

# BARDENWERPER, TALBOTT & ROBERTS, PLLC

ATTORNEYS AT LAW

BUILDING INDUSTRY ASSOCIATION OF GREATER LOUISVILLE BLDG • 1000 N. HURSTBOURNE PARKWAY • SECOND FLOOR • LOUISVILLE, KENTUCKY 40223  
(502) 426-6688 • WWW.BARDLAW.NET

## STATEMENT OF COMPLIANCE WITH APPLICABLE GUIDELINES OF THE CORNERSTONE 2020 COMPREHENSIVE PLAN

<u>Applicant/Owner:</u>	Cheryl Murrow
<u>Location:</u>	115 S. Fairfax Ave
<u>Proposed Use:</u>	Boutique Clothing Store
<u>Engineers, Land Planners and Landscape Architects:</u>	Miller Wihry
<u>Request:</u>	Change in Zoning from OR-3 and C-1

RECEIVED  
NOV 13 2017  
PLANNING &  
DESIGN SERVICES

### GUIDELINE 1 – COMMUNITY FORM

Although St. Matthew's has not adopted all of the Cornerstone 2020 Land Development Code (LDC), it did adopt Form Areas. This site is located in the Town Center Form Area/Form District, which is a traditional form with an identifiable core usually located along a historic crossroads and or major thoroughfare, such as US 60. The Town Center form typically has a compact mixture of a variety of moderately intense uses, with buildings generally oriented toward and located near the primary street. This application complies with this Guideline because no exterior changes to the building or site layout are proposed and the rezoning is for a boutique women's clothing store which to most, if not all, Town Center characteristics, some as enumerated.

### GUIDELINE 2: CENTERS

The application complies with the applicable Intents and Policies 1, 2, 3, 4, 5, 7, 11, 12, 13, 14 and 15 of this Guideline as follows.

The specific land use in a given Form Area/District should be designed in terms of the specific context and site. This application complies with this Guideline, its Intents and Policies because it is located in the Town Center of St. Matthews and is, as the development plan filed with this application and land use map demonstrate, fits within its compact setting surrounded by a mixture of compatible uses. Access to and parking serving surrounding sites is practically, where not technically legally, shared. This development constitutes an as-built condition in the existing activity center. The use of the property for a women's boutique clothing shop is a very compatible use to the others in the area with a population to support it.

### GUIDELINE 3: COMPATIBILITY

17 ZONE 1056

The application complies with the applicable Intents and Policies 1, 2, 5, 6, 7, 8, 9, 12, 21, 22, 23, 24, and 28 of this Guideline as follows.

Again, as this rezoning is intended to formally allow a women's boutique clothing store in a building previously used for office use, it is not intending to introduce new impacts to an area that do not already exist. And because the site plan and building will remain as it is currently, the condition of the building and property could not bother anyone and further because access, parking, lighting and signage will not really change, new impacts are not created. The change from an office use that is a peak hour generator to a non-peak hour generating retail use will not create a negative impact on traffic. Existing impacts will be fully mitigated.

**GUIDELINE 6 – ECONOMIC GROWTH AND SUSTAINABILITY**

The application complies with the applicable Intents and Policies 1, 3, 5, 6 and 11 of this Guideline as follows.

This application complies with this Guideline, its Intents and Policies because it represents precisely what is largely encouraged through this Guideline, which is an adaptive reuse of an existing building and property in order to allow the use for a new retail business to serve the local community.

**GUIDELINES 4 AND 5 – OPEN SPACE AND NATURAL AREAS AND HISTORIC RESOURCES**

The application complies with the applicable Intents and Policies 1, 2, 4, and 5 of Guideline 4 and the applicable Intents and Policies 1, 2, 4 and 6 of Guideline 5 as follows.

This proposed small boutique clothing store complies with Guideline 4 to the extent that, as required by the Land Development Code, as this is an existing as is condition and building with no changes proposed. Because of the location of this store near U.S. Highway 60 being a collector road and given the site characteristics of this property, as described above and on the development plan submitted with this application, Guideline 5 really does not apply in this particular case. There are no historic or natural features to the site currently, and to the extent the building is considered historic, there is no requested change to the building.

**GUIDELINES 7, 8 and 9 – CIRCULATION; TRANSPORTATION FACILITY DESIGN, and BICYCLE, PEDESTRIAN AND TRANSIT**

The application complies all applicable Intents and Policies of Guideline 7, 8, and 9 as follows.

The Intents and Policies of these Guidelines all pertain to transportation, whether that be vehicular, transit, pedestrian or bicycle. Because this is an existing as-built site with existing points of access, circulation and parking, nothing really changes from what has previously been deemed to be acceptable. Consequently, with the anticipated preliminary stamp of approval from Metro Works and the St. Matthew's City Engineer, all of the Intents and applicable Policies of these Guidelines are fully satisfied. If not, the existing site would already be out of

RECEIVED  
NOV 13 2017  
PLANNING &  
DESIGN SERVICES

compliance with the Comprehensive Plan, as would most, if not all, similarly situated uses in this same area.

**GUIDELINES 10- FLOODING AND STORMWATER**

The application complies with the applicable Intents and Policies 6, 10 and 11 of this Guideline as follows.

This application complies with the Intent and these Policies of this Guideline because it will have received, by the time of official Planning Commission and City of St. Matthew's review, the preliminary stamp of approval from MSD, thus assuring no adverse consequences of stormwater run-off on nearby properties from the unchanged site conditions of an existing as-built development plan.

**GUIDELINE 13 – LANDSCAPE CHARACTER**

The application complies with the applicable Intents and Policies 1, 2, 4 and 6 of this Guideline as follows.

This application complies with the Intent and these Policies of this Guideline to the maximum extent that it can as an as-built building on an as-built site.

\* \* \* \* \*

For all the reasons mentioned above, including evidence which will be presented later to the Land Development & Transportation Committee and to the Planning Commission, the proposed rezoning application complies with all other Guidelines and Policies of the Cornerstone 2020 Comprehensive Plan, and the applicant respectfully requests that it be approved.

The application complies with all other relevant and applicable guidelines of the new Cornerstone 2020 Comprehensive Plan.

Respectfully submitted,

RECEIVED  
NOV 13 2017  
PLANNING &  
DESIGN SERVICES

---

Bardenwerper Talbott & Roberts, PLLC  
Building Industry Association of Greater Louisville, Inc.  
1000 N. Hurstbourne Parkway, Second Floor  
Louisville, KY 40223  
(502) 426-6688

e:\client folder\knight, geoff\fairfax ave\application\compliance statement.doc