

Docket No. 19ZONE1034

(Dante St. Germain, DPDS Case Manager)

Proposed change in zoning from R-4 to C-2 to allow a contractor's shop on approximately 4.34 acres on property located at 3115, 3109 & 3119 Chenoweth Run Road



Neighborhood Form District

- Form district regulations govern the design of permitted uses and land activities to ensure compatibility with adjacent uses and activities, adequate transportation access, and preservation of the public health, safety and welfare.
- The Neighborhood Form District (NFD) design standards are intended to promote development and redevelopment that is compatible with and enhances the unique site and community design elements of a neighborhood. NFD design standards are also intended to promote the establishment of activity centers at appropriate locations as established in the Comprehensive Plan. Activity centers should effectively integrate a mix of retail, institutional, and other non-residential uses within neighborhoods in a manner that provides convenient service to residents while protecting the character of the neighborhood.
- The provisions of this section are intended to promote new development within the NFD that is consistent with a neighborhood pattern and form of development, including as applicable:
 - Appropriate and compatible integration of residential, civic, commercial, office and service uses that promotes close to home shopping and service opportunities;
 - Integrated activity centers rather than stand-alone shopping centers;
 - Park and open space resources convenient to neighborhood residents;
 - Alternative modes of travel and connectivity of neighborhoods, minimizing the use of collectors and major thoroughfares for short trips;
 - Compatible infill development, both residential and non-residential;
 - Inclusive housing opportunities; and
 - High-quality design of both individual and integrated sites.

Lopez Tree Service rezoning application does not enhance our R-4 Neighborhood Form District.



- Lopez application request describes an operation that consists of just landscaping lawnmowers on trailers attached to pick up trucks.
- Lawnmowers on trailers attached to pick up trucks are present on the property daily, but this description is very far from the truth as you can see from the photos.
- A crane, bucket lift trucks, dump trucks and wood chippers from Lopez Tree Service are also parked and serviced at this location everyday (see time stamped photos for 1 week).
- **C-2 Zoning is not applicable to this situation; this application should be for M-2 Industrial due to the large trucks and type of operation.**



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View of property from the west sidewalk on Blankenbaker Parkway

- Large boom trucks, cranes, stump grinders, wood chippers and wood chip trucks are parked on improper surface daily (gravel and dirt surfaces)
- Operates wood chipper and other equipment on the property (excess noise and fuel odors)
- Buildings in poor condition
- Property and operation is not compatible for a R4 Neighborhood Form district.

Lopez Tree Service Rezoning Application should be changed from C-2 to M-2 Industrial based on the following definition in section 2.5.2 M-2 Industrial District in the Land Development Code (LDC)

M-2 Industrial District

The following provisions shall apply in the M-2 Industrial District unless otherwise provided in these regulations.

A. Permitted Uses:

Accessory uses or buildings: those uses allowed shall be subordinate, customary and incidental to the permitted primary uses, including retail sale, rental or repair of items manufactured or assembled on site. Any accessory structure must meet site and other requirements of this zone. Under no circumstances will uses appropriate only in the M-3 zone be allowed in this zone as accessory uses.

All uses permitted in the M-1 District Auction sales, outdoor

Building materials (cement, lime, sand, gravel, lumber, and the like), storage and sales

Bus garage and repair shop

Exposition building or center

Fairgrounds

Flea market

Heavy truck and other heavy motor driven vehicles: sales, rental, repair and storage

Lumber yards

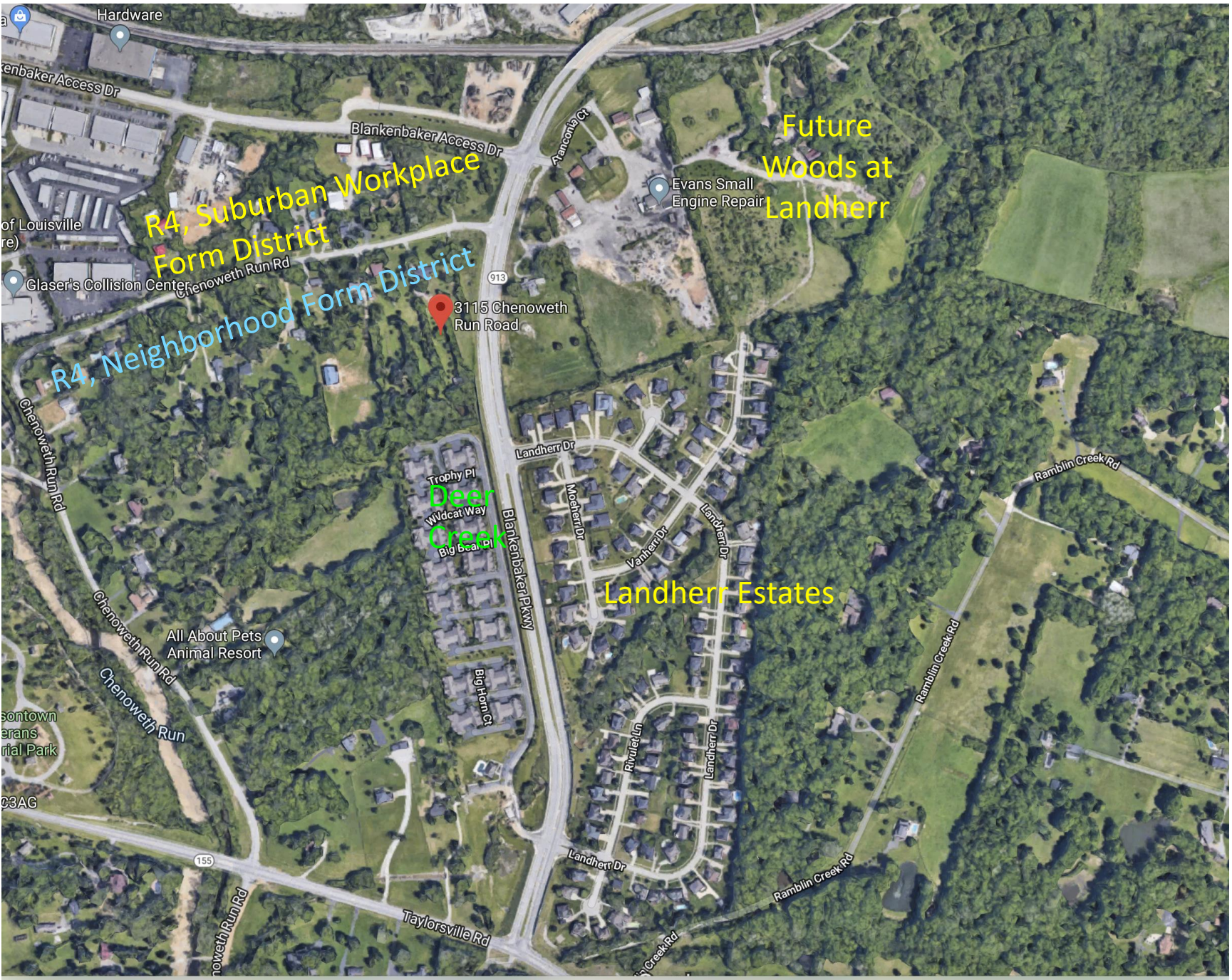
Railroad freight terminals and yards

River terminals

Storage yard or contractor's shop, including but not limited to building, electrical, HVAC, landscape, and plumbing contractors; outdoor storage of material and equipment permitted

C-2 with Conditional Use Permit

- Applicant may request C-2 zoning with a Conditional Use Permit
- In its review of Conditional Use Permit applications, the Board shall include, at a minimum, consideration of the following factors:
 - The purpose and intent and all other requirements of this code.
 - Whether the proposal is consistent with the applicable policies of the Comprehensive Plan.
 - The compatibility of the proposal with surrounding land uses and the general character of the area including such factors as height, bulk, scale, intensity, **traffic, noise, odor**, drainage, dust, lighting, **appearance**, etc.
 - Whether necessary public facilities (both on-site and off-site), such as transportation, **sanitation, water, sewer**, drainage, emergency services, education, recreation, etc. will be adequate to serve the proposed use.
 - Any other matter that the Board may deem appropriate and relevant to the specific proposal.
- **This property is on a septic tank; no MSD connection.**
- This operation results in additional traffic, noise from chipping equipment use, and poor appearance on the property (see photos in presentation).
- This property will adversely affect the use and property values of surrounding properties, and not be compatible with the Comprehensive Plan 2040
- This type of request should also be rejected due to the history of the applicant not complying with zoning regulations since 2016; criminal case pending.
- This applicant is not trustworthy and would result in future zoning violations and constant monitoring by Louisville Metro and adjacent residents.



- **R-4, Suburban Workplace Form District** exists on the north side of Chenoweth Run Road
- **R-4, Neighborhood Form District** exists on the south side of Chenoweth Run Road, Deer Creek and Landherr Estates and Woods at Landherr subdivisions – location of lots requesting rezoning
- Current zoning request is for C-2 zoning, but due to the size of vehicles and type of operation should be M-2 Industrial
- C-1 and C-2 can be a part of a Neighborhood Form District if it is compatible with the surrounding area and enhances the neighborhood
- M-2 zoning adjacent to R-4, Neighborhood Form District is not compatible



- All commercially zoned property in the area is located North of Chenoweth Run Road on Blankenbaker Access
- Any future development on the Franconia Trucking property will most likely be high density patio homes or apartments according to developers evaluating the property
- Possible future high density housing on the Franconia trucking property would be residentially zoned housing similar to Deer Creek, Woods at Landherr and Landherr Estates

Blankenbaker Parkway Sound Barrier Walls for Landherr Estates and Deer Creek



- Blankenbaker Parkway sound barrier wall was planned for Deer Creek patio homes initially in the KDOT plan
- Landherr Estates subdivision had to request the sound barrier wall and was granted one also by the KDOT
- Chenoweth Run residences did not request a sound barrier wall down to Chenoweth Run Road
- **Lack of a sound barrier wall has had no effect on the property value on Chenoweth Run Road properties and should not be a factor in the rezoning decision.**

Summary

- **Homeowners in Deer Creek, Landherr Estates and Chenoweth Run strongly oppose the rezoning of the three lots at 3109, 3115 and 3119 Chenoweth Run Road from R-4 to C-2 due to the following reasons:**
 - Lopez Tree Service property has a Chenoweth Run address but is adjacent and visible on Blankenbaker Parkway; trucks, buildings and debris can be seen on the Parkway
 - Rezoning application does not request the proper zoning classification according to the Comprehensive Plan 2040; requesting C-2 versus the correct M-2 zoning
 - Rezoning application does not meet the requirements of the Comprehensive Plan 2040; does not enhance R-4 Neighborhood Form District
 - Rezoning application does not meet the planning and zoning standards established on Blankenbaker Parkway
 - Except for 1 section of Franconia Trucking, all property South of Chenoweth Run Road is zoned R-4 Residential Form District.
 - Operating this type of business in a residential area could create an environmental hazard along with noise and traffic problems
 - Since 2016, Lopez Tree Service has been violating residential regulations on this property and has defied all Louisville Metro citations.
 - Homeowner cannot be trusted to abide by any new rezoning regulations in the future.
 - Fear of addition commercial linear development on Chenoweth Run Road in the future