

AMENDED ZONING JUSTIFICATION STATEMENT OF COMPLIANCE
CHANGE IN ZONING FROM R-4 SINGLE-FAMILY RESIDENTIAL
TO R-5A MULTI-FAMILY RESIDENTIAL

CATVVB, LLC
-REGENCY PARK-
8702 PEEBLE LANE,
8816 & 8820 W. MANSLICK ROAD
19-ZONE-0024

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THE UPDATED PROPOSAL

A change in zoning from R-4, Single-Family Residential to R-5A, Multi-Family Residential is now being requested to permit the applicant, CATVVB LLC, to develop a creative housing solution involving a condominium community for mini-home dwellings on property located at 8702 Peeble Lane, 8816 and 8820 Manslick Road (the "Property"), which the applicant intends to develop to help Louisville Metro address its substantial and ever increasing void in available affordable housing. Initially, the applicant formally filed a zoning application with Louisville Metro Planning and Design seeking UN, Urban Neighborhood zoning for the 8702 Peeble Lane and 8820 Manslick Road properties to develop a similar community, but in the form of a subdivision with 119 individual lots, whereon a combination of mini-houses and patio-homes were proposed for the site. That application, filed in December of 2019, was submitted after holding three neighborhood meetings with nearby property owners. To further reduce the proposed density of the community, alleviate concerns folks had about the UN zoning request, and to increase the development site to add a community club house and recreational area for the residents, the applicant now hereby submits an amended zoning application, wherein it requests R-5A zoning to permit a condominium community of 95 mini-home dwelling units and a clubhouse amenity (Amended Application). On June 17, 2020, prior to the filing of this Amended Application, the applicant "virtually" held its fourth neighborhood meeting.

As the applicant stated in its initial formal zoning application, it seems one cannot go a week or two without reading an article from a local news source wherein it informs (reminds) readers of the housing woes Louisville Metro folks in need (and millions across the country) grapple with daily. Indeed, on December 4, 2019, the Courier Journal published an article entitled "Louisville Homeownership Is a 'Perfect Storm of Racism' Housing Report Says,"¹ wherein it reported upon some of the findings of the Metropolitan Housing Coalition's recently released

¹ Ladd, Sarah, *Louisville Homeownership Divide Is a 'Perfect Storm of Racism' Housing Report Says*, *Louisville Courier Journal*, December 4, 2019.

annual housing report. One of the housing report’s major warnings was the deep divide in homeownership between black and white residents in Louisville and Jefferson County, explaining how white homeownership almost doubled black and Hispanic homeownership in 2000, 2012 and 2017. Mayor Greg Fischer released a statement wherein he affirmed the city is working to fill the gaps in Louisville Metro’s housing, stating, “the city is working toward the goal of creating housing choices for residents across all income levels and helping residents build generational wealth through homeownership.”² Fast forward to today, Louisville Metro now faces an even more dire housing situation with folks who were already struggling to manage housing costs now having to grapple with the myriad devastating effects stemming from an uncontained pandemic. With tens of thousands of Louisvillians out of work due to this pandemic, the unfortunate reality of being unable to pay for housing will soon befall many. Consistent with its first formal submittal, the applicant is pursuing a creative development solution to provide a moderate and appropriate amount of quality affordable housing on the Property.

If approved, the applicant will redevelop 11.28 acres (previously 10.5 acres) of property currently sitting idle, most recently used as a mobile-home park into, a condominium community offering 95 individual mini-home dwellings and a clubhouse with recreational space for its residents (the “Proposal”). In direct response to the severe affordable housing shortage in Louisville Metro, and directly in line with the Mayor’s announced goal of increased affordable housing choices the city is working towards, the applicant’s Proposal will assist in supplying housing choices for residents across all income levels and, with the opportunity afforded to future residents to purchase into a condominium community, the Proposal will provide an option in the area for those residents who wish to start building equity in their own property instead of paying rent costs for an apartment/house owned by another party.

The proposed condominium community, named Regency Park, will compatibly add to the range of housing in the Fairdale area, with quality-designed dwellings available for ownership at affordable price points. The Property enjoys direct access to W. Manslick Road, where drivers have an option to head north or south to access a well-connected network of public streets and nearby access to transit. In addition, a trailhead to the ring of parks is located within a short walk from where Regency Park connects to W. Manslick Road, just yards to the south of the Regency Park’s entrance. Accordingly, the Property lends itself to a great opportunity for its redevelopment into an affordable residential community appropriately located near convenient access to recreational parkland, commercial goods and services, entertainment, and employment options.

For the reasons stated herein, the proposed change in zoning comports with Kentucky Revised Statute 100.213 because it is in agreement with the Plan 2040, A Comprehensive Plan for Louisville Metro (“Plan 2040”) and, therefore, should be approved.

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² *Id.*

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THE UPDATED PROPOSAL IS IN AGREEMENT WITH AND CONFORMS TO ALL APPLICABLE PLAN ELEMENTS, GOALS, OBJECTIVES AND POLICIES OF PLAN 2040, A COMPREHENSIVE PLAN FOR LOUISVILLE METRO

Plan Element 1 – Community Form

The subject property is located within the Neighborhood Form District. Goal 1, Policy 3.1.3 informs the Neighborhood Form is characterized predominantly by residential uses that vary from low to high density and that blend compatibly into the existing overall landscape and neighborhood areas. Moreover, Plan 2040 states the Neighborhood Form should provide diverse housing types and housing choices for differing ages, incomes, and abilities. New neighborhoods are encouraged to incorporate these different housing types within a neighborhood as long as the different types are designed to be compatible with nearby land uses.

Regency Park will allow redevelopment of the Property in a fashion that will strengthen the existing Neighborhood Form because it will revitalize a vacant property with a unique condominium community comprised of mini-homes built with quality building materials that will blend compatibly into the surrounding landscape. Today, the Property is now used far below its optimal potential and appears unbecoming of its location; ever since the mobile home park vacated the premises, the Property has remained vacant and, at times, overgrown. For numerous obvious reasons, said condition is not ideal for existing adjacent property owners. The building scale of Regency Park and the site layout of the redeveloped Property is consistent with the range of existing development found in the surrounding neighborhoods. The proposed club house situated at the entrance to Regency Park and fronting W. Manslick will maintain its look as a single-family residential house, thereby maintaining the look of the existing residential pattern along this specific stretch of W. Manslick Road, between Greyling Drive and the railroad to the northwest. A blend of residential patterns exist near the Property, from smaller scale homes on larger lots to more recently built small-scale subdivisions to a number of mobile home communities, containing dwellings of scales similar to the mini-home condominium units being proposed here. The mini-home units proposed for development within Regency Park, though constructed offsite, will be stick-built, utilize modern building materials found in conventional homes and anchored to a concrete foundation. The range of quality building materials will allow for purchasers of condominium units within Regency Park to customize their homes in accordance with their preferences, thereby encouraging uniqueness of residences within Regency Park.

The Property is situated within an area that has a mix of uses, including residential, commercial and industrial. Immediately to the south and east of the Property are R-4 and R-5 single-family properties; to the immediate east and northeast are residential properties fronting W. Manslick Road and to the immediate south of Regency Park's private access roadway to W. Manslick Road is R-5 acreage owned by MSD. To the south/southwest is larger single-family property of over ten acres, the residence of which is located away from the shared property line with Regency Park. Along the entirety of the Property's nearly 600-foot west property line is the L&N Railroad, and straight across the Railroad is property zoned C-1, Commercial. Directly across W. Manslick Road is a Regional Center Form containing properties of various zoning districts and

uses, which, proceeding east, then becomes property zoned commercial and industrial and located within the Suburban Workplace Form. Suffice it to say, the surrounding area is a quilt of zoning districts near where three separate form districts converge. Consequently, the Proposal is an ideal spot to locate residents near activity centers and workplaces supported by adequate infrastructure.

Post development, Regency Park will be well-screened through plantings and trees from all of its neighboring properties. Appropriately, transitions between neighboring uses that are different in scale and density will be installed, all applicable building setbacks will be met, landscaping buffers and tree canopy will equal or exceed the LDC requirements. External impacts from lighting toward adjacent properties will be inconsequential, if any at all; the Regency Park community will not create noxious odors nor emissions nor noise. The proposed building heights of the mini-home units and the associated clubhouse amenity are consistent with the mix of building heights in the vicinity and will not approach the maximum building height prescribed by the neighborhood form. Secured parking for residents will be sufficiently integrated into the site to serve each dwelling unit, with common parking planned for the area adjacent to the clubhouse. Regency Park will not generate any adverse traffic impacts to the immediate area, for the development will have less dwelling units the mobile home park previously occupying the site contained. For the foregoing reasons, the proposed change in zoning complies with applicable Policies of Plan Element Community Form's Goal 1.

The Proposal advances Goal 2 of Plan 2040's Community Form because it encourages sustainable growth and incorporates appropriate density within an area of differing residential densities, a variety of commercial and industrial uses, and served by adequate roadway infrastructure. Goal 2 of Community Form looks to accomplish, among other objectives, the promotion of corridors for investment, encouragement of diverse land uses to enhance quality of place and provide safe mobility options to strengthen connectivity around centers and corridors. The proposed change in zoning will allow for the redevelopment of a property that has been vacant since the mobile home park that once occupied the site abandoned it. The development of the Property into a quality and affordable residential condominium community delivers a land use that welcomes inclusivity of residents from all ages and backgrounds and provides an opportunity for residents shopping for lower housing costs to also gain equity in the property on which they reside. that is located near.

Although the applicant does not propose a mixed-use site here, the Property is in an appropriate location for the development of Regency Park, where residents can conveniently access various nearby activity centers where retail options, goods, services, recreation, work, etc. are located. As a result, the redevelopment of the Property into Regency Park will aid in reducing commuting time and transportation-related air pollution. Sufficient vehicular and bicycle parking areas will be provided with each dwelling unit as well as next to the clubhouse. Regency Park will utilize the existing curb cut onto W. Manslick Road and will require no additional curb cuts. As a result, Regency Park is an efficient residential land use and represents a significant investment in the redevelopment of the Property, and, in turn, promotes vitality and further investment in the

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W. Manslick and 3rd Street Road corridors. For all of the aforementioned reasons, the proposed change in zoning complies with applicable Policies of Community Form Goal 2.

Applicant's Proposal is also in agreement with Goals 3 and 4 of Plan 2040's Community Form because the site does not contain sensitive natural features, archaeological resources nor historic assets that would be endangered or disturbed by the Property's redevelopment. The Property does contain a very minor area of floodplain, which is located in its northwest corner near where the property butts up against the L&N Railroad. Correspondingly, in this same area and along the property line shared with the L&N Railroad, is an area with the potential for hydric soils, which will remain undisturbed. The Property does not possess any severe, steep or unstable slopes that would cause immediate or long-lasting environmental degradation. In contrast, the Property is relatively level. Thus, the Property will be properly engineered to address any lingering issues of standing water thereon; if the applicant can find solutions to assist in drainage of neighboring properties, the applicant will do so. No karst has been identified onsite. Development of the Property will avoid substantial changes to the site's existing topography.

The applicant has amended its initial zoning application to add an additional piece of property (8816 W. Manslick) for added open space and recreational areas for the residents of Regency Park to access onsite and enjoy. The applicant has also reduced the density onsite to afford the residents with more usable open space within the center of the Regency Park development. Covenants will be in place requiring continued maintenance of open space areas. Moreover, less than two hundred feet from the entrance to Regency Park, the residents can access a trailhead leading to the Louisville Loop of parks, where endless areas for recreation can be explored.

In short, Regency Park advances the Community Form Plan Element because it diversifies and strengthens the existing Neighborhood Form in which the property is located by incorporating therein a new, affordable housing community that will add to the diversity and quality in housing types, styles, designs and price ranges of sale units. The Property will be well landscaped and planted with trees, a significant upgrade from its current dilapidated condition. The upgrade to the Property will add to the character of the Neighborhood Form, creating an aesthetically-pleasing connection between the Regency Park community, W. Manslick Road, and its neighboring properties. The proposed development has proximate access to primary collector and minor arterial level roadways as well as nearby access to the Gene Snyder Freeway. The change in zoning will allow for the Property's revitalization, which will positively contribute to the existing Neighborhood Form, insert needed vitality on the Property, benefit the surrounding area, including the residential, commercial and workplace areas. For all of the aforementioned reasons, the proposed change in zoning complies with applicable Policies of Community Form Goals 3 and 4.

Plan Element 2 – Mobility

The proposed Regency Park is in agreement with Plan 2040's Mobility Plan Element and its three Goals because it is a multi-family residential condominium use located on property served by private roadways that connect through an existing curb cut to W. Manslick Road, an

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existing primary collector roadway, which connects to the north to nearby 3rd Street Road, a minor arterial roadway, which then intersects nearby with where Outer Loop, a major arterial roadway begins/terminates. Access to the Gene Snyder Freeway is easily obtained via a short drive either to the north or the south of Regency Park. As a result, the Property is currently served by adequate roadway infrastructure. Transit options are located at the Walmart Supercenter around the corner on Outer Loop, a short bicycle ride or moderate walking distance from Regency Park. Within steps of where Regency Park connects to W. Manslick Road, residents will have access to a trailhead that provides entry/exit to the proposed ring of parks system – a great opportunity for residents to engage in walking, running or bicycling activities. Thus, the Proposal provides safe access to the public roadway network and provides access to alternative transportation modes.

Each mini-house dwelling will be equipped with sufficient parking area to serve the residence. The Update Proposal has added surface parking adjacent to the clubhouse for community shared parking (mainly for guests of residents). The private roadways within Regency Park are existing roadways that are designed to provide safe internal circulation without any stretches of long straightaways, thereby discouraging drivers from achieving high vehicular speeds. Areas delineated on the low-speed roads internal to the development are marked for pedestrians to walk, providing walking connections within Regency Park. Sight distances consistent with probable traffic speed, terrain, alignments in roadway design will be achieved. Individual residential lots are capable of including bicycle storage, if preferred.

Additionally, the requested zone change is consistent with Plan Element Mobility Goals 2 and 3 and their applicable policies. The Updated Regency Park Proposal will generate less daily traffic trips than what the mobile home park use previously occupying the site years ago generated. The roadway network established around the Property will support Regency Park residents with safe and accessible roadways that connects areas of residential, commercial, workplace, and recreation from various modes of transportation. Access to the Property is gained via private roadway with an existing curb cut to W. Manslick Road at a location that maintains sufficient sight distance of traffic on W. Manslick Road – a roadway which possesses sufficient capacity to serve the development. The applicant will dedicate private property to the W. Manslick Road right-of-way in accord with the requirements of the Land Development Code and Louisville Metro Public Works. Also, the private roadway leading to W. Manslick Road avoids access to the Property solely through areas of significantly lower intensity. And no direct access from residential driveways to high speed roadways will be established. Consequently, Regency Park will not create traffic-related nuisances for its neighbors.

Once on W. Manslick Road, drivers have the option of going north or south to access nearby goods, services, and workplaces. Indeed, at the intersection of Outer Loop and New Cut Road, to the northeast of the Property, is a commercial center anchored by a Walmart Supercenter, and further north on New Cut Road are additional goods and services located in Auburndale; or, to the south via W. Manslick Road, drivers can easily access options for commerce or access to the free public library in city of Fairdale. For the foregoing reasons, the Proposal complies with the Mobility Plan Element of Plan 2040.

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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 Element Community Facilities of Plan 2040 and all applicable Goals and Policies thereunder because the Property will be served by all necessary utilities, including water, electricity, telephone and cable. 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 Station 2 of the Fairdale Fire Department, which is located at 7940 Old 3rd Street Road, less than a mile from the Property. Recreational facilities are accessible to residents in the form of onsite open space located in the center of Regency Park, as well as a pool and play area and clubhouse; additional offsite recreational facilities exist within reasonable walking distance. via nearby trailhead to Louisville Metro's Ring of Parks, which is located within reasonable walking distance to Peeble Lane/Regency Park Drive.

Plan Element 4 – Economic Development

Goal 1 of the Plan 2040's Economic Development Plan Element strives to provide an economic climate that improves growth, innovation, investment and opportunity for all. Notable objectives of this goal, as it relates to the applicant's Amended Application, are the redevelopment of underused commercial, industrial, residential development and creating equitable economic opportunities are increased. Goal 2 of the Economic Development Plan Element is to cultivate a vibrant, unique city that attracts, retains, and develops a highly-skilled workforce. A key stepping stone to reaching the aforementioned goals is the provision of accessible affordable housing for residents currently in training to acquire sought after skills prior to joining the workforce. Here, Regency Park, idle residential property, is located across W. Manslick Road from a Regional Center, which itself is adjacent to a Suburban Workplace, thereby providing a close connection between available affordable housing for residents who might seek job opportunities as the Regional Center and Suburban Workplace forms continue to develop. Regency Park is an ideal community for individuals or small families who are in training or just moved to Louisville Metro for a training program and need an affordable place to live while they prepare to enter the workforce. Accordingly, the Updated Proposal advances Plan 2040's Economic Development Plan Element because it adds to the availability of affordable housing located near workplaces.

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. Regency Park is consistent with the applicable policies of Plan 2040's Livability Plan Element, notably those set forth under Goal 1 of the Plan Element, because with the redevelopment of the vacant land, the

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applicant will plant trees and attractive landscaping throughout the site where none exist today. The Property will be well-landscaped with plant species native to the area and Kentucky in general; all applicable tree canopy requirements will be met on-site. Regency Park meets applicable open space requirements by a combination of 1) the common open space area located at the center of the community; and 2) the proposed clubhouse/pool/playground amenity toward the entrance to Regency Park. The applicant amended its initial application to add the 8816 W. Manslick property to provide additional open space for the community where its residents can utilize spaces both indoor and outdoor gatherings. Importantly, for residents' access to additional offsite open space, parks and opportunities for exercise, Regency Park is located within reasonable walking distance (less than 200 feet) to a nearby trailhead to the 21st Century Ring of Parks. A natural corridor providing animal habitat and allowing for migration is located in the nearby area of the aforementioned trailhead, including the open fields (MSD property) adjacent to said entrance to the trailhead, within steps from the Property.

Additionally, the applicant will improve drainage infrastructure on the property and in the immediate area to help stormwater on the property and surrounding properties properly drain and not pool for extended periods of time. The redevelopment of the property into Regency Park will preserve on-site natural drainage features to accommodate runoff, assuming the full buildout of the watershed as required, and will maximize the saturation capacity of the soil in accordance with Metropolitan Sewer District ("MSD") requirements. MSD must be satisfied with the applicant's proposed stormwater management system before the applicant can proceed to the Planning Commission's Land Development and Transportation Committee meeting. The redevelopment of the Property will accommodate "through" drainage systems and peak stormwater runoff rates post redevelopment will be acceptable to MSD and consistent with adopted regional and watershed plans. A minor area of the Property near the adjacent railroad is within the local floodplain (Firm Map 2111 C 0107, dated 12/05/06), as depicted on the preliminary subdivision plan filed herewith. Accordingly, emergency vehicle access will traverse ground above any flood levels that might impact the property. Finally, an erosion prevention and sediment control plan will be implemented prior to construction utilizing best management practices as required by the MSD.

The development of the Property will clean up the vacant land which currently is in an undesirable visual state; the proposed subdivision will enhance the natural environment and integrate it with the built environment. Indeed, as discussed, the applicant looks to replace an existing vacant property previously used as a mobile home park use (the later years of which the Property was misused, per neighbors to the property) with a condominium development where residents looking for affordable property to maintain common ownership interest in real property and establish equity in property instead of paying rental costs have an opportunity to locate and live. The new condominium units will have mini-home dwelling units designed for accessibility to support residents and guests of different ages and physical abilities.

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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 Updated Proposal advances all three Goals of the Housing Plan Element. Indeed, Regency Park will furnish quality-built affordable housing that will add to the diversity in housing types, styles and design within the Neighborhood Form, allowing for purchasers from various backgrounds and needs the opportunity to acquire affordable housing to own.

The Updated Proposal is in agreement with the applicable policies of Housing Goals 1 and 2 because the redevelopment of the property as a new, accessible residential condominium community will foster opportunities for affordable housing units in detached mini-home dwelling units and add to the diverse mix of housing stock in Louisville Metro and within the immediate Fairdale area, where properties enjoy a well-connected system of roadway infrastructure that supports the movement of people between residential, commercial, recreational, employment and other supporting uses in the area. Regency Park is designed for all ages of residents, but is expected to be popular among older residents, veterans, widowers, recent graduates looking to enter the work force and residents who prefer or need to have moderate land and house area to maintain and of which they can afford to reside without devoting too much of their financial resources to housing costs. As a result, the applicant is hopeful that with additional available affordable housing, future residents of Regency Park will not have to exhaust vital income dollars solely on upfront and monthly housing costs and will be able to devote more of said income to savings or to purchasing items necessary to support a healthy lifestyle. Regency Park will help alleviate the stress of housing costs, thereby freeing up resources for home purchases to participate more in the local metro economy.

The applicant proposes to amend its recent formal filing, which then proposed to subdivide the existing parcel into individual lots, to increase the land area of Regency Park and to reduce the number of dwelling units. The applicant is no longer requesting a subdivision with this matter and, instead, is proposing a condominium community as a means to provide affordable opportunities for future purchasers to invest and establish equity in their property interest of the particular dwelling unit, respectively, as well as common ownership in the grounds of Regency Park, an appropriate alternative to rental housing options in the area. The mini-home dwellings within Regency Park will be stick-built and constructed of quality materials prior to being located and permanently affixed to the property onsite. Purchasers of the proposed units will have an option to add garages to their units, thereby allowing residents direct access from their respective vehicles to the residences under cover from weather. The Property's location provides residents with nearby pedestrian access to Louisville Metro's park system. The applicant's Update Proposal includes a clubhouse amenity with a pool and playground area for additional recreational space to go along with the common space central to the condominium

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community. Consequently, Regency Park contains numerous attributes that support inter-generational residents and presents an ideal development for residents of all ages to live affordably while building equity in private property.

Consistent with Goal 3 of Plan 2040's Housing Plan Element, the applicant's proposed rezoning will help ensure long-term affordability and livable options in the Fairdale area because it represents a significant investment in the redevelopment of a vacant property into a brand new, residential condominium community offering affordable, quality residences. The development of Regency Park appropriately places manageable density of affordable housing options on property supported by existing infrastructure, near recreation options, and within short distances to numerous workplaces, commercial goods, services, entertainment options, and transit. Thus, through an innovative, affordable housing community that will be inclusive to all people, Regency Park discourages displacement of existing residents in the Fairdale area.

COMPLIANCE WITH KRS 100.213

The Property is located in the Neighborhood Form District, which is intended for predominantly residential uses, as well as some neighborhood-serving commercial and office uses. The proposed rezoning to R-5A, Multi-Family Residential is in agreement with Plan 2040 because it will allow the development of an affordable single-family residential community and helps address a dire shortage of available affordable housing options within Louisville Metro.

For all the reasons set forth in the applicant's detailed Zoning Justification Statement and the information set forth on the Regency Park Detailed Development Plan submitted along with its formal zoning application, the applicant's Proposal is in agreement with the intents, plan elements, objectives, goals and policies of the Plan 2040, A Comprehensive Plan For Louisville Metro. Consequently, the applicant's request to change the zoning of the Property complies with Kentucky Revised Statute 100.213.

Respectfully submitted,



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