

# BARDENWERPER, TALBOTT & ROBERTS, PLLC

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## **STATEMENT OF COMPLIANCE WITH ALL APPLICABLE GOALS, GUIDELINES AND POLICIES OF PLAN 2040 A COMPREHENSIVE PLAN FOR LOUISVILLE METRO**

Applicant & Owner: Ibrahim Ndiaye

Location: 3902 Fern Valley Road

Proposed Use: Contractor's Shop & Storage Building

Engineers, Land Planners and  
Landscape Architects: Mindel Scott

Request: Zone Change from R-4 to C-2

### **INTRODUCTORY STATEMENT**

This proposal is for a change in zoning of one lot of approximately 0.69 acres located in the Suburban Workplace form district and along Fern Valley Road just east of I-65 and Preston Highway, to convert a long mostly vacant site, which is currently zoned R-4, to C-2 for a contractor's shop and storage building. The lot is located between commercially-zoned and utilized properties with frontage on a major arterial and less than one and a half miles away from an interstate and a half-mile from Preston Highway. The close proximity of this subject property to I-65 and Preston Highway, plus all the businesses that have access off this highly developed and continuing-to-develop area of Fern Valley Road ensures that the proposed commercial use will provide needed jobs and services to this busy corridor. It is also a more desirable zoning for the area because the use is one that is compatible with the lots on either side rather than a future use of a single-family residence. The proposed contractor's shop, storage building, and associated parking will serve as the main location for the property owner's hardwood flooring business.

### **COMMUNITY FORM**

As Plan 2040 notes, the Community Form plan element is meant to guide the shape, scale, and character of development so as to promote a connected, healthy, authentic, sustainable, and equitable built environment. This plan element is achieved in part through the hybrid form of zoning utilized, where zoning district usage requirements combine with form district design requirements to achieve the requisite-built environment.

This proposed zone change conforms with the Policies in the Community Form as shown below.

*Goal 1 – Guide the form and design of development to respond to distinctive physical, historic*

*and cultural qualities.*

The proposed zone change complies with all of the applicable, Objectives and Policies 4, 6, 7, 8, 11, 14, 15, 16, 17, 18, and 21 of Goal 1, for these reasons.

The proposed use complies with Goal 1 in several ways. This development provides a service, flooring installation, that has the ability to be utilized by neighboring commercial and residential properties. The lot is currently vacant and sits between two lots with commercial uses of a similar scale and design, so the addition of this new development fits within the area and form district. Though the site is currently zoned residential, it is located on a major arterial and between two commercial properties, so new single-family residential construction on this site would not be in keeping with Plan 2040. This proposed commercial use is located near both an interstate and a major arterial, and in close proximity to an activity center that includes industrial, office, and commercial uses, making it a prime location for the addition of another commercial site. The site is located near a local TARC bus route on Preston Highway. The site will utilize screening and buffering and setbacks in keeping with the form district and the requirements of the Land Development Code (“LDC”). The location is adjacent not only to similar commercial, industrial, and office uses, but also there are numerous nearby residential neighborhoods to support and be supported by this proposed business. There are adequate transportation facilities servicing this proposed use, and the use will further increase the transportation options available to citizens by the addition of bike parking and sidewalks. Parking areas will be internal to the site where they will not create adverse impacts on noise, lights, and other impacts. All signage will be in conformity with the surrounding properties and the LDC requirements for the Suburban Workplace Form District. Additionally, the proposed development substantially limits any negative ecological impacts and potentially increases the positive ecological impacts through the design of a new detention basin and the addition of over 10,000 square feet of tree canopy.

*Goal 2 – Encourage sustainable growth and density around mixed-use centers and corridors.*

The proposed zone change complies with all of the applicable, Objectives and Policies 1, 2, 5, 6, 7, 8, 9, and 16 of Goal 2, for these reasons.

The proposed use transforms a vacant lot in close proximity to an existing activity center already containing industrial, commercial, and office uses into a commercial use compatible in scale, design, and density to the surrounding uses. Near this site are not only multiple commercial, industrial and office uses, including Fern Valley Tire Shop, Stuff for Trucks, and John Overley Automotive, all served by adequate infrastructure and transportation facilities, but this site is also near many residential subdivisions with a large existing population to support the additional services this proposed site will offer. The proposed zoning permits a mixture of compatible commercial uses on the property. The use will both utilize the existing transportation network while also contributing to the network by adding sidewalks and bicycle parking.

*Goal 3 – Enhance neighborhood by protecting and integrating open space, watershed and other natural resources.*

The proposed zone change complies with all of the applicable, Objectives and Policies 8, 9, and 10 of Goal 3, for these reasons.

The objectives of Goal three include diminishing environmental impacts, integrating open spaces into development where appropriate, and preserving or enhancing environmentally sensitive areas. This proposed development aligns with those objectives and multiple policies in multiple ways. It provides an appropriately-sized detention basin will be provided to fully mitigate any issues with standing water or water run-off, while respecting the natural features of the property. The plan is designed to protect natural resources by adhering to best practices regarding stormwater runoff. The proposed development enhances the tree canopy, as the lot currently contains zero square feet of tree canopy but the development would add over 10,000 square feet of tree canopy to this lot. Furthermore, this lot does not disturb natural features, as it is a large, flat, undeveloped lot with no evident natural features on the site, no steep or unstable slopes, and it is not located within an area of karst topography. It is partially located within a flood zone, but proper compensation and mitigation measures set forth by state and local agencies will be taken to prevent any health or safety hazards.

*Goal 4 – Promote and preserve the historic and archaeological resources that contribute to our authenticity.*

The proposed zone change complies with all of the applicable Objectives and Policies 1, 2, and 3 of Goal 4, for these reasons.

The site is undeveloped and contains no known buildings or landscapes that are recognized as having historic or architectural value. Development on this flat, undeveloped lot is in keeping with preservation of historic sites by utilizing a vacant, non-historical site for commercial expansion into Louisville.

## **MOBILITY**

As Plan 2040 notes, the Mobility element seeks to create a multi-modal transportation system that is safe and accessible to citizens throughout Louisville. It contains three Goals with multiple Policies, and this proposed rezoning conforms with those Policies as shown below.

*Goal 1 – Implement an accessible system of alternative transportation modes.*

The proposed zone change complies with all of the applicable, Objectives and Policies 1, 3, and 4 of Goal 1, for these reasons.

The development plan implements an accessible system of alternative transportation modes by providing sidewalks at the street level and walkway connections between the proposed shop and the street level for pedestrian traffic. The site also provides bicycle parking, in addition to vehicular parking. The site is located within the Suburban Workplace Form District where a variety of industrial, office, and commercial uses exist. The plan places higher density and intensity near existing corridors, between existing commercial uses, and along the major arterial of Fern Valley Road.

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

The proposed zone change complies with all of the applicable, Objectives and Policies 1, 2, 4, and 5 of Goal 2, for these reasons.

The development plan complies with the objectives and policies of Goal 2 by promoting a safe, accessible and efficient transportation system by utilizing the access from the major arterial of Fern Valley Road. It accommodates pedestrian, bicycle and vehicular access through the sidewalk along the frontage and pedestrian connection to the building. The site distances for the curb cut are adequate for the area. The internal circulation of pedestrian and vehicular traffic is appropriate for this internal-access self-storage facility. The entrance is compatible with surrounding development and aesthetically pleasing to adjacent areas.

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

The proposed zone change complies with all of the applicable, Objectives and Policies 2, 3, 4, 5, 6, 9, and 10 of Goal 3, for these reasons.

The development plan complies with the objectives and policies of Goal 3 by providing walking and bicycling opportunities with the addition of sidewalks along the street frontage and with a pedestrian connection to the proposed contractor’s shop. The plan will not burden the transportation network and will enhance it by connecting pedestrian walkways with existing sidewalks and providing for multimodal access to the lot from other existing commercially used properties. The parking requirements of the site consider the density of the use and the character and pattern of the Suburban Workplace Form District and utilize internal parking areas. And the access to and from this site is through a major arterial, for which a commercial site is primed to utilize much better than a small residential site as the zoning currently exists.

### **COMMUNITY FACILITIES**

As Plan 2040 notes, Community Facilities seeks to integrate variegated public and private facilities across Louisville Metro for the purpose of meeting the long-range needs of the community through engaging and sustainable means. This plan element contains three Goals with multiple Policies. This proposed rezoning conforms to those Policies as follows.

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

The proposed zone change complies with all of the applicable, Objectives and Policies 1, 2, & 3 of Goal 2, for these reasons.

This site, being next to an already existing activity center and between existing commercial uses, will have adequate water supply and access to sewers so as to not burden existing or future community facilities.

### **ECONOMIC DEVELOPMENT**

As Plan 2040 notes, the Economic Development plan element has as its goal the development of a healthy, equitable, sustainable, and innovative economic climate that strengthens the community’s ability to attract and retain a strong and diverse workforce. This plan element

contains two Goals with multiple Policies. This proposed rezoning conforms to these Policies as follows.

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

The proposed zone change complies with all of the applicable, Objectives and Policies 1, 2, 3, and 5 of Goal 1, for these reasons.

This development plan complies with Goal 1 of Economic Development as it provides economic climate that improves growth, innovation, and investment opportunity for all by developing a vacant property along the major arterial Fern Valley Road that is primed for commercial development. All traffic from the site will be directed toward this major arterial. The proposed rezoning to commercial use is located in a workplace district and along a corridor serving industrial, office, and commercial uses, with the proposed commercial use being compatible therewith. Additionally, this business will provide opportunities to underserved small businesses and residences in the area increasing economic opportunity to business owners and employment.

*Goal 2 – Cultivate a vibrant, unique city that attracts, retains, and develops a highly-skilled workforce.*

The proposed zone change complies with all of the applicable, Objectives and Policies 1 and 3 of Goal 2, for these reasons.

This development plan complies with Goal 2 of Economic Development as it enhances the quality of life in the area by utilizing a vacant property, while at the same time protecting and improving the economic value of the surrounding areas by locating a compatible commercial use between other commercial uses. It increases the safe accessibility of multi-modal access by adding sidewalks along Fern Valley Road and through the property to the commercial structure, while additionally providing more than the minimum parking spots required in this Form District. Additionally, the proposed rezoning will increase the planting of trees as the site currently has no trees but after development proposes to add over 10,000 square feet of tree canopy, thus the design of this development addresses the urban heat island effect.

## **LIVABILITY**

As Plan 2040 notes, the Livability plan element seeks to guide and direct the available resources to promote the health and well-being of citizens of Louisville Metro. This element has as its focus the public health through promotion of access to fresh food, health care, and places of health and safety. This element is interested in preserving the tree canopy, reducing waste, and conserving energy. It has four Goals and multiple Policies. This proposed rezoning conforms to the Policies as follows.

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

The proposed zone change complies with all of the applicable, Objectives and Policies 2, 4, 17, 21, 23 & 35 of Goal 1, for these reasons.

The development plan complies with the objectives and policies of Goal 1 of Livability element in that it will not burden the current drainage through the use of appropriately-sized and placed detention basins. The site will go from zero percent tree canopy to over 10,000 square feet of tree canopy. There are no known issues with soil erosion, and to the extent there are identified areas of floodplain, the site will be developed in accordance with MSD and applicable regulations to mitigate any effects. Also, as previously mentioned, additional pedestrian and bicycle connections will be brought to the area through the development of sidewalks along Fern Valley Road and the addition of bicycle parking at this site.

## HOUSING

As Plan 2040 notes, the Housing plan element, as its name suggests, seeks to enhance this “necessity of life” known as housing. It seeks to promote equitable, diverse, physically accessible, and affordable housing choices. Importantly, this element seeks to provide equitable access to opportunities, services, and amenities. This element contains three Goals with multiple Policies. This proposed rezoning conforms to the Policies as follows.

The proposed zone change and development plan complies with all of the applicable Objectives and Policies of Goals 1, 2, & 3 as it creates and locates necessary services and employment opportunities near residential areas, thereby strengthening and supporting the housing in the area. This use will facilitate and ensure long term affordability and living options for all in the community. Additionally, no residents will be displaced because the site is currently vacant. The proposed rezoning could also in the future permit a variety of residential development as well as mixed use development.

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

Respectfully submitted,

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