

**DEMONSTRATION OF APPROPRIATENESS  
ZONE CHANGE  
1231 – 1241 Durrett Lane, Louisville, Kentucky  
Durrett, LLC, Property Owner**

The property owner, Durrett, LLC, hereby applies for (1) a change in zoning classification from C-1 Commercial District and C-2 Commercial District to PEC-Planned Employment Center 25.57-acre site, bearing a street address of 1231 – 1241 Durrett Lane, in Louisville, Jefferson County, Kentucky.

An existing 217,082 square foot building, which has been used as a call center, is proposed to remain on site. The site will be served by trucks which deliver goods to customers. Truck access to the site will be directly via Preston Highway and not via Durrett Lane. Employee access to and from the site is proposed via Durrett Lane. The number of persons to be employed on-site has not yet been determined.

**I. The Proposal conforms to the Plan 2040 Comprehensive Plan, effective in Louisville, Jefferson County, Kentucky.**

**Community Form Goal 1.** The Proposal conforms to Community Form Goal 1 and all applicable Objectives and Policies adopted thereunder, including Policies 6, 7, 8, 15, 16, 17, 18 and 21. The site is presently used as a commercial call center and has been used historically for large-scale office uses. Hence, the proposed zone change would not constitute a non-residential expansion into a residential area. Located on a major arterial roadway and transit corridor (i.e., Preston Highway), the Proposal would allow for higher density and intensity uses. Preston Highway is a Kentucky state highway (State Highway Route 61). Although the site lies within a Suburban Marketplace Form District, as opposed to a Workplace Form District, the proposal is nevertheless located near adequate infrastructure and transportation facilities. All air and noise ordinances will be complied with. Lighting provisions of the Land Development Code will be complied with. Uses on the subject site will conform to all air quality regulations promulgated by the Louisville Air Pollution Control District. The development and all uses on the subject site will conform to water quality regulations promulgated by the Metropolitan Sewer District. The proposed zoning district will not result in the displacement of residents or the loss of affordable housing units, nor will it create a strain on parking facilities in the area. Durrett Lane is not proposed to handle truck traffic to be generated by the development. Employee vehicles will utilize Durrett Lane, and it is not anticipated that the employee traffic will adversely impact the traffic-carrying capacity of Durrett Lane.

**Community Form Goal 2.** The Proposal conforms to Community Form Goal 2 and all applicable Objectives and Policies adopted thereunder, including Policies 1, 5, 6, 7, 8, 9 and 10. The proposal results in the reuse of developed land. The development has the potential for future outlot development along a commercial corridor with adequate connectivity. The site has no apparent

natural features thereon. The proposed PEC Planned Employment Center District will allow for commercial development and light and medium intensity industrial development.

**Community Form Goal 3.** The Proposal conforms to Community Form Goal 3 and all applicable Objectives and Policies adopted thereunder, including Policies 9, 10, 11 and 12. There are no natural features or natural systems on the site that should be respected. No wet or highly permeable soils or severe, steep or unstable slopes are present on-site. The site is not located within the Ohio River corridor. All comments from the Metropolitan Sewer District must be addressed.

**Community Form Goal 4.** The Proposal conforms to Community Form Goal 4 and all applicable Objectives and Policies adopted thereunder, including Policies 1 and 2. No historic assets or assets of architectural value are located on site. No distinctive cultural features are evident on site.

**Mobility Goal 1.** The Proposal conforms to Mobility Goal 1 and all applicable Objectives and Policies adopted thereunder, including Policy 4. The Proposal will allow for higher density and intensity uses in an area served by public transit service provided by the Transit Authority of River City via TARC Route 18.

**Mobility Goal 3.** The Proposal conforms to Mobility Goal 3 and all applicable Objectives and Policies adopted thereunder, including Policies 2, 3, 4, 5, 6, 9 and 10. The proposed zone change to PEC Planned Employment Center District would permit both medium and light intensity industrial uses, commercial and office uses. The proposed warehouse facility will be open 24 hours per day to allow for trans-shipment of goods when necessary. Preston Highway is a transit route. Truck traffic will utilize the Preston Highway entrance to the site, rather than Durrett Lane.

**Community Facilities Goal 2.** The Proposal conforms to Community Facilities Goal 2 and all applicable Objectives and Policies adopted thereunder, including Policies 1, 2 and 3. The development site is served by all existing necessary utilities. The Louisville Water Company has approved the Proposal, which indicates that the development has an adequate supply of potable water and water for fire-fighting purposes. The site will be served by the sewage treatment facilities of the Metropolitan Sewer District (“MSD”). It is anticipated that the Metropolitan Sewer District (MSD) will approve the Proposal.

**Economic Development Goal 1.** The Proposal conforms to Economic Development Goal 1 and all applicable Objectives and Policies adopted thereunder, including Policies 1, 2, 3, 4 and 5. The proposed zone allows for commercial uses and is located on a major arterial. Durrett Lane will not be utilized for heavy truck traffic, which would increase potential hazards on a local roadway serving residences and commercial uses. The proposed zone is located within close proximity to the airport and has ready access to the airport. The proposal provides adequate infrastructure and transportation facilities along a major arterial roadway with access to an interstate highway.

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**Livability Goal 1.** The Proposal conforms to Livability Goal 1 and all applicable Objectives and Policies adopted thereunder, including Policies 17, 21 and 24. The site is not located within the regulatory floodplain and does not appear to be susceptible to erosion.

The Proposal conforms to these and all other applicable Goals, Objectives and Policies of the Plan 2040 Comprehensive Plan.

- II. Utilities and essential public services will be provided to 1231-1241 Durrett Lane.** All necessary utilities and essential public services including public transit will be provided to 1231 – 1241 Durrett Lane.
  
- III. Provided the proposal is approved, the anticipated time period in which implementation of the proposed uses will be initiated is upon final approval and the expiration of the running of the statute of limitation.**

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**WAIVER JUSTIFICATION ADDENDUM**  
**Land Development Code Sec. 10.2.7**  
**Durrett, LLC, Applicant**

**This is a request for a waiver from Land Development Code (“LDC”) Section 10.2.7 to allow existing asphalt pavement to encroach into the proposed 15-foot expressway landscape buffer area.**

**1. The waiver will not adversely affect adjacent property owners.**

The waiver would only affect the extent of the 15-foot expressway landscape buffer and will not affect any adjacent property owners.

**2. Will the waiver violate the Comprehensive Plan?**

No. There is no provision of Cornerstone 2040 that would be violated by the grant of the waiver allowing a one-story building at this location. The proposal conforms to Community Form Goal 1 and Policies 20 and 23. Even though the existing asphalt pavement will encroach into the expressway buffer area adequate plantings to provide the necessary visual screen will be provided in the buffer area.

**3. Is the extent of the waiver of the regulation the minimum necessary to afford relief to the applicant?**

Yes. The waiver is requested only to the extent of the existing asphalt pavement.

**4. Has either (a) the applicant incorporated other design measures that exceed the minimums of the district and compensate for non-compliance with the requirements to be waived (net beneficial effect) or would (b) the strict application of the provisions of the regulation deprive the applicant of the reasonable use of the land or would create an unnecessary hardship on the applicant?**

The waiver request, if granted, would allow for a waiver of the expressway landscape buffer only to the extent of the existing asphalt encroachment. Additional plantings will be incorporated to create a net beneficial effect. The strict application of the regulation would deprive the applicant of the reasonable use of the land because the pavement area is presently in use and will continue to be utilized.

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**WAIVER JUSTIFICATION ADDENDUM**  
**Land Development Code Sec. 10.2.10**  
**Durrett, LLC, Applicant**

**This is a request for a waiver from Land Development Code (“LDC”) Section 10.2.10 to allow existing asphalt pavement/parking to encroach into the proposed 15-foot expressway landscape buffer area.**

**1. The waiver will not adversely affect adjacent property owners.**

The waiver would only affect the extent of the 15-foot expressway landscape buffer and will not affect any adjacent property owners.

**2. Will the waiver violate the Comprehensive Plan?**

No. There is no provision of Cornerstone 2040 that would be violated by the grant of the waiver allowing a one-story building at this location. The proposal conforms to Community Form Goal 1 and Policies 20 and 23. Even though the existing asphalt pavement will encroach into the expressway buffer area adequate plantings to provide the necessary visual screen will be provided in the buffer area.

**3. Is the extent of the waiver of the regulation the minimum necessary to afford relief to the applicant?**

Yes. The waiver is requested only to the extent of the existing asphalt pavement.

**4. Has either (a) the applicant incorporated other design measures that exceed the minimums of the district and compensate for non-compliance with the requirements to be waived (net beneficial effect) or would (b) the strict application of the provisions of the regulation deprive the applicant of the reasonable use of the land or would create an unnecessary hardship on the applicant?**

The waiver request, if granted, would allow for a waiver of the expressway landscape buffer only to the extent of the existing asphalt encroachment. Additional plantings will be incorporated to create a net beneficial effect. The strict application of the regulation would deprive the applicant of the reasonable use of the land because the pavement area has historically been utilized and will continue to be utilized.

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