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ZONE CHANGE JUSTIFICATION STATEMENT

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**Zaremba Group, LLC
9267 Smyrna Parkway
Request for Change in Zone from R-4 to C-N
Case No. 16-ZONE-1005**

This application involves a 1.65 acre portion (the "Subject Property") of a 4.207 acre tract (the "Parent Tract") located near the southeasterly corner of the Smyrna Parkway and I-265 (Gene Snyder Freeway) interchange. The Subject Property sets across Smyrna Parkway from a BP gas station and convenience store. The western boundary of the Subject Property is contiguous to Smyrna Parkway. North of the Subject Property is a 5.32 acre parcel zoned OR-3 and currently owned and occupied by L&N Federal Credit Union as a full service bank with drive thru facilities and various office buildings utilized as the headquarters and/or operations center for the Credit Union. South of the Subject Property and the Parent Tract is a 5.70 acre parcel occupied by American Veterans Post #61. To the east of the Subject Property and the Parent Tract is a residential subdivision which is separated from the Subject Property by a heavily treed portion of the Parent Tract. Access to the Subject Property will be directly from Smyrna Parkway.

The Subject Property is currently vacant and is zoned R-4 Single Family Residential. The Subject Property is located in the Neighborhood Form District. The applicant is requesting change in zoning classifications from R-4 Single Family Residential to C-N Neighborhood Commercial District to allow for construction of a Dollar General grocery and sundries store containing 7,449 square feet, which will be similar to and compliment the proposed uses immediately to the north, south and west of the currently owned and operated by L&N Federal Credit Union (the "Proposal").

Under Form District Policy A.2. (e) of the Plan Elements of the Cornerstone 2020 Comprehensive Plan (the "Comprehensive Plan"), plans, studies and strategies legislatively developed subsequent to the adoption of the Comprehensive Plan, such as the Highview Neighborhood Plan adopted in June 2015, are intended to take precedence over the more general guidelines of Cornerstone 2020. The Highview Neighborhood Plan makes land use recommendations that encourage commercial development to occur in dedicated neighborhood activity centers. Land Use Recommendation #2 of the Highview Neighborhood Plan indicates that neighborhood activity centers/nodes shown in Figure 2.4 are the preferred location for future medium to high density development, and provides that such centers/nodes should be centered around a defined intersection and be walkable in size, defined as being no more than ¼ mile from edge to edge. In addition, Land Use Recommendation #6 of the Highview Neighborhood Plan recommends that commercial development should be limited within neighborhood activity centers shown in Figure 3.7. The Proposal complies with the Highview Neighborhood Plan as the Subject Property is within the neighborhood activity center located in and around the intersection of Smyrna Parkway and Cooper Chapel Road as shown in Figure 2.4 and Figure 3.7 of the Highview Neighborhood Plan and

such center is walkable in size in that the distance between the Smyrna/Cooper Chapel intersection and the northern entrance of L&N Credit Union development is less than ¼ mile from edge to edge.

COMPREHENSIVE PLAN GUIDELINES

Specific applicable Goals, Objectives, Guidelines and Policies are presented in this Justification Statement.

Community Form Guideline 1. The Proposal conforms to Community Form Guideline 1 and all applicable Policies adopted thereunder, including Policy 1.B.3. The site is located within the Neighborhood Form District, and is consistent with the Neighborhood Form District because the grocery and sundries store will provide a necessary service near existing residential areas in the Smyrna Parkway-Cooper Chapel Road area. The size and scale of the proposal is also consistent with this Form District, which is located near the intersection of a primary collector (Smyrna Parkway) and an Expressway (Gene Snyder Freeway) and is consistent with the Highview Neighborhood Plan given that the Subject Property is within the neighborhood activity center which is located at the intersection Smyrna Parkway and Cooper Chapel Road.

Compatibility Guideline 3. The Proposal conforms to Compatibility Guideline 3 and all applicable Policies adopted thereunder, including Policies 3.1, 3.2, 3.4, 3.6, 3.7, 3.8, 3.9, 3.11, 3.12, 3.21, 3.22, 3.23, 3.24 and 3.28. The site and structures will be accessible to persons with disabilities, and will be in accordance with all local, state and federal laws protecting persons with disabilities. Building materials will be compatible with the nearby commercial uses and residential areas, with glass and Nichiha brick veneer panels utilized on the three façades facing Smyrna Parkway and the adjacent properties to the north and south, and the use of corrugated steel for the rear façade facing the heavily treed portion of the Parent Tract to the east of the Subject Property. The building and related parking are situated toward the center of the property, which will reduce visibility of parking areas from adjacent streets, the adjacent properties to the north and south and the adjacent residential subdivision to the east. Lighting will conform to the Land Development Code. It is anticipated that the Proposal will receive the approval of Louisville Metro Department of Public Works (“DPW”). It is anticipated that the Proposal will receive the approval of Louisville Air Pollution Control District (“APCD”). It is anticipated that the Proposal will receive the approval of the Metropolitan Sewer Department (“MSD”). All setback requirements have been met, [except where one maximum setback is exceeded and a variance has been requested]. Appropriate landscape buffer requirements have been met. The proposal will conform with all signage requirements of the Land Development Code. Appropriate transition between the adjacent commercial uses, residential areas and the proposed development will be ensured by substantial perimeter landscape and buffer areas around the Subject Property.

Natural Areas and Scenic and Historic Resources Guideline 5. The Proposal conforms to Natural Areas and Scenic and Historic Resources Guideline 5 and all

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applicable Policies adopted thereunder, including Policies 5.1, 5.2, 5.3, 5.4 and 5.6 because the Subject Property does not appear to affect any historic resources and the proposed location of the developed portions of the Subject Property respect the heavily treed portions of the Parent Tract, and other areas with steep slopes and unstable soils.

Circulation Guideline 7. The Proposal conforms to Circulation Guideline 7 and all applicable Policies adopted thereunder, including Policies 7.1, 7.2, 7.3, 7.9, 7.10, 7.15 and 7.16. Pedestrian connectivity is provided throughout and sidewalks will be constructed internally along all dedicated roadways. Access is provided to and from Smyrna Parkway. The site will be served by the transit services of the Transit Authority of River City (“TARC”). TARC Route #45 Okolona Express provides service for the site because Smyrna Parkway is part of the route. It is anticipated that no dedication of right-of-way will be required by the Department of Public Works. The development exceeds the minimum parking requirement of the Land Development Code. Entry design serving the Subject Property and the future development areas of the Parent Tract is unified.

Bicycle, Pedestrian and Transit Guideline 9. The Proposal conforms to Bicycle, Pedestrian and Transit Guideline 9 and all applicable Policies adopted thereunder, including Policies 9.1, 9.2, 9.3 and 9.4. Sidewalks will be constructed internally along all dedicated roadways providing easy pedestrian access to and through the Subject Property. Transit service is provided along this segment of Smyrna Parkway via TARC Route 45.

Flooding and Stormwater Guideline 10. The Proposal conforms to Flooding and Stormwater Guideline 10 and all applicable Policies adopted thereunder, including Policies 10.1, 10.2, 10.3, 10.4, 10.7, 10.10 and 10.11. The development of the site will minimize the potential for the impacts of flooding and effectively manages stormwater runoff. The proposal will not have an adverse effect on the watershed based on full development of the watershed. On-site detention facilities will provide for adequate compensatory stormwater storage. There is no impact to the regulatory floodplain because all structures will be located above the floodplain. No buildings are proposed to be located within the 100-year FEMA regulatory floodplain. It is anticipated that the Proposal will receive the approval of the Metropolitan Sewer District (“MSD”). Moreover, the on-site drainage system will accommodate the “through” drainage system of water flows on-site and off-site. Peak stormwater runoff rates post-development will not exceed pre-development rates.

Air Quality Guideline 12. The proposal conforms to Air Quality Guideline 12 and all applicable Policies adopted thereunder, including Policies 12.1, 12.3 and 12.8. It is anticipated that the development will not generate significant volumes of traffic to cause a degradation of ambient air quality standards. The proposal is situated at a location where it can take advantage of TARC Route #45. Sidewalks are proposed for the frontage of the Subject Property along Smyrna Parkway. It is anticipated that the Louisville Air Pollution Control District will approve the Proposal. If approved, the APCD approval will indicate, among other things, that the proposal conforms to Air Quality

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Guideline 12 and related all Policies because no adverse air quality impacts will be generated by the proposal.

Landscape Character Guideline 13. The proposal conforms to Landscape Character Guideline 13 and all applicable Policies adopted thereunder, including Policies 1, 2, 4, 5 and 6. A Tree Preservation Plan will be submitted to the Planning Commission staff for review and approval prior to the beginning of construction. The heavily treed portion of the Parent Tract to the east of the Subject Property will be preserved so as to provide a natural buffer between the Subject Property and the adjacent residential subdivision. Landscaping – native plant species -- will be provided in accordance with Chapter 10 of the Land Development Code wherever possible. Additional Landscape Buffer Areas around the perimeter of the site and roadways, wherever required, will be implemented in accordance with the Land Development Code specifications.

Infrastructure Guideline 14. The proposal conforms to Infrastructure Guideline 14 and all applicable Policies adopted thereunder, including Policies 14.2, 14.3, 14.4, 14.6 and 14.7. The proposal has adequate service for all necessary utilities. An adequate water supply for domestic and fire-fighting purposes serves the site. New utilities will be located underground wherever possible and will be situated where recommended by each utility for appropriate maintenance and repair access.

Community Facilities Guideline 15. The proposal conforms to Community Facilities Guideline 15 and all applicable Policies adopted thereunder, including Policy 15.9. Adequate firefighting services will be provided by the Highview Fire Protection District.

The proposal conforms to all other applicable Goals, Objectives, Guidelines and Policies of the Comprehensive Plan.

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DEMONSTRATION OF APPROPRIATENESS

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I. **The proposal conforms to the Comprehensive Plan for Louisville and Jefferson County, Kentucky.**

The proposed zone change from R-4 Residential Single Family District to C-N Neighborhood Commercial District (the "proposal") conforms to KRS 100.213 because it is in agreement with the adopted Comprehensive Plan for Louisville and Jefferson County, Kentucky, within which this property lies.

The proposal also conforms to the Highview Neighborhood Plan. Under Form District Policy A.2.(e) of the Plan Elements of the Cornerstone 2020 Comprehensive Plan (the "Comprehensive Plan"), plans, studies and strategies legislatively developed subsequent to the adoption of the Comprehensive Plan, such as the Highview Neighborhood Plan adopted in June 2015, are intended to take precedence over the more general guidelines of Cornerstone 2020. The Highview Neighborhood Plan makes land use recommendations that encourage commercial development to occur in dedicated neighborhood activity centers. Land Use Recommendation #2 of the Highview Neighborhood Plan indicates that neighborhood activity centers/nodes shown in Figure 2.4 are the preferred location for future medium to high density development, and provides that such centers/nodes should be centered around a defined intersection and be walkable in size, defined as being no more than ¼ mile from edge to edge. In addition, Land Use Recommendation #6 of the Highview Neighborhood Plan recommends that commercial development should be limited within neighborhood activity centers shown in Figure 3.7. The Proposal complies with the Highview Neighborhood Plan as the Subject Property is within the neighborhood activity center located in and around the intersection of Smyrna Parkway and Cooper Chapel Road as shown in Figure 2.4 and Figure 3.7 of the Highview Neighborhood Plan and such center is walkable in size in that the distance between the Smyrna/Cooper Chapel intersection and the northern entrance of L&N Credit Union development is less than ¼ mile from edge to edge.

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Natural Areas and Scenic and Historic Resources Guideline 5. The Proposal conforms to Natural Areas and Scenic and Historic Resources Guideline 5 and all applicable Policies adopted thereunder, including Policies 5.1, 5.2, 5.3, 5.4 and 5.6 because the Subject Property does not appear to affect any historic resources and the proposed location of the developed portions of the Subject Property respect the heavily treed portions of the Parent Tract, and other areas with steep slopes and unstable soils.

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Air Quality Guideline 12. The proposal conforms to Air Quality Guideline 12 and all applicable Policies adopted thereunder, including Policies 12.1, 12.3 and 12.8. It is anticipated that the development will not generate significant volumes of traffic to cause a degradation of ambient air quality standards. The proposal is situated at a location where it can take advantage of TARC Route #45. Sidewalks are proposed for the frontage of the Subject Property along Smyrna Parkway. It is anticipated that the Louisville Air Pollution Control District will approve the Proposal. If approved, the APCD approval will indicate, among other things, that the proposal conforms to Air Quality Guideline 12 and related all Policies because no adverse air quality impacts will be generated by the proposal.

Landscape Character Guideline 13. The proposal conforms to Landscape Character Guideline 13 and all applicable Policies adopted thereunder, including Policies 1, 2, 4, 5 and 6. A Tree Preservation Plan will be submitted to the Planning Commission staff for review and approval prior to the beginning of

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construction. The heavily treed portion of the Parent Tract to the east of the Subject Property will be preserved so as to provide a natural buffer between the Subject Property and the adjacent residential subdivision. Landscaping – native plant species -- will be provided in accordance with Chapter 10 of the Land Development Code wherever possible. Additional Landscape Buffer Areas around the perimeter of the site and roadways, wherever required, will be implemented in accordance with the Land Development Code specifications.

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The proposal conforms to all other applicable Goals, Objectives, Guidelines and Policies of the Comprehensive Plan.

- II. **All necessary utilities, including gas, electric, water, telephone, cable and telecommunications, either presently exist on-site or will be constructed. Essential public services, including sidewalks, will be constructed to serve the site as described above.**
- III. **Implementation of proposed uses is anticipated to begin within twelve (12) months of final approval.**

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