

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 GOALS, OBJECTIVES AND POLICIES OF THE PLAN 2040 COMPREHENSIVE PLAN

<u>Applicant:</u>	Golden Wash, LLC
<u>Owner:</u>	The Young Living Trust and Betty A. Curran
<u>Location:</u>	5862 New Cut Road & 7419 Star Lane
<u>Proposed Use:</u>	Commercial/Retail center
<u>Engineers, Land Planners and Landscape Architects:</u>	Prism Engineering
<u>Request:</u>	Zone change from R-4 to C-1

COMMUNITY FORM

Goal 1 – Guide the form and design of development to respond to distinctive physical, historic and cultural qualities.

The proposed zone change and detailed district development plan (“DDDP”) comply with applicable Objectives a, b, c, e & f and applicable Policies 2, 2.1, 3.1.3, 4, 6, 7, 8, 9 10, 11, 12, 14, 15, 16, 17, 18, 19, 20, 21 and 23 as follows:

The site is located in the Neighborhood Form District which encourages compatible, neighborhood and area-serving commercial uses. A neighborhood-serving AutoZone store is proposed near many nearby residential areas, as well as a retail activity center which already exists. This compatibility of proposed use would serve the area well, given the surrounding support structure and substantial residential footprint which would benefit from the offered goods and services.

As stated, AutoZone will provide additional goods and services while also supporting the existing retail in the area, positioning the overall development to adapt readily now and in the future to new market demands. Its location close to neighboring residential developments will be convenient for the residents and will reduce vehicle miles traveled for those seeking routine auto care products and services. The rezoning will serve the suburban area in a robust and healthy commercial manner fulfilling these Neighborhood Form District goals.

The development and proposed zone change will remain compatible with the scale and site design of the neighboring residential areas. The proposal is well-connected to the area, as it is located along New Cut Road, a minor arterial roadway, and near Outer Loop, a major arterial. No hazardous uses will be generated with this proposal. This rezoning will not cause expansion into residential areas, nor industrial development. The potential adverse impacts, such as noise, lighting and traffic will continue to be mitigated through the use of buffers, setbacks and compliance with the Land Development Code.

Goal 2 – Encourage sustainable growth and density around mixed-use centers and corridors.

The proposed zone change and DDDP comply with applicable Objectives a, b & d and Policies 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 15, 16 and 17 as follows:

The proposal will allow additional retail uses in the area that will encourage sustainable growth in the community, thus avoiding potential decline, and will continue to provide goods and services in an existing activity center and along commercial corridors by placing low intensity commercial uses near compatible neighborhoods and existing infrastructure. The proposal will complement the Regional Center Form District, which is adjacent to it. Appropriate access and connectivity exist to support the proposal at this location. The design is appropriate with adjacent uses that will serve the needs of the surrounding community. The development will be compact in an existing activity center resulting in efficient land use, and it will take advantage of and complement cost-effective infrastructure investment. The mixture of compatible neighborhood serving uses will reduce traffic and limit trips for customers and users of the site, along with providing “capture trips” by providing additional retail services to those already traveling New Cut Road and Outer Loop. This site is within a corridor where major support population exists. As a relatively small retail center, it will be compact and will contain a mixture of acceptable/desirable retail/residential uses, complementary to what exists in the growing area. Furthermore, the proposal is not an outlot development.

Goal 3 – Enhance neighborhood by protecting and integrating open space, watershed and other natural resources.

The proposed zone change and DDDP comply with applicable Objectives a and d, and Policies 1, 2, 7, 8, 9, 10, 11 and 12 as follows:

The proposed development plan will enhance the surrounding neighborhoods by not greatly diminishing any open space or natural resources. There are no significant, natural features or hydric soils, nor severe, steep, or unstable slopes on the site. The zoning change will not impact any flood prone areas and there are no known karst areas on the site. The proposal avoids any significant change in topography and does not cause any environmental changes or damage. The landscape buffers and setbacks will continue to provide the community with transitions between the site and the surrounding properties. The site is also not located within the floodplain.

Goal 4 – Promote and preserve the historic and archaeological resources that contribute to our authenticity.

The proposed zone change and DDDP comply with applicable Policies 1 & 2 as follows:

There are no historic buildings or features on the property, meaning the wrecking ordinance is inapplicable. All tree preservation requirements will be met. The rezoning and development plan will essentially provide an infill development where a large support population exists. Thus, it represents a good opportunity for continued economic development for the area.

MOBILITY

Goal 1 – Implement an accessible system of alternative transportation modes.

The proposed zone change and DDDP complies with applicable Objectives a & e and Policies 1 and 4 as follows:

The neighborhood-serving, mixed-use retail store balances intensity of use with adjacent zoning, and takes advantage of its location adjacent to an established activity center in the Regional Form District. It is a small-scale development to serve the surrounding existing and future residential areas with access from New Cut Road, a minor arterial. It is also near Outer Loop, a major arterial. Sidewalks are currently available along New Cut Road and Outer Loop. TARC service is available near the site.

Goal 2 – Plan, build and maintain a safe, accessible and efficient transportation system.

The proposed zone change and DDDP comply with applicable Objectives a, b, c & d and Policies 1, 4, 5 and 8 as follows:

The proposal promotes safe, accessible and efficient transportation uses by accommodating pedestrian, bicycle and vehicular access to a minor arterial (New Cut Road) and a major arterial (Outer Loop), which is not through areas of significantly lower density or intensity and will not thereby create a nuisance.

Goal 3 – Encourage land use and transportation patterns that connect Louisville Metro and support future growth.

The proposed zone change and DDDP comply with applicable Objectives a, b, c, & d and Policies 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 12, 14, 15, 17, 18, 20 and 21 as follows:

The development plan complies with the objectives and policies of Goal 3 by providing walking and bicycling opportunities with sidewalks and interconnected walkways, and by providing a mix of complementary neighborhood-serving uses. It reduces miles traveled by car by providing the activity center with additional development in this infill context. The plan will not burden the transportation network but will allow the site to continue to be consistent with the purpose of the Neighborhood Form District and nearby activity center in the Regional Center Form District. The parking requirements of the site consider the intensity and density of the use and the character and pattern of the Form District. The plan also satisfies the policy of supporting biking and pedestrian travel by providing for those modes of access. All required utilities are available, or will be planned for by the proposal. Transient is available. MSD and Metro Public Works and Transportation Planning (MPW&TP) will need to “stamp” this plan for preliminary approval prior to LD&T review, thereby demonstrating compliance with those agencies’ independent standards relative to the roadway, sanitary sewer and storm water infrastructures.

COMMUNITY FACILITIES

Goal 2 – Plan for community facilities to improve quality of life and meet anticipated growth.

The proposed zone change and DDDP comply with applicable Policies 1, 2, & 3 as follows:

This development plan is not a community facilities plan, but it does locate development in areas currently served by existing infrastructure, and will have access to adequate water supply such that it will not burden existing or future community facilities.

ECONOMIC DEVELOPMENT

Goal 1 – Provide an economic climate that improves growth, innovation, investment and opportunity for all.

The proposed zone change and DDDP complies with applicable Objectives b, d, f & h and Policies 2, 3, 4 and 5 as follows:

This proposal provides for an economic climate that improves growth, innovation, and investment opportunity by promoting the use of an underutilized parcel in an infill context. It would not permit industrial development. It locates this new potential use in an area with existing infrastructure in an efficient manner, increasing economic opportunities. It will also provide opportunities to small businesses by providing another location with convenient access to major arterials and roadway infrastructure without generating high volumes of traffic. The site is not located near the airport or the Ohio River.

LIVABILITY

Goal 1 – Protect and enhance the natural environment and integrate it with the built environment as development occurs.

The proposed zone change and DDDP comply with applicable Policies 5, 7, 10, 12, 13, 15, 17, 21, 23, 24, 26, 27, 28, 29, 30, 31, 32 and 35 as follows:

The proposal does not suffer from any major environmental constraints. The site will be using existing utility connections and will have no real effect on groundwater in the area. Any effects the proposal has on air quality will be negligible, as the vehicle miles will be reduced due to the close proximity of the site to potential customers. The general landscaping features of the area will be maintained, and improved upon. The site is also not located in the floodplain, but will still comply with all applicable regulations for environmental concerns. There are no known karst features on the site.

HOUSING

The proposed zone change and DDDP comply with applicable Objectives and applicable Policies of Goal 1, 2, & 3 as it creates and locates necessary services and employment opportunities near residential areas, thereby strengthening and supporting the housing in the area. This use will facilitate connected and mixed-use areas and ensure long term affordability and living options for all in the community. The proposed zoning will support diversity in mixed-income and inter-generational residency without displacing any current residents.

* * *

For all of these and other reasons set forth on the Detailed District Development Plan accompanying this application and in accordance with evidence to be presented at Planning

Commission public hearings, this application will comply with all other applicable Objectives and Policies of the Plan 2040 Comprehensive Plan.

Respectfully submitted,

BARDENWERPER, TALBOTT & ROBERTS, PLLC
Bardenwerper Talbott & Roberts, PLLC
1000 N. Hurstbourne Parkway, Second Floor
Louisville, KY 40223
(502) 426-6688