

# **APPLICANT'S AMENDED JUSTIFICATION STATEMENT** **ADDRESSING COMPLIANCE WITH PLAN 2040**

**WSA REALTY PROPERTIES, LLC**

**13110 OLD HENRY ROAD**

**PROPOSED ZONE CHANGE FROM: R-4, SINGLE-FAMILY RESIDENTIAL & M-2, INDUSTRIAL  
TO: PEC, PLANNED EMPLOYMENT CENTER**

## **THE UPDATED PROPOSAL**

The applicant, WSA Realty Properties, LLC, proposes its amended application to rezone properties located at 13110 Old Henry Road (13108 & 13112 on Lojic - parcel ID #s 0023 0704 0000 & 0023 0127 0000; 13110 address provide by Metro Emergency Services), Louisville, KY 40223 (9.87 acres in total, 5.77 of which are subject to the zoning application and 4.10 of which are already zoned M-2, Industrial)(together, the "Property"), from R-4, Single-Family Residential and M-2, Industrial to PEC, Planned Employment Center, so that the Property can be used in the immediate future to address a dire demand in Jefferson County for the much needed storage of heavy truck trailers, as further depicted on the Rezoning Development Plan, drafted by AL Engineering Inc., and filed alongside the formal zoning application, and be well-positioned to support the location and operation of future land users similar in nature to those existing users within the Eastpoint Business Park located directly across Old Henry Road from the Property (the "Updated Proposal").

The Property is located in the Suburban Workplace Form District, along the southern frontage of Old Henry Road and less than one half mile west of the Old Henry – Gene Snyder interchange. The Property is currently split-zoned R-4, Single-Family Residential and M-2, Industrial and has an existing curb cut onto Old Henry Road opposite of where Stanley Gault Parkway intersects into the northern frontage of Old Henry Road. Currently, there is a strip of R-4 Single-Family zoning that is in between the Old Henry Road right-of-way and the M-2 zoned portion of the Property. Despite a history of traffic from the M-2 uses traversing the R-4 section of the Property (and neighboring property located at 12906 Old Henry Road, where Lee Building Products has operated for years), this existing condition has never been addressed. Per Section 2.6.3 of the Land Development Code ("LDC"), PEC is a hybrid zoning district that permits all uses in the M-2, Industrial zoning district and C-1, Commercial zoning district, including office buildings. After further evaluation of the applicant's initial zoning application, the surrounding properties and their respective zoning classifications, notably the Eastpoint Business Park across Old Henry Road, and what zoning classification makes the most sense moving forward into the future with ever-evolving market forces and, per Plan 2040, Comprehensive Plan for Louisville Metro ("Plan 2040"), the applicant believes PEC zoning is the most appropriate zoning district for the Property and the surrounding employment center because PEC is a more flexible zoning designation that allows uses not solely limited to industrial uses and because PEC zoning is well-established in the employment center. Therefore, the applicant asserts that PEC zoning for the Property is the more appropriate zoning district than solely M-2, Industrial, and that PEC is a better fit for

the immediate area long term, because having the ability to locate industrial, commercial, office users, and uses that involve a mix of the same, is more consistent with the zoning of the Eastpoint Business Park and the uses that have located and are operating in the Eastpoint Business Park would be welcomed on the Property, across Old Henry Road.

The proposed PEC zoning is appropriate for the Property because of its location within the Suburban Workplace Form and because the Property is bordered: on the south and by a large rock quarry operation, a long-established heavy industrial use; on the west by an outdoor storage and sales of building materials operation, and on the north across Old Henry Road by the Eastpoint Business Center, a busy commerce park comprised of various office and logistical users served by heavy trucks, including a major warehouse and distribution center for Kroger. To the east are a few residential properties that remain within the Suburban Workplace Form. The trailers will be driven to the site for secured storage. No long-term parking or storage of tractor trucks are intended for the site, however. Other than a security/guard shack, no buildings are being constructed on the Property.

#### **THE UPDATED PROPOSAL'S AGREEMENT WITH PLAN 2040 LOUISVILLE METRO'S COMPREHENSIVE PLAN**

WSA Realty, LLC's application to rezone the split-zoned Property from the existing M-2, Industrial and R-4, Single-Family Residential to the PEC, Planned Employment Center zoning designation is in agreement with Plan 2040, as justified in detail below, and therefore PEC zoning is an appropriate designation for the Property and should be approved.

#### **Plan Element 1 - Community Form**

The Updated Proposal conforms to Community Form Plan Element 1 and all applicable Policies adopted thereunder. The Community Form plan element guides the shape, scale and character of development in ways intended to promote a connected, healthy, authentic, sustainable and equitable built environment. Community Form encourages redevelopment while promoting land use flexibility. As described herein, the applicant's Updated Proposal advances these stated principles of the Community Form because the Updated Proposal involves the use of Property in a fashion that is consistent with the particular form district – Suburban Workplace – wherein the Property lies, but also in a way that will allow flexible, appropriate reuse when the time for the Proposal on the Property comes to an end. In place of the current zoning, the applicant proposes PEC, Planned Employment Center zoning for the current and future uses of the Property, which will provide flexibility for industrial, commercial, office and users with a mix of aforementioned uses to locate thereon and reinvest resources into the Property. With such convenient proximity to the Gene Snyder Freeway, without the need to traverse local roadways serving residential neighborhoods, redevelopment of the Property after the truck storage use concluded is inevitable.

The Updated Proposal complies with Community Form Goal 1, Policy 3.1.10 because the Property lies within a Suburban Workplace Form District, which is characterized by predominantly industrial and office uses where the buildings are set back from the street in a landscaped setting. Suburban Workplaces often contain a single large-scale use or a cluster

of uses within a master planned development. In order to provide adequate transportation access in Suburban Workplaces connected roads, public transportation and pedestrian facilities should be encouraged. Development within Suburban Workplace Form Districts may need significant buffering from abutting uses. The proposed change in zoning to PEC, Planned Employment Center complies with Goal 1 of the Community Form Plan Element because the Updated Proposal is for a single user on property located within a large Suburban Workplace Form, where office/warehousing and logistical users operate alongside heavy industrial uses. Adjacent to the south of the Property is the Rogers Group Jefferson County Stone rock, gravel, and sand quarry, which is zoned M-2 and M-3, Industrial. Eastpoint Business Center, which is wholly designated PEC, Planned Employment Center (M-2 & C-1 uses), is across Old Henry Road from the Property. This large employment activity center spans from LaGrange Road to the north, Gene Snyder to the east, North English Station to the west and Old Henry Road to the south. The Updated Proposal would appropriately expand the PEC zoning of the employment activity south to include the Property.

Lee Building Products is adjacent to the west of the Property and stores outdoor various building materials for sale. The Lee Building Products property also shares the same split-zoned condition the Property does, where a strip of R-4 zoning runs along the southern right-of-way line of Old Henry Road, between the property and the roadway. West of the Lee Building Products property is property zoned M-1, Industrial and used as a self-storage facility. Except for the few remaining residential properties located immediately to the east of the Property, the Suburban Workplace Form is comprised of M-1, M-2, M-3 and PEC-zoned properties. Therefore, the PEC zoning the Applicant requests for the Property is compatible with the zoning designations of surrounding properties.

The Property is located along Old Henry Road, a minor arterial roadway, and within less than a half-mile drive west of the on- and off-ramps to/from the Gene Snyder Freeway, providing safe, convenient accessibility via the existing roadway network. Though not as pertinent to the currently proposed outdoor storage use, TARC serves the Eastpoint Business Center across Old Henry Road, which will support subsequent industries on the Property and their workers who rely on transit. The portions of the Property currently zoned R-4, single-family do not have any residential uses on them and the Updated Proposal will not be expanding a non-residential use into an existing residential area. The 50-foot landscape buffer area, which will be well-planted with existing and new trees, will provide a natural screen to appropriately buffer the Updated Proposal from the remaining residential properties adjacent to the east of the Property. Additionally, the Updated Proposal will utilize the existing curb cut from the Property onto Old Henry, maintain all applicable setbacks, and preserve the existing tree canopy within the 30-foot parkway buffer along the Property's Old Henry Road Frontage. Accordingly, the pattern of development along Old Henry Road's southern frontage will remain intact and any visual intrusions created by the outdoor storage of truck trailers are effectively screened by natural materials. Other than a guard shack and the erection of a fence for onsite security of the outdoor storage area, no buildings are proposed to be constructed onsite. Lighting on the Property will be LDC-compliant, shielded and directed down so that security lighting of the storage area will not leave the property and negatively trespass upon neighboring properties. No hazardous materials will be stored, handled or disposed of on the Property and no threats of ground water or surface stream contamination will occur from the Updated Proposal.

Goal 2 of the Community Form encourages sustainable growth and density around mixed-use centers and corridors. Goal 2, Policy encourages development of non-residential and mixed uses in designated activity centers provided when a proposed use requires a special location in or near a specific land use or transportation facility. Here, the Applicant's Updated Proposal is located within an established job center comprised mainly of office/warehouse uses (which include heavy trucks serving logistical/distribution centers), other heavy industrial uses, and some commercial users where such uses are well-positioned next to a transportation facility in the Gene Snyder Freeway, thereby allowing for truck traffic to efficiently access a freeway level roadway without having to traverse local neighborhood roadways. The encompassing Suburban Form is served by adequate roadway corridors and TARC service within the Eastpoint Business Center. No change to the existing grid pattern of streets is proposed. The site contains no historic or archaeological resources, including no historic buildings, that contribute to Louisville Metro's authenticity, nor does the site contain watersheds, viewsheds, or natural resources to protect. Grading portions of the Property is expected and will be coordinated with MSD. No flood prone areas or wet or highly permeable soils exist on the Property to avoid. Consequently, the Updated Proposal complies with the applicable objectives and policies of Plan 2040 Community Form's Goals 1, 2, 3 and 4. Plan 2040's Goal 5 is inapplicable to this Property and specific Proposal.

### **Plan Element - 2 Mobility**

The applicant's Proposal complies with the intent of Plan 2040's Mobility Plan Element and its applicable goals, objectives and policies. Goal 1 of Plan 2040's Mobility Plan Element is to implement an accessible system of alternative transportation models. Goal 2 of the Mobility Plan Element is to plan, build and maintain a safe, accessible and efficient transportation system, while Goal 3 encourages land use and transportation patterns that connect Louisville Metro and support future growth. The applicant's Updated Proposal complies with Plan 2040's Mobility Plan Element because the Property is supported by existing transportation infrastructure sufficient to accommodate the Updated Proposal; the Property is located on a site that will enable proper and direct access to Old Henry Road, a minor arterial, where access serving the proposed use will not adversely affect adjacent areas. The site is within an existing industrial area with transportation facilities that are compatible with and support access to surrounding land uses. The existing entrance to the Property will be improved, in coordination with KYTC and Louisville Metro Public Works, to facilitate safe vehicular and pedestrian access to and from the proposed development and adjacent land uses. And access to the site will not occur through areas of significantly lower intensity or density in development and site access will provide sight distances consistent with probable traffic speed, terrain and alignments in road design. No additional right-of-way dedication or road improvements are required, the current roadway network maintains more than adequate traffic carrying capacity.

TARC operates a local route within the Eastpoint Business Center directly across Old Henry from the Property, providing other transportation options for employees to access job locations in the area, including future land uses that may locate on the Property. The proposed development ensures proper functioning of internal circulation and appropriate access to the existing roadway system. The Updated Proposal does not contemplate employees who will bike to work, but upon redevelopment of the site by another user, the

inclusion of bicycle parking and bicycle facilities on the Property should be explored. Other than a parking area for security guards manning the site, vehicle parking needs for the Updated Proposal is minimal to almost non-existent. For the foregoing reasons, the Updated 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 Updated Proposal complies with Plan 2040's Community Facilities Plan Element, and all applicable Goals, Objectives and Policies thereunder, because the Property is served by existing infrastructure necessary for the proposed use, which has adequate carrying capacity for the Updated Proposal. Upon redevelopment of the Property, and to the extent possible, utilities will be located within common easements and trenches, as required by each utility. As previously noted, the site is located in a highly accessible area on Old Henry Road, in close proximity to the Gene Snyder Freeway interchange, ensuring the existing roadway network is adequate to safely handle the traffic that will be generated by the proposed development. The site also has an adequate supply of potable water and water for fire-fighting purposes and is served by the Anchorage-Middletown Fire Department. The Property is served by Louisville Metro Police Department's Eighth Division.

### **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. Sound economic development planning allows for equitable, sustainable and innovative growth that strengthens our community's ability to attract and retain a strong and diverse workforce. The applicant's Proposal advances the intent of Plan 2040's Economic Development because it will clean up split-zoned property in favor of one zoning district designation – PEC, Planned Employment Center – consistent with the surrounding employment activity center and appropriate for the Property, which, in time, will eventually become available to facilitate a new industrial/commercial/office user within a prime Suburban Workplace Form that is already outfitted with existing infrastructure and utilities, which currently serve industrial and office/warehouse uses compatible with the PEC zoning proposed for the Property. Additionally, the Updated Proposal promotes the Goals and Objectives of Plan 2040's Economic Development Plan Element because the Property has direct access to Old Henry Road in close proximity to the Gene Snyder Freeway interchange without having to conflict with heavy residential neighborhood traffic. Thus, locating the Updated Proposal on the Property will ensure safe, efficient and adequate access, making it a prime location for the proposed use, which addresses a dire need in Louisville Metro – a safe, appropriate area for the storage of semi-truck trailers. In short, rezoning the Property to PEC will accommodate the Updated Proposal

as well as provide an opportunity for the eventual adaptive reuse of industrial property. Being well-positioned to support new land users compatible with the existing activity center surrounding the Property and be near existing and future residential area for efficient commutes will benefit future job growth of the surrounding center and further Louisville Metro's economic development. Therefore, the Proposal is in agreement 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, including a focus on designing and developing places while prioritizing the protection and enhancement of the natural environment and the integration of it with the build environment as development occurs. Applicant's Updated Proposal is consistent with the applicable Goals, Objectives and Policies of Plan 2040's Livability Plan Element, primarily those set forth under Goal 1 of the Plan Element, because the rezoning of the Property proposes no new building of structures on the property (outside of a minor guard shack and a fence) at this time and the Updated Proposal will utilize the Property in a fashion that respects the natural environment surrounding the area on the Property intended for use – notably the quarry to the south of the Updated Proposal area – while also maintaining and supplementing the natural buffers aligning the northern and eastern property lines, thereby screening the Updated Proposal from the residential neighbors to the east and protecting the parkway character along Old Henry Road. The Property is surrounded by transportation infrastructure (Gene Snyder Freeway and TARC local route for employees who rely on transit), industrial users, a rock/stone quarry, Eastpoint Business Center, and a few residential properties.

The proposed rezoning of the Property complies with Plan 2040's Livability Plan Element because the Property is in the Suburban Workplace Form District, which is intended for land uses necessary to meet the needs of the workplace district and their employees. The Property is within an existing employment center within an established industrial area and is, therefore, located to take advantage of the existing infrastructure and utilities. The site has direct access to Old Henry Road in close proximity to the Gene Snyder Freeway interchange, ensuring adequate access by all modes of transportation and making it a prime location for the proposed use. The proposed rezoning will assist Metro in meeting an extremely high demand for the storage of heavy truck trailers in Louisville Metro, which helps commerce continue to flow for all land users that rely upon truck traffic and, ultimately, contributes to the economic growth and sustainability of the community.

Construction plans for the Updated Proposal shall comply with Louisville and Jefferson County Metropolitan Sewer District's Design Manual and standard specifications and other local, state, and federal regulations. The final design of the Updated Proposal must meet all MS4 water quality regulations established by MSD; the site layout may change at design phase due to proper sizing of green management practices. The Property shall drain into the intermittent blue line stream to the north west side of the Property. Any increase onto the adjacent rock quarry shall be approved by the property owner via a letter accepting

the increase in drainage. In addition, an Erosion Prevention and Sediment Control Plan utilizing best management practices as recommended by MSD will be implemented prior to commencing construction of the development. Hydric soils are not present on the Property. No other environmentally sensitive features exist on the Property and, per FEMA Firm Panel 21111C0033F, dated 02/26/2021, no portion of the Property lies within a flood hazard area. The Property contains no known archaeological features on it; and no unstable slopes exist on site of which would cause impediments to the Updated Proposal or redevelopment of the site, whenever that occurs in the future. Consequently, Applicant's Proposal will not have any negative impacts to mitigate on site.

The Updated Proposal conforms to the requirements of APCD, represents an efficient land use that maintains the existing pattern of development for the Property and its immediate surrounding area within the Suburban Workplace Form, and utilizes current traffic patterns and infrastructure. Although the Property is located within an industrial center, it is positioned in an area supported by transit services in the Eastpoint Business Center. The proposed rezoning of the Property to a more appropriate PEC zoning will eventually draw reinvestment by a new user(s) to the Property after the outdoor storage uses has concluded and, with the PEC zoning being proposed for the Property, the intent is to attract users that are similar in nature to those users currently operating in the Eastpoint Business Center across Old Henry Road from the Property. Currently, and in the near future, however, the Updated Proposal will have a positive effect to the area because it will help meet the demand for storage of heavy truck trailers, which is very high in the immediate area and greater Louisville Metro area. As a result, the Updated Proposal meets Plan 2040's Sustainability Plan Element and all applicable Goals, Objectives and Policies.

### **Plan Element 6 – Housing**

Although the applicant is (appropriately) not pursuing a housing development for the Property, the Updated Proposal will provide for the eventual redevelopment and reinvestment of capital into the Property, which will add to the employment opportunities and additional area for new industries and businesses to locate within the already active Suburban Workplace Form, where residents from nearby and connected Neighborhood Forms can work. As such, additional new employment positions in the area will assist residents of inter-generational, mixed-income and mixed-use development possibly find employment in an area within reasonable commuting distances from where they reside. Pedestrian connections already exist within the Suburban Workplace Form as well as accessibility to TARC. The rezoning of the Property to PEC does not displace current residents and the prospect of the Property's redevelopment into another significant industrial/commercial use will support existing and future residential uses in the surrounding neighborhoods.

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For all the foregoing reasons, including the information shown on the submitted detailed development plan to be discussed at the Planning Commission's Land Development & Transportation Committee, and for all other reasons presented at the LD&T review and the Planning Commission's public hearing, this Updated Proposal seeking PEC, Planned Employment Center zoning is appropriate for the Property and for the surrounding

Suburban Workplace Form District and, therefore, complies with all applicable Guidelines and Policies of Plan 2040, Louisville Metro's adopted Comprehensive Plan. Equally as true, the portions of the Property zoned R-4, Single-Family Residential are no longer appropriate for the Property, considering the Property now being within the Suburban Workplace Form for a good amount of time, and the surrounding land uses in the immediate area, all of which except for a few remaining residential properties, are heavy industrial uses or larger office/warehouse uses.

Respectfully submitted,

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