

APPLICANT'S JUSTIFICATION STATEMENT
ADDRESSING COMPLIANCE WITH PLAN 2040

OWNER & APPLICANT: KIMBERLY BUNCH & DONGO STORAGE

22-ZONEPA-0160

1285, 1295 & 1305 OLD FERN VALLEY ROAD

PROPOSED ZONE CHANGE FROM: R-4, SINGLE-FAMILY RESIDENTIAL
TO: CM, COMMERCIAL MANUFACTURING

THE PROPOSAL

The applicant and property owner, Kim Bunch, proposes an application to rezone properties located at 1285, 1295 and 1305 Old Fern Valley Road, Louisville, KY 40219 (approximately 1.6 acres)(together, the "Property"), from R-4, Single-Family Residential to CM, Commercial Manufacturing so that the Property can be used for outdoor storage of vehicles, as further depicted on the Detailed District Development Plan (the "Plan"), drafted by Derek Triplett, Land Design & Development, Inc., and filed alongside the formal zoning application (the "Proposal"). The Property is within the Suburban Workplace Form District (SW Form).

THE PROPOSAL'S AGREEMENT WITH PLAN 2040
LOUISVILLE METRO'S COMPREHENSIVE PLAN

Kim Bunch's application to rezone the Property from R-4, Single-Family Residential to CM, Commercial Manufacturing is in agreement with the surrounding SW Form assigned to the Property and with the applicable Goals, Objectives and Policies of Plan 2040, A Comprehensive Plan for Louisville Metro ("Plan 2040"), as justified in detail below, and, therefore, the CM zoning district is an appropriate designation for the Property and should be approved.

Plan Element 1 - Community Form

The 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 Proposal advances these stated principles of the Community Form because the Proposal involves the development of currently unused 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 and a future user wishes to utilize it, either in its current form or as part of larger development site. In place of the current zoning, the applicant proposes CM, Commercial Manufacturing zoning for the current and future uses of the Property, which will provide flexibility for commercial and lighter industrial users to locate thereon and reinvest

resources into the Property. With such convenient proximity to Preston Highway, Fern Valley Road, I-65 and, a bit farther, the Gene Snyder Freeway and Watterson Expressway without the need to traverse local roadways serving residential neighborhoods, future redevelopment of the Property is a strong likelihood.

The 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 CM complies with Goal 1 of the Community Form Plan Element because the 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. To the south of the Property, across Old Fern Valley Road, are a number of industrial users operating on properties zoned EZ-1, Enterprise Zone; these users include: a vacuum depositing company, a fence company, a wholesale flooring store, a pipeline construction company, a metal supply store, a landscaping company, a roofing supply store, and others. To the west of the Property are similarly-positioned properties that are currently unused and zoned R-4, Single-Family. Given that these properties are also located within the SW Form, it is expected that owners of these neighboring properties will also respond to the SW Form designation by requesting a change in zoning designation to attract new users to this underutilized industrial area. Directly to the north of the Property is a residential property still being used residentially. The Plan shows the required buffering and screening along the north property line to protect this remaining residential property and the Proposal is a relatively low intensity use with no large buildings nor noxious uses being undertaken and it is a low generator of traffic, thereby maintaining compatibility between the two uses despite both being located within the SW Form. The proposed rezoning to CM will not permit junkyards, landfills or quarries to operate on the Property and, although of lesser intensity than the EZ-1 zoned properties already established in the surrounding SW Form, the CM district is appropriate for the SW Form and the immediate area.

The Property is located along Old Fern Valley Road, a local road that provides a connection between Fern Valley Road, a major arterial roadway, and Preston Highway, also a major arterial roadway. The Property is also within two miles from accessing I-65 at a point that has convenient proximity to both the Watterson Expressway and the Gene Snyder Freeway. TARC serves Preston Highway, which is within reasonable walking distance from the Property, which will support future industrial and commercial users on the Property and their workers who rely on transit. The owner is looking to remove her residential house on the Property and looking to use the Property more in keeping with SW Form assigned to the Property. Screening by way of a fence and trees will provide a buffer and create an opaque visual barrier to protect neighboring properties until the time those properties, like the

current property, is subject to a zone change to bring the property's zoning designation more in keeping with the applicable SW Form. The fence is to screen outdoor storage in accord with applicable Land Development Code zoning regulations. No building is being proposed with the development of the Property, but a canopy is shown on the development plan as a potential way to provide protective shelter atop items to be stored on the property. 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 trespass negatively 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 Proposal.

Goal 2 of the Community Form encourages sustainable growth and density around mixed-use centers and corridors. Goal 2 and its policies 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 Property is located adjacent to an established job center comprised mainly of industrial uses and the Proposal will compatibly expand the center and allow for a mixture of uses that would further contribute to the SW Form, including commercial retail, restaurant, office and lighter industrial-type uses. The Proposal would permit a more compact pattern of development. The encompassing Suburban Form is served by adequate roadway corridors and TARC service. 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. No karst features are evident on the Property. Grading portions of the Property is expected and will be coordinated with MSD. No flood prone areas exist on the Property to avoid. Consequently, the 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 Proposal complies with Plan 2040's Mobility Plan Element because the Property is supported by existing transportation infrastructure sufficient to accommodate the Proposal; the Property is located on a site that will enable proper and direct access to Old Fern Valley Road, a local roadway that connects to two major arterial level roadways in Fern Valley Road and Preston Highway. The site is within an existing industrial area where the majority of operating industrial uses are located on the opposite side of Old Fern Valley Road; the traffic on Old Fern Valley Road is primarily comprised of vehicles used by these industrial users, employees of these industrial users, and those who may use Old Fern Valley Road to cut thru to Fern Valley Road from Preston and vice versa.

The proposed entrance to the Property will be located directly opposite of Old Fern Valley Road from the existing northern curb cut serving 1294 Old Fern Valley Road, which said proposed curb cut will be reviewed and considered by Louisville Metro Public Works to ensure the Proposal facilitates safe vehicular and pedestrian access to and from the proposed development and adjacent land uses. 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. The property owner will dedicate additional private property to public right-of-way, as more particularly set forth on the DDDP filed alongside the formal zoning application. The Proposal is for outdoor storage of vehicles, which is expected to generate minimal traffic to the surrounding public roadway network. Therefore, the current roadway network maintains more than adequate traffic carrying capacity to support the Proposal.

On Preston Highway, TARC operates its nearest local transit route to the Property, stops to which are within reasonable walking distances from the Property. This TARC route serves the various employment centers established east and west of Preston Highway, including the SW Form wherein the Property is situated. The Proposal will include furnishing of a pedestrian connection along the frontage of the Property, which will improve accessibility by pedestrians and people with disabilities. The proposed development ensures proper functioning of internal circulation and appropriate access to the existing roadway system. The 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. Moreover, with the addition of an improved pedestrian connection to the Property, the rezoning of the property to CM would encourage future use of the Property as mixed-use, including a component of multi-family residential. Other than a parking spot for folks to park when visiting the site, vehicle parking demand for the Proposal is minimal to almost non-existent. 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, Objectives and Policies thereunder, because the Property is served by existing infrastructure necessary for the proposed use, which has adequate carrying capacity for the Proposal. No sewer connection is available to the property, but the Proposal includes no interior square footage or a need for an employee to remain onsite for any extended periods of time, thereby eliminating the need for sewer at this time. 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 an accessible area just off Fern Valley Road and very near Preston Highway and, just beyond Preston, I-65, ensuring the existing

roadway network is adequate to handle the very minor 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 Okolona Fire Department. The Property is served by Louisville Metro Police Department's Seventh 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 is responding to land use policy Louisville Metro set when it assigned this property, and all of the properties surrounding it, to a suburban workplace form district and the CM zoning designation being requested will permit land uses compatible with said SW form. Though the Property is being rezoned to allow for outdoor storage in the immediate future, in time, the Property will eventually become available to facilitate a new industrial/commercial user within this prime SW Form that is already outfitted with existing infrastructure and utilities and that serves existing industrial properties already in place across Old Fern Valley Road from the Property. Additionally, the Proposal promotes the Goals and Objectives of Plan 2040's Economic Development Plan Element because the Property has direct access to Old Fern Valley Road, which has direct access to Fern Valley Road, a major arterial, and Preston Highway, also a major arterial; Fern Valley Road also provides direct access to I-65. Thus, locating the Proposal on the Property will ensure safe, efficient and adequate access, making it a prime location for the proposed use. In short, rezoning the Property to CM will accommodate the Proposal as well as provide an opportunity for the eventual adaptive reuse of industrial property within an area where certain commercial and industrial uses can co-exist without harming lesser intense uses such as residential. 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 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 and its subsequent development under CM zoning will disturb no environmentally sensitive areas, with the exception of removing a few trees from the Property. The Proposal is for outdoor storage of vehicles and the site can be developed for that without much grading of land; the site is mostly flat and without steep slopes. Screening and buffering of the northern property line will be undertaken to protect the residentially-used property to the north. The property to the immediate west is undeveloped land, which may soon become the subject of a similar

zoning request. The Property is surrounded by other properties that are located within the SW Form, some of which are developed and operating as uses one would expect to find in the SW Form, while others, especially those north of Old Fern Valley Road, are primarily undeveloped and, like the Property, still maintain the single-family residential zoning originally assigned to the area. These other single-family properties will eventually follow the path this property is on, and be subject to zoning applications seeking industrial, commercial, office and/or a mixed-use uses more appropriate for the SW Form. Transportation infrastructure supports this SW Form surrounding the Property, as I-65 is within a mile to the west via Fern Valley Road, other major arterial roadways, like Preston Highway, serve this employment center with adequate carrying capacity to handle the traffic being generated and TARC operates a local transit route along Preston for those employees of the SW Form, including those who might work on the Property in the future, who rely on transit.

The proposed rezoning of the Property complies with Plan 2040's Livability Plan Element because the Property is in the SW Form, which is intended for land uses necessary to meet the needs of the workplace district and their employees. The Property is within an existing industrial area and employment center and is therefore well-situated to take advantage of the existing infrastructure and utilities. A pedestrian connection will be installed along the frontage of the Property. The site has direct access to Old Fern Valley Road, which connects to both Fern Valley Road and Preston Highway, and is in close proximity to I-65, and located between the Gene Snyder Freeway and the Watterson Expressway, ensuring access to/from the Property by all modes of transportation and making it a prime location for the Proposal. In the short term, the proposed rezoning will assist certain businesses in Metro with meeting a high demand for the storage of vehicles, which helps commerce for certain employers and manufacturers needing vehicle storage and, ultimately, contributes to the economic growth and sustainability of the community. After the Proposal ceases use on the Property, the Property can be reused on its own or become part of a larger property to support another appropriate user who can bring more jobs to this employment center.

Construction plans for the 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 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. 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. No karst is evident on the Property, nor other environmentally sensitive features and, per FEMA Firm Panels 21111C0094F and 21111C0077F, dated February 26, 2021, no portion of the Property lies within the regulatory floodplain or 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 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 Proposal conforms to the requirements of APCD and represents an efficient land because it is for storage of vehicles and will generate only very minor traffic for the immediate area and the surrounding area

within the Suburban Workplace Form. The Proposal will utilize current traffic patterns and infrastructure. As a result, the 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 Proposal will provide for the eventual redevelopment and reinvestment of capital into the Property, which will add to the employment opportunities in the future and supply additional area for new industries to locate within the already active Suburban Workplace Form, where residents from nearby and connected Neighborhood Forms can work. As such, additional 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 CM 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. In the future, should the Property be deemed appropriate for development of residential uses in this area of the SW Form, housing, including multi-family and innovative methods of housing, is a permitted use (except for single-family) in the proposed CM district. Nearby access to goods, services and transit on Preston Highway would be supportive of residential uses on the property.

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 Proposal seeking CM, Commercial Manufacturing 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 industrial or commercial uses.

Respectfully submitted,

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