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PROPOSED FINDINGS OF FACT REGARDING COMPLIANCE WITH ALL APPLICABLE GUIDELINES AND POLICIES OF THE CORNERSTONE2020 COMPREHENSIVE PLAN

Applicant: Cityscape Residential, LLC

Owner: Raymond J. Borchert, Fred & Linda Caldwell, Bette Kaelin

Location: 4113, 4190, 4200 and 4206 Simcoe Lane; Block W002, Lot 44; Block W002, Lots 45, 54, 58

Existing Uses: Single Family Residential

Proposed Use: Apartment Community

Engineering Firm: Land Design & Development, Inc.

Request: Change in Zoning from R-4 to OR-3 and Form District Change from Suburban Neighborhood to Regional Center

The Louisville Metro Planning Commission, having heard testimony before its Land Development & Transportation Committee, in the Public Hearing held on May 24, 2016 and having reviewed evidence presented by the applicant and the staff's analysis of the application, make the following findings:

SUMMARY STATEMENT

WHEREAS, this application involves the use of four in-fill parcels that remain as islands of single-family use in a sea of otherwise intensively utilized properties in this highly commercialized KY Highway 22/Snyder Freeway interchange; the site adjoins or is located very near an on-ramp to the Snyder Freeway and an equally tall corporate bank building, with shopping centers next door and across KY 22, and two 5-story hotels also across KY 22; and as a consequence, this property, located at the current terminus of the Regional Center Form District adjoining or near the properties as it is, is perfect for a similarly intensive use, yet one that will add residents, instead of more transients, to the area and that, perhaps most importantly, as an apartment community will have less traffic impact than more office development at this location given that remaining as single family residential is not a serious option; and

GUIDELINE 1 – COMMUNITY FORM

WHEREAS, the property is located right next to (and proposed for sidewalk connection with) a still developing, relatively new, highly popular and active Regional Center Form District, which

includes a variety of large scale retail, office and hotel uses; the use, size and scale of the proposed form and zoning district changes are thus in conformance with the Regional Center Form and all applicable Guidelines and Policies of the Comprehensive Plan relating to same; yet, the proposed plan and use also comply with the current Suburban Neighborhood Form District in that this is a proposed residential use across Simcoe Lane from another one; and yet the Regional Center Form designation seems more appropriate to this applicant, its land planner and attorney, given the strong tie and symbiotic relationship of this apartment community to all the nearby various uses in that Center; and

GUIDELINE 2 – CENTERS

WHEREAS, the Intents of this Guideline of the Comprehensive Plan seek to assure that activities are confined to areas where their impacts will be muted because activities are congregated together with symbiotic uses, rather than located haphazardly where they do not support or relate to one another; the proposed apartment community comports with the above described nearby land uses both at an interstate interchange and at the multiple corporate office buildings and two large shopping centers (notably containing multiple restaurants, a grocery and diverse retail opportunities) nearby, all of which relate well, especially with the new sidewalk connections, one with the other, which this use will serve especially well; and

WHEREAS, applicable Policy 1 of this Guideline says that activity centers should be located, for example, within a Regional Center Form District; as set forth above, this site is at the edge of the existing Regional Form District and probably should be added to it because it otherwise remains as an island of low density residential use in a sea of intense interstate highway interchange businesses near a busy arterial, KY 22; and further new residents proposed for this infill site will use those shopping centers and corporate office buildings, often walking to them; and

WHEREAS, applicable Policies 3, 4 and 5 of this Guideline refer to much the same things, notably locating facilities of these kinds exactly where this one is located, in the midst of an existing activity center, making sure that the activity is as compact as possible, which the current land patterns and new and existing sidewalks in this area assure because everything else, but this site, is nearly already fully built out with uses that rely on one another; and

WHEREAS, applicable Policy 6 of this Guideline says that residential development should be located in designated activity centers in order for residents to have immediate access to a variety of close by activities, including jobs, dining and shopping; and located as this infill site is, next door to corporate offices and shopping, and near even more of the same, this proposed apartment community is perfectly situated; and

GUIDELINE 3 - COMPATIBILITY

WHEREAS, the Intents of this Guideline seek to ensure that land uses and transportation facilities are located, designed and constructed to be compatible with nearby land uses and to minimize impacts to residential areas, schools and other sensitive areas in the community; compatibility was determined years ago when this larger area was designated under the

Cornerstone 2020 Comprehensive Plan as a Regional Center Form District; this site was left out of that form district only because it remained as the last four single-family lots along a street accessing a tall office building, and further, at the time the forms were mapped, the next door tennis center was nonexistent, no sidewalks connected these properties to the nearby shopping centers, and there probably was the thought that Simcoe Lane might ultimately be connected to Springhurst Blvd and the Springhurst residential neighborhood next to it; that connection is impossible to make because of a “spite strip” that permanently disconnects these lots, thus suitable for apartment development, from the suburban neighborhood and because of the over-arching Comprehensive Plan desire to locate an intense residential use next to or in the vicinity of an existing activity center; and

WHEREAS, applicable Policies 1, 2, 3, 5, 6, 7, 8, 9, 19, 1, 12, 13, 14, 15, 20, 21, 22, 23, 24, 25, 28 and 29 of this Guideline are all part and parcel of the overall intent of this Guideline, which is to assure use and design compatibility; these Policies specify that that can be accomplished by placement of uses, such as buildings and parking, the selection of building materials, the types of screening and buffering, the extent of existing and proposed new vegetation, the control of traffic, the control of noise, the control of lighting, contributions to visual/aesthetic impacts, and the kinds of transitions and buffers to assure that nearby uses are not adversely impacted; the only use of this site that would have less negative impact on the area, considering the sea of commercial and interstate and arterial activities surrounding it, would be no change in use at all, which makes no sense considering the island of single-family that this site otherwise constitutes; that is because this is a proposed use of similar height, located near or next to offices, shopping, restaurants and an interstate highway system off a major arterial highway; lighting will, of course, be directed down and away from adjoining properties as required by the Land Development Code (LDC); noises will be confined to the interior of the site; odors are not involved in a residential use like this; the look of the property is as shown on the architectural images shown at the public hearing; these images demonstrate a high level of attractive design detail; and parking is totally screened by the apartment building which surrounds the proposed parking garage; and

GUIDELINE 6 – ECONOMIC GROWTH AND SUSTAINABILITY

WHEREAS, the Intents of this Guideline are to provide a positive culture for attracting and sustaining businesses within Metro Louisville; and this application surely complies with this Guideline because it gives people opportunities to reside proximate to offices, dining and shopping in one of Metro Louisville’s newest and most successful activity centers at an interstate interchange location; and

WHEREAS, applicable Policies 1, 4, 5 and 6 of this Guideline pertain to preserving workplaces and locating business in and around activity centers; Cityscape proposes to take a presently way-underutilized in-fill site, rezone it, and convert this site to a productive, positive, symbiotic use which makes all the existing office and commercial uses nearby even better/more successful because workers and shoppers can live close by; there is a large Regional Center Form District surrounding the site; therefore, and for all the reasons set forth above, especially given the symbiotic uses nearby, this use fits well at this location; access works, in part because of the occasional use of the Avish Gardens Center traffic signal, and also because the KY 22/Snyder Freeway interchange already handles large volumes of traffic, to which this use will contribute

additional traffic volumes only to the extent residents don't avoid the interchange, by walking and driving very short distances to offices, shopping and dining close by; and

GUIDELINES 7 and 8 – CIRCULATION and TRANSPORTATION FACILITY DESIGN

WHEREAS, the Intents of these Guidelines seek to ensure the safe and proper functioning of street networks, to ensure that new developments do not exceed the carrying capacity of streets, to address congestion and air quality issues and to provide an efficient, safe and attractive system of roadways, transit routes, sidewalks and so forth; and

WHEREAS, the proposed addition of an apartment community to the interstate interchange accomplishes all of these things, because the proposed site plan does not really involve any change in access, traffic patterns, circulation or parking; any new traffic to the existing KY 22 street system and referenced interstate interchange will be modest compared to what already exists here, which admittedly constitutes a lot of traffic; this is a use that can utilize existing office, shopping and dining facilities via walking, biking and short drives, which should be encouraged wherever possible; this apartment community here has better nearby walking, biking and short driving access to offices and shopping than perhaps any other apartment community outside the urban core; and it also has easy access through Avish Gardens Shopping Center to a KY 22 traffic signal and crosswalk to the Paddock Shoppes; and

WHEREAS, applicable Policies 1, 2, 6, 9, 10, 11, 13 and 14 of Guideline 7 all provide further detail of the requirements for traffic impact mitigation; the circulation within this site, access to it, parking lot design and appropriate turning radiuses are all shown on the detailed district development plan (DDDP) submitted with this application; this application received a thorough review by Metro Transportation Planning and Public Works Department, and the DDDP accompanying this application received preliminary approval from those agencies which are satisfied that the plan has met standard requirements for traffic and transportation impacts on overall interior and exterior site design, with inputs from KTC; good connectivity, circulation and access, as shown on the DDDP, are key components of the design of this apartment community which contains a large internal parking structure; and a traffic study undertaken by CDM Smith has been scrutinized and approved by Metro Transportation Planning & Public Works; and

GUIDELINE 9 – BICYCLE, PEDESTRIAN AND TRANSIT

WHEREAS, the Intents of this Guideline seek to assure that transit and non-motorized methods of travel are accommodated; applicable Policies 1, 2, 3, 4 and 5 require, where possible, the provision of sidewalk connections, bicycle facilities and transit accommodations; this site is located near existing transit routes, and sidewalks will be added along Simcoe Lane to connect with what is largely already provided elsewhere within the existing Regional Center; and bike storage will be included within the apartment community's design; and

GUIDELINES 10 and 12 –STORMWATER MANAGEMENT AND AIR QUALITY

WHEREAS, the Intents of these environmental Guidelines seek to protect areas from the adverse consequences of stormwater runoff and air quality degradation; and

WHEREAS, applicable Policies 1, 3, 6, 7, 10, 11 and 12 of Guideline 10 all pertain to stormwater management; drainage patterns are depicted by arrows on the accompanying development plan for conceptual stormwater runoff purposes, and detention will be provided, assuring that post-development rates of peak runoff do not exceed pre-development conditions; the development plan received the preliminary stamp of approval from MSD in this regard prior to Planning Commission review; the developer’s land planning and engineering firm agreed to work with nearby “patio homes” neighbors who claim existing drainage problems exist, and it shared that information with MSD in an attempt to address those issues; and

WHEREAS, applicable Policies 1, 2, 3, 4, 6, 7, 8 and 9 and Guideline 12 all further identify measures necessary to protect air quality; the best way to do that is to assure minimal added impacts of vehicles to the local roadway system; reducing vehicle miles traveled is one of the major objectives of the Comprehensive Plan; and by allowing a new apartment community to be located in a busy shopping and office area, these Policies are addressed by reducing the need for driving; and

GUIDELINE 13 – LANDSCAPE CHARACTER

WHEREAS, the Intents of this Guideline are to protect and enhance landscape character, specifically applicable Policies 1, 2, 4, 5 and 6 thereof; and new landscaping, screening and buffering will be added through agreement with the Village of Hardwick Association along Simcoe Lane; landscaping will be enhanced elsewhere waivers have been applied for; and

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WHEREAS, for all the reasons explained at LD&T and the Planning Commission public hearing and also in the public hearing exhibit books and on the approved DDDP, this application also complies with all other applicable Guidelines and Policies of the Cornerstone 2020 Comprehensive 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 OR-3 and approves the Detailed District Development Plan.