

General Waiver Justification:

In order to justify approval of any waiver, the Planning Commission or Board of Zoning Adjustment considers four criteria. Please answer all of the following questions. Use additional sheets if needed. A response of yes, no, or N/A is not acceptable.

Waiver of: Section 10.3.7.A.10 to allow a vehicle use area/parking to further encroach into the 50 ft Gene Snyder Freeway parkway buffer area on the CUP portion of the site, beyond the extent of the waiver previously granted.

Explanation of Waiver:

- A. The waiver will not adversely affect adjacent property owners because the whole idea of the modest encroachment in the area shown on the revised development and CUP plan is to save more open space, while still providing ample landscape setback along the Snyder Freeway on ramp.
- B. The waiver will not violate the Comprehensive Plan for all the reasons set forth in the Detailed Statement of Compliance with all applicable Guidelines and Policies of the Cornerstone 2020 Comprehensive Plan filed with this revised development and CUP plan application.
- C. The extent of waiver of the regulation is the minimum necessary to afford relief to the applicant because some parking spaces are only minimally encroaching into the parkway setback whereas others fully encroach but not the entire parking lots in those areas. Furthermore, as stated, the encroachment limits more of the open space from being converted to hotel parking lot.
- D. Strict application of the provisions of the regulation would deprive the applicant of the reasonable use of the land or would create an unnecessary hardship on the applicant because it would not be able to accommodate the size and type of hotel that is part of the overall Settlement Agreement with the overall Indian Springs Community Association whereby the old Indian Spring Golf Course was deeded free of charge to the ISCA to utilize as community open space. Also, the quality of hotel currently proposed, which necessitates this waiver, is one that the Indian Springs Community has endorsed.

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General Waiver Justification:

In order to justify approval of any waiver, the Planning Commission or Board of Zoning Adjustment considers four criteria. Please answer all of the following questions. Use additional sheets if needed. A response of yes, no, or N/A is not acceptable.

Waiver of: Section 10.2.4.B.1 to allow the dumpster to encroach into the 15 ft. LBA long the south property line.

Explanation of Waiver:

1. The waiver will not adversely affect adjacent property because the dumpster is proposed to be located next to an existing maintenance building on adjoining apartment property.
2. The waiver will not violate the Comprehensive Plan because for all the set forth in the Detailed Statement of Compliance with all applicable Guidelines and Policies of the Cornerstone 2020 Comprehensive Plan filed with this RDDDP and CUP application.
3. The extent of waiver of the regulation the minimum necessary to afford relief to the applicant because the dumpster needs to be located close to the proposed hotel-integrated restaurant use, and the maximum distant setback is provided on the plan given the depth of the property.
4. Strict application of the provisions of the regulation will not deprive the applicant of the reasonable use of the land or would create an unnecessary hardship on the applicant because the dumpster would otherwise have to be located in an inconvenient spot on the site plan that would not necessarily be a better location for the adjoining apartment community or from the standpoint of aesthetics of the overall site relative to the larger Indian Springs community.

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BARDENWERPER, TALBOTT & ROBERTS, PLLC

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STATEMENT OF COMPLIANCE WITH THE APPLICABLE GUIDELINES AND POLICIES OF THE CORNERSTONE 2020 COMPREHENSIVE PLAN

Owners: Indian Springs, LLC and Indian Springs Green Space, LLC

Applicant: M & T, LLC

Project Name:

Current Zoning: R-6, R-7 and OTF

Engineers, Land Planners and
Landscape Architects: Mindel Scott & Associates, Inc.

Attorneys: Bardenwerper, Talbott & Roberts, PLLC

Request: Conditional Use Permit for Off-Street Parking associated with the approved Hotel with related small conference center

INTRODUCTION

A large meeting was held for the purpose of assuring that all residents of Indian Springs had an opportunity to hear from this applicant about the proposed revised detailed district development plan (RDDDP) and Conditional Use Permit (CUP) application for what will probably be an “Aloft” hotel on the property previously rezoned with a DDDP for hotel and on two additional acres of R-4 land that the ISCA is considering selling this applicant for added parking.

A previous rezoning and development plan for the Westport Road frontage of the old Indian Spring Golf Course was approved for an Aldi grocery and McDonald’s restaurant on the west side of Indian Lake Drive. This RDDDP and CUP plan are for the Westport Road frontage of the old golf course located on the east side of Indian Lake Drive, where the “Aloft” hotel now proposed requires additional parking and thus the CUP on what amounts to two acres added to the RDDDP plan.

All of this is a result of a settlement of a lawsuit opposing the McDonald’s and Aldi whereby an agreement with the ISCA and previous golf course owner gave the golf course to the ISCA residents, who have now turned it into open space, in return for dropping their appeal of the Aldi and McDonald’s rezoning and development plan and also allowing rezoning of the east side of Indian Lake Drive to the OTF zoning district for a hotel with ancillary restaurant.

Pat Madden, the lead developer of this hotel project, is also the developer of the largest mixed use project in Kentucky, called Hamburg Place in Lexington. He also developed the Kohl’s Center on South Bardstown Road and is working on other projects in Metro Louisville.

Principal new issues include storm water detention. Storm water will be piped through the existing creek, which is not a blueline stream. Existing lakes on the former golf course will be modified slightly to accommodate the additional storm water run-off created by the additional two acres on the

CUP portion of this site. The previous DDDP contemplated the use of the lakes for storm water detention for the already approved hotel. Another other issue is height of the hotel building. The elevation of this site relates to the apartments such that the apartments are anticipated to end up at a ground elevation of 10 to 15 feet higher than the hotel site. The result of this is that the hotel site will be lower than the apartment site, which is filled with quite a number of three-story buildings. Consequently, the five-story hotel building will not be very visible, if at all, from the opposite side of the three-story, higher elevated apartment complex because of the difference in elevations.

As to the hotel quality, the “Aloft” hotel concept is a high-end mid-range hotel, not a Ritz Carlton, but also not a Holiday Inn. The added parking in the CUP area will accommodate the “Aloft” hotel concept combined with a quality restaurant located inside. OTF regulations allow a restaurant so long as it is an intregal part of the hotel, even though it can be visible from the outside with exterior access and signage. That will be the case in this situation, although the name of the restaurant is not yet known.

COMMUNITY FORM – GUIDELINE 1

The subject property is located in the Suburban Neighborhood Form District, which is characterized by predominately residential uses but which also contains diverse housing types and a mixture of uses, including offices, retail shops, restaurants and services. An expanded hotel, from that previously approved at this site, surely is a service, and it not only serves the traveling public but also people who live in neighborhoods – for example, when they have guests come to visit them, when they plan weddings near their homes, when business travelers frequent their neighborhood businesses, and so on. Areas of Suburban Neighborhood Form Districts are also often located adjacent to more intensive Form Districts, such as in the case of the property that is the subject of this application which is directly across the street from a Regional Center Form District. So it would not be inappropriate at the edge of a Suburban Neighborhood Form District to include a use or uses that are in character also with the Regional Center. Indeed, the recent rezoning by the Planning Commission and Metro Council for the Aldi grocery store and McDonalds use also fronting on Westport Road directly across Indian Lake Drive from the subject site is really no different than the determination that the Planning Commission and BOZA will need to make in this case which, if anything, is an even more appropriate location for the proposed expanded hotel use because it is not just located along Westport Road across from a Regional Center Form District but also right at the entrance to an interstate, which is I-265 (the Snyder Freeway).

CENTERS – GUIDELINE 2

The Intents of this Guideline are to promote efficient uses of land and investment in existing infrastructure, to lower utility costs by reducing the need for extensions, to reduce commuting time and transportation-related air pollution, to provide centers and marketplaces that include a diversity of goods and services, to restrict individual or isolated commercial uses and to encourage commercial revitalization in redeveloping areas. The proposed expanded hotel for this site complies with all of these Intents of this Guideline for these reasons, among others: First, Westport Road and I-265 constitute a serious investment in major infrastructure. Second, other infrastructure, such as water, gas, electric and so on are also located at this property, thus reducing the need for extensions of same. Third, by locating a hotel at a major arterial and interstate interchange, traffic is already driving by the location and thus able to utilize the hotel at this interchange instead of traveling a farther distance. Fourth, this now proposed higher end hotel adds to the diversity of goods and services in this area where a wide range of goods and services already exists and appears to be in great demand. Fifth, this isn't an isolated parcel, as it is located, as described, across from a large Regional Center, across

Indian Lake Drive from other commercial activities and at an interstate interchange. Finally, as described in the Introduction of this Compliance Statement, this entire rezoning proposal is intended to save the golf course and thus to revitalize it as a major, long term asset to the Indian Springs Community instead of closing it because of its current financial problems.

Policies 1, 2, 3, 4, 5, 7, 8 and 9 all pertain to the location, compact development, mix and desirability of uses in activity centers, especially those located in and around residential areas. The proposed expanded hotel for this site complies with these Policies of this Guideline because, as stated above, we are talking about a location at an arterial and an interstate highway, with a Regional Center directly across Westport Road and with other retail recently approved by the Planning Commission and Metro Council directly across Indian Lake Drive. The likely “Aloft” hotel brand adds to an already large mix of uses in this immediate area, and this hotel is kept close to Westport Road, not locating back further from Westport Road as if it were locating deep within the Indian Springs neighborhood. This particular use is also a good one for this location, because of its low traffic generation and thus low impact from a traffic standpoint on Indian Lake Drive and the Indian Springs neighborhood that that road serves.

Policies 11 and 12 of this Guideline pertain to the design of centers and the desirability of focal points in them. This proposed hotel at this site also complies with these Policies of this Guideline because a center can be viewed several ways, including the retail and restaurants recently approved by the Planning Commission and Metro Council across Indian Lake Drive from the subject site, as well as all of the large Regional Center retail, restaurants and services located directly across from Westport Road from these two sites. Further, this proposed expanded hotel right next to the former golf course, will pay dues in order for overnight guests to be able to utilize the new open space.

COMPATIBILITY – GUIDELINE 3

The Intents of this Guideline are to allow a mixture of land uses near each other as long as they are compatible, to prohibit the location of sensitive land uses in areas where accepted standards for noise, lighting, odors, etc. are violated and to preserve the character of existing neighborhoods. This proposed expanded hotel at this site complies with these Intents of this Guideline because it adds a new mix to the already existing land uses in the area, as described above – both across Indian Lake Drive and across Westport Road. It does not involve any new noise, lighting, odors or similar nuisances or negatively impact visual quality like some kinds of more intense commercial uses could, and as the Planning Commission previously determined would not be created. And, as described elsewhere in this Compliance Statement, this expanded hotel helps to preserve the neighborhood by paying towards open space maintenance.

Policies 1, 2 and 4 of this Guideline all pertain to compatibility in terms of design, especially when located in or near an upscale residential area. Modern day hotels like this one are upscale in design.

Policies 5, 6, 7, 8, 9, 12, 21, 22, 23, 24 and 28 of this Guideline all pertain to the kinds of nuisances that had to be addressed at the time that the development plan accompanying this application was prepared. Some of those, such as odors, noise and lighting are simply not evident with this kind of use or are regulated now by the Land Development Code in Louisville Metro. That would be true, for example, with lighting. Visually, as explained on the elevations accompanying this application, the proposed “Aloft” hotel will be upscale yet sensitive to a location next to a residential community. As to issues of accessibility, including traffic, this use was chosen because of its low traffic generation and thus impact on Indian Lake Drive, which is the main access to the Indian Springs residential subdivision. As to transitions, buffers, setbacks, screening and buffering, the location of

the hotel on this site was selected so that it is situated a good distance from the existing apartments located just inside the residential portion of Indian Springs. The open space is protected as before. Significant setback and landscaping will be located along the south side, which in fact is how walkers access the walking trails, which will be along the south side of the proposed new hotel site. Setbacks, lot dimensions and building heights are addressed in the variances and waiver justifications filed with this application. Without these variances and waivers, a larger site would have to be chosen to accommodate this hotel, which would result in more, not less, impact. Signs will be in accordance with the limits contained within the Land Development Code.

GUIDELINES 4. 5 AND 13 – OPEN SPACE, NATURAL AREAS AND LANDSCAPE CHARACTER

The Intents of these Guidelines are to enhance the quality of life through the provision of accessible, functional open spaces, to protect natural areas and features, and to protect and enhance visual quality and buffer incompatible land uses. The proposed expanded hotel for this site complies with these Intents of these Guidelines because, as explained above, it actually serves to protect the remaining almost 160 acres of open space formerly used as a golf course.

Policies 1, 3, 5, 6, 7 and 8 of Guideline 4, as well as Policies 1 of Guideline 5 and Policies 3, 4, 5 and 6 of Guideline 13 all explain how open spaces and natural features are to be protected, designed and maintained, how corridors are to be enhanced with landscaping, and how buffer areas are to be treated to assure that incompatible uses are able to coexist. This proposed expanded hotel complies with all of these Policies of these Guidelines as described above, specifically as follows: First, as noted, the former golf course hole is retained as open space. Also, the proposed hotel is set closer to Westport Road than it is to the existing apartment community, so that there is a good buffer between the occasional-stay residential use (i.e., the hotel) and a long term stay use (the apartments). Although there are variances and waivers accompanying this application, which are fully justified in the applications accompanying them, it is better to locate the proposed hotel where it is shown on the accompanying development plan, closer to (and really as close as it can be located to) Westport Road than if it were set further back from Westport Road in closer proximity to the Indian Spring residential community and especially the referenced apartment homes.

Abundant new landscaping will be added to the hotel plan in accordance with the Land Development Code.

GUIDELINE 6 – ECONOMIC GROWTH AND SUSTAINABILITY

The Intents of this Guideline are to ensure the availability of necessary usable land to facilitate uses such as this one, to reduce private and public costs for land development and to ensure that regional workplaces and industrial land uses have access to services, such as hotels. This proposed expanded hotel complies with these Intents of this Guideline because this is a perfect location along a major arterial that is an interstate highway for a use of this kind, where the infrastructure already exists, and where both residents of Indian Springs as well as businesses in the area (such as the Ford Truck Plant nearby) have access to plenty of hotel space.

Policies 1, 2, 5 and 6 of this Guideline all encourage workplaces, such as this hotel, and proximity to other workplaces (those noted above being the Regional Center across Westport Road and the nearby Ford Plant) as well as easy access in close proximity to existing or expanded activity centers. Access to this site will be easy off of Indian Lake Drive which has a traffic signal at Westport Road. The activity center in which this is located has already been explained above – that being a part of the

recently approved retail/restaurant location across Indian Lake Drive as well as the large Regional Center across Westport Road.

**GUIDELINES 7 AND 8 – CIRCULATION AND TRANSPORTATION
FACILITY DESIGN**

The Intents of these Guidelines are to provide for safe and proper functioning of the street network, to ensure that new developments do not exceed the carrying capacity of streets, to ensure internal and external safe and efficient circulation and travel movements, to address congestion and air quality issues, to provide for a safe and convenient accommodations of all special mobility requirements, to protect and enhance the enjoyment of streetscapes and transit corridors, and to provide for efficient, safe and attractive roadway systems. This proposed expanded hotel complies with all of these Intents of these Guidelines because, as stated, it is located along a major arterial at an entrance to an interstate highway (I-265). It will be easily accessible via Indian Lake Drive directly across from a curb cut being provided for the recently approved grocery and restaurant site on the west side of Indian Lake Drive. It will not involve significant volumes of traffic, but rather was chosen as a low traffic generator which will not have adverse impacts on the traffic-carrying capacity of either the busy Westport Road or the mostly residential street known as Indian Lake Drive. The revised development and CUP plan has been designed to take into consideration Metro Works and Transportation Planning traffic design standards for access and circulation.

Policies 1, 2, 6, 11, 12, 13, 14, 15 and 16 of Guideline 7 all pertain to the specific standards that are customarily part of the Metro Works and Transportation Planning review. This review seeks to assure that new development does not have adverse consequences on existing street systems, such as Westport Road or Indian Lake Drive, and, to the extent that new points of access are proposed, they are compatible with traffic movements along those roads and, for example, match up with cross connections to other developments. In this particular case, the access to this site was chosen to be off of Indian Lake Drive, not Westport Road, because a Westport Road connection would be right at the on-ramp to I-265, which would not work. Also, because the Planning Commission and Metro Council recently approved a grocery and restaurant development plan directly across Indian Lake Drive from the subject property, cross connection between the two sites will work just fine, and it will be located far enough south on Indian Lake Drive so as not to have a negative impact on the signalized intersection at Indian Lake Drive and Westport Road and how traffic enters and exits these two sites across from each other on Indian Lake Drive. This revised development and CUP plan itself has been preliminarily reviewed and will be further reviewed as part of the Case Management Review process which will require that Metro Transportation Planning reviewers assure compliance with all Metro Works standards prior to docketing this case for Planning Commission and/or BOZA review.

Policies 3 and 6 of Guideline 8 pertain to Westport Road, which will be protected as shown on the revised development and CUP plan accompanying this application with appropriate setbacks and landscaping.

Policies 9, 10 and 11 of this Guideline are similar to those just mentioned at Guideline 7. Accordingly, access has been chosen to be where it is in order to avoid conflict with the interstate interchange off Westport Road or with the recently approved grocery and restaurant development located directly across Indian Lake Drive from this site. Site distances and internal circulation have been taken into account in the design of the revised development and CUP plan accompanying this application.

GUIDELINE 9- BICYCLE, PEDESTRIAN AND TRANSIT

The Intents and Policies of this Guideline are to promote transit and non-motorized methods of travel. To the extent that transit already exists along Westport Road at this location, it can serve this expanded hotel for guest purposes and more so for employment purposes. Sidewalks will be provided from Westport Road at Indian Lake Drive to the entrance to the hotel; but a sidewalk waiver previously granted because it is justified not to be located along the balance of the Westport Road frontage moving east toward the I-265 on-ramp. Bicycles can be accommodated as necessary.

GUIDELINES 10 AND 11 - FLOODING AND STORMWATER AND WATER QUALITY

The Intents and Policies 1, 3, 6, 7, 10, 11 and 12 of Guideline 10 as well as Policies 3, 4, 9 and 10 of Guideline 11 all pertain to the protection of waterways, the assurance that stormwater runoff will not adversely impact other nearby watershed properties, and the protection of water quality. This expanded hotel, as presently planned, will comply with all current MSD requirements as respects stream buffers, storm water compensation (as explained above with respect to the former golf course lakes) and water quality. MSD will review this revised development and CUP plan as part of the Case Management Review process and assure that to be the case prior to docketing for Planning Commission and/or BOZA review. Of course MSD's soil erosion control ordinance protects waterways during construction. Compliance therewith will be required. The stream that runs through a portion of this site is not a mapped blue line stream and therefore will not be required to obey the Land Development Code setbacks established for blue line, as opposed to intermittent and ephemeral, streams.

AIR QUALITY -- GUIDELINE 12

The Intents and Policies of this Guideline are intended to assure that new developments of this kind do not have an adverse impact on air quality and, where possible, can actually help contribute to improved air quality overall in the Louisville Metro community. In this situation, the latter will in fact be the case because locating this expanded hotel, as proposed, on a busy arterial at an interstate interchange across from a large Regional Center puts the expanded hotel right where people wanting these services will find them conveniently located. That helps reduce travel times and distances.

* * * * *

For all the reasons set forth hereinabove, as will be presented at the Planning Commission and/or BOZA hearings and in other evidence submitted as part of this application, this proposed expanded hotel development and CUP plan comply with all other applicable Guidelines and Policies of the Cornerstone 2020 Comprehensive Plan.

Respectfully submitted,

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PROPOSED FINDINGS OF FACT REGARDING COMPLIANCE WITH ALL APPLICABLE GUIDELINES AND POLICIES OF THE CORNERSTONE 2020 COMPREHENSIVE PLAN

Owners: Indian Springs, LLC and Indian Springs Green Space, LLC

Applicant: M & T, LLC

Project Name:

Current Zoning: R-7 and OTF

Engineers, Land Planners and Landscape Architects: Mindel Scott & Associates, Inc.

Attorneys: Bardenwerper, Talbott & Roberts, PLLC

Request: RDDDP and Conditional Use Permit for Off-Street Parking hotel with integrated restaurant and off-street parking lot

The Board of Zoning Adjustment (BOZA), in the Public Hearing held on December 15, 2014, having reviewed evidence presented by the applicant and DPDS staff's analysis of the application, makes the following findings:

And

The Development Review Committee (DRC), in the public meeting held on December 17, 2014, having reviewed evidence presented by the applicant and DPDS staff's analysis of the application, makes the following findings:

INTRODUCTION

WHEREAS, a large meeting was held for the purpose of assuring that all residents of Indian Springs had an opportunity to hear from this applicant about the proposed revised detailed district development plan (RDDDP) and Conditional Use Permit (CUP) application for what will be an "Aloft" quality hotel with integrated restaurant on property previously rezoned for same but now with two additional acres of R-7 land that the Indian Springs Community Association (ISCA) has contracted to sell for added parking; and

WHEREAS, a previous rezoning and development plan for the Westport Road frontage of the old Indian Spring Golf Course was approved for an Aldi grocery and McDonald's restaurant on the west side of Indian Lake Drive; this RDDDP and CUP plan are for the Westport Road frontage of the old golf course located on the east side of Indian Lake Drive, where the "Aloft" type hotel now proposed requires additional parking and thus the CUP on what amounts to two acres added to the RDDDP plan; and

WHEREAS, all of this is a result of a settlement of a lawsuit opposing the McDonald's and Aldi whereby an agreement with the ISCA and previous golf course owner gave the golf course to the ISCA residents, who have since turned it into open space, in return for dropping their appeal of the

Aldi and McDonald's rezoning and development plan and also allowing rezoning of the east side of Indian Lake Drive to the OTF zoning district for a hotel with integrated restaurant; and

WHEREAS, principal new issues include storm water detention; storm water will be piped through the existing creek, which is not a blueline stream; existing lakes on the former golf course will be modified slightly to accommodate the additional storm water run-off created by the additional two acres on the CUP portion of this site; the previous DDDP contemplated the use of the lakes for storm water detention for the already approved hotel and integrated restaurant; another other issue is height of the hotel building; the elevation of this site relates to the apartments such that the apartments are anticipated to end up at a ground elevation of 10 to 15 feet higher than the hotel site; the result of this is that the hotel site will be lower than the apartment site, which is filled with a number of three-story buildings; and consequently, the five-story hotel building will not be very visible, if at all, from the opposite side of the three-story, higher elevated apartment complex because of the difference in elevations; and

WHEREAS, the added parking in the CUP area will accommodate the "Aloft" hotel concept combined with a quality restaurant located inside; OTF regulations allow a restaurant so long as it is an intregal part of the hotel, even though it can be visible from the outside with exterior access and signage; and that will be the case in this situation, although the name of the restaurant is not yet known; and

COMMUNITY FORM – GUIDELINE 1

WHEREAS, the subject property is located in the Suburban Neighborhood Form District, which is characterized by predominately residential uses but which also contains diverse housing types and a mixture of uses, including offices, retail shops, restaurants and services; an expanded hotel, from that previously approved at this site, surely is a service, and it not only serves the traveling public but also people who live in neighborhoods – for example, when they have guests who come to visit them, when they plan weddings near their homes, when business travelers frequent their neighborhood businesses, and so on; areas of Suburban Neighborhood Form Districts are also often located adjacent to more intensive Form Districts, such as in the case of the property that is the subject of this application which is directly across the street from a Regional Center Form District; so it would not be inappropriate at the edge of a Suburban Neighborhood Form District to include a use or uses that are in character also with the Regional Center; indeed, the recent rezoning by the Planning Commission and Metro Council for the Aldi grocery store and McDonalds use also fronting on Westport Road directly across Indian Lake Drive from the subject site is really no different than the determination that the Planning Commission and BOZA will need to make in this case which, if anything, is an even more appropriate location for the proposed expanded hotel use because it is not just located along Westport Road across from a Regional Center Form District but also right at the entrance to an interstate, which is I-265 (the Snyder Freeway); and

CENTERS – GUIDELINE 2

WHEREAS, the Intents of this Guideline are to promote efficient uses of land and investment in existing infrastructure, to lower utility costs by reducing the need for extensions, to reduce commuting time and transportation-related air pollution, to provide centers and marketplaces that include a diversity of goods and services, to restrict individual or isolated commercial uses and to encourage commercial revitalization in redeveloping areas; the proposed expanded hotel and integrated restaurant for this site complies with all of these Intents of this Guideline for these reasons, among others: First, Westport Road and I-265 constitute a serious investment in major infrastructure;

second, other infrastructure, such as water, gas, electric and so on are also located at this property, thus reducing the need for extensions of same.; third, by locating a hotel with integrated restaurant at a major arterial and interstate interchange, traffic is already driving by the location and thus able to utilize the hotel at this interchange instead of traveling a farther distance; fourth, this now proposed higher end hotel with integrated restaurant adds to the diversity of goods and services in this area where a wide range of goods and services already exists and appears to be in great demand; and fifth, this isn't an isolated parcel, as it is located, as described, across from a large Regional Center, across Indian Lake Drive from other commercial activities and at an interstate interchange; and

WHEREAS, Policies 1, 2, 3, 4, 5, 7, 8 and 9 all pertain to the location, compact development, mix and desirability of uses in activity centers, especially those located in and around residential areas; the proposed expanded hotel with integrated restaurant for this site complies with these Policies of this Guideline because, as stated above, this location is along an arterial level road and an interstate highway, with a Regional Center directly across Westport Road and with other retail recently approved by the Planning Commission and Metro Council directly across Indian Lake Drive; the likely "Aloft" hotel brand with integrated restaurant adds to an already large mix of uses in this immediate area, and this hotel with restaurant is kept close to Westport Road, not locating back further from Westport Road as if it were locating deep within the Indian Springs neighborhood; and this particular use is also a good one for this location, because of its low traffic generation and thus low impact from a traffic standpoint on Indian Lake Drive and the Indian Springs neighborhood that that road serves; and

WHEREAS, Policies 11 and 12 of this Guideline pertain to the design of centers and the desirability of focal points in them; this proposed expanded hotel with integrated restaurant at this site also complies with these Policies of this Guideline because a center can be viewed several ways, including the retail and restaurants recently approved by the Planning Commission and Metro Council across Indian Lake Drive from the subject site, as well as all of the large Regional Center retail, restaurants and services located directly across from Westport Road from these sites; and

COMPATIBILITY – GUIDELINE 3

WHEREAS, the Intents of this Guideline are to allow a mixture of land uses near each other as long as they are compatible, to prohibit the location of sensitive land uses in areas where accepted standards for noise, lighting, odors, etc. are violated and to preserve the character of existing neighborhoods; this proposed expanded hotel at this site complies with these Intents of this Guideline because it adds a new mix to the already existing land uses in the area, as described above – both across Indian Lake Drive and across Westport Road; it does not involve any new noise, lighting, odors or similar nuisances or negatively impact visual quality like some kinds of more intense commercial uses could, and as the Planning Commission previously determined would not be created; and, this expanded hotel with restaurant helps to preserve the neighborhood by contributing towards open space maintenance; and

WHEREAS, Policies 1, 2 and 4 of this Guideline all pertain to compatibility in terms of design, especially when located in or near an upscale residential area; modern day hotels like this one are upscale in design; and

WHEREAS, Policies 5, 6, 7, 8, 9, 12, 21, 22, 23, 24 and 28 of this Guideline all pertain to the kinds of nuisances that had to be addressed at the time that the development plan accompanying this application was prepared; some of those, such as odors, noise and lighting are simply not evident with this kind of use or are regulated now by the Land Development Code in Louisville Metro; that would

be true, for example, with lighting; visually, as explained on the elevations accompanying this application, the proposed “Aloft” type hotel with integrated restaurant will be upscale yet sensitive to a location next to a residential community; as to issues of accessibility, including traffic, this use was chosen because of its low traffic generation and thus impact on Indian Lake Drive, which is the main access to the Indian Springs residential subdivision; as to transitions, buffers, setbacks, screening and buffering, the location of the expanded hotel with integrated restaurant on this site was selected so that it is situated a good distance from the existing apartments located just inside the residential portion of Indian Springs; open space is protected as before; significant setback and landscaping will be located along the south side, which in fact is how walkers access the walking trails, which will be along the south side of the proposed expanded hotel site; and signs will be in accordance with the limits contained within the Land Development Code; and

GUIDELINES 4, 5 AND 13 – OPEN SPACE, NATURAL AREAS AND LANDSCAPE CHARACTER

WHEREAS, the Intents of these Guidelines are to enhance the quality of life through the provision of accessible, functional open spaces, to protect natural areas and features, and to protect and enhance visual quality and buffer incompatible land uses; the proposed expanded hotel with integrated restaurant for this site complies with these Intents of these Guidelines because, as explained above, it actually serves to protect the remaining almost 160 acres of open space formerly used as a golf course; and

WHEREAS, Policies 1, 3, 5, 6, 7 and 8 of Guideline 4, as well as Policies 1 of Guideline 5 and Policies 3, 4, 5 and 6 of Guideline 13 all explain how open spaces and natural features are to be protected, designed and maintained, how corridors are to be enhanced with landscaping, and how buffer areas are to be treated to assure that incompatible uses are able to coexist; this proposed expanded hotel complies with all of these Policies of these Guidelines as described above, specifically as follows: as noted, the former golf course hole is retained as open space; and also, the proposed expanded hotel is set closer to Westport Road than it is to the existing apartment community, so that there is a good buffer between the occasional-stay residential use (i.e., the hotel) and a long term stay use (the apartments); and

WHEREAS, abundant new landscaping will be added to the expanded hotel and restaurant plan in accordance with the Land Development Code; and

GUIDELINE 6 – ECONOMIC GROWTH AND SUSTAINABILITY

WHEREAS, the Intents of this Guideline are to ensure the availability of necessary usable land to facilitate uses such as this one, to reduce private and public costs for land development and to ensure that regional workplaces and industrial land uses have access to services, such as hotels; this proposed expanded hotel with integrated restaurants complies with these Intents of this Guideline because this is a perfect location along a major arterial that is an interstate highway for a use of this kind, where the infrastructure already exists, and where both residents of Indian Springs as well as businesses in the area (such as the Ford Truck Plant nearby) have access to plenty of hotel space; and

WHEREAS, Policies 1, 2, 5 and 6 of this Guideline all encourage workplaces, such as this hotel, and proximity to other workplaces (those noted above being the Regional Center across Westport Road and the nearby Ford Plant) as well as easy access in close proximity to existing or expanded activity centers; access to this site will be easy off of Indian Lake Drive which has a traffic signal at Westport Road; and the activity center in which this is located has already been explained above – that being a

part of the recently approved retail/restaurant location across Indian Lake Drive as well as the large Regional Center across Westport Road; and

GUIDELINES 7 AND 8 – CIRCULATION AND TRANSPORTATION
FACILITY DESIGN

WHEREAS, the Intents of these Guidelines are to provide for safe and proper functioning of the street network, to ensure that new developments do not exceed the carrying capacity of streets, to ensure internal and external safe and efficient circulation and travel movements, to address congestion and air quality issues, to provide for a safe and convenient accommodations of all special mobility requirements, to protect and enhance the enjoyment of streetscapes and transit corridors, and to provide for efficient, safe and attractive roadway systems; this proposed expanded hotel with integrated restaurant complies with all of these Intents of these Guidelines because, as stated, it is located along a major arterial at an entrance to an interstate highway (I-265); it will be easily accessible via Indian Lake Drive directly across from a curb cut being provided for the recently approved grocery and restaurant site on the west side of Indian Lake Drive; it will not involve significant volumes of traffic, but rather was chosen as a low traffic generator which will not have adverse impacts on the traffic-carrying capacity of either the busy Westport Road or the mostly residential street known as Indian Lake Drive; and the revised development and CUP plan has been designed to take into consideration Metro Works and Transportation Planning traffic design standards for access and circulation; and

WHEREAS, Policies 1, 2, 6, 11, 12, 13, 14, 15 and 16 of Guideline 7 all pertain to the specific standards that are customarily part of the Metro Works and Transportation Planning review; this review seeks to assure that new development does not have adverse consequences on existing street systems, such as Westport Road or Indian Lake Drive, and, to the extent that new points of access are proposed, they are compatible with traffic movements along those roads and, for example, match up with cross connections to other development; in this particular case, the access to this site was chosen to be off of Indian Lake Drive, not Westport Road, because a Westport Road connection would be right at the on-ramp to I-265, which would not work; also, because the Planning Commission and Metro Council recently approved a grocery and restaurant development plan directly across Indian Lake Drive from the subject property, cross connection between the two sites will work just fine, and it will be located far enough south on Indian Lake Drive so as not to have a negative impact on the signalized intersection at Indian Lake Drive and Westport Road and how traffic enters and exits these two sites across from each other on Indian Lake Drive; this revised development and CUP plan itself has received the Metro Transportation Planning preliminary stamp of approval, thus assuring compliance with all Metro Transportation design standards prior to docketing this case for Planning Commission and BOZA review; and

WHEREAS, Policies 3 and 6 of Guideline 8 pertain to Westport Road, which will be protected as shown on the revised development and CUP plan with appropriate setbacks and landscaping; and

WHEREAS, Policies 9, 10 and 11 of this Guideline are similar to those just mentioned at Guideline 7; accordingly, access has been chosen to be where it is in order to avoid conflict with the interstate interchange off Westport Road or with the recently approved grocery and restaurant development located directly across Indian Lake Drive from this site; site distances and internal circulation have been taken into account in the design of the revised development and CUP plans; and

GUIDELINE 9- BICYCLE, PEDESTRIAN AND TRANSIT

WHEREAS, the Intents and Policies of this Guideline are to promote transit and non-motorized methods of travel; to the extent that transit already exists along Westport Road at this location, it can serve this expanded hotel and integrated restaurant for guest purposes and more so for employment purposes, plus sidewalks will be provided from Westport Road at Indian Lake Drive to the entrance to the expanded hotel and integrated restaurant; and

GUIDELINES 10 AND 11 - FLOODING AND STORMWATER AND WATER QUALITY

WHEREAS, the Intents and Policies 1, 3, 6, 7, 10, 11 and 12 of Guideline 10 as well as Policies 3, 4, 9 and 10 of Guideline 11 all pertain to the protection of waterways, the assurance that stormwater runoff will not adversely impact other nearby watershed properties, and the protection of water quality; this expanded hotel and restaurant, as presently planned, will comply with all current MSD requirements as respects stream buffers, storm water compensation (as explained above with respect to the former golf course lakes) and water quality; MSD has reviewed this revised development and CUP plans as part of the Case Management Review process, and this plan has received the preliminary stamp of approval; MSD's soil erosion control ordinance protects waterways during construction and compliance therewith will be required; and the stream that runs through a portion of this site is not a mapped blue line stream and therefore will not be required to obey the Land Development Code setbacks established for blue line, as opposed to intermittent and ephemeral, streams; and

AIR QUALITY -- GUIDELINE 12

WHEREAS, the Intents and Policies of this Guideline are intended to assure that new developments of this kind do not have an adverse impact on air quality and, where possible, can actually help contribute to improved air quality overall in the Louisville Metro community; in this situation, the latter will in fact be the case because locating this expanded hotel with integrated restaurant, as proposed, on a busy arterial at an interstate interchange across from a large Regional Center puts the expanded hotel with integrated restaurant right where people wanting these services will find them conveniently located; that helps reduce travel times and distances; and

* * *

WHEREAS, for all the reasons explained at BOZA public hearing and also in the public hearing exhibit books, on the approved revised detailed district development plan, this application also complies with all other applicable Guidelines and Policies of the Cornerstone 2020 Comprehensive Plan;

NOW, THEREFORE, the Louisville Metro Board of Zoning Adjustment hereby approves the Conditional Use Permit (CUP);

And

NOW, THEREFORE, the Development Review Committee (DRC) hereby approves the Revised Detailed District Development Plan (RDDDP).