

JUSTIFICATION STATEMENT OF ZONING APPLICATION'S COMPLIANCE WITH PLAN 2040

LOUISVILLE PICKLEBALL, LLC - PICKLE + SOCIAL LOUISVILLE -

8100 LYNDON PARK LANE: PROPOSED ZONE CHANGE FROM CN TO C-2

THE PROPOSAL

The applicant, Louisville Pickleball, LLC, proposes its application to rezone an approximately 3.9-acre property owned by the City of Lyndon and located at 8100 Lyndon Park Lane, Louisville, KY (the "Property"), from CN, Commercial Neighborhood to C-2, Commercial. With its formal zoning application, the applicant submits a detailed district development plan ("DDDP") whereon the applicant proposes to develop the Property as a mixed-use site where pickleball facilities, a wildly popular sport rapidly growing across the country, are meshed with a restaurant, mini-distillery and a moderate amount of retail space to create a destination in the City of Lyndon where folks can meet others and experience hospitality, food and drink, friendly pickleball competition, and spend time within an active, indoor/outdoor family atmosphere (the "Proposal"). Currently, the Property is a surface parking lot primarily serving visitors of Robsion Park, which neighbors the Property to north/northeast. The applicant's Proposal seeks to establish a community venue attraction in the City of Lyndon that will draw visitors to the Property from within and outside the City. The applicant, working closely with the City of Lyndon, desires to bring vitality and vibrancy to these underutilized grounds located near the center of the City of Lyndon with a mixed-use development where guests experience food and/or beverage dining before, after or during games of pickleball. Sometimes referred to as an "eatertainment", the applicant's type of land use can be a catalyst for additional economic development along the Lyndon Lane commercial corridor and be a unique venue for residents to enjoy.

To supplement this filing, requests for variance and waiver relief from the Land Development Code ("LDC") to allow for parking and vehicular use area to be within the fifty-foot non-residential to residential setback and the twenty-five foot landscape buffer area surrounding the Property; waiver relief from the LDC to allow more than 50% overlap of an existing fifteen foot sanitary sewer and drainage easement within the twenty-five foot landscape buffer area along the south property line; and waiver relief to not provide the vehicular and pedestrian connections to the north and south property lines will soon follow.

THE PROPOSAL'S AGREEMENT WITH PLAN 2040 LOUISVILLE METRO'S COMPREHENSIVE PLAN

Louisville Pickleball, LLC's application to rezone the Property from the existing CN, Commercial Neighborhood to the C-2, Commercial zoning designation is in agreement with Plan 2040, A Comprehensive Plan for Louisville Metro (Plan 2040), as justified in detail below, and therefore C-2 zoning is an appropriate designation for the Property and the zoning applicant warrants approval.

Plan Element 1 - Community Form

The applicant's Proposal conforms to Community Form Plan Element 1 and all applicable Policies adopted thereunder. The Community Form plan element guides the shape, scale and character of development in ways intended to promote a connected, healthy, authentic, sustainable and equitable built environment. Community Form encourages redevelopment while promoting land use flexibility and promotes the arts and creativity to enhance the quality of life and a sense of place. As described in detail herein, the applicant's Proposal advances these stated principles of the Community Form because the Proposal involves the development of an underutilized parking lot fronting the Lyndon Lane commercial corridor into a mixed-use site that promotes exercise activity as well as the congregation of folks for friendly competition, food and drinks, and spending social time with friends and family. The applicant is confident that its innovative "eatertainment" concept will not only revitalize the property, but will also be a destination attraction that add to the sense of place and can help bring people to the City of Lyndon on a more consistent basis and, eventually, propel additional positive growth along the Lyndon Lane corridor.

The Proposal complies with Community Form Goal 1, Policy 3.1.3 because the Property lies within the Neighborhood Form District, which is characterized by predominantly residential uses that vary from low to high density and that blend compatibly into the existing landscape and neighborhood areas. High-density uses will be limited in scope to minor and major arterials and to areas that have limited impact on the low to moderate density residential areas. The Neighborhood Form may contain open space and, at appropriate locations, civic uses and neighborhood centers with a mixture of uses such as offices, retail, shops, restaurants and services. The Neighborhood Form should provide for accessibility and connectivity between adjacent uses and neighborhoods by automobile, pedestrian, bicycle, and transit.

The Proposal complies with Community Form, Goal 1 and its applicable policies because it aims to reinforce and revitalize this particular portion of the Lyndon Lane commercial corridor with a mixed-use that is both neighborhood serving and an attraction that will draw folks to the City of Lyndon. The Property is positioned on the north side of an existing activity center that spans between New LaGrange Road and Lyndon Lane to the south and the Property to the north, which is just north of the intersection of Lyndon Lane and LaGrange Road (and a railroad); the Property is also a short walk south of Westport Village, a popular commercial activity center that although is currently in the Neighborhood Form could easily be in a Town Center or Village Form. A mixture of zoning districts (CN, C1, C2, CM, M1, M2, OR1, R5 and R4) and land uses (restaurants, commercial strip centers, self-storage facility, auto parts store, mower repair, tree service, automotive services, fueling station, liquor store, etc.) exist in the described activity center and the addition of the proposed mixed-use will compatibly fit and add to the area's variety of neighboring-serving uses. The Property is already zoned commercial and used as a parking lot for Robsion Park, so the requested zone change will not expand non-residential uses into a residential area. Building height and building setbacks will observe the Neighborhood Form District standards. Variance and waiver relief is needed for some of the parking and vehicular use areas to encroach into the 50' non-residential to residential setback along the sides and rear of the Property. The Property is relatively narrow – 239 feet – so a 50' setback around its perimeter significantly squeezes the development site. A privacy fence will be installed to protect 8109 Warwick Avenue – the one residential property containing residential buildings, although said buildings are not inhabited, from visual intrusions as well as help mitigate any noise generated from the Proposal. The majority of the pickleball courts will be inside the building and the two outdoor courts nearest 8109 Warwick Avenue will be under a canopy which, along with the privacy fence, will muffle noise from use of the pickleball courts.

Goal 2 of the Community Form encourages sustainable growth and density around mixed-use centers and corridors, where Plan 2040 promotes as areas for new investment in Jefferson County. Goal 2's Objective 2.b states that diverse land uses are encouraged to promote quality of place and walkability for neighborhoods and its Objective 2.d places emphasis on safe mobility options to strengthen connectivity around centers and corridors. As already discussed herein, the Proposal is intended for Property that anchors the northern end of an established commercial activity center in the heart of Lyndon, along Lyndon Lane and around its intersections with LaGrange Road and New LaGrange Road; the Property is also within a short walk south of another popular activity center, Westport Village. The Property has appropriate access via safe multi-modal transportation options, including vehicular, pedestrian and transit. Slightly to the north and across Lyndon Lane from the Property are single-family neighborhoods, including sections of Lyndon Garden's and Camelot; Partridge Meadows, a large multi-family development, is located on the other side of Robsion Park from the Property. Here, within this neighborhood form, residents have a well-established grid of streets and sidewalk connections to walk and bike to the Property. No changes to said existing grid pattern of streets surrounding the Property are proposed. It is hopeful that with the opening of the Pickle + Social Louisville at its location, additional reinvestment will come to the Lyndon Lane corridor and add to the growth and mix of uses to serve the surrounding residences and beyond.

Tree canopy and interior landscape areas will be provided onsite to meet or surpass applicable standards. The Property is generally flat with moderate undulation and contains no flood prone areas or wet or highly permeable soils, or severe, steep or unstable slopes exist on the Property to avoid. Hence, the Proposal protects existing natural resources and avoids substantial changes to topography. Plentiful open space for the surrounding neighborhood is located adjacent to the Property at Robsion Park, to which an existing pedestrian connection from the Property will be maintained, allowing easy and convenient access between the Property and the Park, two locations where residents can seek fun entertainment activities and exercise. Consequently, the Proposal complies with Community Form's Goal 3 and its applicable policies.

Community Form's Goals 4 & 5 are inapplicable to this Proposal, as there are no known historic or archaeological resources located on the Property and the policies listed under Goal 5 are limited to programmatic policies.

Plan Element - 2 Mobility

Goal 1 of Plan 2040's Mobility Plan Element is to implement an accessible system of alternative transportation models. Goal 2 of the Mobility Plan Element is to plan, build and maintain a safe, accessible and efficient transportation system, while Goal 3 encourages land use and transportation patterns that connect Louisville Metro and support future growth. The applicant's Proposal complies with Plan 2040's Mobility Plan Element and furthers its three goals because it encourages the utilization of the existing multi-modal transportation systems currently serving the Lyndon Lane commercial corridor and will facilitate the strengthening of walkability in the immediate area of the applicable Neighborhood Form, where pedestrian connections exist on both sides of Lyndon Lane. As previously described, the Property is located along an active commercial corridor where various commercial and industrial uses operate and in between larger activity centers to the north, at Westport Village, and to the south, where a mix of residential and industrial uses are. The Property is well positioned on the top of a stretch of commercial/industrial properties aligning Lyndon Lane, with the bulk of the residential properties to its west and east, a bit off of the commercial corridor, but still within reasonable walking distances. The intended use of the Property as a mixed-use pickleball/restaurant/retail facility is appropriately located within

the neighborhood for mobility of people because the Property is outfitted with existing pedestrian facilities that allow movement both north and south of the Property and is served by transit with a TARC stop steps to the south, via the existing sidewalk, of the property line. The transit stop provides a safe, convenient, and accessible location to use TARC, minimizing distances for pedestrians and transit users to and from the Property.

Vehicular access to the Property is from Lyndon Lane and will not be from areas of significantly lower intensity or density. Sight distances consistent with traffic speed, the flat terrain and alignment of Lyndon Lane will be established. From a vehicular mobility standpoint, the Property fronts Lyndon Lane, a minor arterial roadway that connects to other minor arterial level roadways to the north – Westport Road via Herr Lane – and to the south – New LaGrange Road; there is adequate capacity within the existing roadway grid supporting the surrounding area and their associated uses to handle the traffic generated from the Proposal. Moreover, existing sidewalk connections align these same roadways allowing for pedestrians, should they choose, to travel without the need for an automobile. Bicycle lane infrastructure has yet to be installed in the immediate area, but to plan for the future bicycle parking will be furnished on the Property to accommodate cyclists, further supporting non-motorized methods of mobility.

The applicant's proposed use of the underutilized property as both 1) a neighborhood-serving use and 2) as a destination point in the City of Lyndon, encourages various methods of mobility to access the Property. Indeed, the addition of a mixed-use development that includes a place to meet friends and family, eat, drink and engage in light exercise where no such use exists in the area today will contribute to reducing miles traveled for the residents living in the neighborhood, whom now have to venture by automobile elsewhere from the immediate area to find a use even remotely close to what is being proposed. The fact the Property and its proposed use is adjacent to Robsion Park, to which the Property will maintain its existing pedestrian connection, will further attract folks to getting out for active exercise because people can congregate for specific events or casual exercise and enjoyment at Robsion Park and grab a bite to eat before or after visiting the park without having to rely on a car to move between the Property and the Park. Moreover, the applicant will work with the City of Lyndon to identify opportunities where the properties can work together in support of larger events, such as festivals, farmers markets, movie or music nights in Robsion Park, etc.

For the foregoing reasons, the Proposal complies with the Mobility Plan Element of Plan 2040, including its Goals 1, 2 and 3 and their applicable Policies. The Proposal is properly supported by a safe, accessible and efficient transportation network that connects areas of residential, commercial, workplace, and recreation from various modes of transportation, including by automobile, via pedestrian connections and/or through easy-access to nearby transit and, hopefully soon, safely by bicycle.

Plan Element 3 – Community Facilities

Plan 2040's Community Facilities Plan Element provides guidance and recommendations for the proper integration of necessary community resources across Louisville Metro to plan and maintain accessible facilities that will improve the quality of life for existing and future residents and visitors of Louisville Metro. The Proposal complies with Plan 2040's Community Facilities Plan Element, and all applicable Goals, Objectives and Policies thereunder, because the Property shares a property line with Robsion Park and the applicant is confident that the popularity of the proposed use and Robsion Park will work symbiotically with some folks spending time enjoying both Robsion Park and Pickle Social during the same trip; Robsion Park can draw visitors to Pickle Social and vice versa.

The Property will support the Proposal and meet anticipated growth in the greater Lyndon area because the Property has access to existing infrastructure and all necessary utilities, including water, sewer, electricity, telephone and cable. To the extent possible, utilities will be located within common easements and trenches, as required by each utility. The applicant and the City of Lyndon will work together to review opportunities for shared parking for Robsion Park and the Property. The development also has an adequate supply of potable water and water for fire-fighting purposes and is served by the St. Matthews Fire Station 3, which is conveniently located nearby at 8126 new LaGrange Road, and by Lyndon Police Department.

Plan Element 4 – Economic Development

The intent of Plan Element 4 of Plan 2040 is to provide a positive, healthy economic climate for citizens of Louisville Metro and the City of Lyndon in a way that cultivates a vibrant place to attract and retain a highly-skilled workforce. The Property is appropriately located within an existing activity center along Lyndon Lane – a minor arterial roadway where the Property fronts it, which provides a central spine for moving goods and people north and south between Shelbyville Road to the south and, heading north, Whipps Mill Road, New LaGrange Road and Herr Lane/Westport Road. The Proposal promotes the Goals and Objectives of Plan 2040's Economic Development Plan Element because it is geographically positioned along a vital corridor, central to the City of Lyndon, near other commercial, industrial, office and residential uses and intersects with various minor arterial roadways and the Waterson Expressway is easily accessible within minutes from the Property. Yet, the Property itself needs a positive infusion of interest and investment. Here, the applicant, working with the City of Lyndon, sees an opportunity to create desired economic development in Lyndon through a new, unique business concept that marries hospitality, food and beverage, Kentucky bourbon and pickleball, a sport with popularity that is exploding across the country and beyond. Pickle + Social Louisville will provide a mix of employment opportunities for the local community. Indeed, the Proposal is a great example of local entrepreneurship where local business folks have reinvested back into the City of Lyndon to bring the City and its residents a new destination where visitors can eat, drink, engage in friendly competition, get exercise, congregate with friends and family, etc. Moreover, given the destination nature of the proposed use, the Proposal itself will draw customers and their dollars to the City of Lyndon, where other existing businesses can be frequented by these new customers and capture revenue previously not present in Lyndon.

The Proposal will enhance the quality of life for residents in Lyndon and beyond and the improvements to the underutilized property will inject value into the immediate area and protect the overall value of properties within Lyndon because the proposed use will offer various experiences, including new food and drink and will lure folks to the site to engage in exercise. The uniqueness of the proposed use will contribute to the authenticity of Lyndon. The Proposal invites folks to experience a community-focused space within a revitalized property that previously housed a surface parking lot, all within a neighborhood supported by multi-modal transportation. Indeed, this is the kind of authenticity Plan 2040 encourages development to achieve. What follows, if the zoning request is approved, is a neighborhood-serving business that will improve the economic value of the immediate area while contributing to vibrancy and uniqueness of an area that deserves the same, especially considering the Property's location near numerous well-traveled roadways in this area of Louisville Metro. Therefore, the Proposal is in agreement with the Economic Development Plan Element of Plan 2040.

Plan Element 5 – Livability

The Livability Plan Element of Plan 2040 provides guidance and direction for the provision and maintenance of resources necessary for the health and well-being of citizens, including a focus on designing places for health and safety with tree preservation and tree canopy enhancement. Applicant's Proposal is consistent with the applicable Goals, Objectives and Policies of Plan 2040's Livability Plan Element, primarily those set forth under Goal 1 of the Plan Element, because the redevelopment of the vacant Property will be done so in manner that protects the natural environment and, with the proposed improvements to the Property, integrates it with the built environment. The applicant looks to open up an active, indoor/outdoor community-serving use on property that today serves as a surface parking for the adjacent Robsion Park. With the proposed use, visitors can achieve active recreation at Pickle Social and Robsion Park, which offers opportunities for the Property and the Park to function with one another to create pleasant community events and experiences. The Proposal will implement trees and landscaping on the Property where very little tree canopy exists today, except for a couple trees on the south/southeastern property line; additional tree canopy, including street trees, on the site will assist in cooling the Property and providing shade for customers and pedestrians walking across its frontage.

The Property has access to an MSD service connection and the site design for the Proposal on the Property will include appropriate storm water detention facilities that will function with existing MSD sewer facilities and infrastructure already in place to further manage and accommodate stormwater runoff. As a result, the Proposal will accommodate stormwater runoff in a manner complying with MSD standards, which mandate post development rates of runoff may not exceed pre-development conditions for the 2, 10, 25, and 100-year storms or to the capacity of the down-stream system, whichever is more restrictive. The final design of the Proposal must meet all MS4 water quality regulations established by MSD and, therefore, site layout may change at the design phase due to property sizing of Green Best Management Practices. Per FEMA FIRM Panel 21111C0030F, no area on the Property is located in the regulatory floodplain, the 100-year flood hazard area, nor within the combined sewer overflow floodprone area. Hydric soils, streams (blue line or otherwise), riparian zones or surface water are not present on the Property. The Property contains no known archaeological features on it. The Property is largely level and no severe or steep slopes exist on site which would cause impediments to the Proposal. In accord with applicable MSD standards, implementation of an erosion prevention and sediment control plan will occur prior to any site disturbance on the Property. Consequently, applicant's Proposal will not have any negative impacts to mitigate on site.

The proposal conforms to the requirements of APCD, represents an efficient land use for the Property, while also enhancing the existing pattern of development along this particular stretch of the Lyndon Lane commercial corridor. Because the site is positioned in an area well-supported by multi-modal transportation infrastructure, including vehicular, pedestrian, and an accessible transit route along Lyndon Lane, the proposed development accommodates alternative modes of travel, which enables and promotes a reduction in vehicular miles traveled, thereby reducing overall air quality impacts. The transit stop on the east side of Lyndon Lane nearest the Property is located within mere steps of the Property, where TARC riders can safely walk to/from via existing sidewalks, thereby promoting both pedestrian and transit mobility.

Plan Element 6 – Housing

The Housing Plan Element strives to enhance housing opportunities for all citizens of Louisville Metro by promoting equitable housing means ensuring diverse, quality, physically accessible, affordable housing choices with access to opportunities, services and amenities. The following three Goals are set forth within the Housing Plan Element: 1) Expand and ensure a diverse range of housing choices; 2) Facilitate the development of connected mixed-use neighborhoods; and 3) Ensure long-term affordability and livable options in all neighborhoods. As discussed herein, the Proposal advances all three Goals of the Housing Plan Element. Applicant's Proposal incorporates no housing uses on the Property, neither single-family nor multi-family housing, and although the Property is within the assigned Neighborhood Form, the Property is a surface parking lot and, consequently, the Proposal will cause no displacement of residents from the Property or the immediate area. The C-2, commercial zoning designation being pursued for the Property by the applicant is a flexible zoning designation that does permit housing, however, including single-family, two-family and multi-family residential. Therefore, should the Property be re-purposed after its proposed use as a neighborhood mixed-use eatertainment venue, the C-2 zoning would permit a variant of housing types to be developed. Multi-family housing or a mixed-use development including a residential component atop commercial or office would be a nice transition from the Lyndon Lane commercial corridor on the western side of the Property to Robsion Park on the east side of the Property, as well as the handful of single-family housing to the north of the Property. Moreover, the Property's inclusion within an existing activity center and its doorstep access to public transit also supports a future housing development on the Property, where residents could conveniently avail themselves of multi-modal transportation.

Although the applicant is not pursuing a housing development for the Property, the Proposal will provide for the introduction of commercial use on the Property, which will serve a walkable neighborhood area and facilitate additional employment opportunities to residents in the area. As such, additional employment positions in the neighborhood will assist residents of inter-generational, mixed-income possibly find employment in an area within reasonable walking and bicycling distances from where they reside. Pedestrian connections already exist within the neighborhood, including along the site's frontages with Lyndon Lane. The Proposal is a major reinvestment for the Property, surrounding neighborhood, and the City of Lyndon. Not only is the Proposal a destination use that will attract folks to the City of Lyndon, the Proposal can also act as a catalyst for further investment/reinvestment in the Lyndon Lane corridor and beyond, including residential developments built at appropriate densities and price levels for inclusive, equitable housing in the neighborhood.

For all the foregoing reasons, including the information shown on the submitted detailed development plan to be discussed at the Planning Commission's Land Development & Transportation Committee, and for all other reasons presented at the LD&T review and the Planning Commission's public hearing, this Proposal to locate an active, vibrant and neighborhood serving mixed-use on a property fronting a vital City of Lyndon corridor and adjacent to a City park complies with all other applicable Guidelines and Policies of Plan 2040, Louisville Metro's adopted Comprehensive Plan.

Respectfully submitted,

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