

BARDENWERPER, TALBOTT & ROBERTS, PLLC

ATTORNEYS AT LAW

1000 N. HURSTBOURNE PARKWAY • BUILDING INDUSTRY ASSOCIATION OF GREATER LOUISVILLE BLDG. • SECOND FLOOR • LOUISVILLE, KENTUCKY 40223
(502) 426-6688 • (502) 425-0561 (FAX) • WWW.BARDLAW.NET

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

Applicant & Owner: RECEIVED Collins, LLC
Location: MAR 26 2018 4501 Progress Blvd.
Proposed Use: PLANNING & DESIGN SERVICES Airstream Hotel & Event Space
Engineers, Land Planners and
Landscape Architects: Land Design & Development
Request: Zone Change from R-4 to C-2 and a
Conditional Use Permit

INTRODUCTION

This 12.11 acre property is located along Progress Boulevard next to a large industrial area to the West, with a between a residential subdivision to the South and Southeast, an apartment complex to the East, an office building to the North and. It is a hidden gem in this area as a large undeveloped parcel with a significant sized pond on the property with significant buffering. This property was used for extra fill dirt needed for the Buechel Bypass construction, which created the existing pond on the site, which will remain and several more will be added. This rezoning is for a vintage airstream hotel and event venue, which have become popular in other parts of the country, but is new to Louisville. Approximately 50% of the existing tree canopy will be preserved, which is well over the 15% that is required.

The required LBA's around the property perimeter will be adhered to and a 8 ft wood fence will surround the property to protect the adjoining neighbors. In fact, a 100 ft landscape buffer area is provided along the South and Southeast property lines adjoining the residential homes. There is only one entrance to this property from Progress Blvd across from the industrially zoned properties. There will be no access from the adjoining apartment complex nor from the existing residential subdivision via the stub to the east at Cypress Cove.

GUIDELINE 1 – COMMUNITY FORM

The application complies with the Suburban Neighborhood Form District description of an area characterized by *predominantly* residential uses but that also includes, at appropriate locations, a mixture of uses, such as offices, retail shops, restaurants and services so long as these uses are at a scale appropriate for the nearby neighborhoods. This Airstream Hotel and event center is precisely what is contemplated by the Suburban Neighborhood Form District. This proposed use is a low impact use compared to the many potential uses of the property given its location on Progress Boulevard next to industrial properties and multifamily residential. The proposed use will contain very significant open space, being most of the property, and provide a venue for charitable and civic uses as have existed in the past.

17 Zone 1046

MAR 26 2018

PLANNING &
DESIGN SERVICES**GUIDELINE 2 – CENTERS**

The application complies with the Intents and applicable Policies 1, 2, 3, 4, 5, 6, 7, 8, 9, 11, 12, 13, 14 and 15 of this Guideline as follows:

The subject property adjoins the mixture of industrial, commercial, and single-family residential uses mentioned above, placing it in the activity center that already exists in and around this location. This Airstream Hotel and event center adds to the vitality and sense of place among the mostly disconnected nearby neighborhoods and shall be an adaptive re-use of wooded and attractive property. The proposal will be a compact development in that it will accommodate far fewer daily residents than would be possible with a multi-family rezoning or a proposed subdivision development. The applicant has proposed a very detailed and extensive list of binding elements for consideration to address impacts to adjoining property owners. The proposed event venue, with accompanying Airstreams for clients to stay, is a new and desirable use for an area that does not have any similar type event venue. The DDDP shows the property is laid out to use the existing pond as the focal point and to not disturb the pond. All utilities are available to the site not requiring additional utility construction that would be the case if this were in an undeveloped area.

GUIDELINE 3 – COMPATIBILITY

The application complies with the Intents and applicable Policies 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 12, 20, 21, 22, 23, 24 and 28 of this Guideline as follows.

Noise would only potentially emanate from the latter hours of the any events on site and will be restricted by the detailed proposed binding elements as to noise and by the on-site park ranger that is also required by the proposed binding elements. Lighting will follow restrictions of the Land Development Code (LDC) and thus be directed down and away from nearby residential properties, with 90 degree cut-off at property lines. With the additional proposed setbacks as shown on the DDDP, the proposed lighting will be located further from the residential properties than otherwise allowed under the LDC. Further, this proposed use, unlike others such as a standard subdivision or apartment community, allows for the retention of a large portion of the existing trees and tree canopy on the site. The applicant has proposed a solid wood fence around the entire perimeter of the property, along with additional landscaping to further buffer the adjoining property owners from noise, light, etc. Transitions to adjoining properties on the south and east side will have an increased setback and will be attractively screened with additional landscaping as stated. Loading and delivery will be located and/or screened so as to minimize impacts on nearby properties. Signage will be in conformance with the LDC.

GUIDELINES 4 AND 5 – OPEN SPACE / NATURAL AREAS AND SCENIC AND HISTORIC RESOURCES

The proposed condominium community conforms with the overall Intents of and specifically with Policies 1, 2, 3, 4, 5, 6, and 7 of Guideline 4 and Policies 1, 2, and 6 of Guideline 5 for these reasons for all the reasons described above and because this proposed use allows the retention of a majority of the trees on the site as well as for the permanent protection of the large pond on the

site. Unlike most properties in the area, this property has wonderful natural features for which this proposed use will be able to protect and accentuate. All open space areas will be maintained in common by the applicant that doesn't exist with many other potential uses.

GUIDELINE 6 – ECONOMIC GROWTH AND SUSTAINABILITY

The application complies with the Intents and applicable Policies 2, 3, 5, 6 and 11 of this Guideline as follows.

Due to the location of the property, surrounded by industrial development and single family subdivisions, the property is perfectly situated for a use that is not present in the area and needed for the vitality of the area. This long vacant property would now become an additional economic engine for the area.

GUIDELINE 7, 8 AND 9 – CIRCULATION, TRANSPORTATION FACILITY DESIGN AND BICYCLE, PEDESTRIAN AND TRANSIT

The application complies with the Intents and applicable Policies 1, 2, 4, 6, 9, 10, 11, 12, 13, 14, 15, 16 and 18 of Guideline 7; Policies 1, 4, 5, 7, 9, 10 and 11 of Guideline 8; and Policies 1, 2, 3 and 4 of Guideline 9 as follows.

The traffic from this development will have access off of Progress Blvd. Because events at the center will occur predominantly on the weekends and in evenings, this will not be a peak hour traffic generating use unlike other possible uses for the property. The design of this Airstream Hotel and Event Center, together with its points of access, take into account the standards promulgated by KTC and Metro Transportation Planning and Public Works. The latter will be required to review the detailed district development plan (DDDP) submitted with this application prior to time of LD&T and Planning Commission public reviews, or this application will not be publicly heard. That review and preliminary stamp of approval will assure that Transportation Planning and Public Works standards for corner clearances, access, connectivity, internal circulation and parking minimums are all satisfied. Bike racks and sidewalks will be provided as required. The proposal will provide for bicycle parking as well.

RECEIVED

MAR 28 2018

PLANNING &
DESIGN SERVICES

GUIDELINES 10 - FLOODING AND STORMWATER

The application complies with the Intents and applicable Policies 1, 3, 4, 6, 7, 10 and 11 of this Guideline as follows.

Stormwater drainage will be addressed through the very significant existing pond on the site that can accommodate far more than the additional impervious surface being proposed, and will be in compliance with MSD’s standards for storm water management. MSD will be required to review the storm water management plan and give its preliminary stamp of approval to the DDDP prior to docketing for LD&T and Planning Commission public reviews. Very little additional traffic will be generated from this proposal with the access off of Progress Boulevard next to the industrial properties to the west. The applicant’s professional representatives have met with MSD to review area resident concerns about use of the existing drainage easement.

GUIDELINE 11 – WATER QUALITY

The application complies with the Intents and applicable Policies 3, 5 and 8 of this Guideline as follows.

MSD has promulgated both soil erosion/sedimentation control regulations and even newer ones with respect to water quality. Construction plans for this center will require compliance with these regulations prior to obtaining building permits.

GUIDELINE 12 – AIR QUALITY

The application complies with the Intents and applicable Policies 2, 4, 7 and 8 of this Guideline as follows. This proposed use will have very minimal impacts to air quality, particularly considering the very small additional traffic generated by the proposed development.

GUIDELINE 13 – LANDSCAPE CHARACTER

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

Compliance with this Guideline is achieved by virtue of compliance with LDC requirements. But as stated above, landscaping, screening and buffering will exceed LDC requirements, as promised neighbors at the neighborhood meeting.

* * *

For all the reasons listed above and as will be further explained at LD&T and the public hearing, the application complies with the listed and all other relevant and applicable Guidelines and Policies of the Cornerstone 2020 Comprehensive Plan and should be approved.

RECEIVED

MAR 26 2018

PLANNING &
DESIGN SERVICES

17 Zone 1046

Variance Justification:

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

Variance of: Table 5.3.2 to exceed the maximum 80 ft front yard setback

1. The variance will not adversely affect the public health, safety or welfare because the property is located across Progress Boulevard from industrially zoned property, will be well screened with a fence, and is being proposed for a use that is consistent with the current use of the property.
2. The variance will not alter the essential character of the general vicinity because the property has long been a vacant site with significant tree canopy and large pond, which this proposal will protect. Unlike other uses of the property, this proposed use is the one that will help keep the property as close to the current use as conceivably possible.
3. The variance will not cause a hazard or a nuisance to the public because Progress Boulevard is a street with industrially zoned properties and there is no standard setback such that this proposed development will not cause a hazard or nuisance at all from what currently exists as the home at the entrance is not being proposed for removal.
4. The variance will not allow an unreasonable circumvention of the requirements of the zoning regulations because this site has a unique layout with the existing natural features and the DDDP is designed to protect these natural features to the maximum extent possible.

RECEIVED

Additional consideration:

MAR 26 2018

PLANNING &
DESIGN SERVICES

1. The Variance arises from special circumstances, which do not generally apply to land in the general vicinity because this property is unique as it was used to obtain fill dirt for the Buechel Bypass extension and has remained undeveloped. This is very different than the other properties in the area.

17 Zone 1046

2. Strict application of the provisions of the regulation would deprive the applicant of the reasonable use of the land or would create unnecessary hardship because it would prohibit any reasonable use of the property by requiring the building to be close to Progress Boulevard and disrupting the natural features on the property.

3. The circumstances are not the result of actions of the applicant taken subsequent to the adoption of the regulation because this proposal is to allow the best use of the property considering its unique layout and design.

RECEIVED

MAR 26 2018

PLANNING &
DESIGN SERVICES

17 Zone 1046

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 5.8.1.B to not provide sidewalks along Progress Boulevard.

Explanation of Waiver:

1. The waiver will not adversely affect adjacent property owners because Progress Boulevard is industrially zoned on the west side of the road and a mixture of single family residential and office uses on the east side with no sidewalks currently existing along Progress Boulevard. Progress Boulevard is a road where cars travel at a high rate of speed without existing pedestrian activity such that sidewalks would provide no practical benefit.
2. 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 the original rezoning application.
3. The extent of waiver of the regulation is the minimum necessary to afford relief to the applicant because sidewalks should only be located where thoughtfully designed with public safety in mind, and the construction of the sidewalks would not serve a useful purpose due to the lack of connectivity with the built condition. Progress Boulevard is void of uses that promote pedestrian activity.
4. Strict application of the provisions of the regulation would deprive the applicant of a reasonable use of the land or would create an unnecessary hardship on the applicant because it would be building sidewalks in areas where there is really no practical possibility of use, particularly considering all parking for this use will be contained on-site with no rights for parking on other properties. Further, the topography and MSD drainage ditch along the Progress Boulevard frontage would make construction of ADA compliant sidewalks a technical infeasibility. Sidewalks would also require the applicant to change the existing 8 foot tall wood fencing installed along the frontage for buffering.

RECEIVED
MAY 21 2018
PLANNING &
DESIGN SERVICES

17 ZONE 1046