

ZONING JUSTIFICATION STATEMENT
CHANGE IN ZONING FROM: R-4 SINGLE-FAMILY RESIDENTIAL
TO: C-1 COMMERCIAL

LOUISVILLE SWEENEY LANE, LLC
12412 AND 12408 TAYLORSVILLE ROAD
23-ZONEPA-0062

June 12, 2023

THE PROPOSAL

The applicant, Louisville Sweeney Lane, LLC (the “Applicant”), is applying for a change in zoning for two parcels of property currently zoned R-4, single-family residential and situated along the southern frontage of Taylorsville Road and along the western frontage of Sweeney Lane – at 12412 & 12408 Taylorsville Road (together, the “Property”), less than a mile west of where Taylorsville Road meets the Gene Snyder Freeway, to locate thereon a Wawa fueling station and associated convenience retail store, where residents and employees commuting to/from work in the surrounding area can access freshly prepared foods, vehicular fuel, including recharging of EV batteries, and some day-to-day goods (the “Proposal”). In total, the Property is approximately 4.71 acres in area and the Wawa site is approximately 2.88 acres, as more specifically shown on the Wawa Development Plan drafted by Kimley-Horn and submitted alongside the zoning application (the “Plan”). The Property sits within the Neighborhood Form District, along a major arterial level roadway (Taylorsville Road) and a local roadway (Sweeney Lane), which will eventually be elevated in roadway classification when it becomes the extension to the Urton Lane Corridor. The Property neighbors both residentially- and commercially-zoned properties and is positioned just to the west and across Taylorsville Road from the Tyler Town Center. Both single-family and multi-family residential developments are located within walking distances to the Property, and various commercial uses operate within the immediate vicinity, including, but not limited to, a Circle K gas station and c-store (convenience store), a Kroger supermarket, a bank, a Goodwill store, a self-storage facility, a Tire Discounters, religious institutions, restaurants and various neighborhood-serving retail locations. The Applicant proposes vehicular access to the site via both Taylorsville Road and Sweeney Lane. Landscape and tree plantings will be installed along the perimeter of the Property as well as in certain locations internal to the site.

THE PROPOSAL IS IN AGREEMENT WITH AND CONFORMS TO ALL APPLICABLE PLAN ELEMENTS, GOALS, OBJECTIVES AND POLICIES OF PLAN 2040, A COMPREHENSIVE PLAN FOR LOUISVILLE METRO

Plan Element 1 – Community Form

The subject property is currently located within the Neighborhood Form District. Goal 1, Policy 3.1.3 of Plan 2040, A Comprehensive Plan for Louisville Metro (“Plan 2040”) describes the Neighborhood Form, in part, as:

... characterized by predominantly residential uses that vary from low to high density and that blend compatibly into the existing landscape and neighborhood areas. High-density uses will be limited in scope to minor or major arterials and to areas that have limited impact on the low to moderate density residential areas.

...

The Neighborhood Form may contain open space and, at appropriate locations, civic uses and neighborhood centers with a mixture of uses such as offices, retail shops, restaurants and services. These neighborhood centers should be at a scale that is appropriate for nearby neighborhoods. The Neighborhood Form should provide for accessibility and connectivity between adjacent uses and neighborhoods by automobile, pedestrian, bicycle and transit.

The Proposal, if approved, will allow for the location of a neighborhood-serving use on an underutilized property that is being marketed for sale. The proposed Wawa will furnish freshly-prepared foods, fuel, battery charging stations, and daily items to nearby residents and commuters who rely upon the Taylorsville Road corridor as a route to get to work and/or home. If Sweeney Lane ultimately becomes a component of the Urton Lane extension, then this location becomes even more critical for the serving of vehicles and commuters who will end up traveling the Urton Lane extension. Taylorsville Road is a major arterial roadway in this area and an existing neighborhood center operates to the east of the Property, at Stone Lakes Drive and Taylorsville Road. Very recently, the next door property to the west, per Case No. 22-ZONE-0014, underwent a similar zone change from R-4, Single-Family Residential to C-1, Commercial for the property's use as a neighborhood serving animal hospital. The Property directly across Taylorsville Road is zoned C-1, Commercial, too, and is used as a fueling station with a c-store. The property between this C-1-zoned property and the Tyler Center to the east is zoned PD, Planned Development. The applicant's Proposal will contribute positively to this established neighborhood activity center. The proposed change in zoning complies with Plan 2040's Community Form Plan Element, including its applicable Goals and Policies set forth therein, because the Proposal on the Property will add a neighborhood-serving use next to an already established activity center, but on the southern frontage of Taylorsville Road, a major arterial level roadway, and supports the surrounding residents in the Neighborhood Form without them having to travel farther away to areas such as Jtown or Blankenbaker Parkway to get commercial goods and services.

The C-1, Commercial Neighborhood zoning designation the applicant requests for the Property is a prudent extension of the existing commercial zoning in the area, which is limited to C-1 and PD zoning, except for the 3701 Hopewell Road property near the on-ramp to the Gene Snyder Freeway, which is C-2, Commercial. To the immediate east of and across Sweeney Lane from the Property is Kendal on Taylorsville Road, an R-6-zoned, multi-family residential community and a few properties to the west of the Property is Carrington Green, an R-5A-zoned residential community. Located a tier off of Taylorsville Road are a couple single-family residential subdivision communities such as Dove Point, Saratoga Woods and Stone Lakes, all of which would benefit from the location of a commercial fueling station with c-store on the

southern side of Taylorsville Road. Indeed, the Applicant's Proposal seeks to supplement the existing range of commercial support within the neighborhood activity center with a conveniently located fueling station along a well-traveled arterial roadway and alongside another roadway – Sweeney Lane – that is the subject of substantial roadway extension project. The development will contain a neighborhood-serving retail store, fueling pumps and EV battery charging stations, all of which will be appropriate in terms of scale, design, and intensity for a neighborhood center. As depicted on the building renderings submitted herewith, the exterior of the proposed Wawa store will match other commercial buildings in scale and building materials along Taylorsville Road, thereby enhancing compatibility between residential and commercial developments in the immediate area.

The C-1 zoning being requested permits uses of higher density and intensity than the existing R-4, single-family, but said C-1 uses, like the Wawa store being proposed, are intended to furnish convenience services near the neighborhoods they are intended to serve. The C-1 zoning district disallows hazardous industrial uses inappropriate for the surrounding area, however. The proposed Wawa store on the Property is an appropriate transitional use between the Taylorsville Road corridor and the less intense residential uses located to the east and south of the Property. Although the Proposal is for a non-residential use of the Property, the C-1 zoning district does permit residential uses to locate on the Property, both single- and multi-family residences. Today, the Property is mostly devoid of trees and vegetation, aside from a couple trees in the front yard and along its perimeter. Applicant's installation of additional landscaping on the Property, and especially the tree and shrubbery plantings, will ensure an appropriate transition between the commercial and residential properties. Parking for the use will be located in areas on the site around the c-store, so customers can access the c-store without having to take up spots at the fueling pumps; parking spaces will also be available for EVs to hook up to battery charging stations, all of which will be screened from the neighboring residents by trees and landscaping planted onsite. It is very possible the Applicant will submit a parking waiver to exceed the maximum parking on the property, for the access to freshly-prepared foods and drinks attract a good number of customers who also do not need fuel. Proposed signage will meet applicable form district requirements. Any adverse visual, noise, and odor impacts from the proposed development will be adequately mitigated, thereby reducing the potential for disruption of the residential area to the south of the Property.

Though the Proposal does not represent a mixed-use development, the requested C-1 zoning would allow in the future for efficient development of a compact mixed-use site, including office, residential, and retail uses. The Property is served by adequate roadway infrastructure and will not interfere with minor residential service streets. The proposed Wawa fuel station and c-store will support the existing activity center located along the northern frontage of Taylorsville Road to the east of the Property and provide additional goods for nearby single- and multi-family development residents – which, together, is undoubtedly a well-populated area sufficient to support demand for the store – to access via walking, bicycling and vehicle. As a result, the Proposal results in an efficient land use pattern by enabling area residents to reduce trips and vehicle miles traveled, minimizing air pollution and promoting fuel conservation. The Applicant's proposed addition of tree canopy and landscape elements to the Property will enhance the

overall aesthetic character of the Taylorsville Road corridor, while simultaneously providing an effective buffer for the adjacent residential properties. The scale of the Wawa c-store building is compatible with the range of buildings along the Taylorsville Road corridor and applicable building height limitations will be observed. Utility easements will be designed to provide access for maintenance and repair, and utilities will be placed underground to minimize visual impacts. The proposed lighting onsite will be directed down and dark-sky compliant to ensure there are no negative lighting impacts from the proposed development on adjoining properties, which is a concern that was shared by attendees to the neighborhood meeting the applicant held.

Once consolidated, two properties comprising the Property will become one and the parking and vehicular use areas on the consolidated property will be designed for safe and efficient intra-site traffic flow and parking. The Proposal includes sixty (60) parking spaces, although nine (9) of those spaces are slated for EV charging stations which shouldn't count against the parking maximum for the site; three (3) ADA spaces are being provided. As mentioned, a parking waiver may be submitted with the Proposal, after formal filing, depending on site plan adjustments, if necessary.

Applicant's Proposal is in agreement with Goals 3 and 4 of Plan 2040's Community Form because the site does not contain sensitive natural features, archaeological resources nor historic assets that would be endangered or disturbed by the Property's development. The Property does not possess any issues related to severe, steep or unstable slopes that would pose as impediments to the development of the Proposal on the Property or cause immediate or long-lasting environmental degradation. Moreover, the Property contains no protected waterways nor blue line streams – perennial or intermittent. Per Lojic and the applicable FEMA Map 21111C0082F, no floodplain areas, 100-year floodplain or local regulatory floodplain, affect the Property. Therefore, applicant's Proposal will not have any negative impacts to mitigate on site. Development of the Property will avoid substantial changes to the site's existing topography, for the site is already substantially level. Not many trees exist today on the development site. To improve the tree canopy on the Property, the Applicant will plant a number of trees, most of which will be installed along the perimeter property lines, providing appropriate buffering and screening of the site from adjacent properties.

Accordingly, given the foregoing justifications, the proposed rezoning complies with Plan 2040's Community Form Plan Element, Goals 1, 2, 3 and 4 and all applicable Policies.

Plan Element 2 – Mobility

The proposed change in zoning is in agreement with Plan 2040's Mobility Plan Element and its three Goals because it will allow for the addition of a neighborhood-serving use next to an existing activity center located along Taylorsville Road, between Stone Lakes Road and Tucker Station Road/Sweeney Lane, and will further support residents living in the immediate area. For those residents living nearby who are simply looking to purchase certain freshly-prepared foods or a convenience item and not fuel, said residents can access the site without having to rely upon an automobile to acquire the same day-to-day goods. Direct access to the use is proposed from

both Taylorsville Road, a major arterial, and Sweeney Lane, which is currently local roadway. The access point on Taylorsville Road is proposed to be a restricted right-in, right-out, while the applicant will work with Metro Public Works on the proposed access to Sweeney Lane, realizing that Sweeney Lane is targeted to become the extended portion to Urton Lane Corridor in the future. The applicant also realizes that part of the conversations with Metro Public Works will also include dedication of a certain amount of private property to public right-of-way to help facilitate the Urton Lane Corridor. Per the submitted Plan, the existing roadway infrastructure avoids access to the Property through areas of significantly lower intensity, eliminating any traffic-related nuisances for its residential neighbors. Thus, access to the Property supports the applicant's zoning application because it appropriately accommodates change via growth to the commercial center without negatively impacting the mobility of nearby residential properties, serves the immediate area with daily goods that are in-demand to nearby residents and employees, compatibly meshes with surrounding uses along the multi-use corridor, and complements the already established mix of neighborhood-serving businesses in the area.

A pedestrian connection already exists along Taylorsville Road east of Sweeney Lane, which then runs eastward to Hopewell Road. The Proposal will include pedestrian connections along the Property's frontages of Taylorsville and Sweeney. With the recent rezoning of the property immediately west of the Property to C-1, Commercial, along with the approval of the Proposal, safe pedestrian connections will extend farther westward down Taylorsville Road. As more properties develop west of the Property, the pedestrian connection will extend to and connect with the pedestrian connection fronting Taylorsville Road along the Carrington Greene property. On the Property, internal pedestrian connections will be provided as well as connections from the c-store to pedestrian connections along Taylorsville Road and Sweeney Lane, conforming with Land Development Code requirements and ensuring that internal and external circulation provides safe and efficient pedestrian movements on and off of the Property. Sufficient parking spaces, including handicapped spaces required by the ADA, are provided for the development. Spaces specifically marked for the re-charging of EV batteries will be furnished onsite for customers. The site's parking has been designed to allow for safe truck maneuvering and unloading, as well. A parking waiver will most likely follow this zoning application to allow more parking than the maximum parking; the attraction of freshly made foods brings more customers to the c-store than your typical fueling station.

The Proposal is properly supported by a safe, accessible and efficient transportation network that connects areas of residential, commercial, workplace, institutional and recreation from various modes of transportation. The Proposal will primarily attract vehicles that are already on the surrounding roadways and will generate low to moderate numbers of new daily traffic trips on the roadway network. Vehicles will gain direct access to the public roadway network through curb cuts off of a major arterial and a local roadway. The C-1 zoning district being sought allows for a mix of land uses and high residential density, which, whatever might locate on the Property in the future, will encourage shorter trips via pedestrian connections or short bike rides. For the foregoing reasons, the Proposal complies with the Mobility Plan Element of Plan 2040, including its Goals 1, 2 and 3 and their applicable Policies.

Plan Element 3 – Community Facilities

Plan 2040's Community Facilities Plan Element provides guidance and recommendations for the proper integration of necessary community resources across Louisville Metro to plan and maintain accessible facilities that will improve the quality of life for existing and future residents and visitors of Louisville Metro. The Proposal complies with Plan 2040's Community Facilities Plan Element and all applicable Goals and Policies thereunder because the Property is served by existing infrastructure and utilities, including water, electricity, and telephone. Sewer infrastructure is located along Taylorsville Road and another line crosses Sweeney to the south of the Property, which sewer system serves both the Kendal apartment and Dove Point single-family residential communities. To the extent possible, upon redevelopment of the Property, utilities will be located within common easements and trenches, as required by each utility. The development also has an adequate supply of potable water and water for fire-fighting purposes; the Property is served by the Jeffersontown Fire Protection, which maintains its primary department station at 10540 Watterson Trail in Jeffersontown, KY. Louisville Metro Police Department, Seventh Division provides police protection to the Property.

Plan Element 4 – Economic Development

The intent of Plan Element 4 of Plan 2040 is to provide a positive, healthy economic climate for citizens of Louisville Metro in a way that cultivates a vibrant city to attract and retain a highly-skilled workforce. The Property is appropriately located along a major arterial corridor that serves various uses – residential, commercial, institutional. As such, the proposed redevelopment of the Property promotes the goal of locating development along established corridors, such as Taylorsville Road. The Proposal will attract mostly passerby vehicular traffic already on Taylorsville Road, as well as pedestrians from the surrounding Neighborhood Form, which includes a number of multi-family communities such as the Kendal directly across Sweeney Avenue from the Property. When traffic is high during peak hours, it will be helpful to have a fueling station on both sides of Taylorsville Road (the existing Circle K and the proposed Wawa) so that vehicles on the road can access fueling stations and c-stores without having to turn across incoming traffic. Consequently, any impacts created by customer traffic or from deliveries will not affect residential properties or local neighborhood roadways. The Proposal will allow residents and workers in the immediate area to access freshly made foods and some day-to-day goods. The Proposal will also establish a new brand of fueling stations and c-store provider – Wawa – to the Louisville Metro market, generating new jobs for area residents. Wawa is known to have low employee turnover over the years (the avg. Wawa employee works for seven (7) years at Wawa, a significantly longer term than other fueling station/c-store operators. The proposal complies with the Economic Development Plan Element of Plan 2040.

Plan Element 5 – Livability

The Livability Plan Element of Plan 2040 provides guidance and direction for the provision and maintenance of resources necessary for the health and well-being of citizens. Applicant's Proposal is consistent with the applicable policies of Plan 2040's Livability Plan Element, notably those set forth under Goal 1 of the Plan Element, because the development of the Property

protects the natural environment, improves storm water drainage on the site, and increases the tree and landscape plantings on a site mostly devoid of the same, thereby restoring tree canopy in the immediate area. Furthermore, the Proposal will activate the idle Property, contribute trees, landscaping and green infrastructure to protect and enhance water quality, and provide pedestrian connections internal to the Property as well as connections to adjacent properties, helping integrate the existing condition of the Property with the built environment of the site.

The Property does not display thereon any characteristics of karst being present, nor does the Property contain any protected waterways, nor blue line streams – perennial or intermittent. No 100-year floodplain or local regulatory floodplain areas touch the Property, ensuring emergency vehicle access to the Property without potential hazards of traversing flood waters during emergencies. Per Lojic, potential wetlands (hydric soils) are not indicated as being present on the Property. Additionally, no severe, steep or unstable slopes exist on site of which would cause impediments to development of the Proposal. Therefore, Applicant’s Proposal will not have any negative impacts to livability characteristics on site to mitigate. Site disturbance will take place on the Property in compliance with MSD procedures.

The Proposal is in further agreement with Plan 2040’s Livability Plan Element because it abides by all applicable building setbacks and the Applicant requests no variances from the LDC. Planting and screening requirements will be met on the Property. With the insertion of new tree plantings, tree canopy onsite can only increase from where it is today, a positive increase for the Property, which will also benefit adjacent property owners. The Proposal will aid in the effort to reduce drainage issues in the immediate area. MSD must be satisfied with the Applicant’s proposed stormwater management system before the Applicant can proceed to the Planning Commission’s Land Development and Transportation Committee meeting. The development of the Property will accommodate “through” drainage systems and peak stormwater runoff rates post redevelopment will be acceptable to MSD and consistent with adopted regional and watershed plans. An erosion prevention and sediment control plan will be implemented prior to construction utilizing best management practices as required by MSD. The Applicant will work alongside Metro Public Works and KYTC to implement roadway improvements, if necessary, so long as the Applicant’s participation in said roadway improvements are in proportion to the demand the proposed use places upon the roadway network. A traffic study will need to be conducted by the Applicant to inform any decision on roadway improvements or the Applicant’s funding of the same.

The proposal conforms to the requirements of APCD, represents an efficient land use pattern, and utilizes current traffic patterns, as those patterns may be slightly adjusted in response to roadway improvements to Taylorsville Road and/or Sweeney Lane/Urton Lane Corridor extension. The proposed development will accommodate alternative modes of travel, which enables and promotes a reduction in vehicle miles traveled, thereby reducing overall air quality impacts.

Plan Element 6 – Housing

The Housing Plan Element strives to enhance housing opportunities for all citizens of Louisville Metro by promoting equitable housing means, ensuring diverse, quality, physically accessible, affordable housing choices with access to opportunities, services and amenities. The following three Goals are set forth within the Housing Plan Element: 1) Expand and ensure a diverse range of housing choices; 2) Facilitate the development of connected mixed-use neighborhoods; and 3) Ensure long-term affordability and livable options in all neighborhoods. As discussed herein, the Proposal advances all three Goals of the Housing Plan Element.

Applicant's Proposal does not include housing, neither single-family nor multi-family housing. The C-1, commercial zoning designation being sought does permit housing, however, at 34.84 dwellings per acre. Therefore, should the Property be re-purposed after its use as a fueling station and convenience store, the C-1 zoning district would permit various housing types to be developed, including single-family, multi-family, mixed-use, zero-lot line developments. Multi-family housing, for all residents or specifically for seniors, or a mixed-use development including a residential component atop commercial or office would be a nice transition from the Taylorsville Road arterial, where a number of commercial, residential and institutional uses are located to Dove Point, the newer single-family residential subdivision located behind the Property and the Kendal apartment community directly across Sweeney Lane from the Property. In accord with Plan 2040's Housing Plan Element, the zoning district the applicant requests here promotes housing options and environments that support aging place because housing can be developed within the C-1 zoning district to accommodate senior residents, affordable housing, mixed-income, mixed-use or intergenerational housing.

The Property's location near the Kendal, and other residential areas on both sides of Taylorsville Road, will provide goods and services accessible to residents and employees within walking distances from home and work, which means opportunities for less reliance on vehicular transportation and reduces the need to obtain necessary items solely via automobiles. Here, the applicant wishes to bring convenience retail to an area where density in residential dwellings – single and multi-family – has already been established in the immediate area and where safe access to goods and services on the southern frontage of Taylorsville Road will provide a convenient location for residents to purchase them.

Although the applicant is not pursuing a housing development for the Property, the Proposal will provide for the expansion of an existing commercial activity center which will facilitate the convenient access to day-to-day goods and services to residents in the surrounding neighborhoods and possibly provide additional employment opportunities to some of these same residents. The Proposal will activate and reuse an idle property that has been on the market and provide major investment to the immediate area. No existing residents will be displaced by the Proposal.

COMPLIANCE WITH KRS 100.213

For all the reasons set forth in the applicant's detailed Zoning Justification Statement together with the information set forth on the Detailed District Development Plan submitted along with its formal zoning application, the applicant's Proposal is in agreement with the intents, plan elements, objectives, goals and policies of the Plan 2040, A Comprehensive Plan For Louisville Metro. Consequently, the applicant's request to change the zoning of the Property complies with Kentucky Revised Statute 100.213.

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