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

Applicant: Beulah Church Road, LLC

Owners: Kenneth S. & Judith A. Bohannon / Carolyn J. & James F. Ball

Project Name/Location: 6803 & 6805 Beulah Church Road

Proposed Use: Mixed Use Development

Request: Zone change from R-4 to R-5, R-5A, R-6 and C-1

Engineers, Land Planners, Landscape Architects: Land Design & Development, Inc.

Traffic Engineer: Diane B. Zimmerman Traffic Engineering, LLC

INTRODUCTION

The mixed use development that is the subject of this rezoning application from R4 to R-5A, R6, OTF, 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 for the largest mixed use development in Kentucky and possibly multi-state area. Madden has developed properties outside Lexington, including the very successful Kohl’s-anchored center located, like the one proposed in this case, south of the Snyder Freeway — at Bardstown Road and Seatonville Road in Louisville. Madden has also developed multi-family housing, like planned here, and prepared land within his developments for single-family homes, also like planned here. He develops, builds and manages projects.

This particular project, located as it is in the southeast quadrant of the Snyder Freeway interchange at Beulah Church Road, is a result of several historic and recent occurrences. Historically speaking, there’s been a progression of development along the Snyder Freeway, basically starting at Dixie Highway on the west, Shelbyville Road on the east and I-65 in the south. As those interchanges were built out, development moved northeast to Westport Road, followed by LaGrange Road, then Brownsboro Road and Old Henry Road and also southeast to Bardstown Road and Taylorsville Road. While some development opportunity remains at some of these interchanges, the best opportunities for urban growth and economic development appear to be at some of the “lesser” interchanges, notably this one at Beulah Church Road. Residential pressures began to be felt in this general area in the decade prior to adoption of the Cornerstone 2020 Comprehensive Plan and formation of the new combined Louisville and Jefferson County Metro Government, and new subdivisions, multi-family housing and small retail centers arose with that. Recently, the subject

property finally became available for development when the family that has long owned it put it up for sale.

Today the area south of the Snyder Freeway between Bardstown Road and Beulah Church Road boasts hundreds of new housing units, single family and both townhome and stacked multi-family types. New developments continue to pop up, creating demand for residential-serving retail and potential opportunities for other forms of employment centers, while creating pressure on existing transportation infrastructure. Because of this, plans were funded and prepared in order to prepare for the widening south of the Snyder Freeway of the state-owned, minor arterial known as Beulah Church Road and for the creation of a new collector-level, connector road south of the Snyder Freeway between Bardstown Road and Beulah Church Road, known as the Cedar Creek Extension. Already partly in existence, following the winding path of the existing Cedar Creek Road, this new collector-level road has assumed an extension of that existing road through the property that is the subject of this application, with the remaining connector piece through a couple of already identified pieces of land to the east of this one. When Madden first inquired about developing the subject 87 acres, he was told by local government officials that his overall development plan must include a transportation corridor plan for this Cedar Creek Road Extension.

These factors (i.e., the spread of housing throughout this area, the resulting demand for retail shopping, the emerging build-out of development at other Snyder Freeway interchanges, plus completed plans for better transportation infrastructure in the area), as well as the prospect of sanitary sewer extensions to this particular property, combine to create a significant opportunity for environmentally positive development on the subject site, one of the largest undeveloped tracts of land remaining in Jefferson County.

Louisville Metro's new form of comprehensive land use plan, called "Plan 2040", like its two immediate predecessors (meaning the ones adopted in 1979 and 2000), remains an "impact mitigation" form of comprehensive plan. Previously termed "Guidelines" and now termed "Policies", the several dozen statements of what kinds of growth to encourage and how to address growth's impacts specify how the Planning Commission, various local legislative bodies (both Metro Council and the small cities with statutory zoning authority), their respective staffs and development-related agencies are supposed to review and consider proposals and plans for development of land in Jefferson County. The following Plan Elements (which are the ones identified by KRS Chapter 100 for comp plan consideration) are discussed below, resulting in this narrative statement of how developer Pat Madden's proposed project fully complies with Plan 2040, which is all of Louisville and Jefferson County's vision for economic growth and how to address its many and varied impacts.

PLAN ELEMENT 4.1: COMMUNITY FORM

This "Application Package" complies with Plan Element 4.1, its 5 Goals and their Objectives plus the following Policies.

As to Goal 1, Policies 2, 2.1, 3.1.3, 4, 5, 6, 7, 9 10, 11, 12, 14, 16, 17, 18, 19, 20 and 23, it 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 in a range of housing, retail and other employment opportunities. Housing can include both single-family and multi-family dwellings, which can be for ownership or rent, all of which are found on the General District Development Plan (GDDP) accompanying this rezoning application. Given the size of the land tracts involved in this application, the accompanying GDDP includes 57 R-5 sized single-family home style lots at 3 du/a; 184 R-5A townhouse-style homes at 10.01 du/a; and 288 R-6 stacked-style apartment homes at 17.14 du/a. These different internal development parcels range in height from 2 to 3 story and in density from 3 to 17.14 dwelling units per acre – meaning from low to high density, which these Policies say is appropriate in a mixed-use development of this kind, with appropriate infrastructure and located where it is. As allowed in the Suburban Neighborhood Form District, the GDDP also includes 119,600 sq ft of C-1 restaurant/retail shopping center space; a 96-room 4-story OTF hotel; and a 40,600 sq ft 2-story OR office building.

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, located as this proposed mixed-use development is at a Snyder Freeway interchange, along both the planned Cedar Creek Road Extension and an improved Beulah Church Road and not very long driving distances from community facilities such as fire stations and schools, from churches and existing employment centers, travel times are not significant. Especially when the totality of this proposed mixed-use development is fully built out, residents will be able to walk or bike to the resulting internal retail shopping/employment center. All this contributes to improved air quality.

Planned masonry and other quality siding components and traditional style and design of planned buildings will assure design-compatibility with the east, west, north and south adjoining residential communities. Also, LDC-compliant street and parking lot designs, setbacks, lighting, landscaping, screening and buffering will help to mitigate potential nuisances from traffic, noise, odor and aesthetic intrusions into neighboring residential communities. Once the Cedar Creek Road Extension is constructed, existing traffic that today cuts through the adjoining subdivisions in order to travel from Bardstown Road to Beulah Church Road and vice versa will be mostly diverted through the proposed development along this new road corridor. And stub connections to these existing single-family subdivisions will eventually offer their residents the convenience of accessing the new retail facilities without having to access and utilize sometimes congested arterial level roads or interstate highway.

As to Goal 2, Policies 1, 2, 3, 5, 6, 7, 8, 9, 11, 12, 13, 14, 15, 16 and 17, it 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 GDDP, including connections to existing residential neighborhoods, the proposed mixed-use development both creates its own new activity center but also makes that center readily accessible

to the larger geographic area that it will most definitely serve. For example, once the new Cedar Creek Road Extension is constructed, some of the residential development that's been exploding into the south Fern Creek/Cedar Creek and probably even Highview areas will be able to enjoy restaurant and retail (hopefully including grocery store) opportunities that today don't fully exist or that are challenging (in terms of traffic and transportation infrastructure) to access today.

Given all that is proximate to and surrounds this particular site and given the particular design of this proposed mixed-use development, it would appear that this plan within the larger community context, given all that's heretofore grown up around it, was always planned this way, and that the time for it has simply finally come.

As to Goal 3, Policies 1, 2, 3, 6, 9, 10 and 13, it complies as follows, in addition to the other ways set forth above and below:

The GDDP filed with this application and Detailed District Development Plans (DDDPs) either included with this GDDP or anticipated to ultimately follow will include a large community clubhouse and pool for the stacked-style multi-family development plus other communal open spaces for use by single-family and townhome residents. And the retail portions of this development will include open spaces for sitting and eating. Those spaces will be maintained in perpetuity by the respective owners of the housing in those particular developments.

As to Goal 4, this is not a historic site with historic buildings.

As to Goal 5, public spaces include some form of public art.

PLAN ELEMENT 4.2: MOBILITY

This Application Package complies with Plan Element 4.2, its 3 Goals and their Objectives plus the following Policies.

As to Goal 1, Policies 1, 2, 3, 4 and 6; Goal 2, Policies 1, 2, 3, 4, 5, 6, 7 and 8; and Goal 3, Policies 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 17, 18, 19, 20 and 21, it complies as follows, in addition to the other ways set forth above and below:

For the reasons and in the manners generally described in the Introduction above, the proposed mixed-use development will include a critical section of the new Cedar Creek Road Extension and also see improvements made also its frontage with Beulah Church Road in order to assure safe and convenient access. Stub connections to the existing residential subdivisions to the south and east will also be created, in time, to assure convenient vehicular, bicycle and pedestrian access to and from those neighborhoods. To be sure, the developer will also eventually 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, a Traffic Impact Study (TIS) is in the process of being completed by Diane Zimmerman, P.E. It will be submitted in accordance with MPW&TP requirements and will be available for Kentucky Department of Transportation (KDOT) District 5 Office, MPW&TP and public review and comment. At time of filing of the official rezoning application, the draft TIS did not foresee any failing levels of service, given planned 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.

Further, necessary 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.

PLAN ELEMENT 4.3: COMMUNITY FACILITIES

This Application Package complies with Plan Element 4.3, specifically Goal 2, its Objectives and specifically Policies 1, 2 and 3 as follows:

Public schools, different fire stations, and a public library are located within relatively convenient driving distances at the Outer Loop, as are public parks (including the large regional ones at McNeely Lake and Parklands of Floyds Fork) and places of worship.

PLAN ELEMENT 4.4: ECONOMIC DEVELOPMENT

This Application Package complies with Plan Element 4.4, its 2 Goals and their Objectives, plus the following Policies.

As to Goal 2, Policy 1, it 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 Plan Element 4.5, its 4 Goals and their Objectives plus the following Policies.

As to Goal 1, Policies 5, 7, 8, 10, 11, 12, 13, 15, 16, 23, 26, 27, 28, 29, 30, 31, 32, 33 and 35, it complies as follows, in addition to the other ways set forth above and below:

The GDDP 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.

Identified wetlands and significant, existing tree stands will be protected and preserved. Along the south side of the retail, hotel and office developments, the non-buildable/tree preservation areas are 125 ft deep, encompassing 3.1 acres of tree preservation in area #1. Along the north side of this site (area #6), the setbacks from Damascus Road is a variable one and includes 2.2 acres of tree preservation. Internal to the site are other significant sized open space and tree preservation areas, area #8 for example being 4.6 acres in size.

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 minor 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 Plan Element 4.6, its 3 Goals and their Objectives, plus the following Policies.

As to Goal 1, Policies 1, 2 and 3; Goal 2, Policies 1, 2 and 3; and Goal 3, Policies 1, 3, 4 and 5, it complies as follows, in addition to the other ways set forth above:

By bringing additional new and design/demographic/income diverse housing to the referenced south Fern Creek/Cedar Creek/Highview areas, Madden 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 itself to accommodate as much of that housing demand itself, instead of allowing it to continue to leak into the 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).

* * *

For all of the above-stated reasons, those shown on the General District Development 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 other applicable Goals, Objectives and Policies of the “Plan 2040” Comprehensive Plan.

Respectfully submitted,

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