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STATEMENT OF COMPLIANCE WITH ALL APPLICABLE GOALS, OBJECTIVES AND POLICIES OF THE “PLAN 2040” COMPREHENSIVE PLAN

<u>Applicant:</u>	Billtown Road Development, LLC, c/o Patrick Madden
<u>Owners:</u>	The Estate of Doris G. Henry
<u>Location:</u>	6422 and 6808 Billtown Road Block 51, Lots 420, 102, and Block 52, Lot 84
<u>Request:</u>	Rezoning from R-4 to R-6 and C-1 with Detailed District Development Plan (DDDP) for a mixed residential/commercial development
<u>Engineers, Land Planners, Landscape Architects:</u>	Land Design & Development, Inc.
<u>Traffic Engineer:</u>	Diane B. Zimmerman Traffic Engineering, LLC

INTRODUCTION

The mixed-use development that is the subject of this rezoning and DDDP application from R4 to R6 and C-1 is proposed by an entity organized by a Lexington-based developer, Patrick Madden, and his development company, Hamburg Place, who and which are responsible, in Lexington, for the largest mixed residential/commercial use development in Kentucky and surrounding multi-state area. Madden has also developed or is developing sites in Louisville, including the very successful Kohl's-anchored center south of the Snyder Freeway on Bardstown Road at Seatonville Road and his newest one, the Kroger-anchored center south of the Snyder Freeway on Beulah Church Road at Arbor Manor Way and the Cedar Creek Road extension where he is also building apartments, townhomes and a single-family subdivision. He develops, builds and manages projects of these kinds in several places around Kentucky.

This particular project, located as it is in the northwest quadrant of the Snyder Freeway interchange at Billtown Road, is a consequence of the steady progression of development along the Snyder Freeway, from Dixie Highway in the far southwest to US 42 in the far northeast, with the interchanges at every one of the major arterials and interstate highways intersecting the Snyder Freeway now fully or mostly built out. These interchanges include those at Brownsboro Road, Westport Road, LaGrange Road, Old Henry Road and Shelbyville Road north of I-64 and Taylorsville Road, Billtown Road, Bardstown Road, Beulah Church Road, I-65, Preston Highway, New Cut Road, and Dixie Highway south of I-64. As the last of those interchanges without significant development (i.e., Beulah Church Road) is about to be nearly finally fully developed (with the recently approved Madden Kroger-anchored center under construction there), that leaves the last of those interchanges to be developed, this one — i.e., the Billtown Road interchange north

of the Snyder Freeway, given that the south side is occupied by a large church (Evangel World Prayer Center), such that part of the interchange is probably not appropriate for development of the kind proposed here. Following what's proposed here, significant opportunities for urban growth and economic development in these interchanges appears to be almost over, as additional vacant land is nearly now nonexistent.

Residential and small-scale commercial developments have been slowly making their way out to this interchange area, beginning decades ago in and around Jeffersontown to the north. The several decades old Snyder Freeway Corridor Plan and the over 2 decades old Fern Creek Small Area Plan generally contemplated this growth, including this specifically proposed development, much the same as the 1979 Comprehensive Plan for Louisville and Jefferson County and the Louisville Metro "Cornerstone 2020" and current "Plan 2040" forms of Comprehensive Plan contemplated the Metro area's steady progression of growth and development out from the urban core. Every new development proposal has been tasked by those plans with mitigating the potential impacts of those proposals. And every single one that has occurred over the years was based on an approval that demonstrated compliance with all those various plans, including their impact mitigation requirements, exactly the same as this one will do.

Today the area north of this site along Billtown Road to Jeffersontown boasts hundreds of new housing units, in R4, R5 and PRD zoned single family subdivisions and in R5A and R6 patio and town home as well as stacked apartment communities. Public elementary and middle schools have been built to serve them (Farmer Elementary and Ramsey Middle Schools directly across Billtown Road from the subject site being the newest to the area). As the aforementioned residential developments have occurred (the nearest ones to the subject site being Billtown Farms and Hanover Trace), they've created demand for retail businesses, convenience stores with gas pumps and restaurants to serve them. Because of this, plans were devised and announced decades ago for creation of a new inner belt arterial connecting Shelbyville Road to Bardstown Road known as the Urton Lane Corridor/Veterans Drive and beyond Bardstown Road to Beulah church Road known as the Cedar Creek Extension.

Already partly in existence, the Urton Lane Corridor/Veterans Drive is shown on the development plan accompanying this application to run through the property from its eastern to western property lines. This factor together with the aforementioned steady spread of housing and other neighborhood serving commercial from Jeffersontown south to the Snyder Freeway, as well as the easy availability of sanitary sewer service to this site, combine to create a significant opportunity for environmentally positive development on the subject site, as said one of the few remaining undeveloped tracts of land left along the Snyder Freeway corridor.

Louisville Metro's latest form of comprehensive land use plan, called "Plan 2040", like its two immediate predecessors (meaning the referenced 1979 and 2020 ones), is an "impact mitigation" form of comprehensive plan. As such, what formerly were termed "Guidelines" and now are termed "Policies" represent the several dozen statements of the kinds of economic growth and development that the Metro Planning Commission and the various local governments with zoning authority encourage and thus how to address and mitigate the impacts of same. As such, certain "Plan Elements" (identified by KRS Chapter 100 and by Metro Planning for additional Plan 2040 comp plan consideration) are discussed below, resulting in this narrative statement of how (in

addition to what the pre-application Staff Report says) developer Pat Madden's proposed rezoning and mixed-use project at the subject site fully complies with Plan 2040.

PLAN ELEMENT 4.1: COMMUNITY FORM

This "Application Package" complies with the "Community Form" Plan Element, its applicable Goals and Objectives, notably the following ones which Metro Planning Staff have requested the applicant address.

As to "Community Form" Goal 1, Policies 6, 7, 8, 9, 15, 16, 17, 18, and 21, the application complies as follows, in addition to the other ways set forth above and below:

The site is located in the so-called "Suburban Neighborhood Form District", which encourages low to high density and intensity land uses and a range of housing, retail and other employment opportunities, all of which are involved in this application. Housing can include both single-family and multi-family dwellings, which can be for ownership or rent, all of which are also found on the General and Detailed District Development Plans (GDDP and DDDP) accompanying this rezoning application. Given the size of the land tracts involved in this application, the accompanying GDDP portion of the plan submitted with this application for C-1 zoning includes a 900 square foot coffee shop and 3230 square foot restaurant with drive-thru and 3500 square foot patio, whereas the accompanying DDDP portion of the plan submitted for R-6 and C-1 zoning includes 240 stacked-style apartment homes in 10 separate buildings at 15.5 du/a as well as a 6400 square foot convenience store with restaurant and gas pumps. Land Development Code (LDC) required setbacks, height restrictions, interior and perimeter tree canopy, landscaping, minimum parking, and maximum lighting and signage will also be met.

Also, the proposed mixed-use development is located at a Snyder Freeway interchange, along both the planned Urton Lane Corridor/Veteran's Drive and an ever-improving Billtown Road arterial and not very long driving distances from community facilities such as fire stations and schools (notably the aforementioned elementary and middle schools), from churches and existing employment centers. As such, travel times will be manageable for the commuters who will live here. Especially when the totality of this proposed mixed-use development is fully built out, residents will be able to walk or bike to the proposed convenience store, coffee shop and restaurant. All of this contributes to improved air quality. And traffic impacts, if any, resulting from same are expected to be managed by virtue of the results and recommendations made by the Traffic Impact Study (TIS) that is underway.

Planned masonry and other quality siding components and traditional style and design of planned buildings will assure design-compatibility with adjoining and nearby residential communities. Also, LDC-compliant street and parking lot designs, setbacks, lighting, and interior and perimeter tree preservation, fence screening and buffering, landscaping and open space will help to mitigate potential nuisances from potential traffic, noise, odor and aesthetic intrusions into neighboring residential communities.

When in the future the Urton Lane Corridor/Veterans Drive Extension is constructed, some existing traffic today will be diverted from Billtown Road and the Snyder Freeway via this new inner below road corridor, thus helping with external traffic issues.

As to “Community Form” Goal 2, Policies 1, 4, 5, 6, 7, 8, 9, 10 and 11, the application complies as follows, in addition to the other ways set forth above and below:

As said, the proposed mixed-use development is located in the Suburban Neighborhood Form District along a minor arterial highway at an interstate interchange. As such and with decent, planned, improved and brand new vehicular and pedestrian access, as shown on the accompanying overall plan, the proposed mixed-use development adds to it the activity center created by virtue of the aforementioned elementary and middle schools located across Billtown Road and two large churches located nearly next door on Billtown Road and in the southwest interchange across the Snyder Freeway. This makes the proposed convenience store with gas pumps and restaurants readily accessible to lots of commuters already utilizing Billtown Road and other existing street systems in adjoining and nearby neighborhoods as well as the larger population that presently drives the Snyder Freeway and that will utilize the future Urton Lane Corridor/Veterans Drive. Given all that is now located proximate to and surrounding this particular site and given the particular design of this proposed mixed-use development, today it in fact looks like this site was always planned this way. It is compact and includes a mixture of commercial uses and even creates some of the demand for those commercial uses. Buildings are relatively small and thus of a scale and, as shown in the accompanying PowerPoint presentation, of a design compatible with nearby buildings and residential neighborhoods.

As to “Community Form” Goal 3, Policies 9, 10, 11, 12, the application complies as follows, in addition to the other ways set forth above and below:

The subject site does not involve wet soils, flood-prone or unusual topographic constraints that require inappropriate grading and filling. If sinkholes exist, they will be located and avoided or mitigated.

As to “Community Form” Goal 4, Policies 1, 2 and 3, the application complies as follows, in addition to the other ways set forth above and below:

No distinctive cultural resources or natural features are known to exist.

PLAN ELEMENT 4.2: MOBILITY

This “Application Package” complies with the “Mobility” Plan Element, its applicable Goals and Objectives, notably the following ones which Metro Planning Staff have requested the applicant address.

As to “Mobility” Form Goal 1, Policy 4 and Goal 2, Policy 4, the application complies as follows, in addition to the other ways set forth above and below:

In addition to and for these reasons and in the manners generally described in the Introduction section of this Compliance Statement above, the proposed mixed-use development will include a critical section of the new Urton Lane Corridor/future Veterans Drive and also see improvements made also its frontage with Billtown Road in order to assure safe and convenient access. Access

to the proposed mixed-use development will be via Billtown Road and not through existing lower intensity/density subdivisions.

As to “Mobility” Form Goal 3, Policies 1, 2, 3, 4, 5, 6, 9, 10 and 21, the application complies as follows, in addition to the other ways set forth above and below:

In addition to what has already been written above as respects mixed uses, the area’s existing and future transportation network, including the developer’s anticipated contributions to same, the developer will be required to prepare construction plans that incorporate correct lane widths, turn lanes as necessary, good site distances and proper turning radii. And all of these, as well as parking spaces, required bike racks, handicapped spaces and possible transit and ride-share stops will be designed in accordance with Metro Public Work and Transportation Planning (MPW&TP) requirements.

Also, the TIS being prepared as part of this application by Diane Zimmerman, P.E. (which will be submitted in accordance with MPW&TP requirements and be made available for Kentucky Department of Transportation (KDOT) District 5 Office, MPW&TP and public review and comment) right now contemplates the following: a full northbound left-turn lane at Billtown Road and Gellhaus Lane and 3 exit lanes (left, right and through) at Veterans Drive and Billtown Road. At time of filing of this application, what’s thus far known about the pending TIS is that it will not foresee any failing levels of service, considering exiting conditions, anticipated traffic generation and both already planned and expected road improvements. TARC service is generally unavailable in areas like this, but to the extent it is or will be on a limited basis, this development will accommodate it.

PLAN ELEMENT 4.3: COMMUNITY FACILITIES

This “Application Package” complies with the “Community Facilities” Plan Element, its applicable Goals and Objectives, notably the following ones which Metro Planning Staff have requested the applicant address.

As to “Community Facilities” Form Goal 2, Policies 1, 2 and 3, the application complies as follows, in addition to the other ways set forth above and below:

Necessary water, sanitary sewer, gas and electric utilities are either located proximate to this site and immediately accessible by it via public right-of-way and/or existing easements or else same will be provided or acquired for extension to the site. The aforementioned public schools, plus parochial ones, and a variety of churches (including the aforementioned ones) are also located nearby, as are fire stations and a public library in Jeffersontown proper.

PLAN ELEMENT 4.4: ECONOMIC DEVELOPMENT

This “Application Package” complies with the “Economic Development” Plan Element, its applicable Goals and Objectives, notably the following ones which Metro Planning Staff have requested the applicant address.

As to “Economic Development” Goal 1, Policies 2, 3, 4 and 5, the application complies as follows, in addition to the other ways set forth above and below:

As Louisville Metro’s population continues to grow, so does demand for housing of all types. The proposed mixed-use development is part of a developer response to that demand, and as such both stabilizes and offers increased opportunities for employment in the building trades and associated industries. It also increases the Metro Louisville tax base essential to the provision of government services, especially important after the worst economic setback since the Great Depression which resulted from the pandemic shutdown. If Louisville and Kentucky are to continue to economically rebound over time from this devastatingly disruptive economic occurrence, it will be because new growth opportunities, like this one, occur. That is why this particular Plan Element of Plan 2040 takes on such overriding significance at this point in Louisville’s history.

PLAN ELEMENT 4.5: LIVEABILITY

This “Application Package” complies with the “Livability” Plan Element, its applicable Goals and Objectives, notably the following ones which Metro Planning Staff have requested the applicant address.

As to “Livability” Form Goal 1, Policies 5, 17, 21 and 24, the application complies as follows, in addition to the other ways set forth above and below:

In addition to what has already been written above as respects topography, soils, flood plains and tarts geology, the overall plan filed with this rezoning application contemplates that storm water will be addressed and accommodated through new catch basins, storm pipes and internal detention basins. Sanitary sewer service will be available via lateral extension at the developer’s cost, including contemplated, new sanitary sewer easements. Wetlands, if any, and significant tree stands (to the extent salvageable to address regulatory tree canopy requirements) will be protected and preserved. Measures will also be taken to assure that erosion and sediment impacts are fully controlled and/or mitigated. And as mentioned above, given the nature of this mixed-use development and the internal traffic-capture opportunities it presents, as well as its location along both an existing and improved arterial and planned new collector-level road at an interstate interchange, negative air quality impacts will be minimized because vehicle miles travelled are controlled or even reduced.

PLAN ELEMENT 4.6: HOUSING

This “Application Package” complies with the “Housing” Plan Element, its applicable Goals and Objectives, notably the following ones which Metro Planning Staff have requested the applicant address.

As to “Housing” Form Goal 1, Policies 1 and 2, Goal 2, Policies 1 and 2 and Goal 3, Policies 1, 2 and 3, the application complies as follows, in addition to the other ways set forth above and below:

In addition to what has already been written above as respects proximity and access of the proposed development to transportation networks, schools, churches, other community facilities, and neighborhood serving retail and food sources, and also as respects the layout and design of this

mixed use development, by bringing additional new and design/demographic/income diverse housing to the referenced south Billtown Road/Snyder Freeway interchange area, the developer proposes to do his part in addressing the ever-growing demand for all kinds of housing in the Louisville Metro area. Especially important to this is the need for Louisville Metro to accommodate as much of that housing demand itself, instead of allowing it to continue to leak into adjoining counties. When that occurs, Louisville Metro enjoys few, if any, of the benefits of economic growth (e.g., needed tax revenues to address community problems) but only the burdens (e.g., traffic commuting to and from adjoining counties). The proposed apartment community will help assure a better and growing supply of quality housing, especially the kind chosen by those who either cannot afford to purchase a home or by those who simply by circumstance of age, disability, family condition (e.g., empty nesters) or otherwise choose to reside in a rental community.

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For all of the above-stated reasons, those shown on both the General and Detailed District Development Plan portions of the overall plan and those to be explained in other submitted exhibits, the Traffic Impact Study and at both the LD&T meeting and Planning Commission public hearing, this application complies and will comply with all Goals, Objectives and Policies of the Plan 2040 Comprehensive Plan.

Respectfully submitted,

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