

# BARDENWERPER, TALBOTT & ROBERTS, PLLC

ATTORNEYS AT LAW

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

Applicant: Evansville Teachers Federal Credit Union

Owner Susanne W. Jenkins Revocable Trust; Heather & Derrick Ayers; Gary & Susanne Jenkins; Christian & Courtney Jenkins; Brittany & Andrew Bolyard; Aaron & Suzanne Jenkins

Location: 9700, 9703, 9608, 9610 Bartley Drive and 7600, 7602 Bardstown Road

Proposed Use: Commercial/Retail center

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

Request: 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 branch bank center is proposed in a rapidly growing area of Bardstown Road, just south of 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 proposed mixed use retail center with branch bank will support the existing retail stores in the centers to the South of the development. Its location close to neighboring residential developments will be convenient for the residents and will reduce vehicle miles traveled for those seeking routine neighborhood serving products and services without driving to large commercial centers. For example, residents on Bartley Drive would be able to access the credit union location, the additional retail, and the retail to the South without going out to Bardstown Road. The rezoning will serve the suburban area in a robust and healthy commercial manner fulfilling the Neighborhood Form District goals.

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The proposed zone change and development plan are compatible with the scale and site design of the neighboring residential areas, as this site is on a major arterial roadway at the location of a proposed traffic signal for the development across Bardstown Road (which had the traffic lights being worked on the day of the neighborhood meeting). Appropriate buffers will be created in such a way that this development will mitigate the retail expansion into residential areas very well. The potential adverse impacts, such as noise, lighting and traffic will be mitigated through the use of buffers, setbacks and compliance with the Land Development Code.

*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 small retail lot and branch bank use will encourage sustainable growth with these low impact uses on a major arterial and avoid potential decline and will continue to provide appropriate intensity around this mixed-use center by locating uses of limited intensity compatible with the area and existing infrastructure. This is also provided by the proposed roadway dedication through the site with the requested separate road closures providing low intensity uses in an area of a traffic signal. The design and intensity are appropriate with adjacent uses that will serve the needs of the surrounding community due to the limited impact on the residential and providing the access to the light. The development will be compact in this larger activity center resulting in efficient land use and will take advantage of and compliment cost-effective infrastructure investment. This mixture of compatible neighborhood serving uses will reduce vehicle miles travelled and limit trips for customers and users of the site, along with providing “capture trips” by providing additional services, such as a credit union, to those already traveling the major arterial of Bardstown Road avoiding more lengthy trips. The credit union and small retail out lot use are not ones that would traditionally be destinations but rather would be sustained from pass-by traffic, and would be more likely be during non-peak hour periods. This site is within a corridor where major support population exists and is growing rapidly. As a relatively small retail outlot and branch bank, it will be compact and will contain a mixture of acceptable/desirable retail uses, complementary to what exists in the growing area. The Applicant will agree to a binding element that would prohibit certain more objectionable C-1 uses which will be proposed by the applicant. Sidewalks will be provided as required by the Land Development Code.

*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 protect the surrounding neighborhoods as they will not diminish any open space or natural resources and will provide LBAs and buffers on the northwest area of the site, as well as all along the additional retail outlot. The zoning change will not cause any negative impacts to any flood prone areas, wet or permeable soils or steep slopes. By providing a detention basin the stormwater management will be handled more effectively than it is currently. 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,

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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. Further, this site proposes to provide sanitary sewer service to properties that are currently on septic systems and allow access to even more properties.

*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:

The only truly historic building on the site was a log cabin that has long since been removed. The frame house is not believed to be of any historical significance and will be removed in compliance LMCO 150.110. The rezoning and development plan will essentially provide an infill development within the larger activity center where a large support population exists. Thus, it represents a good opportunity for continued economic development for the area in the appropriate scale and mass.

## **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 retail outlot and branch bank are 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. The site will be in close walking distance to the Soutpointe Commons across the street and along a public transportation corridor providing easy access to most of Metro Louisville. Further, the property is located at the intersection of Bardstown Road and Bartley Drive, being a traffic signal on Bardstown Road. Sidewalks will be provided in compliance with the Land Development Code.

*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 major arterial (Bardstown Road) and a local road (Bartley Drive) which is not through areas of significantly lower density or intensity and will not thereby create a nuisance. Public transit is available. Bike racks will provided and sidewalks will be installed in compliance with the Land Development Code.

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*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 10 as follows:

The development plan complies with the objectives and policies of Goal 3 by providing walking and bicycling opportunities with the sidewalks and by providing a mix of complementary neighborhood serving businesses, services and reducing vehicle miles travelled 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 intent of the Neighborhood Form District, rather than through a more intense use such as the one previously proposed for this site, along with others along Bartley Drive and to the north. The parking proposed for the site appropriately addresses the intensity of the proposed use and the character and pattern of the Neighborhood Form District. The plan also satisfies the policy of supporting biking and pedestrian travel by providing for those modes of access, with bike parking provided. All required utilities are available to the site, including the extension of sanitary sewer service to the site as mentioned. The access to the site has been revised from the original submittal to properly align with adjacent development across Bardstown Road and to satisfy a request from neighbors along Bartley Drive. Sanitary sewers will be 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 of potable water and will sufficient water for fire-fighting purposes and will have 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 will provide appropriate neighborhood serving uses that improves growth, innovation, and investment opportunity for all by providing for the constructive 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.

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*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 large amounts of 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 increased 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.

*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 to existing residential development.

*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.*

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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 vehicle miles travelled by providing needed neighborhood services. It also provides needed retail services in and along high capacity transit corridor of Bardstown Road, supporting public transportation with the medium intensity uses.

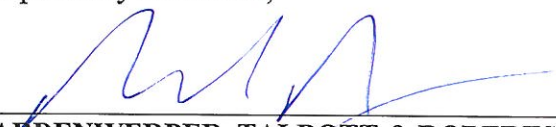
## **HOUSING**

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 support diversity in housing styles, mixed-income and inter-generational residency without displacing any current residents.

\* \* \*

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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