

CONDITIONAL USE PERMIT JUSTIFICATION STATEMENT

**CAT VVB, LLC (APPLICANT/ OWNER)
21-CUPPA-0136**

**8816 AND 8820 W. MANSLICK ROAD,
8702 PEEBLE LANE &
1724 REGENCY PARK DRIVE
LOUISVILLE, KENTUCKY 40272**

November 1, 2021

The applicant, CATVVB LLC, proposes to establish a Recreational Vehicle Park ("RVP") on 11.28 acres of property located at 8702 Peeble Lane, 8816 and 8820 Manslick Road (the "Property"), which, under Land Development Code ("LDC") Section 4.2.12, is permitted in any district upon the Board of Zoning Adjustment's granting of a Conditional Use Permit ("CUP"). Currently, the Property is vacant; it was last used as a mobile-home community. 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, as well as easy access to I-65, via Outer Loop, and to the Gene Snyder Freeway.

The Property was recently the subject of a zoning application wherein the applicant unsuccessfully sought approval of R-5A, Multi-Family Residential for the Property to develop thereon a creative housing solution involving a condominium community for mini-home dwellings to help Louisville Metro address its substantial and ever-increasing void in available affordable housing (19-ZONE-0091). Despite a strong 6-1 recommendation to approve the zoning application from the Louisville Metro Planning Commission, the Louisville Metro Council elected to overturn the Commission's recommendation of approval and denied the zoning application for the Property. As part of its justification in support of overturning the Commission, the Council – despite the facts within the record demonstrating the Property is across Manslick Road from property zoned Regional Center Form and from being located 1.5 miles from a Super Walmart with a range of supporting commercial goods and services near the Walmart, including a TARC route that serves the Walmart and a nearby Suburban Workplace Form providing employment opportunities for the immediate area – cited within its adopted Ordinance how it believed the applicant's proposal did not conform to the Plan 2040, A Comprehensive Plan for Louisville Metro because:

the proposal does not conform to Land Use & Development Goal 2: Housing Subsection 2: To locate housing within proximity to multi-modal transportation corridors providing safe and convenient access to employment opportunities, as well as within proximity to amenities providing neighborhood goods and services. Higher density, accessible residential uses should be located along transit corridors and in or near activity 2 centers. It does not conform because the site is not located near a multi-modal transportation corridor. Safe and convenient access to employment

opportunities and amenities providing neighborhood goods and services is only available by car; and

the proposal does not conform to Land Use & Development Goal 2: Housing Subsection 1: Encourage inter-generational, mixed-income and mixed-use development that is connected to the neighborhood and surrounding area. It does not conform because the site is not connected to the neighboring properties and surrounding area, but instead is an isolated development, connected only to Manslick Road; and

the proposal does not conform to Land Use & Development Goal 3: Mobility Subsection 2: To improve mobility and reduce vehicle miles traveled and congestion, encourage a mixture of compatible land uses that are easily accessible by bicycle, car, transit, pedestrians and people with disabilities. Housing should be encouraged near employment centers. It does not conform because there is no safe, continuous pedestrian, bicycle, or public transportation access either within the site or from the site to Manslick Road, nor is it near an employment center or a transit line; and

Given the Council's reasons set forth above to overturn the Planning Commission's recommendation to approve the zoning application to R-5A for the Property, and in the face of the fact the Property was last used for decades as a mobile home park for over one hundred (100) dwellings, and although Louisville Metro as a city faces a compelling need for affordable housing solutions, the Council has put forth the question whether the Property should be used residentially whatsoever, single-family or multi-family. Provided the Council's unsupportive stance on the development of the Property as residential, the applicant now submits is formal application for a CUP to permit an RVP on the over 11-acre Property because the demand for recreation vehicles has steadily risen over the past few years (especially during Covid) and Louisville Metro does not currently have an RVP to serve this growing population. The nearest RV parks are in southern Indiana and Bullitt County; why not have visitors come and spend their resources in Louisville Metro instead? As discussed herein, the Property is well located for the proposed use because it is centrally located in the southern area of Louisville Metro with easy, supportive access to I-65 and the Gene Snyder Freeway.

For the reasons stated herein, the proposed CUP for an RVP comports with Kentucky Revised Statute 100.237 and LDC 4.2.12 because the applicant's Proposal will meet the listed conditions set forth in LDC 4.2.12 and it is in agreement with the Plan 2040, A Comprehensive Plan for Louisville Metro ("Plan 2040") and, therefore, should be approved.

The RVP CUP 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.

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 proposed club house amenity 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 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 eleven 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. During the neighborhood meeting an adjacent property owner requested a fence be erected along the perimeter property line and the applicant is willing to add a fence to the proposed

vegetative screen of trees and shrubs. 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. Regency Park will not generate any adverse traffic impacts to the immediate area, for the proposed RVP will rarely, if ever, reach capacity, and traffic will be seasonal; the applicant expects far less visiting traffic during the winter months and, for the rest of the year, RVs will come and go to/from the site, but not at the same time, avoiding any peak hour trip generation of traffic. For the foregoing reasons, the proposed change in zoning complies with applicable Policies of Plan Element Community Form's Goal 1.

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 applicant's proposed CUP will allow for the redevelopment and use 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, well-screened RVP delivers a diverse land use new to Louisville Metro that welcomes a different population of travelers who can conveniently access the Property while having a central location in town to experience numerous activities and attractions Louisville Metro has to offer. There are existing commercial centers near the Property and various recreational spaces within a few miles, all of which support the proposed use.

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, as mentioned, visitors can conveniently access various nearby activity centers where retail options, goods, services, recreation, etc. are located. As a result, the redevelopment of the Property into Regency RV Park will aid in reducing driving time and transportation-related air pollution. Regency Park will utilize the existing curb cut onto W. Manslick Road and will require no additional curb cuts; the associated development plan for the CUP does not depict vehicular connections from the Property to adjacent residential properties, thereby completely insulating the RVP within the boundaries of the Property and the recreational vehicles will access the site only from W. Manslick Road and only thru the Regency Park Property. As a result, the Regency RV Park represents a significant investment in the redevelopment of the Property, and, in turn, promotes vitality and further investment in the W. Manslick and 3rd Street Road corridors. For all of the aforementioned reasons, the proposed CUP 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.

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 land use. The Property will be well landscaped and planted with trees, a significant upgrade from its current dilapidated condition. 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 CUP will allow for the Property's revitalization, which will positively contribute to the existing Neighborhood Form, strengthen the relationship between the Neighborhood Form and the adjacent Regional 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 RV Park is in agreement with Plan 2040's Mobility Plan Element and its three Goals because it is a land use served by adequate roadway infrastructure, much of which can be updated from its current state today; indeed for a private roadway connects through an existing curb cut to W. Manslick Road, an 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. Importantly, for RVs traveling to the site from out of town, easy access to the Property from I-65 is provided via Outer Loop and W. Manslick Road (approximately five miles) and 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 use for the Property is currently served by adequate roadway infrastructure. Additionally, for those customers visiting Louisville for a couple days and staying on the property can avail themselves of TARC to travel to different areas of Louisville Metro; 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. Also, a great amenity for the visitors staying at Regency Park is the nearby trailhead just steps away on W. Manslick Road, which provides entry/exit to the proposed ring of parks system – a great opportunity for the visitors 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.

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, which would be nearly impossible to reach onsite driving recreational vehicles, anyway. 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.

Additionally, the requested CUP is consistent with Plan Element Mobility Goals 2 and 3 and their applicable policies. On a daily trip generating basis, the Regency RV Park Proposal will generate far less daily traffic trips than the recently proposed residential development or the traffic trips generated by the mobile home park which previously occupied the site years ago. The roadway network established around the Property will support the Regency RV Park residents with safe and accessible roadways. As mentioned, access to the Property is gained via private roadway with an existing curb cut to W. Manslick Road and at a location that maintains sufficient sight distance of traffic on W. Manslick Road. W. Manslick Road 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. Moreover, the private roadway directly leading to W. Manslick Road from Regency Park avoids access to the Property solely through areas of significantly lower intensity or, for that matter, a residential area where residents would be affected. Property on one side of the entrance road is vacant land owned by MSD and, on the other side, is property owned by the applicant of which will be support the RVP. Consequently, the Proposal 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 the free public library in city of Fairdale, where visitors might want to use the available computers. For the foregoing reasons, the Proposal complies with the Mobility Plan Element of Plan 2040.

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 access to wifi. To the extent possible, utilities will be located within common easements and trenches, as required by each utility. The Proposal will furnish either individual sewer hookups for each RV pad or contain areas on the site where RVs can service their individual waste. 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 other amenities in the area around the clubhouse; additional offsite recreational facilities exist within a 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 CUP 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. Provided the fact that Louisville Metro currently does not have an RVP location wherein visitors traveling across the region using one of the three major interstates that traverse this area, the applicant's Proposal is an excellent opportunity to locate an RVP where the increasing population of recreational vehicle users can stop in for a temporary stay and avail themselves of all Louisville Metro has to offer. Recreational vehicle travelers can park and stay at Regency Park, a well-centralized location with great access to other areas of Louisville Metro via I-65 (north/south) or the Gene Snyder Freeway (east/west). Eventually, when the Regional Center Form across W. Manslick Road further develops, additional economic development will occur and the Proposal will support the same. The Regency RV Park will attract a different traveler to stay in Louisville Metro and offers opportunities for those RV travelers to spend time in and better see Louisville Metro, which, correspondingly, can attract additional residents and workers to permanently stay in Louisville Metro. Regardless, the Proposal is another vehicle to bringing in travelers to spend time and resources within Louisville Metro, thereby supporting economic development.

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 applicant will plant trees and attractive landscaping on the site where almost 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 property amenity toward the entrance to Regency Park. Importantly, for visitors' 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. Additionally, Waverly Park, Iroquois Park, and Jefferson Memorial Forest are all fantastic nearby recreational spaces for visitors to use. 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 RV 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 Board of Zoning Adjustment for public hearing. 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 RVP will enhance the natural environment and integrate it with the built environment. Indeed, the applicant looks to replace an existing vacant property previously used as a mobile home park use with an RVP where visitors who travel via recreational vehicles can stop and stay a night or a few nights while visiting Louisville.

Plan Element 6 – Housing

As previously discussed, the applicant recently pursued a development for an affordable housing solution on the Property and, although the Louisville Metro Planning Commission enthusiastically supported that application, it was rejected by the Louisville Metro Council. As a result, therein lies a question as to whether housing is appropriate for this particular property. In substitute of locating housing on the Property, the applicant’s proposed CUP for an RVP is appropriate on the Property because the RVP will not be noticeable from Manslick Road and, once all planned screening is in place along the perimeter property lines, the proposal will be adequately shielded from view from adjacent residences. Also, the proposed club house amenity situated at the entrance to Regency Park and fronting W. Manslick will maintain its look as a single-family residential house, thereby maintaining the character 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. In the immediate area, the applicant’s proposal will serve as a transition from the larger residential property (11+ acres) and the adjacent MSD property located at 8820 W. Manslick Road to the single-family residential lots located north of the Property. Moreover, there are not many hotel accommodations located within the immediate area and the proposed RVP can serve as another option for travelers visiting family in the area to stay in Louisville Metro. The Proposal represents a significant investment in the redevelopment of a vacant property into an RVP, which Louisville Metro does not currently have. And because the Property is vacant, no displacement of existing residents in the Fairdale area will occur with the proposed development. Thus, the Proposal introduces a new, diverse property use to the area which is already supported by existing infrastructure, near recreation options, and within short distances to numerous workplaces, commercial goods, services, entertainment options, and transit.

**The listed requirements in LDC Chapter 4, Section 4.2.12 Camping Areas
Recreational Vehicles Parks, Public and Private**

A. Buffer Strips – An open space buffer strip shall be maintained along all property lines in which campfires, or any other camping appurtenances shall not be located. The open space buffer strip shall be a minimum of 10 feet along any side or rear property line and a minimum of 30 feet along any front or street side property line.

Applicant and Owner will comply with listed requirement A.

B. Signs – Except in districts where signs are allowed, there shall be no more than one non-illuminated sign not to exceed 30 square feet in area, with a maximum height of 10 feet, located at the major entrances.

Applicant and Owner will comply with listed requirement B.

C. Traffic Impacts – Facilities shall be located and designed so that no entrance or exit shall require movement of traffic to or from the camping area or park through a recorded single-family subdivision.

Entrance and exit to the proposed Recreational Vehicle Park is directly from Manslick Road and not through a single-family subdivision.

D. Limits on Periods of Use – No property, camp, or individual camp site shall be sold or leased for a longer period than one month, that does not conform to the minimum lot area established for the district in which it is located or to a minimum lot area of 6,000 square feet for a district having no minimum lot area.

Applicant and Owner will adhere to listed requirement D.

E. Trash and Garbage Collection – The RV Park or Camping Area Management shall be responsible for internal trash and garbage collection. Central trash collection points shall be completely screened from view from outside the park.

Applicant and Owner will comply with listed requirement E.

F. Health and Safety – Parking pad for recreational vehicles and individual camp sites shall not be exposed to conditions that create hazards to the property or the health or safety of the occupants. No portion of the park or camping area subject to flooding or subsidence shall be used for any purpose which would expose persons or property to hazards.

Applicant and Owner will comply with listed requirement F.

G. Vehicular Use Areas – Vehicular use areas shall be paved and shall be clearly marked as to internal circulation and direction of travel. Pavement widths for travel lanes shall be as follows:

- 1. One-way Travel Lane – 18 feet***

- 2. Two-way Travel Lane - 24 feet**
- 3. Cul-de-sac Diameter - 80 feet**

Applicant and Owner will comply with listed requirement G.

For the reasons stated herein, the proposed CUP comports with Kentucky Revised Statute 100.237 because it is in agreement with both the LDC and Plan 2040 and, therefore, should be approved.