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**CASE #20-ZONE-\_\_\_\_\_ - STATEMENT OF COMPLIANCE WITH PLAN 2040  
COMPREHENSIVE PLAN FOR LOUISVILLE METRO**

Project Name: Vogt Property  
Location: 4310, 4314 and 4318 Bardstown Road  
4403 and 4405 Fegenbush Lane  
Proposed Use: Commercial  
Request: Zone Change from R-4 to C-1  
Form District Change from Neighborhood to Suburban  
Marketplace Corridor

**Project Description**

The subject property is located near the intersection of Bardstown Road and Fegenbush Lane and is within the Neighborhood Form District. It is directly adjacent to and across Bardstown Road from the Suburban Marketplace Corridor Form District with commercial uses located to the west and across the street. It has frontage on both Bardstown Road, a major arterial road and transit corridor and on Fegenbush Lane, a minor arterial road. It lies adjacent to other commercial uses with the McDonald's restaurant and Crystal Clean Car Wash to the west, with Family Dollar, Tire Discounters and Mortenson Family Dental across the street. It is adjacent to Resthaven Memorial Park along its entire east side and there is existing residential to the south. The proposal would expand on the existing activity center of adjacent commercial uses which with the provision of appropriate buffers for the adjacent residential, makes this site an appropriate location for commercial development.

**Community Form: Goals 1, 2 & 3**

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

The proposed zone and form district change complies with Goal 1 within the Community Form Objectives of the 2040 Comprehensive Plan, specifically policies 6, 7, 8, 15, 16, 17, 18 & 21.

The change of zoning and development proposed meets Goal 1. The site is adjacent to an existing activity center and is an expansion of this center. The commercial uses proposed are appropriately located on 2 roads classified as arterials, with Bardstown Road also being a transit corridor. The development will benefit from passerby traffic from these arterial level roads more than it is likely to increase traffic on them. The proposed expansion of commercial uses with the provision of an appropriate buffer would minimally impact residential development especially with only 1 existing, single-family residential dwelling directly adjacent to this property.

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**Goal 2 – Encourage sustainable growth and density around mixed-use centers and corridors.**  
The proposed zone and form district change complies with Goal 2 within the Community Form Objectives of the 2040 Comprehensive Plan, specifically policies 1, 4, 5, 6, 7, 8, 9, 10 & 11.

This proposal is an expansion of an existing activity center and so the density and design is compatible to the adjacent development to the north and west and will not negatively impact Resthaven Memorial Cemetery to the east. The site has appropriate access and connectivity as it has frontage and access on both Bardstown Road and Fegenbush Lane as options for entering and existing the site. The site is located adjacent to an existing activity center and in a marketplace corridor with sufficient population expected to support the uses proposed. As an extension of the existing activity center this development would result in efficient land use and cost-effective infrastructure investment. This development would support and enhance alternative modes of transportation with the extension of sidewalks along its frontages and throughout the site and with service from existing TARC routes found on Bardstown Road. TARC riders will benefit from the relocation of the existing stop and installation of a concrete pad and bench.

Though no residential component is currently proposed as part of the General District Development plan for this site, it is not prohibited and could be included at the Detailed District Development plan stage. The existing residential structures and outbuildings on the site are not suitable for reuse for the uses anticipated in this development. Though they are considered historic due to their being more than 50 years old they have not been identified as historically significant and are proposed to be removed/demolished.

As previously stated, the uses proposed and their placement, design and scale would be compatible to uses in the existing activity center and nearby residential would be minimally impacted by this proposal.

**Goal 3 – Enhance neighborhoods by protecting and integrating open space, watersheds and other natural resources.**  
The proposed zone and form district change complies with Goal 3 within the Community Form Objectives of the 2040 Comprehensive Plan, specifically policies 9, 10 & 12.

There are no significant natural features on the site. The site is not in an area designated as a floodplain. The area is not identified as a location with potential for wet or highly permeable soils, or for containing steep or unstable slopes, nor are any evident. A research of existing online mapping identified a medium potential for karst though no certain signs of sinkholes or karst activity were discovered per the site survey. Detention is proposed on site to handle increased drainage flow resulting from this development to protect adjacent development from any negative affects of on the downstream watershed.

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

The proposed zone and form district change complies with Goal 4 within the Community Form Objectives of the 2040 Comprehensive Plan, specifically policies 1 & 2.

The existing structures, due to their age, are eligible for the National Register of Historic Places but are not proposed to be preserved. They consist of 3 homes and several outbuildings. All 3 are 2 story structures, 2 are of wood siding and the 3<sup>rd</sup> primarily of stone construction. They are not suitable for reuse for the uses proposed and are not known to have any significant historic or cultural value.

**Mobility: Goals 1, 2 & 3**

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

The proposed zone and form district change complies with Goal 1 within the Mobility Objectives of the 2040 Comprehensive Plan, specifically policy 4.

The proposed development encourages higher densities along an existing marketplace corridor and near an existing activity center. With Bardstown Road as an existing transit corridor, this development supports an efficient transportation system with its proximity to available public transportation that could be utilized by customers and employees visiting the site.

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

The proposed zone and form district change complies with Goal 2 within the Mobility Objectives of the 2040 Comprehensive Plan, specifically policy 4.

Since this development has direct access to Bardstown Road and Fegenbush Lane, both classified as arterial level roadways, access is not through an area of lower intensity and would not create a nuisance.

Sidewalks shall be provided along the frontage and throughout the site as required by the Land Development Code and to provide accessible pedestrian circulation. In addition, access to public transportation will be further improved with the relocation of the existing bus stop adjacent to the developments frontage and construction of a concrete pad and bench, thereby improving safety and convenience of its users.

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

The proposed zone and form district change complies with Goal 3 within the Mobility Objectives of the 2040 Comprehensive Plan, specifically policies 1, 2, 3, 4, 4.1, 4.2, 4.3, 4.4, 4.5, 4.6, 5, 6, 9 & 10.

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The change of zoning and development proposed encourages a mix of compatible neighborhood serving uses that would be accessible by bicycle, car, transit pedestrians and people with disabilities. The site is located on an existing transit corridor and would encourage higher density mixed-use development adjacent to an existing activity center thereby reducing the need for multiple automobile trips and thereby addressing reduction in potential air quality impacts. Vehicular connection to the property to the east and to the south is not currently appropriate with the uses being a cemetery and a single-family residence, but a note shall be included on the plan that future connectivity shall be provided should the residence be redeveloped for another use. This connection would reduce the number of curb cuts required along Fegenbush Lane and provide a unified circulation system.

The existing roads that the development fronts on, both arterial roadways, Bardstown Road with 5 lanes plus a center turn lane and Fegenbush Lane being 4 lanes wide have the capacity to handle the additional trip generated by this development especially considering that many of these will be passerby trips that stop on their way to other destinations.

### **Community Facilities: Goal 2**

*Goal 2 – Ensure community facilities are accessible.*

The proposed zone and form district change complies with Goal 2 within the Community Facilities Objectives of the 2040 Comprehensive Plan, specifically policies 1, 2 & 3.

The development proposed complies with the intent and applicable policies identified in the Community Facilities plan element. The proposed development is located in an area served by existing facilities, utilities and infrastructure that can be extended to serve the development including water, sewer, gas, electric, telecommunication lines and cable.

### **Economic Development: Goal 1**

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

The proposed zone and form district change complies with Goal 1 within the Economic Development Objectives of the 2040 Comprehensive Plan, specifically policy 3.

The development proposed complies with the intent and applicable policies identified in the Economic Development plan element by providing a variety of commercial uses which could generate high volumes of traffic being located along a major arterial corridor and additionally having access to a minor arterial corridor. These roadways will be able to support the traffic for the uses proposed and will not adversely affect adjacent areas.

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**Livability: Goal 1**

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

The proposed zone and form district change complies with Goal 1 within the Livability Objectives of the 2040 Comprehensive Plan, specifically policies 17 & 21.

A karst survey of the site was conducted and though mapping indicated a medium potential for karst, no indicators of sinkholes or karst activity were found. A note on the plan specifies that if karst features should be encountered during construction that a geotechnical consultant shall be contacted to determine appropriate remediation measures. In addition, there are no steep slopes, unstable soils, protected waterways or regulatory floodplains identified on the site. MSD review of this plan will ensure that the drainage system proposed will be designed to adequately serve increased runoff generated by this development and accommodation made for all through drainage.

**Housing: Goals 1, 2 & 3**

*Goal 1 –Expand and ensure a diverse range of housing choices.*

The proposed zone and form district change complies with Goal 1 within the Housing Objectives of the 2040 Comprehensive Plan, specifically policy 2.

This development would support aging in place with the change of zoning by permitting the possibility of incorporating higher density housing on this site. It would also allow for the construction of neighborhood serving commercial uses in close proximity to the existing residential development in the vicinity.

*Goal 2 –Facilitate the development of connected, mixed-use neighborhoods.*

The proposed zone and form district change complies with Goal 2 within the Housing Objectives of the 2040 Comprehensive Plan, specifically policy 1 & 2.

This development would permit inter-generational, mixed-income and/or mixed-use development with commercial or office uses constructed near existing neighborhoods. It is appropriately located with direct access to arterial level roadways, frontage on multi-modal corridors, one of which offers public transit to serve the development and the larger vicinity. This development will be an expansion of an existing activity center.

*Goal 3 –Ensure long-term affordability and livable options in all neighborhoods.*

The proposed zone and form district change complies with Goal 3 within the Housing Objectives of the 2040 Comprehensive Plan, specifically policies 2 & 3.

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The existing residential structures on the site are currently leased out to tenants. The tenants are aware of the owner's intent for development of the property and all are currently on a month to month lease that allows either the tenant or owner to end the lease with appropriate notice. Other than these limited individuals, this development will not displace residents from their community and the location is more suitable to the zoning and form district proposed. The change in zoning will allow for the potential of higher density development and permit innovative methods of housing.

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