

## JUSTIFICATION STATEMENT

**Thornton's, Inc.**

**13820 Old Henry Road**

**Case No. 18ZONE1055**

### **INTRODUCTION**

Thornton's, Inc. (the "Applicant") proposes to re-zone the property located at 13820 Old Henry Road from OR-3 Office Residential to C-2 Commercial and re-develop the site into a mixed-use development, including a hotel, restaurants, and retail. For the reasons set out below, the proposed rezoning complies with the Cornerstone 2020 Comprehensive Plan.

### **GUIDELINE 1 - COMMUNITY FORM**

The proposal complies with the intent of Guideline 1, Community Form. The subject property is located in the Suburban Workplace Form District, which the Comprehensive Plan states is a form "characterized by predominately industrial and office uses where the buildings are set back from the street in a landscaped setting. Suburban workplaces often contain a single large-scale use or a cluster of uses within a master planned development." Here, the proposal is consistent with the form district and pattern of development in the area, which features buildings set back from the street in a landscaped setting. The proposal includes significant landscaping between the edge of pavement and the property line of the proposed development site. The proposed development is also consistent with the proposed C-2 zoning district and the intent and policies of Guideline 1 as it will provide a greater integration of uses by increasing commercial and office development along the Old Henry Road corridor.

### **GUIDELINE 2 - CENTERS**

The proposal complies with the intent and applicable policies of Guideline 2, Centers. The subject property is located within an existing activity center along Old Henry Road. The proposal includes neighborhood and regional serving uses: restaurants, retail, and a hotel. The proposed uses will provide supportive services to employees and nearby residents in the area. The proposed hotel will be conveniently located near entrance to I-265 and provide for short-term stays for applicant's clients or temporary workers, as well as those visiting other businesses in the area.

### **GUIDELINE 3 - COMPATIBILITY**

The proposal complies with the intent and applicable policies of Guideline 3, Compatibility. The proposal is not a non-residential expansion into an existing residential area as the subject site is currently zoned for mixed-use development, and is surrounded by other mixed-use zones. The proposal will not have adverse traffic, parking, noise, or visual impacts on

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the surrounding lower intensity uses due to the subject property's location in an existing activity center and the proximity of transportation facilities. The applicant will work with Louisville Metro Public Works to determine the traffic impact of the proposed uses as it compares to the previously approved office uses. The subject property is located within an existing activity center along a minor arterial (Old Henry Road), with easy access to I-265. The proposed parking area locations are consistent with the pattern of development in the area, and the applicant proposes to provide significant landscaping between the edge of Old Henry Road and the proposed parking area

**GUIDELINE 4 - OPEN SPACE**

**GUIDELINE 5 - NATURAL AREAS AND SCENIC AND HISTORIC RESOURCES**

The proposal complies with the intent and applicable policies of Guideline 4, Open Space, and Guideline 5, Natural Areas and Scenic and Historic Resources. The applicant proposes commercial uses that do not require open space, but each use will include some outdoor features (seating or pool area) to serve customers and visitors to the site. No natural or historic resources are located on the site.

**GUIDELINE 6 – ECONOMIC GROWTH AND SUSTAINABILITY**

The proposal complies with the intent and applicable policies of Guideline 6, Economic Growth and Sustainability. The proposal is to develop a currently undeveloped tract of land into a mixed-use development with regional and neighborhood-serving commercial uses. The proposed hotel, restaurants, and retail uses are a natural fit for the existing activity center along Old Henry Road.

**GUIDELINE 7 - CIRCULATION**

**GUIDELINE 8 - TRANSPORTATION FACILITY DESIGN**

**GUIDELINE 9 – BICYCLE, PEDESTRIAN, AND TRANSIT**

The proposal complies with the intent and applicable policies of Guideline 7, Circulation, and Guideline 8, Transportation Facility Design, and Guideline 9, Bicycle, Pedestrian, and Transit. The proposal includes adequate parking to support the proposed uses, and the development will connect directly to minor arterial Old Henry Road via the existing connector James Thornton Way. Old Henry Road provides easy access to the nearby I-265. The proposal provides for internal pedestrian connection to the existing development to the west and via connector Wickham Green Way on the north end of the site. Access to future development to the north is provided via connectors Wickham Green Way and James Thornton Way. The proposal also includes sidewalks for pedestrian access to Old Henry Road, to the adjacent development to the west, and within the development. Bike parking will be provided at convenient locations.

**GUIDELINE 10 - FLOODING AND STORMWATER**

**GUIDELINE 11 - WATER QUALITY**

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The proposal should have very little impact, if any, on the surrounding waterways, complying with the intent and applicable policies of Guideline 10, Flooding and Stormwater, and Guideline 11, Water Quality.

**GUIDELINE 12 - AIR QUALITY**

The proposal complies with the intent and applicable policies of Guideline 12, Air Quality. The proposal should not have adverse impacts on traffic or air quality due to its location near the existing activity center on Old Henry Road.

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**THORNTON'S INC.**

**13811 Wickham Green Way and 13920 Old Henry Road  
Case No. 18ZONE1055**

**WAIVER JUSTIFICATION**

The proposed waiver will not adversely affect adjacent property owners because the landscape buffer areas at issue are adjacent to two private access easements, James Thornton Way and Wickham Green Way, that sit entirely within the applicant's proposed development. There are no adjacent properties that will be affected by the waiver. The waiver will permit the applicant to maximize available off-street parking, vehicle maneuvering area, and interior landscape area within the proposed development, while retaining a 5' pedestrian side walk along both James Thornton Way and Wickham Green Way.

The proposed waiver will not violate the Comprehensive Plan. The proposed waiver will permit the applicant to make the most efficient and public-serving use of its lots along James Thornton Way and Wickham Green Way. The proposed waiver will permit the applicant to maximize available off-street parking, vehicle maneuvering area, and interior landscape area within the proposed development, while retaining a 5' pedestrian side walk along both James Thornton Way and Wickham Green Way.

The proposed waiver of the regulations is the minimum necessary to afford relief to the applicant. Absent the waiver, the applicant would have to either reduce the amount of off-street parking available to the public, reduce the vehicle maneuvering area, or reduce the amount of interior landscape area.

The strict application of the provisions of the regulation would deprive the applicant of the reasonable use of the land and would create an unnecessary hardship on the applicant as it would require the applicant to either reduce the amount of off-street parking available to the public, reduce the vehicle maneuvering area, or reduce the amount of interior landscape area. The proposed waiver will permit the applicant to make the most efficient and public-serving use of its property and retain a 5' pedestrian side walk along both James Thornton Way and Wickham Green Way.

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# **BLUESTONE DIVERSIFIED INVESTMENTS, LLC**

**18ZONE1055**

## **VARIANCE JUSTIFICATION**

The proposed variance, which will allow an existing, permitted sign to be repurposed into a freestanding master plan project identification sign to exceed the maximum square footage, will not adversely affect the public health, safety or welfare. The sign exists and, as a master plan project identification sign, will comply with all other signage requirements in the Land Development Code. Therefore, it will not have any adverse impact on the public health, safety or welfare.

The variance will not alter the essential character of the general vicinity as the sign structure exists today, and the proposed freestanding master plan project identification sign is consistent with the property's proposed C-2 zoning and the size of the proposed multi-use development. The proposed freestanding master plan project identification sign is also appropriate for the property's location along a major arterial road with numerous other large-scale commercial and automobile-oriented uses in the vicinity.

The variance will not cause a hazard or nuisance to the public. The proposed freestanding master plan project identification sign will comply with all other signage requirements in the Land Development Code, will be located a safe distance from Old Henry Road, and will permit the public to clearly identify the proposed development. The size of the proposed master plan project identification sign is appropriate for the size of the proposed development.

The variance will not allow an unreasonable circumvention of the requirements of the zoning regulations. The variance will allow the applicant to repurpose an existing sign into the proposed master plan project identification sign in a way that is consistent with the size of the proposed development.

The variance arises from special circumstances that do not generally apply to land in the vicinity of the project. The variance is the result of the method that is used for measuring monument style signs. The lettering on the sign is below the allowed area but because the sign includes all of the area that is not part of the base, this variance is needed.

The strict application of the regulations would create an unnecessary hardship because it would force the applicant to remove the existing sign, instead of repurposing it into a master plan project identification sign.

The circumstances are not the result of actions taken by the applicant subsequent to the adoption of the zoning ordinance as the applicant is attempting to bring the sign into compliance by repurposing it into a master plan project identification sign.

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