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

Applicant: Unbridled Chicken, LLC d/b/a Zaxby’s restaurant

Owners: Korean Baptist Mission Church of Kentucky

Project Name/Location: Zaxby’s Regional Office
12407 Rehl Road

Proposed Use: Office

Request: Zone change from R-4 to OR

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

INTRODUCTION

Zaxby’s, a casual fast food restaurant, was founded in 1990 in Statesboro, Georgia. The company currently operates approximately 800 franchised locations in 18 states. This application seeks a rezoning for its regional corporate offices with approximately five regular employees and once weekly meetings for approximately ten area store employees. Occasionally there will be some minor restaurant equipment repair as an accessory use to the offices.

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, 3.1.10, 4, 5, 6, 7, 8, 9, 10, 11, 12, 14, 16, 17, 18, 19, 20 and 21, it complies as follows, in addition to the other ways set forth above and below:

The site is located in the Suburban Workplace Form District which is characterized by mostly industrial and office buildings which are set back from the street in a landscaped setting, making this Office-Residential use a very low intensity for the form district. These buildings are often significant in size or large scale uses, however this plan proposes an adaptive reuse of an existing church building. The subject property is located very near the minor arterial of Tucker Station Road with direct access to Taylorsville Road, a major arterial, and it also is near the minor arterial of Plantside Drive. Public transportation is always desirable but not necessarily always available because of limited government funding. Public transportation is not currently available in this area. Pedestrian access to nearby commercial development will be facilitated by sidewalks along the property frontage.

Land Development Code required size and height restrictions, interior and perimeter landscaping, minimum parking, maximum lighting and signage, and required setbacks will also be met.

Also, this proposed office facility is just a short drive in all directions from sizeable and ever-growing activity centers and population centers; travel distances for workers are reduced, and walking and biking become very real possibilities, especially over time as sidewalk extensions are completed which contributes to improved connectivity and air quality.

This is an adaptive reuse of an existing church built with brick veneer which is a quality building component and a design compatible with other buildings in the area will assure compatibility with surrounding and nearby workplace buildings and development sites as well as existing residential sites as it is a church form of building allowed in residential zones. Proposed landscaping, screening and buffering help assure context appropriateness and design compatibility for the larger area and proximate residential uses.

The development and proposed zone change will remain compatible with the scale and site design of nearby residential uses and institutional uses. The property will allow a mixture of densities through the allowable uses with negotiated buffers and landscaping. As a consequence of what surrounds this proposal (Javanon soccer complex adjacent to the east; large 3.6 and 2 acre residential rear yards to the north and west respectively and three single family homes under common ownership across Rehl Road to the south); and the fact that this is a proposed office facility, impacts such as traffic, odors, lighting, noise and aesthetic factors will not be nuisances as this small Office-Residential use will have in many cases less activity than the church currently using the site and the nearby area has been almost entirely built out as Suburban Workplace Development. There also will be no hazardous uses or activities on site.

As to Goal 2, Policies 1 and 9, it complies as follows, in addition to the other ways set forth above and below:

As said, the proposed office use is appropriately located in a Suburban Workplace Form District on a secondary collector road and will be in an area with nearby similar workplace facilities. The proposed change in zoning from R-4 to OR to allow an office will encourage sustainable growth by placing a low intensity office, compatible with the neighborhood and existing infrastructure, on an church property on Rehl Road. The design and density are appropriate with adjacent residential uses that will serve the needs of the surrounding community. This site is located in an established section of eastern Metro Louisville, where through a combination of design measures and the nature of the use itself, will not create any nuisances for surrounding residential properties. Office and residential uses are frequently located adjacent to each other and encouraged to do so because of the relatively low intensity and to reduce traffic by placing services and employment close to the residential areas. The nature of this office use will create even less traffic than a traditional office, particularly at peak times, because of the few number of workers.

This location adds to the opportunities existing and planned in this high growth area to work in close and convenient proximity to places of residence, food and shopping within easy driving distances in all directions along I-64 and the Snyder Freeway.

As to Goal 3, Policies 9, 10, 11 and 12, it complies as follows, in addition to the other ways set forth above and below:

The proposed development plan will enhance the surrounding neighborhoods by not diminishing any open space or natural resources. The zoning change will not impact any flood prone areas, nor will it impact any wet or permeable soils or steep slopes. The proposal avoids any change in topography and does not increase any environmental changes or damage. The landscape buffers and setbacks will continue to provide the community transitions between the site and the surrounding residential properties.

As to Goal 4. Policies 1 and 2, it complies as follows, in addition to other ways set forth above and below:

There are no known historic assets or cultural features on site. The existing building is not historic and in any case is proposed to be preserved and adaptively reused. Noise and odors from offices is nonexistent or at least minimal. Lighting will be designed in accordance with Land Development Code requirements, and, visual impacts will be minimal, and improved in many instances to what currently exists. Offices, being neighborhood serving uses, are often appropriate transitions to higher intensity uses (such as exist with the PEC zoning nearby the site) and they provide a good transition to the residential uses.

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, Policy 4; and Goal 3, Policies 2, 3, 4, 5, 6, 9 and 10, it complies as follows, in addition to the other ways set forth above and below:

This proposed corporate office facility (located as it is within an existing and growing mixed use Suburban Workplace area proximate to other large facilities of this kind, with good access off both arterial and collector level streets and thereby well connected as it is proposed to be close to restaurants, retail shopping and other nearby residential developments and communities) is plainly part and parcel of good pedestrian, bicycle and road networks. Locating its development along and with access to and from those networks, applicant/developer will, at its cost, construct sidewalks and to-be-determined frontage improvements. In doing so, it will prepare construction plans that will assure safe access with good site distances and turning radii.

Also, bike racks and handicapped parking spots will be installed as and where required near buildings. And all drive lanes, parking spaces and stub connections will be designed in accordance with Metro Public Works and Transportation Planning (MPW&TP) requirements. These are preliminarily depicted on the DDDP filed with this application. A traffic Impact Study (TIS) will be submitted if required under MPW&TP requirements. Existing TARC service is generally not available in this area.

Further, all necessary utilities are located proximate to this site and accessible by it via public right of way or easements. Sewerage is provided by an existing septic system.

PLAN ELEMENT 4.3: COMMUNITY FACILITIES

This Application Package complies with Plan Element 4.3, its Goal 2 and its Objectives plus the following Policies.

As to Goal 2, Policies 1, 2 and 3 it complies as follows, in addition to the other ways set forth above and below:

The suburban cities of Jeffersontown and Middletown have assured that necessary community facilities are located nearby, including police and fire stations. All necessary utilities are available to the site except sewers as the site is currently served by a septic system.

PLAN ELEMENT 4.4: ECONOMIC DEVELOPMENT

This Application Package complies with Plan Element 4.4, Goal 1 and its Objectives, plus the following Policies.

As to Goal 1, Policies 1 and 2, it complies as follows, in addition to the other ways set forth above and below:

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 using an infill site and developing property for uses serving the surrounding residential community with an office use and intensity appropriate for the area. It locates these new potential uses in an area with existing infrastructure, utilizes the curb cut and access of the already existing church, in an efficient manner increasing economic opportunities in the area. It will also provide opportunities to small businesses thereby increasing economic opportunity to business owners and employment. It also increases the Metro Louisville tax base essential to the provision of government services

PLAN ELEMENT 4.5: LIVABILITY

This Application Package complies with Plan Element 4.5 Goal 1 and its Objectives, plus the following Policies:

As to Goal 1, Policies 7, 12, 17 23, 25, 26, 27, 28, 31, 32, 35, & 39, it complies as follows, in addition to the other ways set forth above and below:

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 significant new traffic for the area, particularly not creating traffic during peak traffic times. It also will not add any new impacts to drainage associated with the site. Landscaping will be added where necessary, requested by neighbors and required under the Land Development Code to reduce the impacts of the site to nearby residential uses.

As to Goal 2, Policy 8, it complies as follows, in addition to the other ways set forth above and below:

The development plan complies with the objectives and policies of Goal 2 of Livability element by providing opportunities for employment close to the residential properties and nearby population. Also, it is located on a collector, providing good access, where nuisances and activities will not adversely affect adjacent areas.

As to Goal 3, Policies 1, 2, & 4, it complies as follows, in addition to the other ways set forth above and below:

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 by providing an opportunity for area involvement in the plan design and sought-after zoning changes.

PLAN ELEMENT 4.6: HOUSING

This Application Package complies with Plan Element 4.6, its Goal 3 and its Objectives, it complies as follows, in addition to ways as set forth above and below:

As to these Goals, Objectives and Policies generally, while they don't specifically address developments of this kind, this office facility proposal will adaptively reuse an existing church building and no existing residents will be displaced.

* * *

For all of the above-stated reasons, those shown on the detailed district development plan and those explained at the LD&T meeting and Planning Commission public hearing, this application complies with all other applicable Goals, Objectives and Policies of the "Plan 2040" Comprehensive Plan.

Respectfully submitted,

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