

LAND DEVELOPMENT CODE SECTION 5.9.2.A.1.b.ii
VEHICULAR CONNECTION WAIVER JUSTIFICATION STATEMENT

TERESA NGUYEN & JUSTIN V. DINH

6101, 6105 & 6107 SOUTHSIDE DRIVE
101, 103, 105, 107, 109 & 111 STEEDLY DRIVE

The applicants, Teresa Nguyen and Justin V. Dinh (mother & son), are seeking approval of a zoning change involving property Teresa owns located at 6101, 6105 & 6107 Southside Drive and 101, 103, 105, 107, 109 and 11 Steedly Drive, Louisville, KY (cumulatively, approximately 7.14 acres; collectively, the properties are the “Property”), from its existing zoning of R-5 Single-Family Residential to CM, Commercial Manufacturing, to establish thereon a small commercial center fronting Southside and Steedly Drives and office/warehouse space in the rear, behind the commercial component of the plan. The Property is within a well-established and active Suburban Workplace Form District, where a large employment center is home to a multitude of industrial uses (both light and heavy), warehouse, office and commercial businesses operate and is anchored by the UPS Worldport, east of the Property and adjacent to the south of Louisville Muhammad Ali International Airport. In conjunction with the proposed zoning application and associated Detailed District Development Plan (“DDDP”) filed alongside their zoning application, the applicants are requesting a waiver of LDC Section 5.9.2.A.1.b.ii to not provide vehicular connections from the Property to the adjacent properties neighboring the Property both to the east and to the south (the “Waiver”).

The applicant is requesting this Waiver because: 1) the property to the south – 113 R Steedly Drive – is a Louisville Gas & Electric Company substation facility (“LG&E Property”), which provides electrical service to nearby properties and is enclosed by a fence and gate and, therefore, would disallow traffic from crossing its utility facility; and 2) the property to the east – unaddressed on Kenjoy Drive, parcel ID # 059H00230000 (“Kenjoy Property”) – is an EZ-1-zoned property currently used for storage of heavy industrial vehicles, equipment and materials, of which is also enclosed by a fence (barbed-wire) and the property’s use is one that would insert incompatible traffic flow between the neighboring properties and their respective uses. As explained herein, the Waiver complies with the criteria for granting waivers set forth in the Land Development Code and, therefore, should be approved.

The Waiver will not adversely affect adjacent property owners because the adjacent property owners have existing appropriate and adequate access from their respective properties; moreover, the LG&E Property does not generate traffic, let along the amount of traffic that would benefit from cross-access across neighboring properties. Allowing cross-access between the Property and the Kenjoy Property would mix incompatible traffic, creating unsafe conflicts between heavy industrial traffic and regular vehicular traffic and pedestrians navigating the Property.

The Waiver will not violate the Comprehensive Plan because the waiver to not provide the vehicular connection between properties with uses that are without need for cross-access and where such uses are of disparate levels of intensities that much heavier industrial traffic would be able to cross property zoned and used commercially, thereby potentially introducing nuisance and unsafe conditions to the Property. Plan 2040, A Comprehensive Plan for Louisville Metro (“Plan 2040”) discourages access to development through areas of significantly lower density, as is the case here between the Property and the Kenjoy Property (*see* Plan 2040 Mobility Plan Element, Goal 2, Policy 4). Accordingly, as applied here, inviting cross-access of these vehicles between the Property and the Kenjoy Property would contradict Plan 2040’s Mobility Plan Element policy.

The extent of Waiver of the regulation – to not provide a vehicular cross-connection between the Property and either the Kenjoy Property or the LG&E Property – is the minimum necessary to afford relief to the applicant because each affected property has adequate and appropriate access for existing or future needs and not providing unnecessary and inappropriate cross-access between the properties will rightfully disallow traffic from users of significantly higher intensity from utilizing the Property for access to the public street network. Consequently, the strict application LDC Section 5.9.2.A.1.b.ii to the DDDP here would create an unnecessary hardship on the applicants because installing a cross-connection for vehicular traffic between the Property and the Kenjoy Property would create conflict in traffic on the Property between heavier vehicles and regular vehicles and pedestrians maneuvering daily on the Property, thereby creating an unnecessary hardship for both the applicant, their tenants, patrons, and the adjacent property owners.

For the foregoing reasons, as well as the justification set forth in the applicants’ statement of compliance filed with the corresponding zoning application, the applicants respectfully request the Louisville Metro Planning Commission approve the Waiver.

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