

WAIVER REQUEST: PROPOSED JUSTIFICATION STATEMENT
SUPPORTING WAIVER OF VUA LBA REQUIREMENTS ALONG
WABASSO AVENUE AND 15-FOOT ALLEYWAY

LINLEY PROPERTIES I, LLC

317 WABASSO AVENUE, 4719 LOUISVILLE AVENUE & 310 E. WOODLAWN AVENUE
MAY OF 2021

WAIVER OF 10' VUA LBA REQUIREMENT – LDC 10.2.10 AND LDC TABLE 10.2.6

The applicant and property owner, LINLEY Properties I, LLC (“Linley”), is seeking approval of a zoning change from M-2, Industrial, CM, Commercial Manufacturing & R-6, Multi-Family to EZ-1, Enterprise Zone for its three parcels – 317 Wabasso Avenue, 4719 Louisville Avenue & 310 E. Woodlawn Avenue (the “Property”) – to bring the Property under one appropriate zoning designation for the existing, ongoing contractor’s shop and storage land use, which has operated on the Property for decades. With its zoning application, Linley proposes no new development on or improvements to the Property. The Property is located in the very active Suburban Workplace Form District, which includes Muhammad Ali International Airport and various airport-related land uses. In conjunction with the proposed rezoning of the Property, the applicant is requesting a waiver of LDC Table 10.2.6 to allow the existing parking field on the Property to not include the ten-foot (10’) vehicle use landscape-buffer areas within the parking area of the Property’s frontage along both Wabasso Avenue to the south and the fifteen foot (15’) public alleyway to the east. The property directly across the 15-foot alleyway, 4716 Old Park Boulevard, is undeveloped and vacant while the property directly across Wabasso Avenue from the Property, 4730 Crittenden Drive, is a larger, more intense industrial user (Nuplex Resins) that maintains a parking area along its Wabasso Avenue frontage with no VUA LBA, similar to the parking area Linley currently requests to maintain. These two aforementioned properties are most affected by Linley’s waiver request.

The requested waivers will not adversely affect adjacent property owners because, as noted, the property to the east of the 15-foot alleyway is vacant, undeveloped land owned by the Regional Airport Authority of Louisville and the Nuplex Resins property to the south of the Property maintains an almost identical condition Linley desires to maintain on its Property – specifically, a condition where a parking area fronts the roadway without an LBA, a condition that has persisted on the Property for decades. Though not a VUA LBA, the Property does have mature street trees along the area of Wabasso Avenue where the waiver is being requested. Accordingly, the waivers Linley hereby requests will not adversely affect adjacent property owners.

The requested waiver will not violate the Comprehensive Plan because the existing electrical contractor’s yard with storage and supporting office space is an appropriate land use for the highly active Suburban Workplace Form District and surrounding industrial and commercial uses. The associated zoning application requests appropriate EZ-1 zoning for

the Property and is in agreement with Plan 2040, A Comprehensive Plan for Louisville Metro (Plan 2040). Linley is pursuing its zoning application so that one appropriate zoning designation can be assigned to the Property. Indeed, for the current split-zoning assigned to the Property includes three separate zoning designations, one of which is residential, a zoning designation inappropriate for the Property or, for that matter, any property located this near the airport. Moreover, a primary thrust behind the zoning application is having the property zoned appropriately for marketing it to another industrial/commercial user. The next owner who acquires the Property will most certainly need an entirely new detailed district development plan approved to support the next use of the Property. At that time, the Property would essentially be a clean slate for site design to comply with applicable LDC requirements, such as VUA LBA specifications. The requested waivers will not violate Plan 2040, nor its Guidelines and applicable Policies, because it is simply allowing for an existing use, which has been ongoing for decades on the Property, to continue to operate until the Property requires new development plan approval. For all the reasons set forth herein, as well as within the detailed Change in Zoning Justification Statement submitted with the associated rezoning application, the waivers will not violate Plan 2040.

The extent of waiver of the regulation is the minimum necessary to afford relief to the applicant because with its zoning application, Linley is not proposing any new development for or constructing improvements on the Property. Rather, as discussed, Linley is simply seeking one appropriate zoning designation for the Property and its current ongoing use. Linley posits that it would be an inefficient use of capital and resources to dig up areas of the existing parking field to insert plantings for screening said parking area from neighboring properties, where thereon have zero VUA LBAs, when redevelopment of the Property by the next user will occur relatively soon in the future; said redevelopment will necessitate approval of a new detailed district development plan. Hence, what is a parking area on the Property today may be, upon redevelopment, something else entirely. Moreover, the strict application of the provisions of the regulation would create an unnecessary hardship for Linley because it would require Linley to redesign its existing parking field only to (temporarily) screen the ongoing land use that has operated on the Property for decades. The proposed rezoning of the Property will pave the way for future significant economic investment in the redevelopment of the Property, which is a more appropriate time to assure compliance with current site design requirements instead of retrofitting a long-existing site design for a land use that faces a short horizon for it to remain on the Property. Accordingly, the requested waivers will not violate the Plan 2040.

**JUSTIFICATION STATEMENT OF ZONING APPLICATION'S
COMPLIANCE WITH PLAN 2040**

LINLEY PROPERTIES I, LLC

**317 WABASSO AVENUE, 4719 LOUISVILLE AVENUE, 310 E. WOODLAWN AVENUE:
PROPOSED ZONE CHANGE FROM: R-6, MULTI-FAMILY RESIDENTIAL & CM, COMMERCIAL
MANUFACTURING & M-2, INDUSTRIAL
TO: EZ-1, ENTERPRISE ZONE**

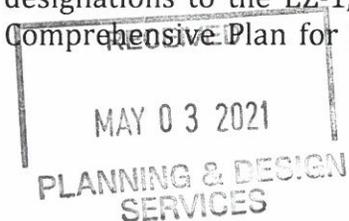
THE PROPOSAL

The applicant, Linley Properties I, LLC, proposes its application to rezone property located at 317 Wabasso Avenue (1.01 acres), 4719 Louisville Avenue (0.799 acres), 310 E. Woodlawn Avenue (1.022), Louisville, KY 40209 (2.83 acres in total)(the "Property"), from M-2, Industrial, CM, Commercial Manufacturing, and R-6, Multi-Family Residential to EZ-1, Enterprise Zone, so that the property, which has been used for decades as a contractor's shop, storage yard, warehouse and supportive office space ("Current Use"), can be brought under one zoning designation rather than remaining under its current mix of three zoning designations. The Property is located in a well-established and active Suburban Workplace Form District, which includes the Muhammad Ali International Airport and myriad airport-serving uses surrounding the airport; the Property is less than eight hundred feet (800') west of the airport property. Directly to the north and east of the Property are vacant properties owned by the Regional Airport Authority of Louisville; to the west, across the Louisville Avenue right-of-way, is a four-rail railroad. To the south across Wabasso Avenue is a large industrial user, Nuplex Resins, LLC.

No new development is being proposed with the zoning application. The applicant seeks EZ-1, Enterprise Zone for the Property because EZ-1 is prevalent in the immediate area and areas surrounding the airport and a zoning designation which allows for a mix of commercial and industrial uses is appropriate for the Property and the encompassing Suburban Workplace Form. The Current Use will continue on the Property in its current form and once rezoned to EZ-1 (if approved), the Property will be zoned under one designation, thereby removing uninviting barriers for the Property's reuse and/or acquisition (the "Proposal").

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

Linley Properties I, LLC's application to rezone its Property from the existing mix of R-6, Multi-Family Residential, C-M, Commercial Manufacturing and M-2, Industrial zoning designations to the EZ-1, Enterprise Zone designation is in agreement with Plan 2040, A Comprehensive Plan for Louisville Metro ("Plan 2040"), as justified in detail below, and,



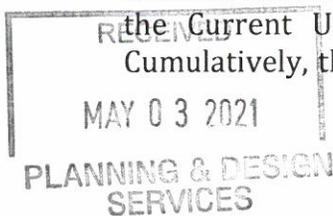
therefore, EZ-1 zoning is an appropriate designation for the Property and should be approved.

Plan Element 1 - Community Form

The 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*. As described herein, the applicant's Proposal advances these stated principles of the Community Form because the Proposal involves cleaning up a dated zoning configuration for the property that involves three separate designations for the site, including obsolete R-6 zoning for multi-family residential on property too near the airport for effective sound attenuation to mitigate the noises from the airport. In place of the current zoning, the applicant proposes EZ-1 zoning, a hybrid commercial and industrial zoning designation, for the current and future uses of the Property, which will provide flexibility for commercial, industrial, or hybrid commercial-industrial users (certain logistical users) to locate thereon and reinvest resources into the Property. With such convenient proximity to the Airport and other airport-reliant uses, future redevelopment of the Property is a strong likelihood.

The Proposal complies with Community Form Goal 1, Policy 3.1.10 because the Property lies within the Suburban Workplace Form District, which is characterized by predominantly industrial and office uses where the buildings are set back from the street in a landscaped setting. Suburban Workplaces often contain a single large-scale use or a cluster of uses within a master planned development. In order to provide adequate transportation access in suburban workplaces connected roads, public transportation and pedestrian facilities should be encouraged. Walkways to workplace-serving uses are encouraged for workplace employees. Development within Suburban Workplace Form Districts may need significant buffering from abutting uses. The Property currently contains a single user and is well served by existing infrastructure and with nearby access to public transportation via TARC's 93-UPS-UofL circulator route. Wabasso intersects directly to Crittenden Drive, where, at the intersection, Crittenden Drive transitions from a primary collector roadway from the north into a minor arterial level roadway heading south. Pedestrian connections exist in the area, including along Wabasso Avenue (to Crittenden Drive), whereby employees can walk to the front door of the current user's office component on the site.

The Proposal aims to reinforce and revitalize the Suburban Workplace Form by cleaning up the mix of zoning designations currently assigned to the Property, thereby making the property more appealing for another industrial/commercial user to eventually locate on the Property where said new user can locate near other compatible uses of similar nature and intensities and be served by adequate infrastructure and transportation facilities already in place. No residential uses are adjacent to the Property. The rectangular site contains five one- to one-and-one-half story buildings, including one main office building that also has warehouse space and four accessory structures the applicant utilizes to support the Current Use; these accessory structures are primarily used to store materials. Cumulatively, the buildings onsite add up to thirty-one thousand five hundred square feet

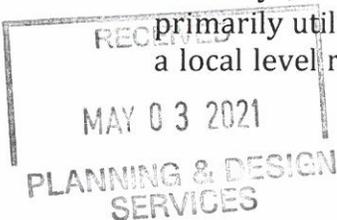


(31,500 S.F.). Areas between the buildings are completely paved and used for either parking or material storage. A chain link fence envelopes the Property, except for where the exterior facades of some of the buildings onsite continue to act as a barrier and thus no fence is necessary. The office/warehouse building is brick while the accessory buildings are a mix of metal and cinderblock, which have common utilitarian and industrial character. Because no new structures are proposed, current building scales and setbacks remain the same. The existing parking of sixty-nine (69) spaces is adequate to serve the Current Use and the applicant is proposing no new parking with its zoning application.

Goal 2 of the Community Form encourages sustainable growth and density around mixed-use centers and corridors. The surrounding Suburban Workplace Form is dominated by the Airport and land uses that rely upon the airport, where thousands of jobs exist daily; this Suburban Workplace is an employment center. While the Proposal is not asking for approval of new development, the rezoning of the property to EZ-1 will help attract new users to locate on the Property, thereby increasing investment in this important industrial area of Louisville Metro and further contributing to established employment center. Moreover, strengthening the Suburban Workplace Form through reinvestment and reuse of the Property will support the Traditional Neighborhood Forms located to the west of the subject Suburban Workplace Form because it will provide the residents of these neighborhoods with additional job opportunities. This Suburban Workplace Form is served by adequate roadway corridors and TARC service. No change to the existing grid pattern of streets is proposed and onsite parking is sufficient for the Current Use. The site contains no historic or archaeological resources that contribute to Louisville Metro’s authenticity, nor does the site contain watersheds, viewsheds, or natural resources to protect. No flood prone areas or wet or highly permeable soils, or sever, steep or unstable slopes exist on the Property to avoid. as mentioned, the site is located out of view from residential neighborhoods and contains no environmental resource or water feature, therefore nothing on the site is worth protecting for the purpose of enhancing residential neighborhoods. Consequently, the Proposal complies with the applicable objectives and policies of Plan 2040 Community Form’s Goals 1, 2 and 3. Plan 2040’s Goals 4 and 5 are inapplicable to this Property and specific Proposal.

Plan Element - 2 Mobility

The applicant’s Proposal complies with the intent of Plan 2040’s Mobility Plan Element and its applicable goals, objectives and policies. 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 because it will encourage the eventual redevelopment and reuse of the Property, thereby attracting reinvestment and new sources of jobs within the active Suburban Workplace Form. The Property is currently served by existing public roadways, where, within the Suburban Workplace, industrial and commercial traffic primarily utilize the roadway network. Primary access to the site is from Wabasso Avenue, a local level roadway. Vehicles do sometimes exit the storage yard area of the site onto E.



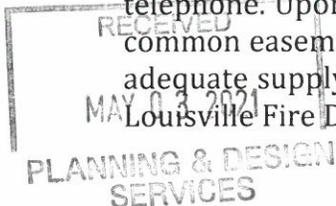
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Woodlawn Avenue, which connects to Old Park Boulevard and back to Wabasso Avenue before accessing Crittenden Drive, a primary collector and minor arterial depending on whether the driver heads north or south, respectively. There are no site-distance, corner-clearance or site-line issues affiliated with the existing curb cuts serving the Property. The Proposal will not add to the existing traffic in the immediate area and provided that no new development is planned with this zoning application, the current roadway network maintains more than adequate traffic carrying capacity. Moreover, no changes or improvements to the roadway network are needed to serve the ongoing Current Use on the Property or other users in the immediate area.

TARC operates a circulator route around this Suburban Workplace, providing other transportation options for employees to access job locations in the area. Pedestrian connections exist in the area, including along Wabasso Avenue and Crittenden Drive, allowing for movement of employees on foot from property to property or from transit stops to the Property. The Current Use does not have employees who bike to work, but upon redevelopment of the site by another user, the inclusion of bicycle parking and bicycle facilities on the Property should be explored. Adequate parking for the Current Use is established on the Property, as sixty-one (61) parking spaces, including three (3) ADA spaces are located onsite; Fifty (50) minimum and ninety-nine maximum spaces are required for the Current Use on the Property. As shown on the development plan filed alongside its zoning application, the applicant's parking field is located in the southeast corner of the Property and maintains direct access to Wabasso Avenue. The parking field is isolated from the contractor's storage yard component of the site, therefore the internal vehicular movements related to parking are separate from the internal vehicular movements made while entering and exiting the storage yard areas. Though street trees currently occupy space between the sidewalk and Wabasso Avenue, the applicant may need relief from the Land Development Code to address the current condition of the parking field and the required landscape buffer area along the existing parking field's Wabasso Avenue frontage. The industrial use directly across Wabasso Avenue from the Property maintains zero landscaping along its Wabasso Avenue frontage, however. 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.

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 is within the urban service district, served by existing infrastructure and all necessary utilities, including water, sewer, electricity, and telephone. Upon redevelopment, and to the extent possible, utilities will be located within common easements and trenches, as required by each utility. The development also has an adequate supply of potable water and water for fire-fighting purposes and is served by the Louisville Fire District 3. Moreover, the rezoning of the Property under one common zoning



designation can help future investment in the Property and hopefully lure a new source of jobs to the area and a land use that could further support one of the city's largest community facilities – the airport.

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 in a way that cultivates a vibrant city to attract and retain a highly-skilled workforce. Sound economic development planning allows for equitable, sustainable and innovative growth that strengthens our community's ability to attract and retain a strong and diverse workforce. The applicant's Proposal advances the intent of Plan 2040's Economic Development because it will designate consistent and appropriate zoning for the Property which will eventually become available to facilitate a new industrial/commercial user within a prime Suburban Workplace Form already outfitted with infrastructure which serves industrial and commercial uses compatible with the EZ-1 zoning proposed for the Property. Additionally, the Proposal promotes the Goals and Objectives of Plan 2040's Economic Development Plan Element because it is geographically positioned near the Louisville's international airport where many airport-oriented uses serving the airport and UPS' Worldport, which is expected to expand in the upcoming years, coexist and take advantage of common infrastructure needs. The Property fronts Wabasso Avenue, which plugs directly into Crittenden Drive, an arterial and collector level roadway, providing the Current Use and future uses appropriate transportation connectivity. As mentioned, Tarc does serve the Suburban Workplace Form with a circulator route, which addresses access to multi-modal for the workers who have jobs in this employment center. In short, rezoning the Property to EZ-1 will provide an opportunity for the eventual adaptive reuse of industrial property of which the Current Use may not be the highest and best use for the Property. 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 and developing places while prioritizing the protection and enhancement of the natural environment and the integration of it with the built environment as development occurs. 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 rezoning of the Property proposes no new development at this time and the Current Use will continue until a new user locates thereon, which will require submittal of a new detailed development plan for review and approval. The Property is surrounded by transportation infrastructure (road, rail, air), industrial users or vacant properties between it and the airport, which is mostly owned by the Airport Authority. No environmentally sensitive features exist on or near the Property. The existing built environment will remain; no new buffers areas are proposed at this time because the Property is and has been adjacent to industrial properties with no buffers or screen, which is not uncommon of properties located in purely industrial/heavy commercial centers.

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SERVICES

The Proposal requires no additional impervious surfaces and will utilize existing sewer facilities and infrastructure already in place to further handle stormwater runoff. As mentioned, parking is already in place on the Property and no expansion to the parking field is necessary at the current time. The existing street trees along the Property's Wabasso Avenue frontage will remain as they are today. No area associated with the Proposal is located in the regulatory floodplain nor the 100-year flood hazard area. Hydric soils are not present on the Property. The site does not display thereon any characteristics of carbonate or karst areas being present; nor does the Property contain any protected waterways, riparian zones, nor blue line steams – perennial or intermittent; the Property contains no known archaeological features on it; and no severe, steep or unstable slopes exist on site of which would cause impediments to the Current Use or redevelopment of the site, whenever that occurs in the future. The built environment exists and the use is ongoing onsite; thus, no site disturbance is expected on the Property and, therefore, implementation of an erosion prevention and sediment control plan is unnecessary. 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 that maintains the existing pattern of development for the Property and its immediate surrounding area within the Suburban Workplace Form, and utilizes current traffic patterns and infrastructure. Although the Property is located within an industrial center, it is positioned in an area supported by transit services and pedestrian connections, whereby accessing the site is not limited to only vehicle access. Moreover, the proposed rezoning of the property to a more appropriate EZ-1 zoning will eventually draw reinvestment to the Property by a new user, which will provide an opportunity to revisit site design and upgrades to various infrastructure systems to appropriate support what's then being proposed for the Property.

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. The Proposal advances all three Goals of the Housing Plan Element because it seeks to remove R-6, Multi-Family zoning from the Property, which is located far too near the arrival and departure runways of Louisville Metro's Muhammad Ali International Airport to now locate thereon livable residential options. Residential zoning is no longer appropriate for properties situated in very near proximity to the Airport, which emits unceasing airplane noise, notably from UPS Worldport. Moreover, if UPS Worldport further expands, which is expected, negative impacts generated from the constant airport noise would be far too detrimental to healthy residential living. And although EZ-1 does provide for housing developments in certain circumstances, there are no situations now or in the future where



residential development is appropriate for the Property; it should never be allowed as long as the Airport continues its operations in its current location.

Although the applicant is (appropriately) not pursuing a housing development for the Property, the Proposal will provide for the eventual redevelopment and reinvestment of capital into the Property, which will add to the employment opportunities within the already active Suburban Workplace Form, which neighbors Traditional Neighborhoods to the west. As such, additional employment positions in the area will assist residents of inter-generational, mixed-income and mixed-use development possibly find employment in an area within reasonable commuting distances from where they reside. Pedestrian connections already exist within the Suburban Workplace Form as well as accessibility to TARC. The rezoning of the Property to EZ-1 does not displace current residents and the prospect of the Property's redevelopment into another significant industrial/commercial use will support existing and future residential uses in the surrounding neighborhoods.

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 bring the Property and its long-established use under one zoning designation appropriate for the Property and for the surrounding Suburban Workplace Form District complies with all other applicable Guidelines and Policies of Plan 2040, Louisville Metro's adopted Comprehensive Plan.

Respectfully submitted,

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