

Louisville Metro Planning Commission

March 17, 2016

Docket No. 15CUP1024 & 15ZONE1033  
Proposed zone change from R-4 to M-2  
for rear portion of property and a  
Conditional Use Permit (CUP) to allow an  
existing commercial composting  
operation on property located at  
13312 Aiken Road

c/o Tree Care, Inc.

Attorneys:  
Bardenwerper  
Talbot & Roberts,  
PLLC

Land Planners,  
Landscape  
Architects &  
Engineers: Land  
Design &  
Development

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TAB 1  
LOJIC ZONING MAP



Street Gray Basic Aerial Base

Historic Aerial

Labels ▾

M3

Tree Care

M2

M1

Aiken Road

Tree Care  
(Subject Property)

265

M2

R4

R4

200 400ft

Louisville Metro, MSD, LWC & PVA © 2015

TAB 2  
AERIAL PHOTOGRAPH OF  
THE SITE AND  
SURROUNDING AREA





Street Gray Basic **Aerial** Base Historic Aerial Labels

M3

Tree Care

M2

M1

Aiken Road

ATKEN RD

265

265

M2

R4

R4

200 400ft

Louisville Metro, MSD, LWC & PVA © 2015







Tree Care

Aiken Road

ICPS BUS DEPOT

GENE SNYDER FREEWAY

INTERSTATE  
265





Aiken Road

AIKEN ROAD

JCPS BUS DEPOT



Area to be rezoned

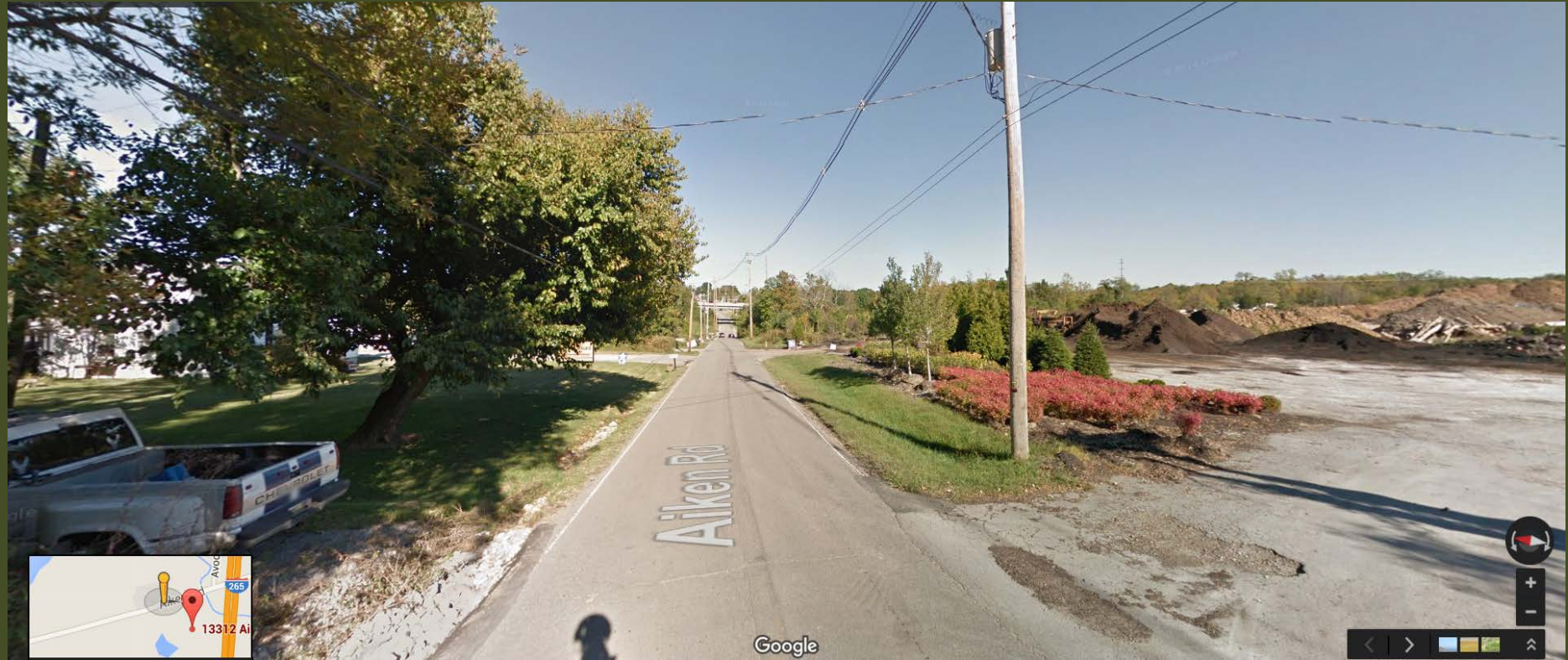
GENE SNYDER FREEWAY

I-265





TAB 3  
GROUND LEVEL  
PHOTOGRAPHS OF THE SITE  
AND SURROUNDING AREA



View of Aiken Road looking east. Site is to the right. Existing Tree Care is to the left.





View of Aiken Road looking west. Site is to the left.



View of existing Tree Care from Aiken Road



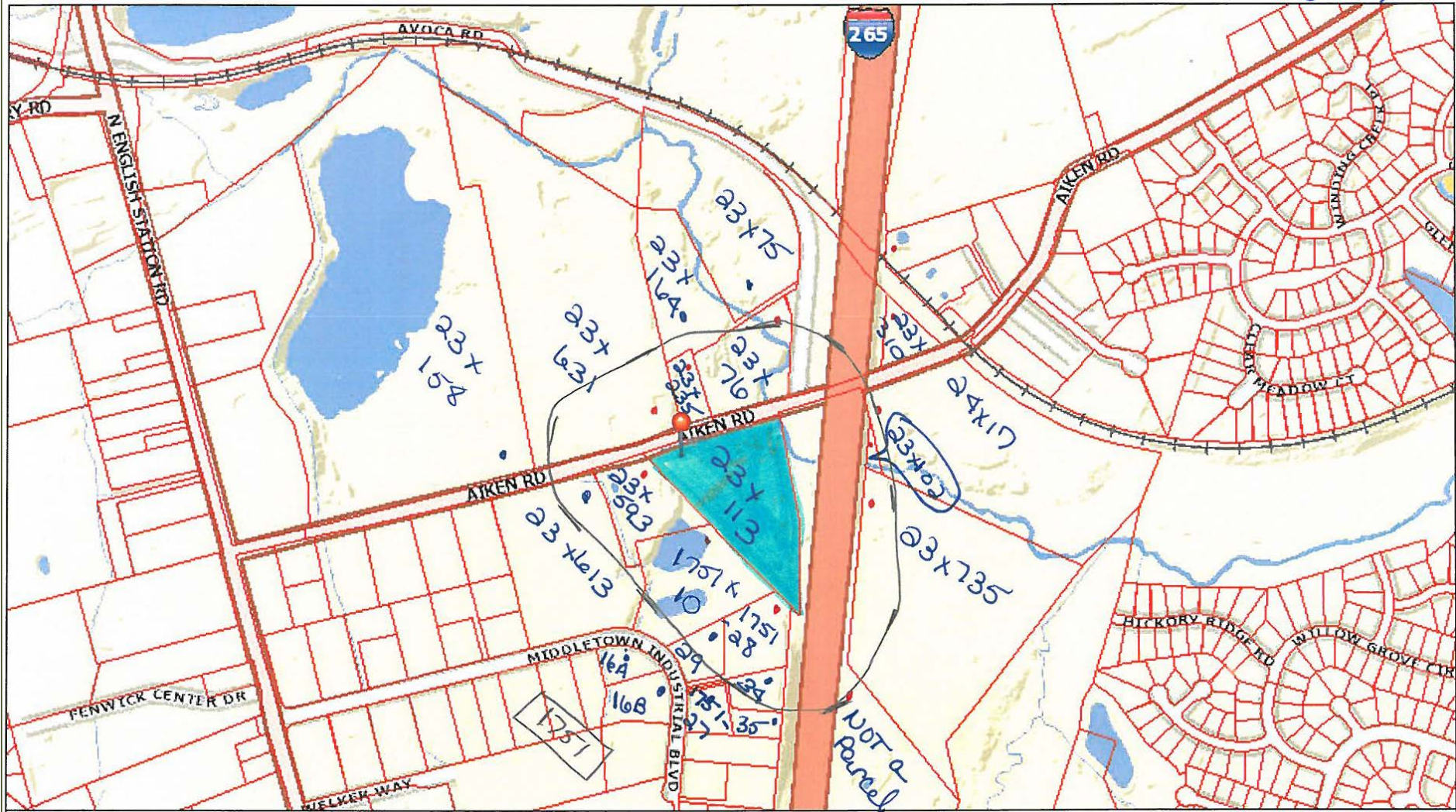


View of site from Aiken Road

TAB 4  
NEIGHBORHOOD MEETING  
NOTICE LIST MAP, LETTER  
TO NEIGHBOR INVITING  
THEM TO MEETING AND  
SUMMARY OF MEETING



Neighborhood Meeting notice list map inviting the 23 adjoining property owners to the neighborhood meeting.



# TREE CARE, INC.

c/o Edward Hager  
13319 Aiken Road  
Louisville, KY 40223

---

June 10, 2015

Dear Neighbor,

**RE: Proposed Conditional Use Permit (CUP) to allow a commercial composting operation on approximately 9.3 +/- acres located on the south side of Aiken Road, just west of the Gene Snyder at 13312 Aiken Rd.**

We are writing to invite you to a meeting we have scheduled to present neighbors with our CUP plan at the location above.

Accordingly, we have filed a CUP plan for pre-application review with the Department of Planning and Design Services (DPDS) that has been assigned case number 15CUP1024, that we would like to show and explain to neighbors so that we might hear what thoughts, issues and perhaps even concerns you may have. In that regard, a meeting will be held on **Thursday, June 25<sup>th</sup> at 6:30 p.m.** at the **Pleasant Grove Baptist Church** located at **13800 Aiken Road**.

If you cannot attend the meeting but have questions or concerns, please call my attorney Nick Pregliasco at 426-6688, or my land planning and engineering firm representatives Kevin Young and Ann Richards at 426-9374.

We look forward to seeing you.

Sincerely,

  
Edward Hager

cc: Hon. Byron Chapman, Mayor, City of Middletown  
Hon. Julie Denton, Councilwoman District 19  
Nick Pregliasco, attorney with Bardenwerper, Talbott & Roberts, PLLC  
Kevin Young and Ann Richard, land planners with Land Design & Development, Inc.  
Matthew Doyle, Case Manager with Department of Planning & Design Services



# BARDENWERPER, TALBOTT & ROBERTS, PLLC

ATTORNEYS AT LAW

1000 N. HURSTBOURNE PARKWAY • BUILDING INDUSTRY ASSOCIATION OF GREATER LOUISVILLE BLDG. • SECOND FLOOR • LOUISVILLE, KENTUCKY 40223  
(502) 426-6688 • (502) 425-0561 (FAX) • WWW.BARDLAW.NET

Nicholas R. Pregliasco  
Direct dial: 426-0388, ext. 139  
Email: NRP@BARDLAW.NET

June 22, 2015

**RE: Added notice of neighbor meeting scheduled *Thursday, June 25<sup>th</sup> at Pleasant Grove Baptist Church* regarding our proposed Conditional Use Permit (CUP), and now zone change, to allow a commercial composting operation on approximately 9.3 +/- acres located on the south side of Aiken Road, just west of the Gene Snyder at 13312 Aiken Rd.**

Dear Neighbor,

We are writing to notify you that, in addition to the Conditional Use Permit (CUP) to be discussed at the neighbor meeting referenced above, we will also discuss a zone change for a portion of the site to M-2. Accordingly, we have filed a zone change pre-application and plan, in addition to the CUP.

We look forward to seeing you at the neighbor meeting on **Thursday, June 25<sup>th</sup> at 6:30 p.m.** at the **Pleasant Grove Baptist Church** located at **13800 Aiken Road**.

Sincerely,



Nicholas R. Pregliasco  
*Attorney for Tree Care, Inc.*

cc: Hon. Byron Chapman, Mayor, City of Middletown  
Hon. Julie Denton, Councilwoman District 19  
Edward Hagar, Tree Care, Inc.  
Kevin Young and Ann Richard, land planners with Land Design & Development, Inc.  
Matthew Doyle, Case Manager with Department of Planning & Design Services

## NEIGHBORHOOD MEETING SUMMARY

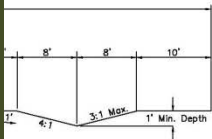
A neighborhood meeting was held on June 25, 2015 at 7:00 pm at the Pleasant Grove Baptist Church, located at 13800 Aiken Road. Those in attendance for the application were Nicholas Pregliasco, attorney and Kevin Young, land planner with Land Design & Development Inc. Very few neighbors attended the meeting and those that did included Mayor Chapman with the City of Middletown and Council Member with Middletown City Council.

Mr. Young and Mr. Pregliasco answered questions about the site and the area being rezoned and the reasons therefore. Lee Hager with Tree Care, the applicant, answered questions about the current operations on the property, as well as drainage and the stream on the property. Discussions also included additional landscaping and drainage improvements for the front of the property.

Those that were in attendance raised no objections to the rezoning or the CUP.

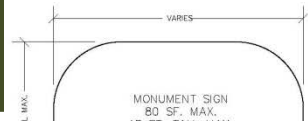


TAB 5  
COLOR DEVELOPMENT PLAN



ON

CONSTRUCT ROAD  
OF AIKEN ROAD  
PROPERTY.



M-2/SW  
Lele Ann Trapp  
868 Maple Ridge Ct  
Fairfax, VA 22031  
D.B. 6262 PG. 0154

TAB 6

STATEMENT OF COMPLIANCE  
FILED WITH THE ORIGINAL  
ZONE CHANGE APPLICATION  
WITH ALL APPLICABLE  
GUIDELINES AND POLICIES OF  
THE CORNERSTONE 2020  
COMPREHENSIVE PLAN



# BARDENWERPER, TALBOTT & ROBERTS, PLLC

Attorneys at law

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## **STATEMENT OF COMPLIANCE WITH THE APPLICABLE GUIDELINES AND POLICIES OF THE CORNERSTONE 2020 COMPREHENSIVE PLAN**

Applicant/Owner: Tree Care, Inc., c/o Edward C. Hager, Pres.

Location: 13312 Aiken Road

Proposed Use: Commercial wood processing into mulch and chips with related, permitted tree service business

Engineers, Land Planners and  
Landscape Architects: Land, Design & Development, Inc.

Request: Zone Change from R-4 to M-2 and a Conditional Use Permit to allow recycling, storage and composing of woody plant material

### **INTRODUCTORY STATEMENT**

Tree Care, Inc. has operated this business that processes logs into mulch and chips or part of its current tree care service located at across Aiken Road from this site. The business has grown and the need for additional property to operate has expanded to this proposed site, which was recently cited for not having a CUP for this location. Tree Care, Inc. is seeking to bring this site into compliance so that it can continue providing local residents and landscaping companies with services including tree removal, stump removal, land clearing, snow removal and pruning as it has for several years. Likewise, the rear of the property is zone R-4 and Tree Care is requesting a zone change to M-2 so that the CUP will cover the entire site.

The subject property lies on the south side of Aiken Road and the west side of Avoca Road near Rogers Quarry, just west of I-265, giving the property good access to the Snyder Freeway, Middletown Industrial Park, and to various landscaping companies located mostly in east Jefferson County where the greatest demand for landscaping services exists. The subject property is located in the Suburban Workplace Form Area and is surrounded by heavy commercial and industrial land uses. The accompanying development plan reflects the applicant's commitment to maintaining the integrity of the area and nearby stream given that the grinding area and stock piles will be kept well to the west side of the subject property (away from the stream, as it runs by the north and east sides of the property), and that the applicant will utilize barriers to keep mulch materials fully contained, will install a water quality basin for runoff from mulch piles, as described hereinbelow, and will use silt fencing measures to protect the stream from erosion and sedimentation. Hours of operation will generally be daylight normal

business hours and, because logs, mulch and chips will be stored on site for only brief periods of time, as the applicant expects to quickly process logs and sell mulch and chips to meet the high demand of existing local landscapers.

### **GUIDELINE 1: COMMUNITY FORM**

The proposed Tree Care, Inc. zone change and CUP, as described, complies with the Suburban Workplace Form Area description because it will be located along Avoca Road with access off Aiken Road in an area characterized by mixed heavy industrial and commercial land uses. The Rogers Group quarry operation, Middletown Industrial Park and various landscaping companies and other heavy workplace uses are located adjacent or nearby.

As noted above, Tree Care, Inc. will locate the proposed grinding and product storage areas on the west side of the property, well away from a nearby stream and in containment areas that will feature barriers to keep materials in place. Installation of a water quality basin, described hereinabove and with a detail section on the site plan, will assure that runoff in the stream is filtered first. Additional measures will be taken to protect the stream including silt fencing.

Logs and mulch products will be kept on-site for short periods before product is sold to local landscapers. Trucks currently move into and out of the subject property for Tree Care, Inc.'s existing services during daylight hours and will do so in the same way for the removal of product. Because tree services and landscaping are somewhat seasonal activities, services will be at peak during normal landscaping seasons.

The proposed site plan includes appropriate buffers, distances as shown on the site plan and as required by the Jefferson County Development Code to maintain a more positive aesthetic in the overall area.

### **GUIDELINE 2: CENTERS**

The Intents and applicable Policies 1, 2, 3, 4, 5, 11 and 14 of this Guideline encourage the location of new development in appropriate mixed use activity centers. The proposed Tree Care, Inc. CUP business complies with Policies 1 and 2 of this Guideline because it is located along collector roads, i.e., Avoca and Aiken Roads, and is situated among a variety of active heavy industrial and commercial land uses with easy access from and to the Gene Snyder Freeway, various east Jefferson County landscaping companies. The proposed CUP business, as described, is one that adds to the mixture of activities in this heavy industrial/commercial area and which provides area landscaping businesses with a key component necessary for their own services to clients.

Policy 3 of this Guideline requires that activity center development be supported by sufficient population. The subject property is well situated in an industrial activity center for easy access from the residential areas of Middletown and other greater Louisville residents via the Gene Snyder Freeway for individuals who desire tree services and mulch product, while the subject property is also very well situated to serve the needs of area landscaping companies.

Policy 4 of this Guideline encourages compact development patterns for activity centers. This proposed Tree Care, Inc. facility is an in-fill type development in an industrial activity center

given the intensity and diversity of industrial and commercial uses all around it. This allows for an efficient and less costly use of existing infrastructure.

Policy 5 of this Guideline encourages a mixture of compatible uses in activity centers, while Policy 11 requires appropriate and compatible placement, design and scale of those developments to encourage vitality and a sense of place. The proposed Tree Care, Inc. facility complies with Policies 5 and 11 because, as noted above, it is a land use that fits well with other existing nearby heavy industrial and commercially zoned land uses in an existing industrial activity center. Further, the placement of the grinding and material storage areas on the west side and away from the east and stream area make it both superior in terms of design relative to other nearby industrial and commercial uses, yet still compatible with the overall mixture of land uses in this heavy industrial area.

Policy 14 of this Guideline recommends that utility easements in new developments be located to provide for adequate maintenance and repair and that designs attempt to maximize existing hookups and use underground utility lines. There is an on-site septic system in place. Water and electricity will use existing utility line connections. Drainage facilities for this development will include special water quality basin to catch runoff from product piles to keep it from entering directly into the nearby stream.

### **GUIDELINE 3: COMPATIBILITY**

The Intents and applicable Policies 1, 2, 5, 6, 7, 8, 9, 17, 23 and 24 of this Guideline all pertain to the issues of impact mitigation. The proposed Tree Care, Inc. facility complies with the Intent of these Guidelines because its purpose is to provide a better, more complete range of services to area landscapers that would include the much in-demand process of grinding trees and limbs obtained from their existing tree service business into a mulch product for sale to and use by local landscapers. The subject property is surrounded by other heavy industrial and commercial properties that will be minimally impacted by the applicant's activities. Tree Care, Inc.'s operations will include truck delivery of tree debris, grinding of certain materials into mulch products, short-term storage of trees and mulch products, and removal of those products by local landscapers via trucks. Hours of operation will be daylight and will seasonally peak during busier times in spring, summer and fall.

Policies 1 and 2 of this Guideline seek to ensure compatibility of new developments with the scale, design and character of nearby properties. As noted above, the location of the proposed Tree Care, Inc. facility among other industrial and commercial retail land uses and the nature of its building design make it an appropriate and compatible use for the subject property, indeed at a higher level of site design and environmental sensitivity than its surroundings.

Policies 5, 6, 7, 8, and 9 of this Guideline encourage mitigation of odor, air quality, traffic, noise, lighting, and overall visual impacts on adjacent property owners. Due to the heavy industrial and commercial nature of the area and the proposed use of the subject property, traffic, noise, visual and lighting will surely not be a nuisance factor for adjacent properties. Occasionally, truck traffic will enter and exit the property in mornings and afternoons but will not be constant in volume because of the relatively small size of the site and the operation. Aiken Road is adequate to handle existing industrial traffic plus that generated by this proposed facility, especially because Tree Care, Inc. already operates from this location providing other services to its clients. The traffic already generated by the existing operation will increase only slightly, if at all, as a



result of the addition of the proposed CUP operation. The odor and air quality factors will be managed by efficient turnover of materials, quality barriers and storage areas for materials, and with careful management of grinding operations.

Policy 17 of this Guideline encourages industries to locate in workplace form districts rather than isolated industrial sites. This site is particularly appropriate for the proposed CUP operation because Tree Care, Inc.'s existing tree service is surrounded by other heavy commercial and industrial land uses, including Rogers Group Quarry.

Policies 23 and 24 seek to encourage setbacks, lot dimensions, building heights, parking, loading and delivery areas be compatible with those of nearby developments and that they meet form district Guidelines. As noted above, the subject property is an in-fill industrial location, set among several other heavy commercial/industrial use properties that will be minimally impacted, if at all, by the activities of Tree Care, Inc. The layout of facilities places the grinding station at the west side of the property, well away from the stream that runs along the north and east sides of the property and away from the majority of adjacent properties. Loading and delivery will take place during daylight hours, and will be mostly seasonal. None of the activities of Tree Care, Inc. will adversely impact nearby or adjacent properties for all the reasons set forth above.

#### **GUIDELINE 5: NATURAL AREAS AND SCENIC AND HISTORIC RESOURCES**

This application complies with the Intents and applicable Policies of this Guideline. The subject property is bordered on the north and east by a stream. The applicant has carefully planned the layout of the proposed grinding, water quality basin, and product storage areas so that they are well away from this natural feature. In addition, silt fencing and the water quality basin (detailed on the site plan) will be utilized to prevent runoff to the stream.

#### **GUIDELINE 6: ECONOMIC GROWTH AND SUSTAINABILITY**

This application complies with the Intents and applicable Policies 1, 3 and 4 of this Guideline. The proposed Tree Care, Inc. facility complies with this Guideline because, due to the in-fill nature of the proposed development, it ensures the efficient use of available and usable industrial zoned land for a purpose appropriate to its prime location in an already heavy industrial commercial location. Tree Care, Inc.'s facility will utilize existing utility connections, thereby reducing public and private costs for land development.

Policy 1 of this Guideline limits land uses in workplace districts only to those uses necessary to meet the needs of the industrial subdivision or workplace district and their employees. Tree Care, Inc. already provides tree removal, stump removal, and land clearing services for various clients in the area and this application would simply allow Tree Care, Inc. to improve the level of services available and the efficiency of the process for removal of tree debris by transforming that debris into a usable by-product. If the trees, etc. can't be ground up, they may end up in land-fills, which are full.

Policies 3 and 4 of this Guideline encourage development, rehabilitation and reinvestment in properties that are in older neighborhoods or industrial areas consistent with form district patterns, and location of industry in industrial subdivisions or adjacent to an existing industry to take advantage of special infrastructure needs. The subject property for the proposed Tree Care, Inc. facility, as described above, lies among such heavy industrial and commercial land uses as

the Rogers Group Quarry and Middletown Industrial Park. These land uses have established truck routes to and from the area, as are currently used by the existing Tree Care, Inc. operation, but which is a convenient existing infrastructure for all industry in this area. Additional infrastructure is already available via connection to electric and water supplies utilized by the other nearby businesses.

#### **GUIDELINE 7: CIRCULATION**

This application complies with the Intents and applicable Policies 1 and 2 of this Guideline. The proposed Tree Care, Inc. facility complies with the intent of this Guideline because it lies along Avoca and Aiken Roads in a heavy industrial/commercial area that is adequate for support of truck deliveries for this and other area operations. Traffic impact will be a minimal addition to the truck volume that Tree Care, Inc. already utilizes in its current operations.

Policies 1 and 2 of this Guideline require that developers evaluate and address any improvements that will be necessary to maintain or improve the street and roadway systems as necessary due to the impact of the proposed development. As noted above, Avoca and Aiken Roads are capable of handling the small increase in traffic volume that will result from the proposed Tree Care, Inc. facility. Additional right-of-way is being dedicated per requirement of the Jefferson County Department of Public Works and Transportation.

#### **GUIDELINE 8: TRANSPORTATION FACILITY DESIGN**

This application complies with the Intents and applicable Policies of this Guideline as applicable to an industrial use as evidenced by it having received the stamp of approval from the Jefferson County Department of Public Works and Transportation.

#### **GUIDELINE 9: BICYCLE, PEDESTRIAN AND TRANSIT**

This application complies with the Intents and applicable Policies of this Guideline because the limited, if any, additional traffic created, assures that it will not create air quality concerns. Also, the site plan includes design elements to accommodate efficient access as noted above.

Policy 1 of this Guideline encourages bicycle and pedestrian circulation where appropriate for new developments. The proposed Tree Care, Inc. facility will not require access by pedestrian or bicycle, as employees and clients will arrive by automobile or truck.

#### **GUIDELINE 10: FLOODING AND STORMWATER**

This application complies with the Intents and applicable Policies of this Guideline because a portion of this development that is located in the FEMA flood plain will be removed therefrom via FEMA map amendment. The FEMA and actual floodplains have been surveyed and are shown on the site plan. Nothing will be located in the new floodplain area.

In addition, a water quality basin and silt fencing will be utilized to prevent runoff into the nearby stream. All drainage systems will be approved by MSD prior to installation. These design elements combine to provide adequate stormwater protection in compliance with the goals of this Guideline.

**GUIDELINE 11: WATER QUALITY**

This application complies with the Intents and applicable Policies of this Guideline because, as noted above, an Erosion Prevention and Sedimentation Control Plan will be required prior to construction, and because a water quality basin and silt fencing will be utilized to prevent runoff into the nearby stream.

**GUIDELINE 12: AIR QUALITY**

This application complies with the Intents and applicable Policies of this Guideline because the intent of this Guideline is to reduce the impacts of pollution caused by vehicular traffic and land uses. The proposed Tree Care, Inc. facility complies with the intent of this Guideline because the proposed facility will not materially increase traffic along Aiken Road, nor cause any traffic delays because Aiken road will easily accommodate truck traffic from this property.

**GUIDELINE 13: LANDSCAPE CHARACTER**

The intent of this Guideline is to protect and enhance landscape character. The design plan for this property will comply with the intent of this Guideline by creating distance buffers along the north and east edges of the property.

\* \* \* \* \*

For all these reasons and others to be explained at the LD&T Committee meeting and public hearing, this application complies with all others applicable Guidelines and Policies of the Cornerstone 2020 Comprehensive Plan.

Respectfully submitted,

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Nicholas R. Pregliasco  
Bardenwerper Talbott & Roberts, PLLC  
1000 N. Hurstbourne Parkway, Second Floor  
Louisville, KY 40223  
(502) 426-6688



TAB 7  
PROPOSED FINDINGS OF  
FACT PERTAINING TO  
COMPLIANCE WITH THE  
COMPREHENSIVE PLAN

# BARDENWERPER, TALBOTT & ROBERTS, PLLC

Attorneys at law

BUILDING INDUSTRY ASSOCIATION OF GREATER LOUISVILLE BLDG • 1000 N. HURSTBOURNE PARKWAY • SECOND FLOOR • LOUISVILLE, KENTUCKY 40223  
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## PROPOSED FINDINGS OF FACT REGARDING COMPLIANCE WITH ALL APPLICABLE GUIDELINES AND POLICIES OF THE CORNERSTONE 2020 COMPREHENSIVE PLAN

Applicant/Owner: Tree Care, Inc., c/o Edward C. Hager, Pres.

Location: 13312 Aiken Road

Proposed Use: Commercial wood processing into mulch and chips with related, permitted tree service business

Engineers, Land Planners and Landscape Architects: Land, Design & Development, Inc.

Request: Zone Change from R-4 to M-2 for the rear portion of the Property and a Conditional Use Permit to allow recycling, storage and composting of woody plant material

The Louisville Metro Planning Commission, having heard testimony before through its Land Development & Transportation Committee, in the Public Hearing held on March 17, 2016 and having reviewed evidence presented by the applicant and the staff's analysis of the application, make the following findings:

### **INTRODUCTORY STATEMENT**

**WHEREAS**, Tree Care, Inc. has operated this business that processes tree branches and logs into mulch and chips as part of its current tree care service business located across Aiken Road from this site; the business has grown and the need for additional property to operate has resulted in Tree Care, Inc. expanding its operations onto this proposed site, which was recently cited for not having a CUP for this location; Tree Care, Inc. is seeking to bring this site into compliance so that it can continue providing local residents and landscaping companies with services including tree removal, stump removal, land clearing, snow removal, pruning, and the sale of the mulch resulting from the processed branches and logs as it has for several years; the rear of the property is zone R-4 and Tree Care is requesting a zone change to M-2 so that the CUP will cover the entire site; and

**WHEREAS**, the subject property lies on the south side of Aiken Road just west of Avoca Road near Rogers Quarry, and is bounded on the east by I-265, giving the property good access to the Snyder Freeway, Middletown Industrial Park, and to various landscaping companies located mostly in east Jefferson County where the greatest demand for tree care services and landscaping

services exists; the subject property is located in the Suburban Workplace Form Area and is surrounded by heavy commercial and industrial land uses; the accompanying development plan reflects the applicant's commitment to maintaining the integrity of the area and nearby stream given that per the condition of approval the grinding area and stock piles will be kept well at least 50 feet from any property line and including the west side of the subject property (away from the stream, as it runs by the north and east sides of the property), and that the applicant will utilize barriers to keep mulch materials fully contained, will install a water quality basin for runoff from mulch piles, as described hereinbelow, and will use silt fencing measures to protect the stream from erosion and sedimentation; hours of grinding operations will be from 7 a.m. to 5 p.m. Monday through Friday per condition of approval and, because limbs, logs, mulch and chips will be stored on site for only brief periods of time, as the applicant expects to quickly process the limbs and logs and sell mulch and chips to meet the high demand of existing local landscapers; and

### **GUIDELINE 1: COMMUNITY FORM**

**WHEREAS**, the proposed Tree Care, Inc. zone change and CUP, as described, complies with the Suburban Workplace Form Area description because it will be located along Avoca Road with access off Aiken Road in an area characterized by mixed heavy industrial and commercial land uses; the Rogers Group quarry operation, Middletown Industrial Park and various landscaping companies and other heavy workplace uses are located adjacent or nearby; and

**WHEREAS**, as noted above, Tree Care, Inc. will locate the proposed grinding and product storage areas on the west side of the property, well away from a nearby stream and in containment areas that will feature barriers to keep materials in place; installation of a water quality basin, described hereinabove and with a detail section on the site plan, will assure that runoff in the stream is filtered first and additional measures will be taken to protect the stream including silt fencing; and

**WHEREAS**, logs and mulch products will be kept on-site for short periods before product is sold to local landscapers; trucks currently move into and out of the subject property for Tree Care, Inc.'s existing services during daylight hours and will do so in the same way for the removal of product; and because tree services and landscaping are somewhat seasonal activities, services will be at peak during normal landscaping seasons; and

**WHEREAS**, the proposed site plan includes appropriate buffers, distances as shown on the site plan and as required by the Land Development Code to maintain a more positive aesthetic in the overall area; and

### **GUIDELINE 2: CENTERS**

**WHEREAS**, the Intents and applicable Policies 1, 2, 3, 4, 5, 11 and 14 of this Guideline encourage the location of new development in appropriate mixed use activity centers; the proposed Tree Care, Inc. CUP business complies with Policies 1 and 2 of this Guideline because it is located along collector roads, i.e., Avoca and Aiken Roads, and is situated among a variety of active heavy industrial and commercial land uses with easy access from and to the Gene Snyder Freeway, various east Jefferson County landscaping companies; the proposed CUP business, as described, is one that adds to the mixture of activities in this heavy



industrial/commercial area and which provides area landscaping businesses with a key component necessary for their own services to clients; and

**WHEREAS**, Policy 3 of this Guideline requires that activity center development be supported by sufficient population; the subject property is well situated in an industrial activity center for easy access from the residential areas of Middletown and other greater Louisville residents via the Gene Snyder Freeway for individuals who desire tree services and mulch product, while the subject property is also very well situated to serve the needs of area landscaping companies; and

**WHEREAS**, Policy 4 of this Guideline encourages compact development patterns for activity centers; this proposed Tree Care, Inc. facility is an in-fill type development in an industrial activity center given the intensity and diversity of industrial and commercial uses all around it and this allows for an efficient and less costly use of existing infrastructure; and

**WHEREAS**, Policy 5 of this Guideline encourages a mixture of compatible uses in activity centers, while Policy 11 requires appropriate and compatible placement, design and scale of those developments to encourage vitality and a sense of place; the proposed Tree Care, Inc. facility complies with Policies 5 and 11 because, as noted above, it is a land use that fits well with other existing nearby heavy industrial and commercially zoned land uses in an existing industrial activity center; further, the placement of the grinding and material storage areas away from the east and stream area make it both superior in terms of design relative to other nearby industrial and commercial uses, yet still compatible with the overall mixture of land uses in this heavy industrial area; and

**WHEREAS**, Policy 14 of this Guideline recommends that utility easements in new developments be located to provide for adequate maintenance and repair and that designs attempt to maximize existing hookups and use underground utility lines; there is an on-site septic system in place; water and electricity will use existing utility line connections; and drainage facilities for this development will include special water quality basin to catch runoff from product piles to keep it from entering directly into the nearby stream; and

### **GUIDELINE 3: COMPATIBILITY**

**WHEREAS**, the Intents and applicable Policies 1, 2, 5, 6, 7, 8, 9, 17, 23 and 24 of this Guideline all pertain to the issues of impact mitigation; the proposed Tree Care, Inc. facility complies with the Intent of these Guidelines because its purpose is to provide a better, more complete range of services to area landscapers that would include the much in-demand process of grinding trees and limbs obtained from their existing tree service business into a mulch product for sale to and use by local landscapers; the subject property is surrounded by other heavy industrial and commercial properties that will be minimally impacted by the applicant's activities; Tree Care, Inc.'s operations will include truck delivery of tree debris, grinding of certain materials into mulch products, short-term storage of trees and mulch products, and removal of those products by local landscapers via trucks; and hours of operation will be daylight and will seasonally peak during busier times in spring, summer and fall; and

**WHEREAS**, Policies 1 and 2 of this Guideline seek to ensure compatibility of new developments with the scale, design and character of nearby properties; the location of the proposed Tree Care, Inc. facility among other industrial and commercial retail land uses and the

nature of its building design make it an appropriate and compatible use for the subject property, indeed at a higher level of site design and environmental sensitivity than its surroundings; and

**WHEREAS**, Policies 5, 6, 7, 8, and 9 of this Guideline encourage mitigation of odor, air quality, traffic, noise, lighting, and overall visual impacts on adjacent property owners; due to the heavy industrial and commercial nature of the area and the proposed use of the subject property, traffic, noise, visual and lighting will surely not be a nuisance factor for adjacent properties; occasionally, truck traffic will enter and exit the property in mornings and afternoons but will not be constant in volume because of the relatively small size of the site and the operation; Aiken Road is adequate to handle existing industrial traffic plus that generated by this proposed facility, especially because Tree Care, Inc. already operates from this location providing other services to its clients; the traffic already generated by the existing operation will increase only slightly, if at all, as a result of the addition of the proposed CUP operation; and the odor and air quality factors will be managed by efficient turnover of materials, quality barriers and storage areas for materials, and with careful management of grinding operations; and

**WHEREAS**, Policy 17 of this Guideline encourages industries to locate in workplace form districts rather than isolated industrial sites; this site is particularly appropriate for the proposed CUP operation because Tree Care, Inc.'s existing tree service is surrounded by other heavy commercial and industrial land uses, including Rogers Group Quarry; and

**WHEREAS**, Policies 23 and 24 seek to encourage setbacks, lot dimensions, building heights, parking, loading and delivery areas be compatible with those of nearby developments and that they meet form district Guidelines; as noted above, the subject property is an in-fill industrial location, set among several other heavy commercial/industrial use properties that will be minimally impacted, if at all, by the activities of Tree Care, Inc; the layout of facilities places the grinding station well away from the stream that runs along the north and east sides of the property and away from the majority of adjacent properties; loading and delivery will take place during daylight hours, and will be mostly seasonal; and none of the activities of Tree Care, Inc. will adversely impact nearby or adjacent properties for all the reasons set forth above; and

#### **GUIDELINE 5: NATURAL AREAS AND SCENIC AND HISTORIC RESOURCES**

**WHEREAS**, this application complies with the Intents and applicable Policies of this Guideline; the subject property is bordered on the north and east by a stream and the applicant has carefully planned the layout of the proposed grinding, water quality basin, and product storage areas so that they are well away from this natural feature; and silt fencing and the water quality basin (detailed on the site plan) will be utilized to prevent runoff to the stream; and

#### **GUIDELINE 6: ECONOMIC GROWTH AND SUSTAINABILITY**

**WHEREAS**, this application complies with the Intents and applicable Policies 1, 3 and 4 of this Guideline; the proposed Tree Care, Inc. facility complies with this Guideline because, due to the in-fill nature of the proposed development, it ensures the efficient use of available and usable industrial zoned land for a purpose appropriate to its prime location in an already heavy industrial commercial location; and Tree Care, Inc.'s facility will utilize existing utility connections, thereby reducing public and private costs for land development; and

**WHEREAS**, Policy 1 of this Guideline limits land uses in workplace districts only to those uses necessary to meet the needs of the industrial subdivision or workplace district and their employees; Tree Care, Inc. already provides tree removal, stump removal, and land clearing services for various clients in the area and this application would simply allow Tree Care, Inc. to improve the level of services available and the efficiency of the process for removal of tree debris by transforming that debris into a usable by-product and if the trees, etc. can't be ground up, they may end up in land-fills, which are full; and

**WHEREAS**, Policies 3 and 4 of this Guideline encourage development, rehabilitation and reinvestment in properties that are in older neighborhoods or industrial areas consistent with form district patterns, and location of industry in industrial subdivisions or adjacent to an existing industry to take advantage of special infrastructure needs; the subject property for the proposed Tree Care, Inc. facility, as described above, lies among such heavy industrial and commercial land uses as the Rogers Group Quarry and Middletown Industrial Park; these land uses have established truck routes to and from the area, as are currently used by the existing Tree Care, Inc. operation, but which is a convenient existing infrastructure for all industry in this area; and additional infrastructure is already available via connection to electric and water supplies utilized by the other nearby businesses; and

#### **GUIDELINE 7: CIRCULATION**

**WHEREAS**, this application complies with the Intents and applicable Policies 1 and 2 of this Guideline; the proposed Tree Care, Inc. facility complies with the intent of this Guideline because it lies along Avoca and Aiken Roads in a heavy industrial/commercial area that is adequate for support of truck deliveries for this and other area operations and traffic impact will be a minimal addition to the truck volume that Tree Care, Inc. already utilizes in its current operations; and

**WHEREAS**, Policies 1 and 2 of this Guideline require that developers evaluate and address any improvements that will be necessary to maintain or improve the street and roadway systems as necessary due to the impact of the proposed development; as noted above, Avoca and Aiken Roads are capable of handling the small increase in traffic volume that will result from the proposed Tree Care, Inc. facility; and

#### **GUIDELINE 8: TRANSPORTATION FACILITY DESIGN**

**WHEREAS**, this application complies with the Intents and applicable Policies of this Guideline as applicable to an industrial use as evidenced by it having received the stamp of approval from the Jefferson County Department of Public Works and Transportation; and

#### **GUIDELINE 9: BICYCLE, PEDESTRIAN AND TRANSIT**

**WHEREAS**, this application complies with the Intents and applicable Policies of this Guideline because the limited, if any, additional traffic created, assures that it will not create air quality concerns and the site plan includes design elements to accommodate efficient access as noted above; and



**WHEREAS**, Policy 1 of this Guideline encourages bicycle and pedestrian circulation where appropriate for new developments and the proposed Tree Care, Inc. facility will not require access by pedestrian or bicycle, as employees and clients will arrive by automobile or truck; and

**GUIDELINE 10: FLOODING AND STORMWATER**

**WHEREAS**, this application complies with the Intents and applicable Policies of this Guideline because the portion of this development that is located in the FEMA flood plain is not a usable portion of the property as it is part of the creek area; Tree-Care, Inc. performed very significant drainage improvements to the property in the last year as part of a MSD sewer project running through the middle of the subject property; no active operations will occur in the flood plain property; and

**WHEREAS**, in addition, a water quality basin and silt fencing will be utilized to prevent runoff into the nearby stream; all drainage systems will be approved by MSD prior to installation; and these design elements combine to provide adequate stormwater protection in compliance with the goals of this Guideline; and

**GUIDELINE 11: WATER QUALITY**

**WHEREAS**, this application complies with the Intents and applicable Policies of this Guideline because, as noted above, an Erosion Prevention and Sedimentation Control Plan will be required prior to construction, and because a water quality basin and silt fencing will be utilized to prevent runoff into the nearby stream; and

**GUIDELINE 12: AIR QUALITY**

**WHEREAS**, this application complies with the Intents and applicable Policies of this Guideline because the intent of this Guideline is to reduce the impacts of pollution caused by vehicular traffic and land uses; the proposed Tree Care, Inc. facility complies with the intent of this Guideline because the proposed facility will not materially increase traffic along Aiken Road, nor cause any traffic delays because Aiken road will easily accommodate truck traffic from this property; and

**GUIDELINE 13: LANDSCAPE CHARACTER**

**WHEREAS**, the intent of this Guideline is to protect and enhance landscape character and the design plan for this property will comply with the intent of this Guideline by creating distance buffers along the north and east edges of the property; and

\* \* \* \* \*

**WHEREAS**, for all the reasons explained at LD&T and the Planning Commission public hearing and also in the public hearing exhibit books on the approved detailed district development plan, this application also complies with all other applicable Guidelines and Policies of the Cornerstone 2020 Comprehensive Plan;

**NOW, THEREFORE**, the Louisville Metro Planning Commission hereby recommends to the Louisville Metro Council that it rezone the subject property from R-4 to M-2.

**NOW, THEREFORE**, the Louisville Metro Planning Commission hereby approves the Conditional Use Permit.