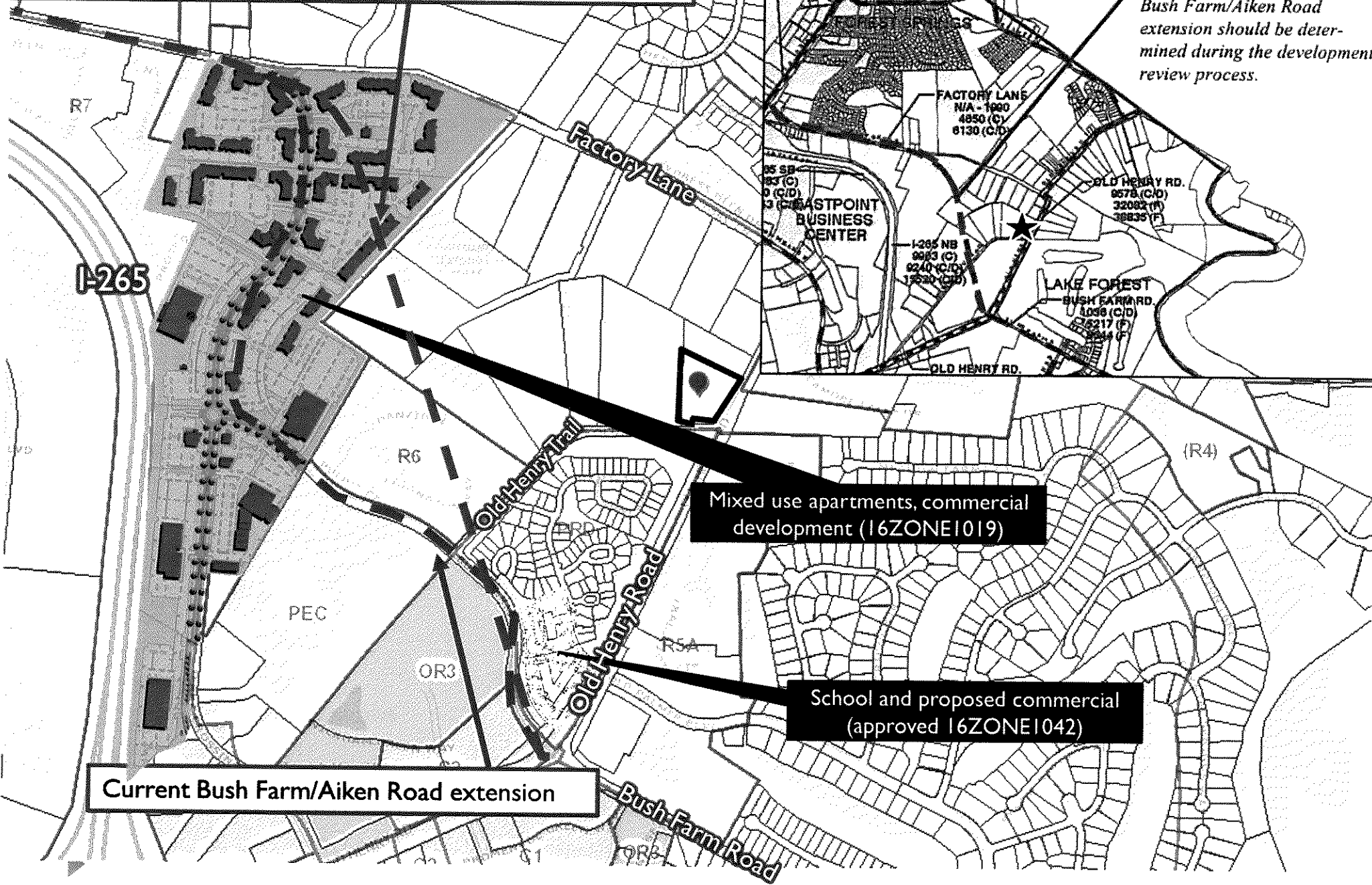


Map Prepared By Planning and Development Services

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THE LOUISVILLE METROPOLITAN COMMISSION  
1000 MARKET STREET, SUITE 1000  
LOUISVILLE, KY 40202

Alignment of recommended Bush Farm/Aiken Road extension should be determined during the development review process. Proposed Bush Farm Road.

Alignment of recommended Bush Farm/Aiken Road extension should be determined during the development review process.



Mixed use apartments, commercial development (16ZONE1019)

School and proposed commercial (approved 16ZONE1042)

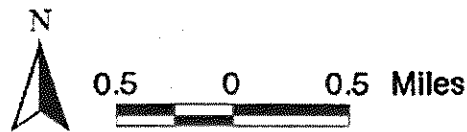
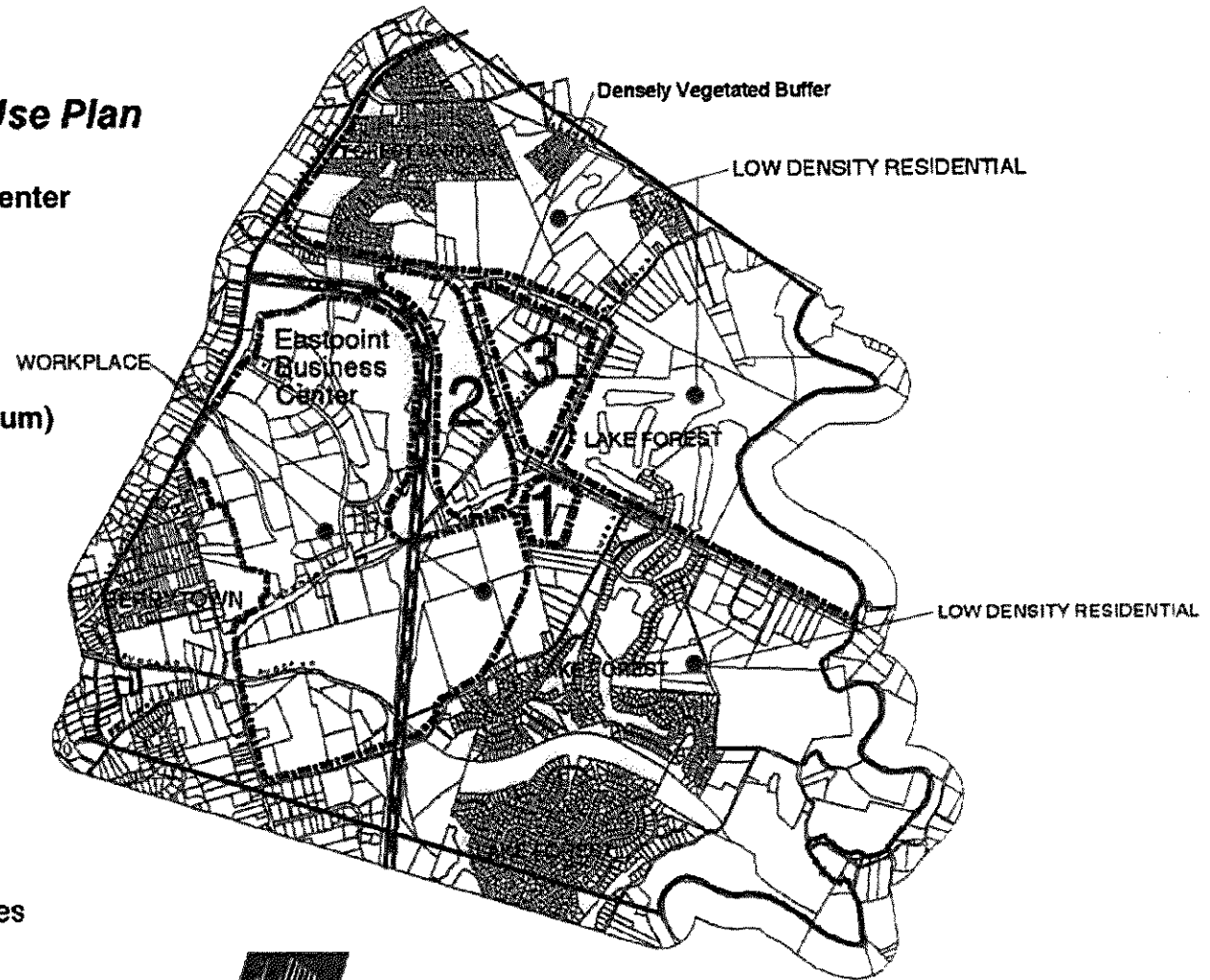
Current Bush Farm/Aiken Road extension



# OLD HENRY SUBAREA PLAN

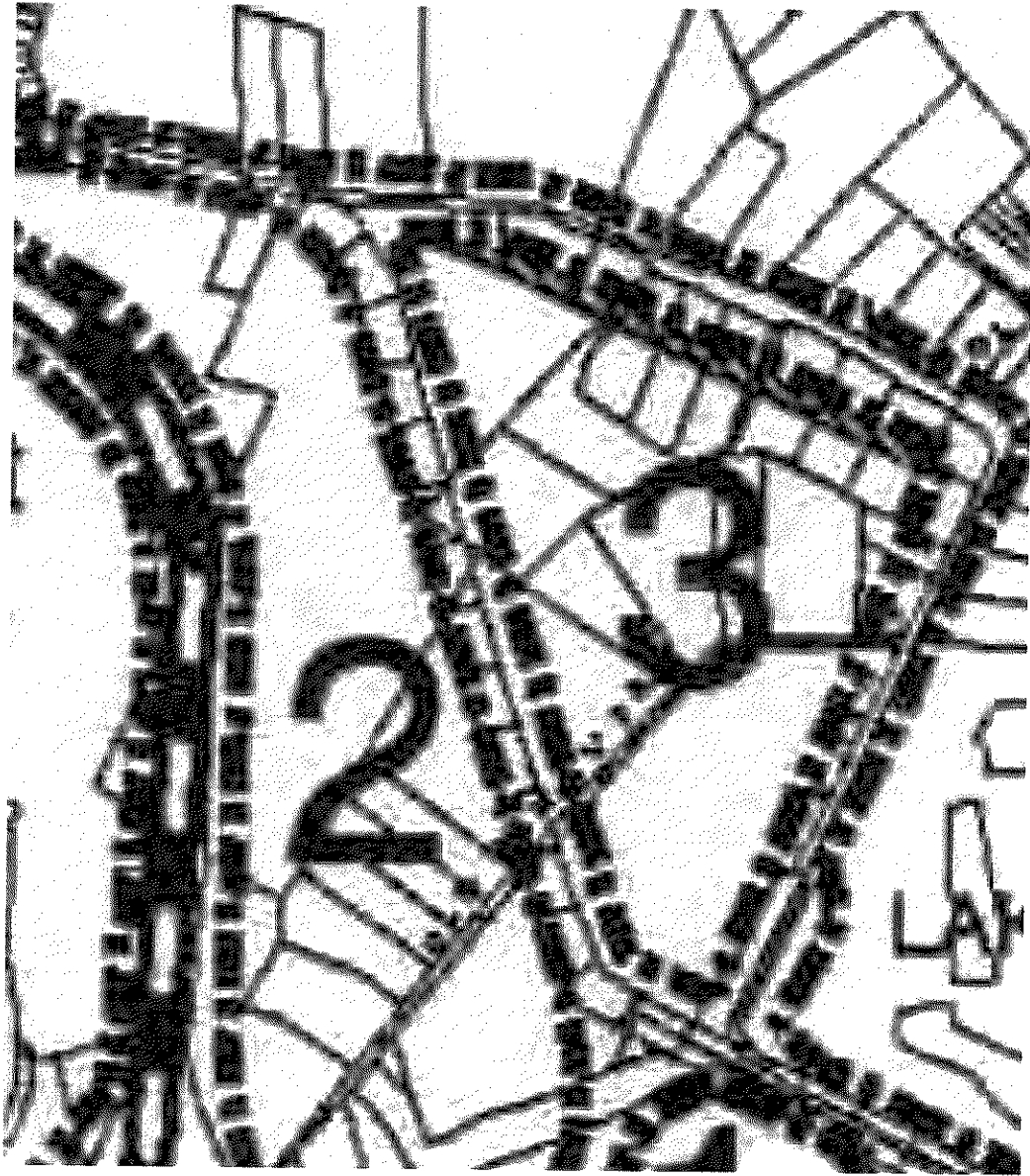
**Figure 10:  
Recommended Land Use Plan**

- 1** Neighborhood Activity Center
- 2** Workplace
- 3** Residential (Low to Medium)



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Map Prepared By Planning  
and Development Services





Tab 8

Proposed additional Binding  
Element



# Proposed Additional Binding Element

- Direct access to Old Henry Rd shall only be constructed upon: (i) the completion of the portion of KYTC project 5-353.00 along the subject property frontage, and (ii) the acceptance of Old Henry Rd into the State Primary Road System per KYTC Official Order #109154 (or in advance thereof, with the written permission of KYTC and Louisville Metro Public Works for the Old Henry Road access connection). A KYTC encroachment permit will be required before work in the Old Henry Rd right-of-way can begin.

- ● ● | Tab 9

- ● ● | Statement of Compliance  
filed with the original zone  
change application with all  
applicable Goals of the 2040  
Plan and Variance  
Justification

# BARDENWERPER, TALBOTT & ROBERTS, PLLC

ATTORNEYS AT LAW

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(502) 426-6688 • (502) 425-0561 (FAX) • WWW.BARDLAW.NET

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

<u>Applicant &amp; Owner:</u>	One Fourteen LLC
<u>Location:</u>	14015 Old Henry Trail
<u>Proposed Use:</u>	Commercial/Retail center
<u>Engineers, Land Planners and Landscape Architects:</u>	Land Design & Development, Inc.
<u>Request:</u>	Zone change from R-4 to C-1

### **COMMUNITY FORM**

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

The proposed zone change and detailed district development plan (DDDP) comply with applicable Objectives a, b, c, e & f and applicable Policies 1, 2.1, 2.7, 3.1.3., 4, 6, 7, 9, 10, 11, 12, 13, 14, 17, 18, 19, 20, 23, & 28 as follows:

The proposed change in zoning to C-1 complies with Goal 1 in several ways. A small neighborhood serving retail/residential center is proposed in a rapidly growing area of Old Henry Road, just outside the Snyder Freeway where a large retail activity center already exists. With the new residential growth outside of the Gene Snyder, commercial mixed-use retail locations on a scale like this have an increased demand, to serve these new residential units.

The new mixed use retail/residential center will provide an alternative housing option while also supporting the existing retail stores in the proposed center and position the overall development to adapt readily now and in the future to new market demands. Its location close to neighboring residential developments will be convenient for the residents and will reduce vehicle miles travelled for those seeking routine neighborhood serving products and services without driving to large commercial centers. The rezoning will serve the suburban area in a robust and healthy commercial manner fulfilling the Neighborhood form district goals.

The development and proposed zone change will remain compatible with the scale and site design of the neighboring residential. The rezoning will allow a mixture of densities through the development of this small parcel in the best way possible. Appropriate buffers will be created in such a way that this rezoning will not cause the expansion into residential areas. The potential adverse impacts, such as noise, lighting and traffic will continue to be mitigated through the use of buffers, setbacks and compliance with the Land Development Code.

There is a small area plan, the Old Henry Road Subarea Plan, adopted in May, 2000 (the “Old Henry Plan”), for this property and area which contemplates what is being proposed for this property located within Planning Area 2 of the Old Henry Plan. The Old Henry Plan provides should non-residential development options be approved in this area, mix of residential and non-residential should be expected. The proposal is for neighborhood serving retail, which would fall within what was contemplated. Per page 40 of the Old Henry Plan, the subject property is not located within a “residential collar” as described therein. Further, the proposal meets many of the Guiding Principles of the Old Henry Plan, including providing pedestrian connections along transportation corridors, diversity of housing options (through mixed use residential), and traffic calming measures such as traffic reduction through mixed-use projects. The concerns raised in the Old Henry Plan as to commercial in this area, such as commercial corridor expansion down Old Henry (which can never happen as the properties between this and the 1-265 are developed residentially), and fast food service and gas stations which draw traffic from outside the area (which the DDDP would not allow).

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

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

The proposed change in zoning from R-4 to C-1 to allow the additional retail/residential uses will encourage sustainable growth and avoid potential decline and will continue to provide density around a mixed-use center and along commercial corridors by placing density compatible with the neighborhoods and existing infrastructure. The design and density are appropriate with adjacent uses that will serve the needs of the surrounding community as they will not change from what exists at the site other than the proposed uses. The development will be compact in an activity center resulting in efficient land use and it will take advantage of and compliment cost-effective infrastructure investment. The mixture of compatible uses will reduce traffic and limit trips for customers and users of the site, along with providing “capture trips” by providing additional retail services to those already traveling Old Henry Road and Factory Lane avoiding more lengthy trips. The proposed uses are not ones that would be destinations, or if so, ones they would go during non-peak hour times. This site is within a corridor where major support population exists. As a relatively small retail/residential center, it will be compact and will contain a mixture of acceptable/desirable retail/residential uses, complimentary to what exists in the growing area.

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

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

The proposed development plan will enhance the surrounding neighborhoods by not diminishing any open space or natural resources and will provide a Tree Protection Area on the northwest area of the site. The zoning change will not impact any flood prone areas, nor will it impact any wet or permeable soils or steep slopes, and by providing a detention basin the stormwater management will be handled more effectively. There are no known karst areas on the site. The proposal avoids any significant change in topography and does not cause any environmental changes or damage. The landscape buffers and setbacks will continue to provide the community

transitions between the site and the surrounding properties. Moreover, the stormwater drainage improvements will continue to limit any issues with flooding or standing water with no new impervious surface proposed, while respecting the natural features of the property and protecting the health, safety and welfare of the adjacent properties and future uses of the development.

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

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

There are no historic buildings or features on the property. The rezoning and development plan will essentially provide an infill activity center location where a large support population exists. Thus, it represents a good opportunity for continued economic development for the area.

## **MOBILITY**

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

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

Although the neighborhood serving mixed use retail/residential is more intense than the existing and adjacent zoning, it is a small scale development to serve the surrounding existing and approved and future residential developments as well as to serve future activity and employment centers in this rapidly developing area. Further, the property is located at the intersection of Old Henry Trail and Old Henry Road.

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

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

The development plan complies with the objectives and applicable policy of Goal 2 by promoting safe, accessible and efficient transportation uses by accommodating pedestrian, bicycle and vehicular access to a minor arterial (Old Henry Road) and a local street (Old Henry Trail) which is not through areas of significantly lower density or intensity and will not thereby create a nuisance.

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

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

The development plan complies with the objectives and policies of Goal 3 by providing walking and bicycling opportunities with the sidewalks (which will be installed when the Old Henry Road widening project is completed and interconnected walkways and by providing a mix of complimentary neighborhood serving businesses, services and reducing miles travelled by car by providing the activity center with additional development in this infill situation. The plan will



not burden the transportation network but will allow the site to continue to be consistent with the purpose of the Neighborhood. The parking requirements of the site consider the intensity and density of the use and the character and pattern of the Form District in that it will continue to serve the community. The plan also satisfies the policy of supporting biking and pedestrian travel by providing for those modes of access, with excess bike parking provided. All required utilities are available to the site.

### **COMMUNITY FACILITIES**

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

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

This development plan is not a community facilities plan, but it does locate development in areas currently served by existing infrastructure, it has adequate water supply and access to sewers so as to not burden existing or future community facilities.

### **ECONOMIC DEVELOPMENT**

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

The proposed zone change and DDDP complies with applicable Objectives a, c, d, f & h and Policies 2, 3, and 4 as follows:

This development plan complies with Goal 1 of Economic Development as it provides economic climate that improves growth, innovation, and investment opportunity for all by providing for the use of an otherwise undevelopable parcel in an infill context. It locates these new potential uses in an area with existing infrastructure in an efficient manner increasing economic opportunities in the area. It will also provide opportunities to small businesses by providing another location with a supportive residential component with convenient access to major arterials and roadway infrastructure without generating high volumes of traffic.

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

The proposed zone change and DDDP complies with applicable Objectives a, b, c, d & f and Policies 1, 3, 4, 5, & 7 as follows:

This development plan complies with Goal 2 of Economic Development as it enhances the quality of life in the area by developing a small infill location, while at the same time protecting and improving the economic value of the surrounding areas by assisting the economic viability of the activity center. It also satisfies the goal and policy of infill development to take advantage of the existing infrastructure.

### **LIVABILITY**

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

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

The development plan complies with the objectives and policies of Goal 1 of Livability element in that it provides pedestrian and bicycle connectivity while not creating new traffic for the area. It also will continue to deal with any impacts to drainage associated with the site through the use of detention basins accounting for the impervious surface. Landscaping will be added where necessary and required under the Land Development Code to reduce the impacts of the site to nearby residential uses. There are no known karst features on the site.

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

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

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

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

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

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

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

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

The development plan complies with the objectives and policies of Goal 4 of Livability element by providing and enhancing choices for mobility and encouraging clean air by reducing miles driven by providing needed services to an area needing such services. It also provides needed retail services in and along high capacity transit corridors of Old Henry Road and Factory Lane, supporting public transportation with the medium intensity uses.

## **HOUSING**

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

\* \* \*

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

Respectfully submitted,

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**BARDENWERPER, TALBOTT & ROBERTS, PLLC**  
Bardenwerper Talbott & Roberts, PLLC  
1000 N. Hurstbourne Parkway, Second Floor  
Louisville, KY 40223  
(502) 426-6688

**Variance Justification:**

In order to justify approval of any variance, the Board of Zoning Adjustment considers the following criteria. Please answer all of the following items. Use additional sheets if needed. A response of yes, no, or N/A is not acceptable.

Variance of Section 5.3.1.C.5, Table 5.3.2 to vary the Old Henry Trail 95 ft maximum setback as show on the development plan.

1. The variance will not adversely affect the public health, safety or welfare because this is an aesthetic issue only and because Old Henry Road and Old Henry Trail are both parkways. In order to comply with the parkway buffer setbacks and the irregular shape of the lot, the only way the building will work is if the setback is exceeded.
2. The variance will not alter the essential character of the general vicinity because the increased setback will be consistent with the semi-rural character of the area and will facilitate effective drainage control.
3. The variance will not cause a hazard or a nuisance to the public because again this is an aesthetic not hazard or nuisance issue, and created by the parkway buffer on Old Henry Road and Old Henry Trail.
4. The variance will not allow an unreasonable circumvention of the requirements of the zoning regulations because it will facilitate other important requirements for drainage and roadway improvements.

Additional consideration:

1. The Variance arises from special circumstances, which do not generally apply to land in the general vicinity because, as noted above, the property is irregularly shaped and is located along two parkways which require significant setbacks.
2. Strict application of the provisions of the regulation would deprive the applicant of the reasonable use of the land or would create unnecessary hardship because the applicant wouldn't be able to fit most of its normal-shaped buildings on this overall irregularly shaped site.
3. The circumstances are not the result of actions of the applicant taken subsequent to the adoption of the regulation because the result of the shape of the overall site and the parkway buffer setback required.

- ● ● | Tab 10

- ● ● | Proposed findings of fact pertaining to compliance with the 2040 Plan and Variance criteria

# BARDENWERPER, TALBOTT & ROBERTS, PLLC

ATTORNEYS AT LAW

1000 N. HURSTBOURNE PARKWAY • BUILDING INDUSTRY ASSOCIATION OF GREATER LOUISVILLE BLDG. • SECOND FLOOR • LOUISVILLE, KENTUCKY 40223  
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## PROPOSED FINDINGS OF FACT REGARDING COMPLIANCE WITH ALL APPLICABLE GOALS OF THE 2040 PLAN

<u>Applicant &amp; Owner:</u>	One Fourteen LLC
<u>Location:</u>	14015 Old Henry Trail
<u>Proposed Use:</u>	Commercial/Retail center
<u>Engineers, Land Planners and Landscape Architects:</u>	Land Design & Development, Inc.
<u>Request:</u>	Zone change from R-4 to C-1

The Louisville Metro Planning Commission, having heard testimony before its Land Development & Transportation Committee, in the Public Hearing held on July 16, 2020 and having reviewed evidence presented by the applicant and the staff's analysis of the application, make the following findings:

### COMMUNITY FORM

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

**WHEREAS**, the proposed zone change and detailed district development plan (DDDP) comply with applicable Objectives a, b, c, e & f and applicable Policies 1, 2.1, 2.7, 3.1.3, 4, 6, 7, 9, 10, 11, 12, 13, 14, 17, 18, 19, 20, 23, & 28 because the proposed change in zoning to C-1 complies with Goal 1 in several ways; a small neighborhood serving retail/residential center is proposed in a rapidly growing area of Old Henry Road, just outside the Snyder Freeway where a large retail activity center already exists; and with the new residential growth outside of the Gene Snyder, commercial mixed-use retail locations on a scale like this have an increased demand, to serve these new residential units; and

**WHEREAS**, the new mixed use retail/residential center will provide an alternative housing option while also supporting the existing retail stores in the proposed center and position the overall development to adapt readily now and in the future to new market demands; its location close to neighboring residential developments will be convenient for the residents and will reduce vehicle miles traveled for those seeking coffee, a restaurant, or routine neighborhood serving products and services, without driving to large commercial centers; and the rezoning will serve the suburban area in a robust and healthy commercial manner fulfilling the Neighborhood form district goals; and

**WHEREAS**, the development and proposed zone change will remain compatible with the scale and site design of the neighboring residential; the rezoning will allow a mixture of densities through the development of this small parcel in the best way possible; appropriate buffers will be created in such a way that this rezoning will not cause impacts from the rezoning; the potential adverse impacts, such as noise, lighting and traffic will continue to be mitigated through the use of buffers, setbacks and compliance with the Land Development Code; and

**WHEREAS**, there is a small area plan, the Old Henry Road Subarea Plan, adopted in May, 2000 (the “Old Henry Plan”), for this property and area which contemplates what is being proposed for this property located within Planning Area 2 of the Old Henry Plan; the Old Henry Plan provides “should non-residential development options be approved in this area, a mix of residential and non-residential should be expected” clearly anticipating non-residential uses; the proposal is for neighborhood serving retail, which would fall within what was contemplated; further, the proposal meets many of the Guiding Principles of the Old Henry Plan, including providing pedestrian connections along transportation corridors, diversity of housing options (through mixed use residential), and traffic calming measures such as traffic reduction through mixed-use projects; and the concerns raised in the Old Henry Plan as to commercial corridor expansion down Old Henry Road (which won’t happen as the properties between this and the 1-265 are developed residentially), and fast food service and gas stations which draw traffic from outside the area (which the DDDP would not allow); and

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

**WHEREAS**, the proposed zone change and DDDP comply with applicable Objectives b & d and Policies 1, 2, 5, 6, 7, 8, 9, 11, & 17 because the proposed change in zoning from R-4 to C-1 to allow the additional retail/residential uses will encourage sustainable growth and avoid potential decline and will continue to provide density around a mixed-use center and along commercial corridors by placing density compatible with the neighborhoods and existing infrastructure; the design and density are appropriate with adjacent uses that will serve the needs of the surrounding community; the development will be compact in an activity center resulting in efficient land use and it will take advantage of and compliment cost-effective infrastructure investment; the mixture of compatible uses will reduce traffic and limit trips for customers and users of the site, along with providing “capture trips” by providing additional retail services to those already traveling Old Henry Road and Factory Lane, thus avoiding more lengthy trips; the proposed uses are not ones that would be destinations, or if so, ones they would go during non-peak hour times; this site is within a corridor where major support population exists; and as a relatively small retail/residential center, it will be compact and will contain a mixture of acceptable/desirable retail/residential uses, complimentary to what exists in the growing area; and

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

**WHEREAS**, the proposed zone change and DDDP comply with applicable Objectives a and c, and Policies 9, 10 and 12 because the proposed development plan will enhance the surrounding neighborhoods by not diminishing any open space or natural resources and will provide a Tree Protection Area on the northwest area of the site; the zoning change will not impact any flood prone areas, nor will it impact any wet or permeable soils or steep slopes, and by providing a

detention basin the stormwater management will be handled more effectively; there are no known karst areas on the site; the proposal avoids any significant change in topography and does not cause any environmental changes or damage; the landscape buffers and setbacks will continue to provide the community transitions between the site and the surrounding properties; moreover, the stormwater drainage improvements will continue to limit any issues with flooding or standing water, while respecting the natural features of the property and protecting the health, safety and welfare of the adjacent properties and future uses of the development; and

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

**WHEREAS**, the proposed zone change and DDDP comply with applicable Policies 1 & 2 because there are no historic buildings or features on the property; the rezoning and development plan will essentially provide an infill activity center location where a large support population exists; and thus, it represents a good opportunity for continued economic development for the area; and

### **MOBILITY**

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

**WHEREAS**, the proposed zone change and DDDP complies with applicable Objectives e and Policy 4 because although the neighborhood serving mixed use retail/residential is more intense than the existing and adjacent zoning, it is a small scale development to serve the surrounding existing and approved and future residential developments as well as to serve future activity and employment centers in this rapidly developing area; and further, the property is located at the intersection of Old Henry Trail and Old Henry Road resulting in multiple means of access; and

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

**WHEREAS**, the proposed zone change and DDDP comply with applicable Objectives a, b, c & d and Policy 4 because the development plan complies with the objectives and applicable policy of Goal 2 by promoting safe, accessible and efficient transportation methods by accommodating pedestrian, bicycle and vehicular access to a minor arterial (Old Henry Road) and a local street (Old Henry Trail) which is not through areas of significantly lower density or intensity and will not thereby create a nuisance; and

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

**WHEREAS**, the proposed zone change and DDDP comply with applicable Objectives a, b, c, & d and Policies 1, 2, 3, 4, 5, 6, 9 and 10 the development plan complies with the objectives and policies of Goal 3 by providing walking and bicycling opportunities with the sidewalks (which will be installed when the Old Henry Road widening project is completed) and interconnected walkways and by providing a mix of complimentary neighborhood serving businesses, services and reducing miles traveled by car by providing the activity center with additional development in this infill situation; the plan will not burden the transportation network but will allow the site to continue to be consistent with the purpose of the Neighborhood; the parking requirements of



the site consider the intensity and density of the use and the character and pattern of the Form District; and all required utilities are available to the site; and

**COMMUNITY FACILITIES**

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

**WHEREAS**, the proposed zone change and DDDP comply with applicable Policies 1, 2, & 3 because this development plan is not a community facilities plan, but it does locate development in areas currently served by existing infrastructure, it has adequate water supply and access to sewers so as to not burden existing or future community facilities; and

**ECONOMIC DEVELOPMENT**

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

**WHEREAS**, the proposed zone change and DDDP complies with applicable Objectives a, c, d, f & h and Policies 2, 3, and 4 because this development plan complies with Goal 1 of Economic Development as it further economic growth, innovation, and provides an investment opportunity by providing for the use of an otherwise undevelopable parcel in an infill context; it locates these new potential uses in an area with existing infrastructure in an efficient manner increasing economic opportunities in the area; it also provides opportunities to small businesses by providing another location with a supportive residential component with convenient access to major arterials and roadway infrastructure without generating high volumes of traffic; and

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

**WHEREAS**, the proposed zone change and DDDP complies with applicable Objectives a, b, c, d & f and Policies 1, 3, 4, 5, & 7 because this development plan complies with Goal 2 of Economic Development as it enhances the quality of life in the area by developing a small infill location in a mixed-use manner, while at the same time protecting and improving the economic value of the surrounding areas by assisting the economic viability of the activity center; and it also satisfies the goal and policy of infill development to take advantage of the existing infrastructure; and

**LIVABILITY**

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

**WHEREAS**, the proposed zone change and DDDP comply with applicable Policy 7, 12, 17 23, 25, 26, 27, 28, 31, 32, 35, & 39 because the development plan complies with the objectives and policies of Goal 1 of Livability element in that it provides pedestrian and bicycle connectivity; it also will continue to deal with any impacts to drainage associated with the site through the use of detention basins accounting for the impervious surface; landscaping will be added where

necessary and required under the Land Development Code to reduce the impacts of the site to nearby residential uses; and there are no known karst features on the site; and

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

**WHEREAS**, the proposed zone change and DDDP comply with applicable Objectives a, b, c & d and Policy 8 because the development plan complies with the objectives and policies of Goal 2 of Livability element by providing additional goods and services in close proximity; and

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

**WHEREAS**, the proposed zone change and DDDP complies with applicable Objective c and Policies 1, 2, & 4 because the development plan complies with the objectives and policies of Goal 3 of Livability element providing equitable access to the land use planning and policy resources by providing the surrounding residents and property owners notice of the development changes, notice of all public meetings, by providing the neighborhood meeting, and providing an opportunity for area involvement in the plan design and sought-after zoning changes; and

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

**WHEREAS**, the proposed zone change and DDDP complies with applicable Objectives a, b, c, e & f and Policies 1, 2, & 8 because the development plan complies with the objectives and policies of Goal 4 of Livability element by providing and enhancing choices for mobility and encouraging clean air by reducing miles driven by providing needed services to an area needing such services; and it also provides needed retail services in and along high capacity transit corridors of Old Henry Road and Factory Lane, supporting public transportation with the medium intensity uses; and

## **HOUSING**

**WHEREAS**, the proposed zone change and DDDP comply with applicable Objectives and applicable Policies of Goal 1, 2, & 3 as it creates and locates necessary services and employment opportunities near residential areas, thereby strengthening and supporting the housing in the area; this use will facilitate connected and mixed-use areas and ensure long term affordability and living options for all in the community; and the proposed zoning will permit diversity in housing styles, mixed-income and inter-generational residency without displacing any current residents and providing an innovative method of mixed-use housing; and

\* \* \*

**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-4 to C-1 and approves the Detailed District Development Plan.

**VARIANCE FINDINGS OF FACT**

Variance of Section 5.3.1.C.5, Table 5.3.2 to vary the Old Henry Trail 95 ft maximum setback as show on the development plan.

**WHEREAS**, the variance will not adversely affect the public health, safety or welfare because this is an aesthetic issue only and because Old Henry Road and Old Henry Trail are both parkways; and in order to comply with the parkway buffer setbacks and the irregular shape of the lot, the only way the building will work is if the setback is exceeded; and

**WHEREAS**, the variance will not alter the essential character of the general vicinity because the increased setback will be consistent with the semi-rural character of the area and will facilitate effective drainage control; and

**WHEREAS**, the variance will not cause a hazard or a nuisance to the public because again this is an aesthetic not hazard or nuisance issue, and created by the parkway buffer on Old Henry Road and Old Henry Trail; and

**WHEREAS**, the variance will not allow an unreasonable circumvention of the requirements of the zoning regulations because it will facilitate other important requirements for drainage and roadway improvements; and

Additional consideration:

**WHEREAS**, the Variance arises from special circumstances, which do not generally apply to land in the general vicinity because, as noted above, the property is irregularly shaped and is located along two parkways which require significant setbacks; and

**WHEREAS**, strict application of the provisions of the regulation would deprive the applicant of the reasonable use of the land or would create unnecessary hardship because the applicant wouldn't be able to fit most of its normal-shaped buildings on this overall irregularly shaped site; and

**WHEREAS**, the circumstances are not the result of actions of the applicant taken subsequent to the adoption of the regulation because the result of the shape of the overall site and the parkway buffer setback required; and

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

## Docket No. 19-ZONEPA-0074

(Dante St. Germain, DPDS Case Manager)

Proposed change in zoning from R-4 to C-1 to allow a commercial center with retail, restaurant and 2nd floor multi-family residential on 3.19 +/- acres on property located at the northwest quadrant of Old Henry Trail and Old Henry Road at 14015 Old Henry Trail

c/o One Fourteen LLC, applicant

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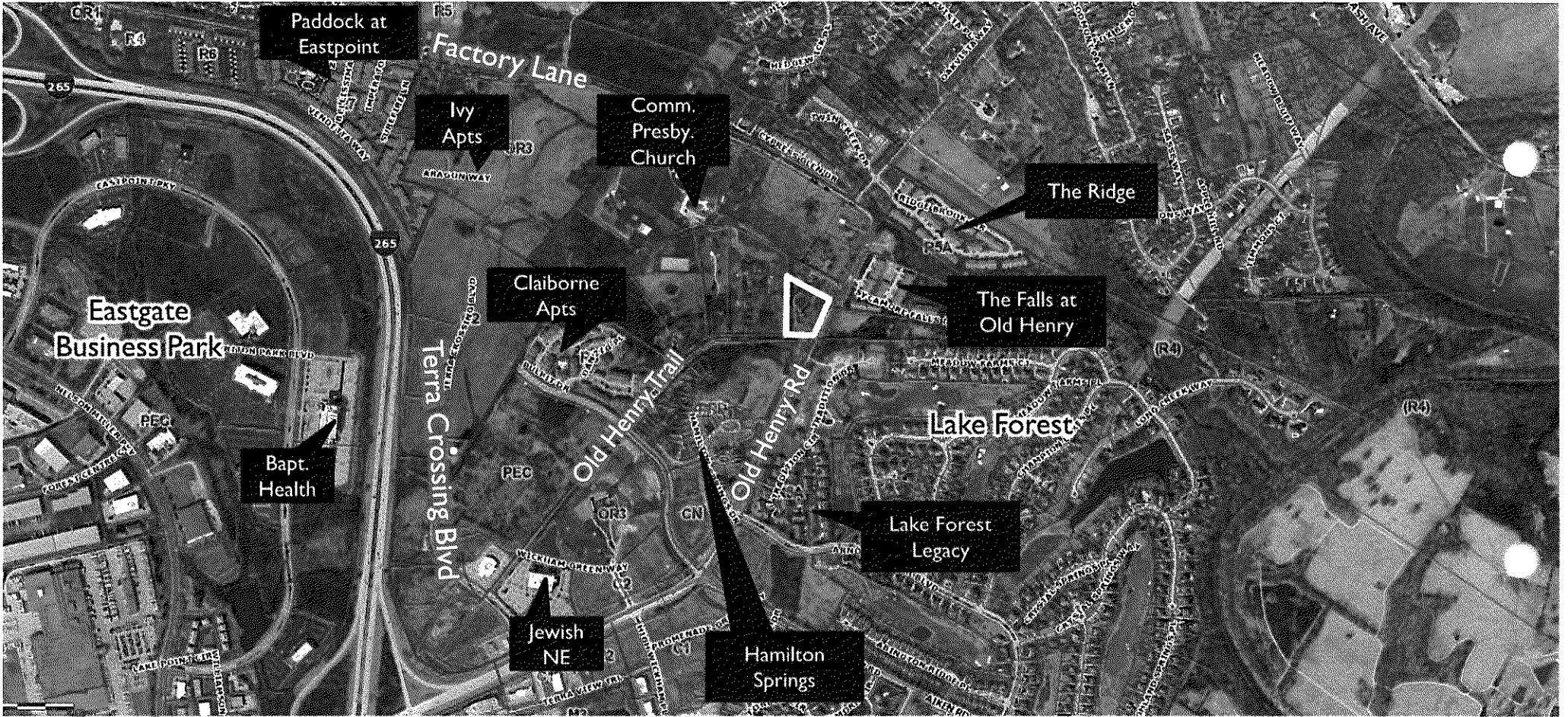
DEC 23 2019

PLANNING &  
DESIGN SERVICES

19 - ZONE - 0095

Attorneys: Bardenwerper Talbott & Roberts, PLLC

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



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ZONE

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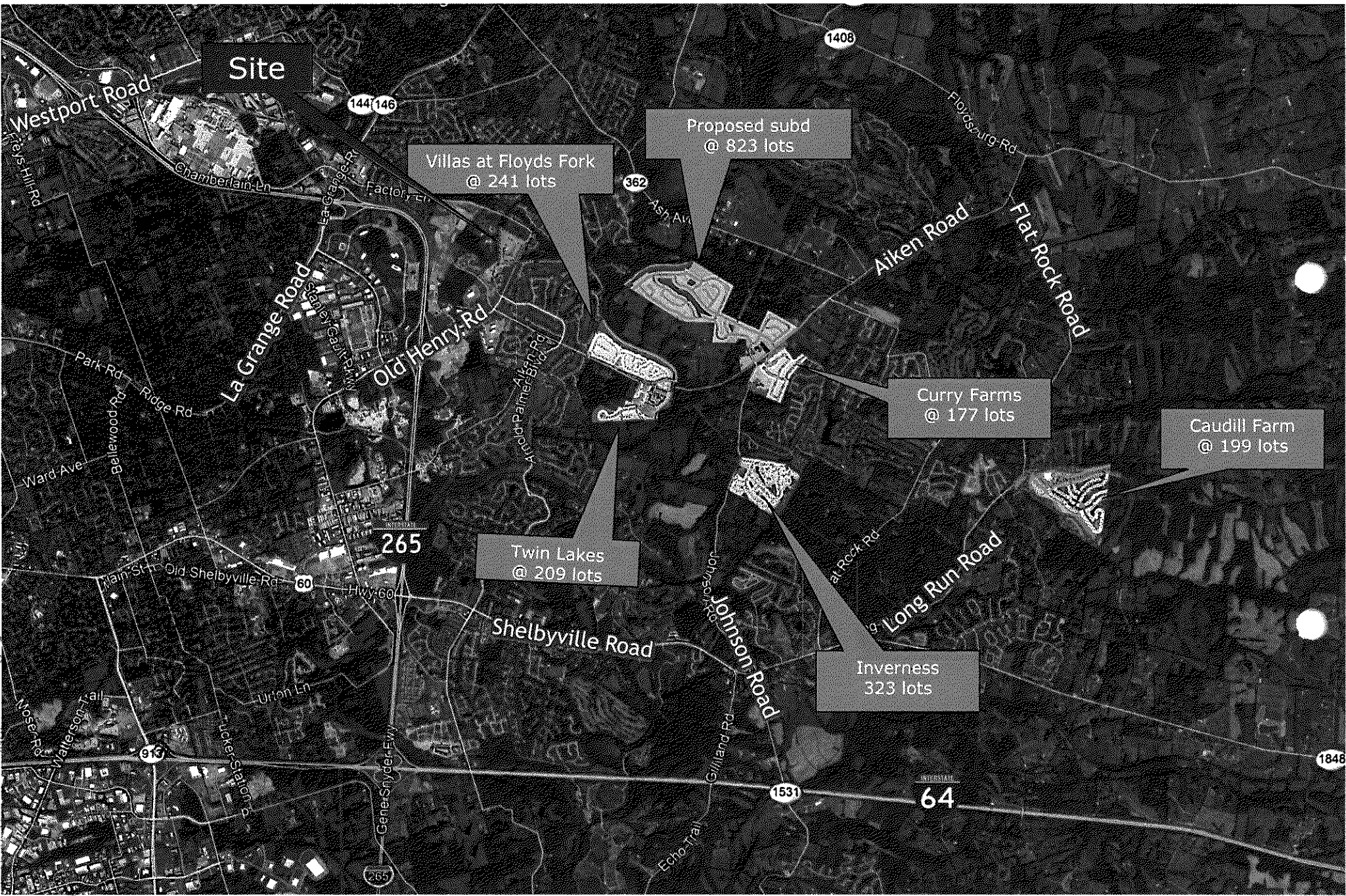
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ENGINEERING SERVICES

ZONE - 0095





Site

Villas at Floyds Fork  
@ 241 lots

Proposed subd  
@ 823 lots

Twin Lakes  
@ 209 lots

Inverness  
323 lots

Curry Farms  
@ 177 lots

Caudill Farm  
@ 199 lots

Westport Road

La Grange Road

Old Henry Rd

Shelbyville Road

Johnson Road

Long Run Road

Aiken Road

Flat Rock Road

Peters Hill Rd

Chamberlain Ln

La Grange Rd

Factor Ln

Ash Ave

Floydsburg Rd

Park Rd  
Belwood Rd  
Ridge Rd

Ward Ave

Palmer Blvd

Main St  
Old Shelbyville Rd

265

Hiwy 60

Union Ln

913

Nose Hill Rd

Matterson Trail

Station

265

Gene Snyder Hwy

Echo Trail

Gillingham Rd

1531

INTERSTATE  
64

1848

1408



COMMUNITY  
PRESBYTERIAN  
CHURCH

THE RIDGE

RIDGE BROOK CIRCLE

SYCAMORE FALLS DR

THE FALLS  
AT  
OLD HENRY

WILLOW FALLS CT

OLD HENRY ROAD

OLD HENRY TRAIL

MEADOW FARMS COURT

LAKE FOREST  
SUBDIVISION

CLAIBORNE  
CROSSING

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HAMILTON SPRINGS  
GARDEN HOMES

Lake Forest Legacy

TRADITION DRIVE

19 -  
ZONE  
- 0095





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ZONE - 0 07 5

Looking northeast down Old Henry Road towards site.



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14015 Old He  
9 - ZONE - 0095

Looking north towards site from Old Henry Trail and Old Henry Road intersection



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ZONE - 0795

Looking north towards site from Old Henry Trail and Old Henry Road intersection.



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Looking south down Old Henry Road. Site is to the right.

# Proposed building elevations



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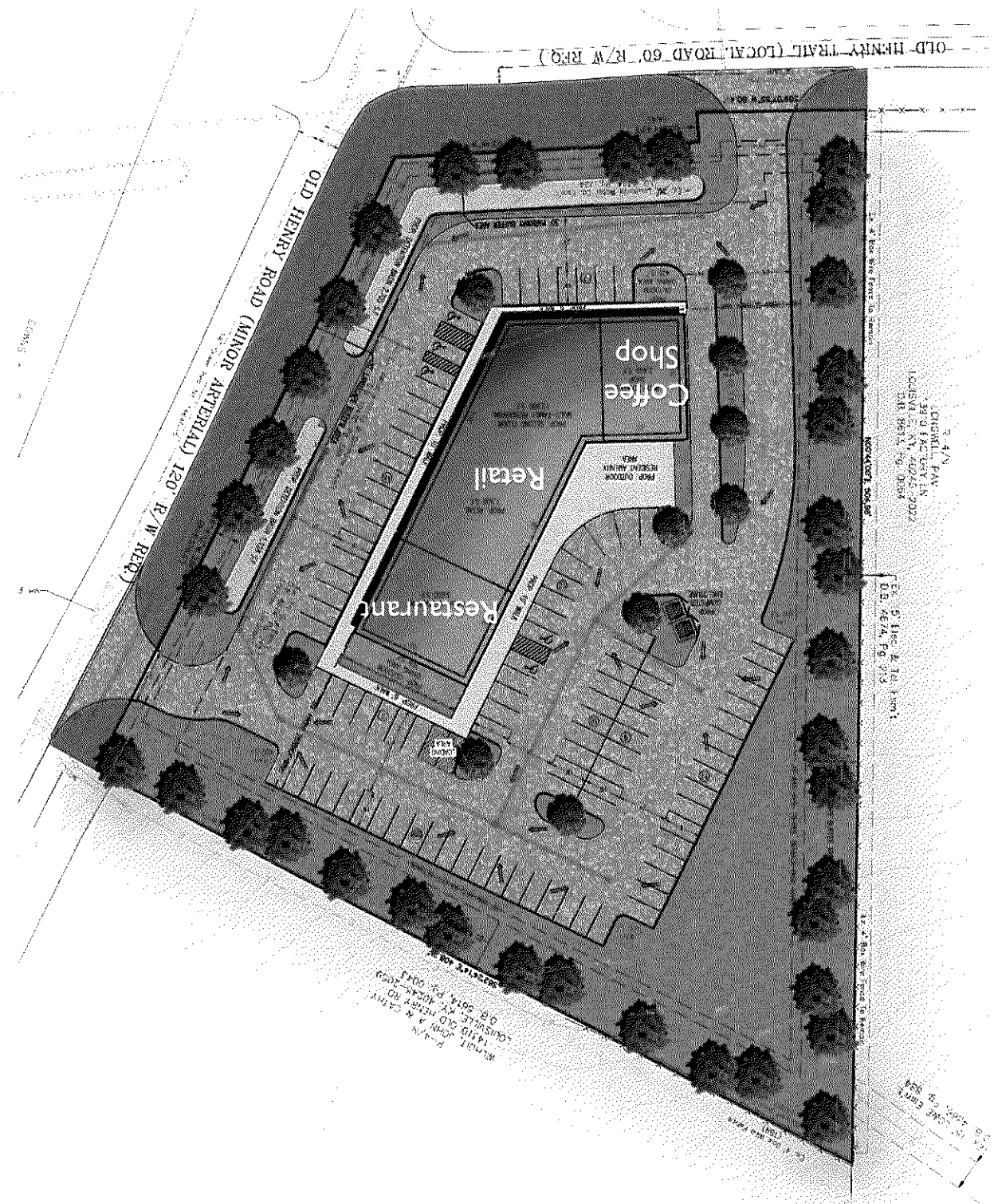
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3-4-N  
 URBAN PLAN  
 38.0' FACE LVL IN  
 LOCAL PLAN, 4/2/05 2002  
 201 1901A, PG. 030A

E. 5' Line & 74' Joint  
 03.4/14 PG. 13

38.0' FACE LVL IN  
 LOCAL PLAN, 4/2/05 2002  
 201 1901A, PG. 030A

1918 OLD HENRY RD  
 LOUISVILLE, KY 40204  
 502.581.9100  
 JOHN A. CANNON  
 P.L.L.C.

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