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STATEMENT OF JUSTIFICATION

Docket 17ZONE1000

In connection with the completed and signed Change in Zoning/Form District Application for approximately 1.41+/- acres located at 4819 Poplar Level Road in Louisville, Kentucky 40213 (the "Property"), the owner of the Property, M&C Rentals, LLC, a Kentucky limited liability company (the "Owner") justifies the request for a change in zoning as follows:

REZONING

The enclosed application and DDDP requests the following zoning changes with respect to the Property:

The Property shall be rezoned to M-2 for purposes of constructing and operating contractors' storage warehouses and offices.

DDDP

As indicated in the enclosed DDDP, the following development details are planned for the project:

The Property shall have direct access to Poplar Level Road, with approximately 100' of frontage along Poplar Level Road. A waiver is requested from Land Development Code Section 5.7.1.B.3.a to waive the requirement of a 35' Transition Zone Landscape Buffer Area along the northwestern property line adjacent to the National Letter Carriers' Association property.

Additionally:

- Parking areas and drive lanes shall be a hard and durable surface;
- An encroachment permit and bond will be obtained for all work done in the right-of-way;
- A State highway encroachment permit will be obtained for entrances to Poplar Level Road;
- There shall be no increase in drainage run-off to State roadways;
- No commercial signs will be permitted in the right-of-ways;
- Any landscaping in the right-of-ways shall be subject to an encroachment permit;
- Site lighting shall not shine in the eyes of drivers and will be adjusted, shielded or darkened as required in order to accomplish this;
- Construction fencing shall be erected prior to any construction or grading activities preventing compaction of root systems of trees to be preserved. The fencing shall enclose the area beneath the drip line of the tree canopy and shall remain in place. No parking, material storage, or construction activities shall be permitted within the fenced area.
- Mitigation measures for dust control shall be in place during construction to prevent fugitive particulate emissions from reaching existing roads and neighboring properties; and

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- A KTC permit will be required prior to construction plan approval.
- Upon development or redevelopment of adjacent properties, a unified access and circulation system shall be developed to eliminate pre-existing curb cuts and provide for vehicular movement throughout adjacent sites as determined appropriate by the Dept. of Public Works. A cross access agreement to run with the land and in a form acceptable to the Planning Commission legal counsel shall be recorded prior to the time of construction approval for the adjacent property to be developed.
- Right-of-way dedication by deed or minor plat must be recorded prior to construction approval by Transportation Planning.
- Off-Street loading and refuse collection areas shall be located and screened so as not to be visible from adjacent public streets and residential areas.
- Compatible utilities shall be placed in a common trench unless otherwise required by appropriate agencies.
- On-site detention will be provided. Post-development peak flows will be limited to pre-development peak flows for the 2, 10, 25 and 100-year storms or to the capacity of the downstream system, whichever is more restrictive.

A neighborhood meeting was held for discussion of this project on February 22, 2017 at the Louisville Free Public Library, Newburg Branch. A representative of Councilman Mulvihill and a representative of the Mayor of the City of Watterson Park were the only attendees other than the Owner, Owner's legal counsel and Owner's engineer. Both attendees expressed positive support for the project, as the current zone of R-4 is no longer compatible with the usage of the surrounding area.

The Property is located within the Suburban Marketplace Form District. As permitted in the Suburban Marketplace Form District, the Property will contain warehouse/storage which is a low-intensity industrial/high-intensity commercial use and is proposed along a corridor with a wide range of intensities. Pedestrian connection will be made to a public sidewalk and the sidewalk fronting the site shall be repaired and maintained by the Owner. Appropriate buffering along the rear of the Property will be provided, taking into account the non-jurisdictional wetlands and the adjacent property which is zoned R-4 (although not currently used as single-family residential). Trucks will not be permitted to idle during loading and unloading and the Owner is willing to agree to a binding element to that effect. The Owner will work with adjacent owners and developers during the redevelopment of adjacent property in order to provide for unified access to Poplar Level Road.

→ ZONE 1000