

DEMONSTRATION OF APPROPRIATENESS
In support of zone change application from
Commercial District C-1 to Industrial District M-2
1330 and 1332 Tile Factory Lane, Louisville, Kentucky
Roark Realty, LLC, Owner and Applicant

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This is a Demonstration of Appropriateness (the "Demonstration") in support of a zone change application from Commercial District C-1 to Industrial District M-2 to permit a trucking and transportation operation at 1330 and 1332 Tile Factory Lane.

The requested zone change conforms with KRS 100.312 and is in agreement with the adopted Comprehensive Plan applicable in Louisville, Jefferson County, Kentucky ("Plan 2040"), as is further detailed in this Demonstration below.

Community Form Goal 1. Guide the form and design of development to respond to distinctive physical, historic and cultural qualities. The proposed zone change (the "Proposal") conforms with Community Form Goal 1 and all applicable Policies adopted thereunder, including Policies 6, 7, 8, 15, 16, 17, 18, and 21. The Proposal is properly located within a Suburban Workplace Form District and is surrounded by other industrial and distribution businesses near Poplar Level Road, which has direct access to the Watterson Expressway and the interstate system. The Proposal is adjacent to a few residential uses which will be buffered by an 8-foot tall solid fence. The building is set back from the street. Sidewalks are not available along the frontage of the site nor are they available in the vicinity. Poplar Level Road is a transit corridor. Adequate infrastructure for this land use presently exists on-site. The truck distribution business on-site does not handle hazardous uses or uses having air, noise and light emissions. Disadvantaged populations will not be adversely impacted by the proposal. Odors, particulates or other emissions will not be caused by the development. The development does not cause substantial traffic.

Community Form Goal 2. Encourage sustainable growth and density around mixed-use centers and corridors. The Proposal conforms with Community Form Goal 2 and all applicable Policies adopted thereunder, including Policies 2, 6, 7 and 15. Locating transportation uses adjacent to other such uses – all of which have near access to the interstate system, is appropriate. This development constitutes an activity center which has a relatively low trip generation rate. On-site parking reflects the character of the area, as can be readily seen from the surrounding land uses. This development has a compact development pattern.

Community Form Goal 3. Enhance neighborhoods by protecting and integrating open space, watersheds and other natural resources. The Proposal conforms with Community Form Goal 3 and all applicable Policies adopted thereunder, including Policies 3, 9 and 10. Open space is not appropriate in this type development/Form District. No substantial change to site topography is proposed. There are no wet or highly permeable soils on site nor are there steep or unstable slopes or flood-prone areas on-site.

Community Form Goal 4. Promote and preserve the historic and archeological resources that contribute to our authenticity. The Proposal conforms to Community Form Goal 4 and all applicable Policies adopted thereunder, including Policies 1 and 2. There are no buildings or features on-site having historic or architectural value nor are there distinctive cultural features on site.

Mobility Goal 1. Implement an accessible system of alternative transportation modes. The Proposal conforms to Mobility Goal 1 and all applicable Policies adopted thereunder, including Policy 4. This is the site of a business which has a limited intensity in a vicinity of employment centers.

Mobility Goal 2. Plan, build and maintain a safe, accessible and efficient transportation system. The Proposal conforms to Mobility Goal 2 and all applicable Policies adopted thereunder, including Policies 4 and 5. Access is to Poplar Level Road and is not through and area of significantly lower intensity and does not create significant nuisances. Sight distances are adequate.

Mobility Goal 3. Encourage land use and transportation patterns that connect Louisville Metro and support future growth. The Proposal conforms with Mobility Goal 3 and all applicable Policies adopted thereunder, including Policies 2 and 5. This development is a low impact development that utilizes the interstate highway system for transport. It is appropriately located near the Watterson Expressway (Interstate-264). Because of the relatively low intensity of the business on-site its location is appropriate.

Community Facilities Goal 2. Plan for community facilities to improve quality of life and meet anticipated growth. The Proposal conforms to Community Facilities Goal 2 and all applicable Policies adopted thereunder, including Policies 1, 2 and 3. The site is served by all existing necessary utilities and has an adequate supply of potable water and water for fire-fighting purposes provided by the Louisville Water Company. Sewage treatment and disposal is adequately handled by the facilities of the Metropolitan Sewer District.

Economic Development Goal 1. Provide an economic climate that improves growth, innovation, investment and opportunity for all. The Proposal conforms to Economic Development Goal 1 and all applicable Policies adopted thereunder, including Policies 2, 4 and 5. Although not generating high volumes of traffic, the development is located in an older industrial subdivision near Poplar Level Road, an arterial roadway, and the Watterson Expressway. The site is close to the airport.

Livability Goal 1. Protect and enhance the natural environment and integrate it with the built environment as development occurs. The Proposal conforms to Livability Goal 1 and all applicable Policies adopted thereunder, including Policies 17 and 21. Use of the site will not affect groundwater resources. The site is not subject to erosion and the regulatory floodplain will be observed.

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WAIVER APPLICATION ADDENDUM
LAND DEVELOPMENT CODE 10.2.4 (TABLE 10.2.1)
1330 AND 1332 TILE FACTORY LANE
ROARK REALTY LLC, APPLICANT

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Waiver request. This is a request for a Waiver of Land Development Code ("LDC") §10.2.4 (Table 10.2.1) not to provide the required landscape buffer and plantings along the south and east property lines. The screening along these property lines will be met with proposed privacy fencing.

A. The waiver will not adversely affect adjoining property owners.

The proposed waiver will not adversely affect adjoining property owners because an 8-foot tall privacy fence is proposed where the south property line abuts residential home properties and a commercial business. This tall fence will adequately buffer the adjoining property owners from site impacts. The east property line is proposed to have a 6-foot tall privacy fence. This fence will abut a building on the adjacent property, built near the property line. The fence will have no adverse impact to this property.

B. The waiver will not violate the Comprehensive Plan.

The proposed waiver will not violate the Comprehensive Plan because it conforms to Community Form Goal 1 and Policies 9 and 10. Adequate screening will be in place to protect adjacent properties from the trucking/transportation use on the subject site. The buffer will protect nearby residents from lights, noise and visual appearances.

C. The extent of the waiver is the minimum necessary to afford relief to the Applicant.

The extent of the waiver is the minimum necessary to afford relief to the Applicant because it allows the Applicant to make viable use of its storage yard while protecting the neighbors from the use of the property for storage and truck movement.

D. The strict application of the regulation would deprive the Applicant of the reasonable use of its land or would create an unnecessary hardship on the Applicant.

The strict application of the regulation would deprive the Applicant of the reasonable use of its land and would create an unnecessary hardship on the Applicant because the adjoining property owners would not benefit from the strict application of the regulation: the neighbor to the east has a building that is close to the property line having no visibility to this site; and the neighbors to the south have residences that are distant from the common property line and will be protected by the 8-foot privacy fence. The Applicant is in need of the use of predominantly all of the storage yard for its trailers.