

**THOMAS CAR WASH**  
**REQUEST FOR A CHANGE IN ZONING**  
**FROM R-4 SINGLE FAMILY RESIDENTIAL TO C-1 COMMERCIAL**  
**AND LANDSCAPE WAIVER AND VARIANCE**  
**6511 PRESTON HIGHWAY**  
**CASE NO. 14ZONE1021**

**JUSTIFICATION STATEMENT**

**INTRODUCTION**

Thomas Car Wash ("Thomas" or the "applicant") is seeking to rezone a portion of the property at 6511 Preston Highway from R-4 Single Family Residential to C-1 Commercial to allow it to redevelop the subject property as a drive through car wash. The subject property was, until recently, operated as a branch bank with drive through lanes and access from both Fern Valley Road and Preston Highway. The subject property has been used for many years entirely commercially, as have at least two other properties to the south that are both partially zoned R-4.

**REZONING JUSTIFICATION**

The proposed redevelopment complies with the Cornerstone 2020 Comprehensive Plan and with all of the applicable Guidelines and Policies it contains. The subject property is surrounded by commercial uses, including a gas station/convenience store with a drive through car wash, an adult store, truck dealership and office buildings. That the subject property remains zoned, even in part, residential, is a curiosity. The proposed redevelopment will use the existing access points on Fern Valley Road and Preston Highway. The proposed redevelopment will remove the existing bank buildings and replace them with a drive through car wash building and coverings for vacuum spaces just to the south of the building (and behind the existing gas station and adult store).

**Guideline 1-Community Form/Land Use**

The proposed redevelopment complies with Guideline 1 of the Cornerstone 2020 Comprehensive Plan. The subject property is located in the Suburban Marketplace Corridor Form District, a form district located along major roadways with a mixture of medium to high intensity uses. Redevelopment is encouraged, as the applicant is proposing.

**Guideline 2-Centers**

The proposed redevelopment complies with Guideline 2 and with its Policies. The proposed redevelopment is in an activity center at the corner of Fern Valley Road and Preston Highway, one of the more intensely developed commercial areas in the community. The proposed redevelopment is compact in scale and uses existing access points and

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infrastructure. The proposed redevelopment will use existing utilities. The subject property is also served by a nearby TARC stop.

### **Guideline 3-Compatibility**

The proposed redevelopment complies with Guideline 3 and its Policies. The proposed redevelopment is similar in scale to the nearby existing commercial uses. The proposed redevelopment should have no adverse impact on adjacent properties through any additional odor, noise or lighting. The proposed redevelopment should also compliment the adjacent auto-centric uses, including the gas station and truck dealerships to the south and north of the subject property, respectively. The applicant is seeking a waiver of certain landscaping requirements to the south because portions of those two properties are zoned R-4 Single-Family Residential in spite of their intense commercial use.

### **Guideline 4-Open Space and Guideline 5-Natural Areas and Scenic and Historic Resources**

There is virtually no open space on the subject property, nor are there any identified scenic or historic resources. The proposed redevelopment will, however, comply with these Guidelines. The proposed redevelopment will decrease the amount of impervious surface existing on the subject property by approximately 9,000 square feet and will comply with the tree canopy regulation.

### **Guideline 6-Economic Growth and Sustainability**

The proposed redevelopment complies with Guideline 6 and its Policies. The proposed redevelopment will replace a shuttered bank branch with a car wash using the existing infrastructure and bringing the subject property more into compliance with the current Land Development Code.

### **Guideline 7-Circulation and Guideline 8-Transportation Facility Design**

The proposed redevelopment complies with these Guidelines and their Policies. The proposed redevelopment will use the existing access points on Fern Valley Road and Preston Highway but will limit access on Preston Highway to right-in/right-out to ensure safe traffic circulation. The applicant has also identified possible locations for future connections to adjoining properties. The proposed redevelopment will also respect the Fern Valley Road parkway buffer requirement. Right of way dedication has not been requested.

### **Guideline 9-Bicycle, Pedestrian and Transit**

The proposed redevelopment is an auto-centric use but complies with this Guideline and its Policies. The proposed redevelopment is adjacent to a property that hosts a TARC stop, will provide both short- and long-term bicycle parking and will provide safe cross-walks at its entrances on Fern Valley Road and Preston Highway.

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**Guideline 10-Flooding and Stormwater and Guideline 11-Water Quality**

The proposed redevelopment complies with these Guidelines and their Policies. The proposed redevelopment will reduce the existing impervious surface on the subject property by approximately 9,000 square feet and will provide tree canopy where none exists today. Both of these factors should improve the ability of the subject property to absorb stormwater and to improve water quality. The proposed redevelopment will connect to the existing storm sewer in the area. The applicant will comply with all MSD requirements during and after construction.

**Guideline 12- Air Quality**

The proposed redevelopment complies with this Guideline and its Policies. The proposed redevelopment will use existing infrastructure, will provide bike parking and will provide trees where there are none.

**Guideline 13-Landscape Character**

The proposed redevelopment complies with this Guideline and its Policies. The proposed redevelopment will provide approximately 9,000 square feet of green space that does not exist today . The waiver requested from the landscape buffer requirements is due to the fact that the commercially-used properties to the south are partially zoned R-4 Single Family Residential.

For the reasons outlined above, the Louisville Metro Planning Commission should recommend to the Louisville Metro Council that the subject property be rezoned from R-4 Single Family Residential to C-1 Commercial.

**LANDSCAPE WAIVER JUSTIFICATION**

The proposed redevelopment contains buffers as required adjacent to all of the commercially used and zoned properties that border it. Curiously, portions of the subject property and the properties to the south, while used commercially for many years, are zoned R-4 Single-Family Residential, triggering buffer requirements under LDC 10.2.4.A. The applicant is seeking to waive the required buffer due to the commercial use of the properties to the south of the subject property.

The waiver will not adversely affect adjoining property owners. There is no landscaping in the area of the request now and no buffer would be required if the zoning and use of the adjoining properties were consistent.

The waiver will not violate the Comprehensive Plan for the reasons mentioned above.

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The extent of the waiver is the minimum necessary to afford relief to the applicant. The applicant is proposing to provide buffers where required and is providing interior landscaping and trees where none currently exist.

The strict application of the provisions of the regulation would deprive the applicant of reasonable use of the land. The R-4 Single-Family Residential district has no place on the subject property or the adjacent properties to the south. Mandating a 25' buffer area be created because of the incorrect zoning of the properties to the south would create an unreasonable burden on the applicant.

### **VARIANCE JUSTIFICATION**

The proposed redevelopment requires a 25' yard adjacent to the R-4 Single-Family Residential zoned portions of the adjacent properties to the south. Neither of these properties are used residentially, meaning a reduction in the required yard will not adversely affect the public health, safety or welfare.

The proposed variance will not alter the essential character of the general vicinity because it will allow the existing yards (none) to remain. And the area of the variance is to the rear of the buildings that face Fern Valley Road and Preston Highway.

The proposed variance will not cause a hazard or nuisance to the public because it will allow for the existing yards to remain and will allow for adequate access to the proposed redevelopment.

The proposed variance will not allow an unreasonable circumvention of the requirements of the zoning regulation but will instead allow for the subject property to be redeveloped in spite of what must be mistaken zoning lines and/or land uses on the properties to the south of the subject property.

The variance arises from special circumstances that do not apply to other properties in the area. Rarely are residentially-zoned properties used commercially as the subject property and the adjacent properties to the south have been.

The strict application of the regulation will deprive the applicant of the reasonable use of the subject property. The R-4 Single-Family Residential district has no place on the subject property or the adjacent properties to the south. Mandating a 25' buffer area be created because of the incorrect zoning of the properties to the south would create an unreasonable burden on the applicant.

The circumstances are not the result of actions the applicant has taken but are the result of an error either in the drawing of the zoning boundary or in the permitting of commercial uses on the subject properties for as many years as have passed since these properties began being so used.

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**CONNECTION WAIVER JUSTIFICATION STATEMENT**

The applicant is seeking a waiver from Land Development Code Section 5.9.2.A.b.1.i to eliminate the required pedestrian connection from the main car wash building to Fern Valley Road. The section of the subject property that leads to Fern Valley Road is constrained by an existing driving area and drainage swale that make building an accessible pedestrian path unfeasible.

The waiver will not adversely affect adjoining property owners. There is no existing sidewalk connection to the existing vacant bank building. The applicant is providing a pedestrian connection to the other frontage of the property on Preston Highway, which is also very near to a TARC stop.

The waiver will not violate the Comprehensive Plan for the reasons mentioned in the applicant's main justification statement and because the intent of the regulation is being met through the provided pedestrian connection on Preston Highway. The proposed use of the property is as auto-centric as any possible use, a car wash. Therefore, there should be little pedestrian traffic to the subject property. Providing a connection near the TARC stop will allow employees who might not drive to the subject property a safe entrance.

The extent of the waiver is the minimum necessary to afford relief to the applicant. The applicant is proposing to provide the pedestrian connection at Preston Highway, where there is likely to be more pedestrian demand due to the presence of the TARC stop.

The strict application of the provisions of the regulation would deprive the applicant of reasonable use of the land. In order to construct a pedestrian path from Fern Valley Road, the applicant would need to remove a section of the existing driveway and build a sidewalk adjacent to the commercial property to the south and east (Cirilla's) and would cause pedestrians to cross multiple driving lanes to get to a use that, ultimately, is unlikely to be visited by pedestrians.

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