

Hay Court Rezoning
Case No. 172ZONE1041
Statement of Compliance

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The proposal is for a zoning change for a piece of property located along Hay Court and Nash Road. The property is currently zoned R-4 and C-2. The owner is requesting a change to M-2. The property currently has two single family structures (that will be converted to contractor shops) and most of the remaining site is gravel and used for parking of heavy truck and trailers. The property being used for truck parking was used by a trucking company prior to the current owner and has continued to be used for that purpose under the current owner. The owner was cited and informed that heavy truck storage is not permitted in the currently zoned C-2 Zoning and is proposing the change to remedy this.

The property is surrounded by vacant C-2 property to the north, commercial C-2 property to the east and south, and commercial properties zoned M-2, C-2, and R-4 to the west. The R-4 property is owned by Louisville/Jefferson County and is part of the public works facility located on Outer Loop. The area is in the Suburban Workplace Form District. The proposed change to M-2 and the proposed use of the existing structures will comply with the intent of the Suburban Workplace Form District and the mixed commercial uses of the area.

Guideline 1-Community Form

The subject property complies with the intent of Guideline 1. It is located within adjoining commercial and industrially zoned properties. It utilizes existing structures and site conditions and eliminates the residentially zones properties that did not fit within the goals of the suburban workplace form district. This site will provide a contractors office, in a structure that was a single family residence, and heavy truck parking in an area that is along an area that has access to the regional transportation system.

Guideline 2-Centers

The proposed zoning change will utilize the existing buildings and site conditions.

Guideline 3-Compatibility

The subject property complies with the intent and applicable policies of Guideline 3. The proposed use of the site is compatible with the surrounding uses in the area. It is located along National Turnpike that is a mixture of commercial and industrial uses and that use National Turnpike as a connection to the nearby highway system. The property is located within a workplace from district.

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Guideline 6-Economic Growth and Sustainability

The subject property complies with the intent and applicable policies of Guideline 6, by encouraging the industrial use of the property and takes advantage of the need for the proposed use in an area that has industrial subdivisions nearby.

Guideline 7 & 8- Circulation and Transportation Facility Design

The subject property complies with the intent and applicable policies of guidelines 7 & 8. Haycourt is located just off National Turnpike which is a minor arterial in close proximity to the Outer Loop and Gene Synder Freeway, both major arterial roadways. The existing roadway system is adequate for this site and its proposed use.

Guideline 10 & 11- Flooding and Stormwater-Water Quality

The subject site complies with the intent and applicable policies of guidelines 10 and 11, because the property will utilize the existing sewer and drainage facilities that are already in place. No additional impervious surfaces are proposed with this plan. The site is located within the 100-year flood hazard area, which will require special approval for any new construction.

Guideline 14- Infrastructure

The subject site complies with the intent of guideline 14. The subject site has existing access to utilities and water.

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General Waiver Justification:

In order to justify approval of any waiver, the Planning Commission or Board of Zoning Adjustment considers four criteria. Please answer **all** of the following questions. Use additional sheets if needed. **A response of yes, no, or N/A is not acceptable.**

1. Will the waiver adversely affect adjacent property owners?

The waiver will not affect adjacent property owners because the gravel location is an existing condition and the removal process would adversely affect property owners due to the site disturbance along the property lines in a flood zone area.

2. Will the waiver violate the Comprehensive Plan?

The waiver does not violate the comprehensive plan because the required LBA will be created and the required tree plantings can be planted in these LBA areas.

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3. Is extent of waiver of the regulation the minimum necessary to afford relief to the applicant?

The waiver is the minimum necessary to afford relief, as it allows for only the existing gravel to encroach into the required LBA and does not increase or create new LBA encroachments.

4. Has either (a) the applicant incorporated other design measures that exceed the minimums of the district and compensate for non-compliance with the requirements to be waived (net beneficial effect) or would (b) the strict application of the provisions of the regulation deprive the applicant of the reasonable use of the land or would create an unnecessary hardship on the applicant?

Strict application would create an unnecessary hardship to the property owner by requiring the removal of the gravel on a site where there is no construction proposed, and the removal would require a site disturbance permit in an area that is in the FEMA flood zone.