

STATEMENT OF JUSTIFICATION

Docket 16ZONE1024

In connection with the completed and signed Change in Zoning/Form District Application for approximately 5.4422 acres located at 14801 and 15001 Bush Farm Road in Louisville, Kentucky 40245 (the "Property"), the owner of the Property, Papa Oreo DS, LLC, a Kentucky limited liability company (the "Owner") justifies the request for a change in zoning as follows:

SUBDIVISION

The Property is currently a single tract zoned as R-4. The enclosed application and proposed Detailed District Development Plan (the "DDDP") contemplates a subdivision of the Property into two (2) separate lots as follows:

"Tract A" shall consist of a single lot of approximately 3.0 acres, located at the corner of Old Henry Road and Bush Farm Road;

"Tract B" shall consist of a single lot of approximately 2.4 acres, located to the northeast of Tract A along Bush Farm Road and backing up to the private drive known as McKinley Ridge Drive in the Hamilton Garden Homes development.

REZONING

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

Tract A shall be rezoned to C-1 for purposes of multi-tenant retail and commercial use, to meet the needs of the surrounding office, medical, and residential users.

Tract B shall be rezoned to C-N, also for commercial use, to meet the needs of the surrounding office, medical, and residential users. The Owner has executed a contract with a nationally recognized and highly reputable private daycare and preschool operator to be the proposed user of Tract B.

DDDP

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

Tract A shall have no direct access to Old Henry Road, and direct access only to Bush Farm Road. A variance is requested with respect to the 80' maximum front and street side setback.

Tract B shall have no direct access to Old Henry Road, and direct access only to Bush Farm Road. A variance is requested with respect to the 80' maximum front and street side setback, as well as the 35' required yard along the north east property line to allow for encroachment of the parking and drive lane.

With respect to both Tracts:

- 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-ways;
- A State highway encroachment permit will be obtained for entrances to Bush Farm Drive;
- 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
- A KTC permit will be required prior to construction plan approval.
- All drainage structures within the State right-of-way shall be State design.
- All new and existing sidewalks shall be either brought up to or built to ADA current standards.
- An encroachment permit and bond will be required for all work done within the right-of-way.
- Compatible utilities shall be placed in a common trench unless otherwise required by appropriate agencies.
- At the time of construction review, if sidewalks or a multi-use path is not built along Old Henry Road frontage in accordance with KYTC Road Project #5-367.20, the fee in lieu will apply.
- A karst survey detected no karst objects.

Two neighborhood meetings were held for discussion of this project – the first on Tuesday, July 5, 2016, at 7:00 at Community Presbyterian Church at 13902 Factory Lane, and the second on Monday, September 26, 2016 at the same time and place. Attendance lists and meeting minutes are attached with the Application.

The Property is located within the Neighborhood Form District. As permitted in the Neighborhood Form District, the Property will contain civic uses and neighborhood centers including a retail center and a daycare/preschool, at a scale that is appropriate for nearby neighborhoods (i.e., the retail center shall be approximately 20,900 s.f., and the daycare/preschool shall be approximately 11,000 s.f.). The surrounding residential population to the southeast is fairly dense with patio homes and other single family homes, including the Hamilton Springs development and Lake Forest Subdivision of over 1700 homes, sufficient to support expanding

the commercial uses in the area to include the retail center and daycare/preschool planned at the Property.

As required in the Neighborhood Form District, the Property will provide for accessibility and connectivity between adjacent uses and neighborhoods by automobile, pedestrian, bicycles and transit. Bush Farm Road is approximately 80' wide, accommodating automobiles and public transportation, and sidewalks are planned along the boundary of the Property for purposes of inviting human interaction via bicyclists and pedestrians. Placement of utilities will be underground to permit the planting of shade trees along the streets. As indicated in the site plan enclosed with the Application and proposed buffer renderings, buffering is planned along Hamilton Springs Drive and McKinley Ridge Drive.