

**ZONING JUSTIFICATION STATEMENT**  
**CHANGE IN ZONING FROM R-4 SINGLE-FAMILY RESIDENTIAL & OR-1**  
**OFFICE RESIDENTIAL TO C-1 COMMERCIAL**

**CAPITAL SECURITY CORP**  
**JEFFERSON ANIMAL HOSPITAL AND REGIONAL EMERGENCY CENTER EXPANSION**  
**4504, 4508, 4510 & 4512 OUTER LOOP**  
**19ZONE0059**

**October 28, 2019**

**THE PROPOSAL**

Jefferson Animal Hospital and Regional Emergency Center (the "Applicant," also referred to herein as "JAH") is requesting a change in zoning from R-4 Single-Family Residential and OR-1 Office Residential to C-1 Commercial to expand its existing facility on the property located at 4504 Outer Loop. The expansion to the animal hospital and regional emergency center structure is proposed to occur on 4508 Outer Loop, where the existing structure, previously used as a chiropractor's office, will be remodeled and incorporated into the existing JAH building; the change in zoning request also includes 4510 and 4512 Outer Loop, where parking and vehicular use areas will be located to serve the expanded use (the "Proposal"). JAH's existing facility is 10,750 SF; JAH's proposed expansion includes 3,485 SF, enlarging its facility to 14,235 SF.

The property subject of the zoning request is approximately 0.90 acres in area and situated within the Neighborhood Form District along Outer Loop, a major arterial roadway in this location. Except for property to the south, which is predominantly residential neighborhood, the Property is surrounded by a sizable Regional Center Form District. Commercial uses of all types, including retail, office, restaurant and automotive-related services exist along the Outer Loop corridor; Tymberwood Shopping Center and Jefferson Mall are located across Outer Loop from the Property while a Walmart Supercenter (4840 Outer Loop) is to the east and sits on the same side of Outer Loop as the Property.

As part of its Proposal, the Applicant seeks related waiver relief from landscape regulations set forth in section 10.2.4 of the Land Development Code ("LDC") to allow an existing parking area on the Property to encroach into the required property perimeter landscape buffer area and to partially waive planting requirements. An existing six-foot (6') fence separating the parking areas on the Property from the residential properties to its rear will remain. Landscape and tree plantings will be installed along the perimeter fence to supplement the existing screening as well as provide aesthetic enhancements to the site as viewed from Outer Loop. The Applicant requests no variance relief.

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**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 an expansion to a growing business in demand while simultaneously providing for redevelopment of an unused property fronting the Outer Loop corridor, thereby improving the affected properties and contributing positively to the existing 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 Property is within an existing activity center fronting the Outer Loop commercial corridor, to which the Proposal will enhance, and will be accessed from only Outer Loop.

The C-1 zoning designation being requested is a prudent extension of the commercial zoning in the area, which is heavily representative of properties along the Outer Loop corridor. More particularly affecting the immediate area, the change in zoning of the Property to C-1 expands the commercial zoning adjacent to the west and directly across Outer Loop from the Property. Along Outer Loop to the east of the Property are a mix of office and residential zoning of differing intensities until Outer Loop reaches Laurel Ridge Road, where the zoning designation returns to commercial. The Proposal seeks to expand the current JAH facility by remodeling and integrating the older, unused chiropractor’s office structure next door on 4508 Outer Loop to fit within the expanded footprint of the existing JAH facility. As depicted on the building renderings submitted herewith, the exterior of the older structure will be outfitted to

match the architectural theme of JAH's existing building, thereby upgrading the vacant property facing Outer Loop and complimenting both of the commercial properties to the west and the office properties to the east.

The C-1 zoning being requested permits uses of higher density and intensity, which are encouraged to locate along major arterial corridors with available roadway infrastructure and access to transit, like the Outer Loop corridor. The C-1 zoning district disallows hazardous industrial uses inappropriate for the surrounding area, however. The proposed expansion to JAH on the Property is an appropriate, relatively low-intensity, transitional use between the more intense commercial and office uses fronting Outer Loop and the less intense residential uses located south of the Property, along Lambert Road. The Proposal is further appropriately located on the Property because although the C-1 zoning district allows for residential uses, whether on its own or as a component of a mixed-use development, the Proposal does not expand into an existing residential area. Applicant's installation of additional landscaping together with the existing privacy fence along the Property's rear boundary line will ensure an appropriate transition between the commercial and residential properties. Any adverse visual, noise, and odor impacts from the proposed development will be adequately mitigated, thereby greatly reducing the potential for disruption of the residential area to the south of the Property.

The gross area of the Property is 2.85 acres and its rezoning to C-1, Commercial is necessary to provide needed room for JAH to expand its animal hospital and emergency care services, which continue to grow in demand. 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 and retail uses. The proposed expansion of the commercial use will support the existing activity center along the southern frontage of Outer Loop and further contribute to the robust Regional Center adjacent to the site, thereby encouraging additional investment in the Outer Loop commercial corridor. The remodeling of the previously-used chiropractor's office building with new construction materials matching the existing JAH facility, along with added screening and landscape elements, will enhance the overall aesthetic character of the commercial corridor, while simultaneously providing an effective buffer for the adjacent residential properties. The scale of the expanded building is compatible with the range of buildings along the Outer Loop corridor and applicable building height limitations will be observed. The proposed setbacks and landscaping are compatible with those of nearby developments – amongst residential, office and commercial uses. 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. Signage will comply with applicable LDC regulations.

No access to, from, or through the residential area of Lambert Road will be provided to the Property. Once consolidated, four properties will become one and the parking and vehicular use areas on the consolidated property will be redesigned for better intra-site traffic flow and parking. The Proposal includes eighty-nine (89) parking spaces, including four (4) ADA

spaces, which will provide ample parking to the land use yet create no underutilized parking areas. Required interior landscape areas (ILAs) are being provided. Applicant will repair and replace existing sidewalks wherever necessary. Being located on a major arterial and existing transit corridor, the proposed development encourages multi-modal transportation because the Property is easily accessible by bicycle, car, transit, and for pedestrians and people with disabilities.

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 redevelopment. 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 or cause immediate or long-lasting environmental degradation. Moreover, the Property contains no protected waterways nor blue line streams – perennial or intermittent. Per FEMA Map 21111C0094E, no floodplain areas, 100-year floodplain or local regulatory floodplain, affect the Property. A section near the rear of the Property, as identified on the detailed development plan submitted herewith and memorialized in Note 12 on said plan, contains an area with potential for hydric soils. No site disturbance will take place within the areas marked on the plan as potentially having hydric soils, however. Therefore, applicant's Proposal will not have any negative impacts to mitigate on site.

During a site inspection of the Property on October 9, 2019, a karst survey was undertaken, which yielded no karst features identified onsite. Development of the Property will avoid substantial changes to the site's existing topography, for the site is already substantially paved, and if the Proposal is approved, a slight reduction in pervious surface area on the site will occur. 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 southern property line, providing appropriate buffering and screening of the parking and vehicular use areas from the more residential character of those properties fronting Lambert Road of which have rear yards that back up to the Property.

Accordingly, given the foregoing justifications, the proposed rezoning complies with Plan 2040's Community Form Plan Element, Goal 1 and its applicable Policies: 3.1.3, 4, 5, 6, 7, 8, 9, 11, 12, 15, 16, 17, 18, 19, and 20; Goal 2 and its applicable Policies 1, 2, 4, 5, 6, 7, 8, 9, 10, 14, 15, 16, and 17; Goal 3 and its applicable Policies 7, 8, 9, 10, and 12; and applicable Policies of Goal 4.

### **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 a needed expansion of an existing animal hospital that offers emergency care services at a regional level. The demand for JAH's services continues to increase annually and, as a result, JAH's current facilities are too limited in terms of space to meet its needs for delivering quality, attentive care for animals. Fortunately, the Applicant owns property adjacent to its existing hospital building whereby it can enlarge its

space and supply the necessary parking and vehicular use areas to serve the expanded use. Direct access to the use will be from Outer Loop. Consequently, there will be no vehicular trips to the Property to, from, or through the residential area located behind the Property on Lambert Road. Accordingly, the existing roadway infrastructure avoids access to the Property through areas of significantly lower intensity, eliminating any traffic-related nuisances for its residential neighbors. Moreover, JAH's existing facility utilizes one curb cut onto Outer Loop and the expansion properties currently contain three separate curb cuts onto Outer Loop. With its Proposal, the Applicant will eliminate one curb cut and propose no new curb cuts, thereby reducing the potential for vehicular conflicts from cars entering the Outer Loop right-of-way. In sum, access to the Property supports the Applicant's zoning application because it appropriately accommodates change via growth to the neighborhood center without negatively impacting residential properties, serves the expansion of an existing land that is in great demand, compatibly meshes with surrounding uses along the commercial corridor, and complements the already established mix of neighborhood-serving businesses in the area.

A pedestrian connection already exists along the Outer Loop frontage of the properties included within the Applicant's Proposal; no dedication of additional property to Outer Loop right-of-way is necessary. Said sidewalk offers safe movement of pedestrians along the south side of the Outer Loop corridor and about the neighborhood activity center(s), where goods, services, entertainment, employment, and access to public transit are available. Outer Loop is an existing transit route TARC serves daily. On the Property, internal pedestrian connections will be provided as well as a connection from the animal hospital building to the Outer Loop sidewalk, conforming with Land Development Code requirements and ensuring that internal and external circulation provides safe and efficient travel movement by all modes of transportation. Sufficient parking spaces, including handicapped spaces required by the ADA, are provided for the development.

The Proposal is properly supported by a safe, accessible and efficient transportation network that connects areas of residential, commercial, workplace, and recreation from various modes of transportation. The redevelopment of the Property will generate low numbers of new daily traffic trips and will gain direct access to the public roadway network through curb cuts off of Outer Loop. 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 all necessary utilities, including water, sewer, electricity, telephone and cable. To the extent possible, 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 and is served by the Okolona Fire Protection, which maintains a station facility at 8501 Preston Hwy, just over a mile away from 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 within an existing activity center established along Outer Loop, a major arterial roadway, where direct vehicular access to the Property will occur. Consequently, any impacts created by customer traffic or from deliveries will not affect residential properties or local neighborhood roadway. The Proposal will allow for the expansion of an animal hospital and its emergency care to animal owners in the nearby areas and beyond. Moreover, the Applicant is hopeful that its expansion, if approved, will provide additional quality jobs. The Property's location and access to multi-modal transportation options on Outer Loop commercial corridor support the expansion, including the prospect of having more jobs to offer on the Property. As such, the proposed redevelopment of the Property promotes the goal of locating development along established corridors. Therefore, 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 redevelopment of the Property protects the natural environment, improves storm water drainage on the site, increases the tree and landscape plantings thereon while it slightly decreases the pervious area. Furthermore, the Proposal will activate the unused 4508 Outer Loop property and, with the expansion, incorporate the existing structure thereon into the animal hospital building. The repurposing of that property will bring both structures under a unified architectural scheme, as depicted in the façade renderings included with Applicant's submittal. 4510 and 4512 Outer Loop will also be improved with brand new paving, striping, and landscaping. An existing curb cut to Outer Loop will be removed from the site. Thus, the end result will be an adaptive reuse revitalization of the Property, a noticeable enhancement to the Outer Loop corridor, improving the overall health and safety of the immediate area.

And, as discussed in addressing similar policies set forth under Plan 2040's Community Form Plan Element, 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 affect the Property. As indicated on the development plan, and as memorialized by a note on the same, potential for hydric soils exist toward the rear of the property. No site disturbance will take place within the areas marked as potentially hydric soils, however. No severe, steep or

unstable slopes exist on site of which would cause impediments to the Proposal. Therefore, Applicant's Proposal will not have any negative impacts to mitigate on site.

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. The Applicant is requesting a waiver from LDC 10.2.4, however, to allow the existing parking areas to encroach into the property perimeter landscape buffer on the 5408, 5410 & 5412 Outer Loop properties and to waive a portion of the planting requirements. A majority of the planting and screening requirements will still be met as illustrated on the submitted landscape exhibit. Screening will be provided with the existing 6' solid wood fence. Trees will be planted along the Southern property line at 3/100 linear feet of property boundary. Due to the limited space for planting, the planting density multiplier in LDC Table 10.2.3 is not being applied because it would require large trees to be planted too close together. There will be no additional planting along the east property line because this area is all paved, however, there are no plans to remove the existing hedge row on the adjacent property to the east, so the screening requirement will still be met. With the proposed plantings, tree canopy on site will go from 0% to 41% which is double the requirement from LDC Chapter 10, Part 1. The proposed plantings will 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 redevelopment 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 the MSD.

The proposal conforms to the requirements of APCD, represents an efficient land use pattern, and utilizes current traffic patterns. Because the site is located in an area where adequate infrastructure exists, including sidewalks and transit, the proposed development accommodates 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. Therefore, should the Property be re-purposed after its use as an animal hospital and emergency care center, the C-1 zoning would permit a variant of housing types to be developed, including single-family, multi-family, mixed-use, zero-lot line developments. Multi-family housing or a mixed-use development including a residential component atop commercial or office would be a nice transition from the Regional Center directly to the west (and north) to the Neighborhood Form. Moreover, the Property's next door location to the Regional Center, where residents can access myriad goods and services, as well as the available opportunities to multi-modal transportation, also support a housing development on the Property.

Although the applicant is not pursuing a housing development for the Property, the Proposal will provide for the expansion of an existing commercial use which will facilitate services to pet owners in the surrounding neighborhoods and possibly provide additional employment opportunities to residents in the area. The Proposal will activate and reuse an idle property — a major investment for the Property — with the end result being an improved condition for the Outer Loop corridor and for the residences located on Lambert Road and which back up to the Property. No existing residents will be displaced by the expansion of the animal hospital.

#### **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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