

**JUSTIFICATION STATEMENT OF ZONING APPLICATION'S
COMPLIANCE WITH PLAN 2040**

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AL CAT, LLC, ET AL.

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**6212 OLD SHEPHERDSVILLE ROAD & 5700 JANIES WAY:
PROPOSED ZONE CHANGE FROM: R-4, SINGLE-FAMILY RESIDENTIAL & C-1, COMMERCIAL
TO: CM, COMMERCIAL MANUFACTURING**

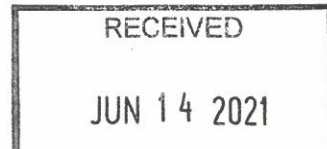
THE PROPOSAL

The applicant and property owners, AL CAT, LLC and Valley Station Towne Center LLC, proposes its application to rezone property it owns located at 6212 Old Shepherdsville Road (2.4 acres) and 5700 Janies Way (1.079 acres), Louisville, KY 40228 (3.5 acres in total; collectively, the "Property"), from its existing zoning of R-4 Single-Family Residential and C-1, Commercial to CM, Commercial Manufacturing; the Property fronts Shepherdsville Road and is within a well-established and active Suburban Workplace Form District, where a multitude of industrial and commercial properties operate and is anchored by the Haier Appliances Campus (formerly GE Appliance Park), just to the northeast of the Property.

The applicant plans two (2) land use components over three (3) tracts for the Property. On tract 1, the applicant is requesting to build a drive-thru restaurant on 0.8 acres, which will further serve the many employees and customers of the various businesses operating within the Suburban Workplace Form as well as those customers passing thru the immediate area. On tracts 2 and 3, the applicant is requesting to construct a moderately-sized office/warehouse use consisting of three structures that will provide additional storage space for within the area. The current use of the property is the last remaining single-family dwelling fronting this section of Shepherdsville Road, bracketed by Poplar Level Road to the north and Fern Valley Road to the south. A square metal building that was last used as a church occupies the Janies Way property (Proposed tract 2).

The Proposal is a more fitting and appropriate use for this stretch of Shepherdsville Road within the Suburban Workplace Form. Directly to the south of the Property is a drive-thru restaurant very similar in use and functionality to what the applicant proposes for tract 1, and to the south of that drive-thru restaurant is a vacant bowling alley building that holds the corner of Shepherdsville Road and Fern Valley Road. To the south and west of the Property are mini-storage units, then a multi-family residential community on property zoned R-7. To the north of the Property are a day care use then a Circle K convenient store and gas station, the latter of which holds the corner of Shepherdsville Road and Poplar Level Road. Across Shepherdsville Road from the Property is a handful of automotive and heavy equipment uses. Given the intensity of the uses surrounding the Property, both individually and collectively, R-4, Single-Family Residential is no longer an appropriate use for it. The applicant seeks CM zoning because it is appropriate for the both the surrounding area and the proposed uses for the Property, however.

21 - ZONE - 0072



Additional development review applications associated with the Proposal include review of a detailed district development plan (“DDDP”); a variance to allow the office/warehouse building on tract 2 to encroach into the streamside buffer encroachment area (SBEA) of the Blue Spring Ditch, which traverses the northern area of the Property; and a parking waiver to allow the drive-thru restaurant to have more parking on its site than permitted by the Land Development Code (“LDC”) (cumulatively, land use components 1 and 2 and any associated development review applications comprise the “Proposal”).

**THE PROPOSAL’S AGREEMENT WITH PLAN 2040
LOUISVILLE METRO’S COMPREHENSIVE PLAN**

AL CAT, LLC’s application to rezone its Property from the existing mix of C-1, Commercial and R-4, Single-Family Residential, to C-M, Commercial Manufacturing is in agreement with Plan 2040, A Comprehensive Plan for Louisville Metro (“Plan 2040”), as justified in detail below, and, therefore, CM, Commercial Manufacturing zoning is an appropriate designation for the Property and should be approved.

Plan Element 1 - Community Form

The Proposal conforms to Community Form Plan Element 1 and all applicable Goals, Objectives, and 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 Proposal advances these stated principles of the Community Form because the Proposal will provide redevelopment of infill property to establish uses more appropriate than the current single-family zoning use for the active Suburban Workplace Form District enveloping the Property and surrounding area. In place of the current zoning, the applicant proposes CM zoning, a hybrid commercial and industrial zoning designation, for the current and future uses of the Property, which will provide flexibility for commercial, industrial, or hybrid commercial-industrial users (certain light logistical users) to locate thereon and reinvest resources into the Property but without permitting the intense, noxious uses that are permitted within the higher level of intensity zoning designations of M-2 or M-3, Industrial or EZ-1, Enterprise Zone, which are present in this very Suburban Workplace Form. The less intense CM zoning is appropriate for the uses fronting this specific block of Shepherdsville Road as well as a compatible transition from the commercial/industrial corridor to residential uses west of the Property.

The Proposal complies with Community Form Goal 1, Policy 3.1.10 because the Property lies within the 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. Walkways to workplace-serving uses are encouraged for workplace employees. Development within Suburban Workplace Form Districts may need

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significant buffering from abutting uses. The Property currently contains the only single-family residence on either side of this specific block of Shepherdsville Road – a block home to numerous commercial/light industrial uses such as a gas station and convenience store, numerous auto sales and service establishments, a home improvement store, a large equipment sales and service dealership, a vacant bowling alley building, a McDonald’s restaurant, and a day-care facility. Adequate roadway infrastructure is in place to serve this immediate area of the Suburban Workplace Form, as Shepherdsville Road, a minor arterial roadway, connects to the north with Poplar Level Road, a major arterial roadway to the west and a minor arterial roadway to the east of its intersection with Shepherdsville Road and connects with Fern Valley Road, a major arterial roadway, to the south; all three well-used corridors maintain sufficient capacity to move goods and services from properties located within the Suburban Workplace Form with easy access to nearby expressway corridors as well as to the Muhammad Ali International Airport, which is a few miles to the west of the Property. TARC operates a local bus route along this stretch of Shepherdsville Road, as well as eastward on both Poplar Level Road and Fern Valley Road. A pedestrian connection serves the western side of Shepherdsville Road and along the Property’s frontage.

The Proposal aims to strengthen the surrounding Suburban Workplace Form by removing an out-of-place residential use and replacing it with a restaurant use fronting Shepherdsville Road (nearly identical to the restaurant use currently operating on the neighboring property to the south) and a light office/warehouse use, both of which will be more in keeping with the uses comprising the encompassing Form district and, because of their more similar relationships in nature and intensity of use, the redevelopment of the Property will increase compatibility between properties in the immediate area and be served by the adequate infrastructure and transportation facilities already in place. A mini-storage facility also neighbors the Property to the south, a multi-family residential complex lies to the west of the Property, on the other side of the elevated, high-powered electrical transmission lines. To the north of the Property is the Blue Spring Ditch and to the north and eastern side of the Property is an active day-care facility, My Little Testimonies; to the northeast of the Property, at the corner of Poplar Level Road and Shepherdsville Road, is a Circle K gas station and convenience store. Anchoring the corner of the Shepherdsville Road and Fern Valley Road to the south is a vacant rectangular structure that was previously used as a bowling alley. The Proposal will ensure compatibility in scale and design with these nearby existing land uses and with the prevailing pattern of development in the Suburban Workplace Form.

The proposed restaurant use is consistent with the commercial restaurant uses that serve Suburban Workplaces and the office/warehouse component will be setback from Shepherdsville Road and from the property line shared with the multi-family residential property to the west. Additionally, the office/warehouse structures will shield the residential community to the west from any parking and/or vehicular use areas serving the site and located on the opposite side of the structures, including any potential unrelated sources of lighting or noise that may emanate from the uses fronting Shepherdsville Road as well as the lighting and noise from daily/nightly traffic traveling the same. No hazardous materials will be stored or handled onsite. The office/warehouse buildings will be constructed of materials typically found in office/warehouse style construction; tilt-up wall

construction is likely for the proposed buildings. Twenty-four parking spaces will serve the office/warehouse buildings, while twenty-seven parking spaces will serve the restaurant component of the Proposal.

Goal 2 of the Community Form encourages sustainable growth and density around mixed-use centers and corridors. The surrounding Suburban Workplace Form is well developed and active with commercial and industrial uses of various sizes and intensities; the commercial/industrial activity center here is well rooted. The primary user of this particular Suburban Workplace Form is Haier's US Appliance Solutions (known by most as the former GE Appliance Park), where thousands of employees commute daily to and from the large employment center. The Proposal supports the established Suburban Workplace because it is a relatively compact development consisting of two components, of which will provide the Suburban Form with another convenient food option for the numerous employees working therein and nearby, as well as added storage space for existing or emerging uses within the Suburban Workplace. Moreover, the Proposal will add new investment and resources to the Suburban Workplace and new employment options to the activity center, which is easily accessible via pedestrian connections, transit and by vehicular travel from surrounding nearby residential neighborhoods. As mentioned, this Suburban Workplace Form is served by adequate roadway corridors and TARC service. The restaurant component of the Proposal will be served by a curb cut directly onto Shepherdsville Road, while the office/warehouse component setback from Shepherdsville Road will be served by Janies Way, a short local roadway with access to Shepherdsville Road. Secondary access and shared connections between the properties and between neighboring properties to the south are being explored so that access to Fern Valley Road from the Property can be achieved without having to access Shepherdsville Road. Shared parking between tracts 2 and 3 will be established. No change to the existing grid pattern of streets is proposed and the parking being requested is sufficient to serve the proposed uses. Compatible utilities shall be placed in a common trench unless otherwise required by appropriate agencies.

The site contains no historic or archaeological resources that contribute to Louisville Metro's authenticity, nor does the site contain watersheds, viewsheds, or natural resources that would be unprotected. As mentioned, the office/warehouse structure proposed for tract 2 does encroach into the streamside buffer area, but said encroachment will not endanger the Blue Spring Ditch because the building and construction of the same will not disrupt the streambank, which is a mowed streambank maintained by MSD. Similar encroachments into the streamside buffer area to what the applicant proposes on its DDDP here exist throughout this Suburban Workplace Form, as well as in the adjacent Neighborhood Forms. Additionally, no environmentally sensitive flood prone areas or wet or highly permeable soils, or severe, steep or unstable slopes exist on the Property to avoid. Required tree canopy areas will be provided onsite. Consequently, the Proposal complies with the applicable objectives and policies of Plan 2040 Community Form's Goals 1, 2 and 3. Plan 2040's Goals 4 and 5 are inapplicable to this Property and specific Proposal.

Plan Element - 2 Mobility

The applicant's 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 Proposal complies with Plan 2040's Mobility Plan Element because it redevelops and reuses the Property in a manner more appropriate and more in keeping with the surrounding Suburban Workplace Form District, notably this particular block of Shepherdsville Road, where no other single-family residential property fronting the busy corridor remains. The change in zoning designation to the Property allows for reinvestment in the Property and new sources of jobs within the active Suburban Workplace Form. The Property is served by connections to existing public roadways, where, within the Suburban Workplace, industrial, commercial and general pass-thru traffic utilize the roadway network. Primary access to the restaurant site is directly from Shepherdsville Road, a minor arterial roadway, while the main access to the office/warehouse component will be from Janies Way, a very short local roadway with direct access to Shepherdsville Road. Secondary access to provide connections from the Property south to Fern Valley Road, a major arterial roadway, is currently being explored/negotiated. The site has convenient proximity and adequate access via the public roadway network to I-65, I-265 and I-264 highways, which convenient access promotes the efficient movement of people and goods.

As it relates to safety of access to the Property, there are no site-distance, corner-clearance or site-line issues affiliated with the existing curb cuts proposed for serving the Property, thereby facilitating safe vehicular and pedestrian access to and from the proposed development and adjacent land uses. The Proposal ensures proper functioning of internal circulation and appropriate access to existing roadway network. An existing pedestrian connection runs along the Property's frontage with Shepherdsville Road and internal pedestrian connections will be provided intra-site, as depicted on the DDDP filed alongside the zoning application. The Proposal will add imperceptible vehicular trips to the existing traffic in the immediate area, for the restaurant use will mostly feed off of customers already in the surrounding area and the warehouse/office use, provided its moderate amount of space and low intensity use, will cause no adverse effects to adjacent areas.

TARC operates a local route along this segment of the Shepherdsville Road corridor, as well as heading east from Shepherdsville Road on both Poplar Level Road and Fern Valley Road, providing multi-modal options for employees and customers to reach the property without the need for reliance on an automobile. As mentioned, pedestrian connections exist along the western side of this section of Shepherdsville Road, but also along Poplar Level Road and Fern Valley Road, allowing for adequate means of multi-modal transportation to the Property and surrounding goods and services in the area. The Proposal intends to include bicycle parking on the Property, the specific area of which is still being explored but once established will support those employees and customers who prefer or require bicycle transportation as a means of travel. Adequate parking for the Proposal is established on the Property for the use, but, per applicable Land Development Code requirements, necessitate a parking waiver to allow more than the maximum parking required on the restaurant site. Per the recently updated parking regulations, the maximum parking requirement for the restaurant use is a mere nine (9) spaces, and, as depicted on the DDDP, the applicant requests

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twenty-seven (27) parking spaces to properly serve the use, which includes two (2) ADA spaces; the office/warehouse component has a minimum parking requirement of twenty four (24) and a maximum of forty-eight (48) parking spaces, and the applicant requests to have twenty four (24) spaces, including two (2) ADA spaces to serve the office/warehouse use located on tracts 2 & 3 of the DDDP. Street trees will be planted along the Property's frontage with Shepherdsville Road, as indicated on the DDDP. For the foregoing reasons, the 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 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 and all necessary utilities, including water, sewer, electricity, and telephone. Upon redevelopment, and 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 by the Okolona Fire District. Moreover, the rezoning of the Property under one common zoning designation can help future investment in the Property and hopefully lure a new source of jobs to the area and/or a land use that lends supportive services to Haier – the anchor of the Suburban Workplace Form.

Plan Element 4 – Economic Development

The intent of Plan Element 4 of Plan 2040 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 Proposal advances the intent of Plan 2040's Economic Development Plan Element, and its applicable Policies, Goals and Objectives because it will designate consistent and appropriate zoning for the underused infill Property so that it can facilitate new industrial and commercial uses within a robust Suburban Workplace Form already well outfitted with infrastructure serving industrial and commercial uses compatible with the CM zoning proposed for the Property. Additionally, the Proposal promotes the Goals and Objectives of Plan 2040's Economic Development Plan Element because it is geographically positioned near one of the Louisville Metro's major job centers – Haier (GE Appliance Park) – where thousands of employees work daily and various nearby supportive services and businesses reliant on Haier/GE Appliance Park coexist and take advantage of common infrastructure and utilities within the Suburban Workplace Form.

The Property fronts Shepherdsville Road, between its intersections with Fern Valley Road, a major arterial roadway, and Poplar Level Road, another arterial roadway, which will provide the Proposal appropriate transportation connectivity without negatively impacting

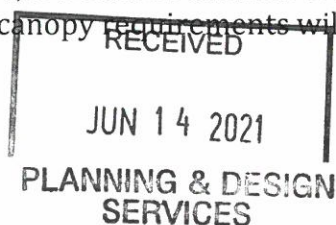
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current traffic flows. As mentioned, TARC does serve the Suburban Workplace Form with a local transit route that includes the Property, which addresses access to multi-modal for the workers who have jobs in this employment center. The Property also has convenient connections to major highways, such as I-65 and I-265, further supporting the flow of goods and services via adequate access to the Suburban Workplace Form and to the Property. In short, rezoning the Property to CM provides an opportunity for useful, appropriate infill redevelopment of the property of which the current single-family residential use is certainly not the highest and best, nor the appropriate, use for the Property and will not contribute to the economic growth and sustainability of the community. Therefore, the 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 on designing and developing places while prioritizing the protection and enhancement of the natural environment and the integration of it with the built environment as development occurs. Applicant’s 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 proposed development is located on a site that will enable proper stormwater handling and release management that will not adversely affect adjacent and downstream properties. Stormwater will be collected and piped underground to a proposed detention basin located toward the rear of the site, which is designed to ensure post-developed peak flows will be limited to pre-developed peak flows for 2-, 10-, 25- and 100-year storms or to the capacity of the down-stream system, whichever is more restrictive. The final stormwater design is required to receive approval from MSD prior to construction of the proposed development and must meet all of MSD’s MS4 water quality regulations. 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. The applicant, similar to numerous industrial, residential, and commercial users in the area, is requesting to have the main office/warehouse building on Tract 2 encroach into the streamside buffer area on the south side of the Blue Spring Ditch. The encroachment will not pose a threat or endanger the Blue Spring Ditch, for the building will remain a safe distance from the mowed streambank maintained by MSD and no use or activity other than the presence of the building will take place in the immediate area.

The site is listed within Zone A of the 100-year flood plain, per FIRM Map No. 21111 C 0077 F, dated February 23, 2021, but the applicable layer on Lojic illustrates the Proposal will have no affect to existing flood prone areas, floodplain/conveyance zones nor any FEMA 100-year review zones. Moreover, No hydric soils are present on the Property and the site does not contain any known archaeological features on it; and no severe, steep or unstable slopes exist on site. The Proposal does not require any open space and given its compact nature, it would be difficult to locate any open space onsite that would be usable for the area. Tree canopy requirements will be met via planting, including street tree plantings.

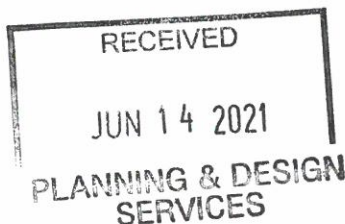


The proposal conforms to the requirements of APCD, represents an efficient land use that contributes to and enhances the existing pattern of development for the surrounding Suburban Workplace Form, and utilizes current traffic patterns on roadways with sufficient capacity and safe access thereto. Although the Property is located within an industrial and commercial center, it is positioned in an area supported by transit services and pedestrian connections, whereby accessing the site is not limited to only vehicle access. The proposed rezoning of the property to a more appropriate CM zoning will invest new resources into the Property and compatibly add to an existing activity center without negatively effecting adjacent land uses.

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. The Proposal advances all three Goals of the Housing Plan Element because it seeks to remove the sole remaining R-4, Single-Family zoning from this particular block of the Shepherdsville Road corridor, which commercial and industrial uses dominate to a level where single-family residential use is no longer appropriate or desirable on the Property. Though Plan 2040 encourages developments to not displace residential uses from property, the change in zoning of the Property to CM, Commercial Manufacturing is much more in keeping with the immediate area along the frontage of this portion of Shepherdsville Road; the current incompatible relationship between the single-family house currently on the Property and its surrounding land uses warrants removal of the single-family use from the Property.

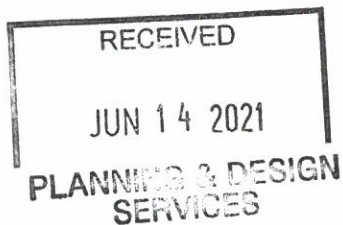
Although the applicant is (appropriately) not pursuing a housing development for the Property, the Proposal will provide for the eventual redevelopment and reinvestment of capital into the Property, which will add to the employment opportunities within the already active Suburban Workplace Form, which neighbors a long-established Neighborhood Form to the west, consisting of single- and multi-family residential developments that will benefit from the location of the new restaurant use on the Property. As such, additional employment positions in the area will assist residents of inter-generational, mixed-income and mixed-use development possibly find employment 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 CM removes inappropriate, isolated single-family zoning from the Suburban Workplace Form and the prospect of the Property's redevelopment into an appropriate industrial/commercial use to further strengthen the existing Suburban Workplace Form will support existing and future residential uses in the surrounding neighborhoods.



For all the foregoing reasons, including the information shown on the submitted DDDP 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 Proposal to change the zoning designation of the Property to CM, Commercial Manufacturing is appropriate for the Property and for the surrounding Suburban Workplace Form District because it complies with all other applicable Goals, Objectives and Policies of Plan 2040, Louisville Metro's adopted Comprehensive Plan. Equally as true, the current R-4, Single-Family zoning designation is no longer appropriate for the Property and retention of the existing zoning would not be consistent with the Guidelines, Policies and Objectives of Plan 2040.

Respectfully submitted,

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