

APPLICANT'S AMENDED JUSTIFICATION STATEMENT **ADDRESSING COMPLIANCE WITH PLAN 2040**

WSA REALTY PROPERTIES, LLC

13300 (13202) OLD HENRY ROAD
PROPOSED ZONE CHANGE FROM: C-2, COMMERCIAL
TO: PEC, PLANNED EMPLOYMENT CENTER

THE UPDATED PROPOSAL

The applicant, WSA Realty Properties, LLC, proposes its amended application to rezone property located at 13202 & 13300 Old Henry Road (Lojic references 13202 (parcel ID # 0023 0706 0000) as attributable to the property as well; in conversations with Metro Emergency Services, 13300 is the preferred address assignment for the property), Louisville, KY 40223 (12.38 acres in total)(together, the "Property"), from C-2, Commercial to now PEC, Planned Employment Center, so that the Property can be used in the immediate future for the much needed storage of heavy truck trailers, as further depicted on the Rezoning Development Plan, drafted by AL Engineering Inc., and filed alongside the formal zoning application, and, after the outdoor storage use on the Property concludes operations, the Property will be well-position to support future operations similar to those uses established across Old Henry Road in the Eastpoint Business Park, the properties of which are wholly zoned PEC. The applicant's initial zoning application sought M-2, Industrial zoning for the Property (the "Updated Proposal").

Per Section 2.6.3 of the Land Development Code ("LDC"), PEC is a hybrid zoning district that permits all uses in the M-2, Industrial zoning district and C-1, Commercial zoning district, including office buildings. The applicant's amended zoning application requests a zoning designation that would allow a mix of uses that are less intense than commercial than what is permitted within the Property's existing C-2, Commercial district and the uses within the M-2 zoning district initially sought by the applicant's original formal zoning application. After further evaluation of the applicant's initial zoning application, the surrounding properties and their respective zoning classifications, notably the Eastpoint Business Park across Old Henry Road, and what zoning classification makes the most sense moving forward into the future with ever-evolving market forces and, per Plan 2040, Comprehensive Plan for Louisville Metro ("Plan 2040"), the applicant believes PEC zoning is the most appropriate zoning district for the Property and the surrounding employment center because PEC is a more flexible zoning designation that allows uses not solely limited to industrial uses and PEC zoning is well-established in the employment center. Therefore, the applicant asserts that PEC zoning for the Property is the more appropriate zoning district than solely M-2, Industrial, and that PEC is a better fit for the immediate area long term, because having the ability to locate industrial, commercial, office users, and uses that involve a mix of the same, is more consistent with the zoning of the Eastpoint Business Park and the uses that have located and are operating in the Eastpoint Business Park would be welcomed on the Property, across Old Henry Road.

The Property is located in the Suburban Workplace Form District, just west of the Old Henry/Gene Snyder interchange. In 2013, Louisville Metro, under Case No. 17833, approved change in zoning to C-2, Commercial and conditional use permit applications for the Property to allow thereon the location of an auto auction use. The auto auction was never established on the Property, however. The now proposed PEC zoning is appropriate for the Property because of its location within the Suburban Workplace Form and because the Property is bordered on the south and east by a rock quarry, a long-established heavy industrial use, and on the north across Old Henry Road by the Eastpoint Business Center, a busy commerce park comprised of various office and logistical users, anchored by a major Kroger warehouse and distribution center. To the west are a few residential properties that remain within the Suburban Workplace Form. The trailers will be driven to the site for secured storage. No long-term parking or storage of tractor trucks are intended for the site, however. And other than a security/guard shack, no buildings are being constructed on the Property.

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

WSA Realty, LLC's amended application to rezone the Property from the existing C-2, Commercial to the PEC, Planned Employment Center zoning designation is in agreement with Plan 2040, as justified in detail below, and, therefore, PEC zoning is an appropriate designation for the Property and should be approved.

Plan Element 1 - Community Form

The Updated 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 Updated Proposal advances these stated principles of the Community Form because the Updated Proposal involves the use of Property in a fashion that is consistent with the particular form district wherein the Property lies – Suburban Workplace – but also in a way that will allow flexible, appropriate reuse when the time for the Updated Proposal on the Property comes to an end. In place of the current zoning, the applicant proposes PEC, Planned Employment Center for the current and future uses of the Property, which will permit commercial, industrial, office or hybrid commercial-industrial users (certain logistical users) to locate thereon and reinvest resources into the Property. With such convenient proximity to the Gene Snyder Freeway, and without the need to traverse local roadways serving residential neighborhoods, redevelopment of the Property is a strong likelihood.

The Updated Proposal complies with Community Form Goal 1, Policy 3.1.10 because the Property lies within a 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. Development within Suburban Workplace Form Districts may need significant buffering from abutting uses. The proposed change in zoning to PEC, Planned Employment Center complies with Goal 1 of the Community Form Plan Element because the Updated Proposal is for a single user on property located within a large Suburban Workplace Form, where office/warehousing and logistical users operate alongside heavy industrial uses. Adjacent to the east and south of the Property is the Rogers Group Jefferson County Stone rock, gravel, and sand quarry, which is zoned M-2 and M-3, Industrial. Eastpoint Business Center, which is designated PEC, Planned Employment Center, is across Old Henry Road from the Property. Except for the few remaining residential properties located immediately to the west of the Property, the Suburban Workplace Form is comprised of M-1, M-2, M-3 and PEC-zoned properties. Therefore, the PEC zoning the Applicant now requests for the Property is compatible with the zoning designations of surrounding properties.

The Property is located along the southern frontage of Old Henry Road, a minor arterial roadway, and within a very short drive west of the on- and off-ramps to the Gene Snyder Freeway, thereby providing safe, convenient accessibility via the existing roadway network. Though not as pertinent to the currently proposed outdoor storage use, which will not have many daily employees, TARC serves the Eastpoint Business Center across Old Henry Road, which will support subsequent uses on the Property and their workers who might rely on transit. The current C-2 zoning of the vacant Property means the Updated Proposal will not be expanding a non-residential use into an existing residential area and the 50-foot landscape buffer area, which will be well-planted with existing and new trees, will provide a natural screen to appropriately buffer the Updated Proposal from the remaining residential properties adjacent to the west of the Property. Additionally, the Updated Proposal will maintain setbacks and the existing tree canopy within the applicable 30-foot parkway buffer along the Property's Old Henry Road Frontage so that the pattern of development along Old Henry Road's southern frontage will remain intact and any visual intrusions created by the outdoor storage of truck trailers are effectively screened by natural materials. Other than a guard shack for onsite security of the outdoor storage area, no buildings are proposed to be constructed onsite. Lighting on the Property will be LDC-compliant, shielded and directed down so that the security lighting of the storage area will not leave the Property and negatively affect neighboring properties. No hazardous materials will be stored, handled or disposed of on the Property and no threats of ground water or surface stream contamination will occur from the Updated Proposal.

Goal 2 of the Community Form encourages sustainable growth and density around mixed-use centers and corridors. Goal 2, Policy encourages development of non-residential and mixed uses in designated activity centers provided when a proposed use requires a special location in or near a specific land use, transportation facility. Here, the applicant's Updated Proposal is located within an established job center comprised mainly of office/warehouse uses (which include heavy trucks serving logistical centers) and other heavy industrial uses, where such uses are well positioned next to a transportation facility in the Gene Snyder Freeway, thereby allowing for truck traffic to efficiently access a freeway-level roadway without having to traverse local neighborhood level roadways. The encompassing Suburban Form is served by adequate roadway corridors and TARC service within the Eastpoint Business Center. No change to the existing grid pattern of streets is

proposed. The site contains no historic or archaeological resources, including no historic buildings, that contribute to Louisville Metro's authenticity, nor does the site contain watersheds, viewsheds, or natural resources to protect. Some level of grading to portions of the Property is expected and will be coordinated with MSD. No flood prone areas or wet or highly permeable soils exist on the Property to avoid. Consequently, the Updated Proposal complies with the applicable objectives and policies of Plan 2040 Community Form's Goals 1, 2, 3 and 4. Plan 2040's Goal 5 is inapplicable to this Property and specific Updated Proposal.

Plan Element - 2 Mobility

The applicant's Updated 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 Updated Proposal complies with Plan 2040's Mobility Plan Element because the Property is supported by existing transportation infrastructure sufficient to accommodate the Updated Proposal and the future uses that will succeed it on the Property; the Property is located on a site that will enable proper and direct access to Old Henry Road, a minor arterial, where activities of the proposed use will not adversely affect adjacent areas. The site is within an existing industrial area with transportation facilities that are compatible with and support access to surrounding land uses. The existing entrance to the Property will be improved, if necessary, to facilitate safe vehicular and pedestrian access to and from the proposed development and adjacent land uses. And access to the site will not occur through areas of significantly lower intensity or density in development and site access will provide sight distances consistent with probable traffic speed, terrain and alignments in road design. No additional right-of-way dedication or road improvements are required, the current roadway network maintains more than adequate traffic carrying capacity.

TARC operates a local route within the Eastpoint Business Center directly across Old Henry from the Property, providing other transportation options for employees to access job locations in the area, including for future land uses that may locate on the Property. The proposed development ensures proper functioning of internal circulation and appropriate access to the existing roadway system. The Updated Proposal does not contemplate employees who will bike to work at this time, but upon redevelopment of the site by another user, the inclusion of bicycle parking and bicycle facilities on the Property should be explored to support employees of these users. Other than a parking area for security guards manning the site, vehicle parking needs for the Updated Proposal is minimal to almost non-existent. For the foregoing reasons, the Updated 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 Updated Proposal complies with Plan 2040's Community Facilities Plan Element, and all applicable Goals, Objectives and Policies thereunder, because the Property is served by existing infrastructure which has adequate carrying capacity for the Updated Proposal. Despite the Updated Proposal needing only limited access to all utilities, water, electricity, telephone are all available to the Property. Upon redevelopment of the Property, and to the extent possible, utilities will be located within common easements and trenches, as required by each utility. As previously noted, the site is located in a highly accessible area on Old Henry Road, in very close proximity to the Gene Snyder Freeway interchange, ensuring the existing roadway network is adequate to handle the traffic that will be generated by the proposed development. The site also has an adequate supply of potable water and water for fire-fighting purposes and is served by the Anchorage-Middletown Fire Department. The Property is served by Louisville Metro Police Department's Eighth Division.

Plan Element 4 – Economic Development

The intent of Plan 2040's Plan Element 4 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 Updated 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 existing infrastructure and utilities, which serve industrial, commercial and office/warehouse uses compatible with the PEC zoning proposed for the Property. Additionally, the Updated Proposal promotes the Goals and Objectives of Plan 2040's Economic Development Plan Element because the Property has direct access to Old Henry Road in close proximity to the Gene Snyder Freeway interchange without having to conflict with residential neighborhood traffic. Thus, locating the Updated Proposal on the Property will ensure safe, efficient and adequate access, making it a prime location for the proposed use, which addresses a dire need in Louisville Metro – a safe, appropriate area for the storage of semi-truck trailers. In short, rezoning the Property to PEC will better accommodate the Updated Proposal than the existing C-2 zoning of the Property and be more flexible than the M-2 zoning district initially being sought by the applicant, which will create more opportunities for the eventual adaptive reuse of the Property. Therefore, the Updated 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 designing and developing places while prioritizing the protection and enhancement of the natural environment and the integration of it with the build environment as development occurs. Applicant's Updated 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 building of structures on the Property (outside of a minor guard shack and a fence) at this time and the Updated Proposal will utilize the Property in a fashion that respects the natural environment surrounding the area on the Property intended for use, while also maintaining and supplementing the natural buffers aligning the northern and western property lines, thereby screening the Updated Proposal from the residential neighbors to the west and protecting the parkway character along Old Henry Road. The Property is surrounded by transportation infrastructure (Gene Snyder Freeway and TARC local route for employees who rely on transit), industrial users, a rock/stone quarry, Eastpoint Business Center, and a few residential properties.

The blueline stream that flows northeast to southwest on the neighboring property to the southeast of the Property will be protected as the Updated Proposal will use an area of the Property above the stream and 100 year floodplain, thereby preserving the stream buffer and the trees located therein; the floodplain located in between the blueline stream and the Updated Proposal will be undisturbed. A stormwater detention basin is proposed in an area between the proposed impervious area and the floodplain area. The detention basin design is required to receive approval from MSD prior to construction of the proposed development. In addition, an Erosion Prevention and Sediment Control Plan utilizing best management practices as recommended by MSD will be implemented prior to commencing construction of the development. Hydric soils are not present on the Property. No other environmentally sensitive features exist on the Property. The Property contains no known archaeological features on it; and no unstable slopes exist on site of which would cause impediments to the Updated Proposal or redevelopment of the site, whenever that occurs in the future. Consequently, Applicant's Updated Proposal will not have any negative impacts to mitigate on site.

The Updated 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 a well-established industrial/business center, it is positioned in an area supported by transit services in the Eastpoint Business Center. The Property is perhaps located too near the on ramp to the Gene Snyder for pedestrian connections to be safely used, and, as an alternative, the Applicant is willing to pursue constructing pedestrian connections along the portions of Old Henry Road's northern frontage where connections are needed, under supervision of Transportation Planning and KYTC, of course, or pay a fee-in-lieu option to satisfy the requirement to provide pedestrian connections. Moreover, the proposed rezoning of the property to a more appropriate PEC zoning will eventually draw reinvestment by a new user to the Property after the Updated Proposal. Currently, and in the near future, however, the Updated Proposal will have a positive effect for the area because it will meet the demand for storage of heavy truck trailers, which is high in the immediate area and greater Louisville Metro area.

Plan Element 6 – Housing

Although the Applicant is (appropriately) not pursuing a housing development for the Property, the Updated Proposal will provide for the eventual redevelopment and reinvestment of capital into the Property, which will add to the employment opportunities and additional area for new industries to locate within the already active Suburban Workplace Form, where residents from nearby and connected Neighborhood Forms can find employment. As such, additional employment positions in the area will assist residents of inter-generational, mixed-income and mixed-use development possibly find jobs 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 PEC displaces no 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 Updated Proposal seeking PEC, Planned Employment Center zoning is appropriate for the Property and for the surrounding Suburban Workplace Form District and, therefore, complies with all applicable Guidelines and Policies of Plan 2040, Louisville Metro's adopted Comprehensive Plan.

Respectfully submitted,

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