

# BARDENWERPER, TALBOTT & ROBERTS, PLLC

ATTORNEYS AT LAW

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## **STATEMENT OF COMPLIANCE WITH ALL APPLICABLE GUIDELINES AND POLICES OF THE PLAN 2040 COMPREHENSIVE PLAN**

Applicant: Stern Development

Owner: Ernest & M. Louise Browning; Barbara Johnston; Sharon Strickland

Location: 5000, 5004 and 5100 Maple Springs Drive, with one parcel without an address per PVA/LOJIC, known as Block 85, Lot 96

Proposed Use: Coffee Shop

Engineers, Land Planners and  
Landscape Architects: Mindel Scott & Associates, Inc.

Request: Change in Zoning from R-4 to C-1

### **INTRODUCTION**

The applicant is proposing a zone change from R-4 to C-1 to allow a coffee shop with residual tracts. This development adjoins the property where Chick-Fil-A, Mike's Car Wash, and Thornton Gas Station along Preston Highway were approved, also changing 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.

This proposal complies with Policies 2.1, 3.1.4, 4.1, 7, 9, 10, 11, 12, 15, 16, 17, 18, 19, 20 and 23 for the following reasons. The subject properties are situated within the Suburban Neighborhood Form District, which is characterized by both residential uses and, at appropriate locations, neighborhood centers with a mixture of offices, retail shops, restaurants and services. This application complies with this Guideline because the proposed use at this location is part of a center of retail/commercial activity at this location and nearly in an unbroken stretch from the Snyder Freeway interchange south to Cooper Chapel Way and continuing south. This proposed coffee shop will be easily accessible from the north using Maple Spring Drive, which also serves as an entrance to the Menards Home Improvement Center, and other out lots, without adversely impacting the public safety or traffic flows since the coffee shop will not be a destination use but will largely pick up traffic already using other services. The applicant also intends to create an interconnected entrance to the Chick-Fil-A, Mikes Car Wash, and Thorntons to the south once two small lots separating the two developments are obtained through the Kentucky Department of Transportation which is in process This is a highly auto-centric area, a coffee shop, and other services are important for vehicular travel. This is an investment in upgrading neighborhood serving uses in the mix of uses appropriate for area and

surrounding development. The building and dumpsters are located away (buffered and transitioned) from existing residential uses and the area has adequate infrastructure as it is located with the Menards Home Improvement Center development next to an arterial road. There will be no hazardous use, and noise and light emissions will comply with LMCO and LDC restrictions. This plan provides neighborhood level services and needed goods and services

Land Development Code required height restrictions, interior and perimeter landscaping, minimum parking, maximum lighting and signage and most required setbacks (with only minimal variances or waivers) will also be met.

Also, as this proposed commercially zoned site is adjacent to the growing commercial activity center anchored by Menards Home Improvement Center to the north, Commerce Crossings to the west, and the Snyder Freeway to the north, travel distances are reduced, with a centrally placed coffee shop, with gas/convenience store and fast food to the south for the drivers utilizing the area, reducing miles driven and contributing to improved air quality.

The quality components, color scheme, and style and design of this development assures compatibility with and improvement on the general quality of construction in the area. Plus landscaping, screening, buffering and sidewalks help assure appropriateness for the Preston Highway area and compatibility with adjoining commercial and residential uses.

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

The proposal complies with Policies 1, 2, 3, 4, 5, 6, 7, 8, 9 and 13 for the reasons set forth below. The site is an expansion of an existing activity center providing neighborhood goods and services with a sufficient support population and appropriate access and connectivity with a compact pattern of development. The placement and design of the building is appropriate.

Goal 3: Encourage neighborhoods by protecting and integrating open space, watersheds and other natural resources.

This proposal complies with Policies 5, 8, 9, 10 and 12 because there are no known natural features, karst terrain, slopes, flood prone areas or hydric soils on the site.

Goal 4: Promote and preserve the historic and archeological resources that contribute to our authenticity.

The proposal complies with Policies 1 and 2 because there are no historic assets or distinctive cultural features evident on the site.

## **MOBILITY**

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

This proposal complies with Policies 1, 3 and 4 as the site will provide a sidewalk along Maple Spring Way and Preston Highway to facilitate connections to the existing activity center.

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

This proposal complies with Policies 2 and 4 because the plan provides sidewalk along Maple Spring Way and Preston Highway. There are no current or proposed TARC routes accessible to the site.

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

This proposal complies with Policies 5, 6 and 9 to the extent it is within its power to do so. Transportation Planning is still reviewing the proposal. There are currently no TARC routes along this section of Preston Highway. The plan does provide a sidewalk along its frontage of a major arterial roadway.

### **COMMUNITY FACILITIES**

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

This proposal complies with Policies 1, 2 and 3 because existing utilities are and have long been available to the site, including potable water and water for sewer services. Churches, schools, and a fire station are located a short distance away.

### **ECONOMIC DEVELOPMENT**

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

The only applicable Policy is Policy 3 which recommends locating commercial uses at a location with adequate access to a major arterial and at locations where nuisances and activities of the proposed use will not adversely affect adjacent areas, which is satisfied by locating in this growing activity center along Preston Highway. (Emphasis added.) The use will not have negative impacts on the area as the only residential property nearby is sufficiently buffered from commercial activities. As Louisville Metro's population continues to grow, so does demand for all types of services such as is provided in this plan. This proposed improvement and expansion of a current use is part of a developer/owner response to that demand, and as such both stabilizes and offers increased opportunities for employment and tax base for the City.

### **LIVABILITY**

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

This proposal complies with Policies 4, 5, 17, 21 and 24 because the site is not proposed for industrial zoning and is not located near the Ohio River or the airport and does not contain karst terrain or a regulatory floodplain.

### **HOUSING**

Goal 1: Expand and ensure a diverse range of housing choices.

This proposal complies with Policy 1 because it supports aging in place by increasing the variety of neighborhood-serving goods and services in the immediate area. The expanded convenience store will provide a wider variety and choice of groceries, household goods and services.

Goal 2: Facilitate the development of connected mixed-use neighborhoods.

This proposal complies with Policies 1 and 2 because it permits inter-generational, mixed-income and mixed-use development connected to the surrounding area and provides amenities in the provision of goods and services in proximity to housing. This site on a major arterial adjacent to an activity center is not appropriate for single family development.

Goal 3: Ensure long-term affordability and livable options in all neighborhoods.

This proposal complies with Policies 2 and 3 because no existing residents who are not willingly selling will be displaced and it provides goods and services in close proximity to more appropriate areas for residential uses nearby to the activity center.

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For all of these and other reasons set forth on the Detailed District Development Plan accompanying this application and in accordance with evidence presented at Planning Commission public hearings, this application will comply with all other applicable Guidelines and Policies of the Plan 2040 Comprehensive Plan.

Respectfully submitted,

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John C. Talbott  
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