

Docket No. 19ZONE0023

(Dante St. Germain, DPDS Case Manager)

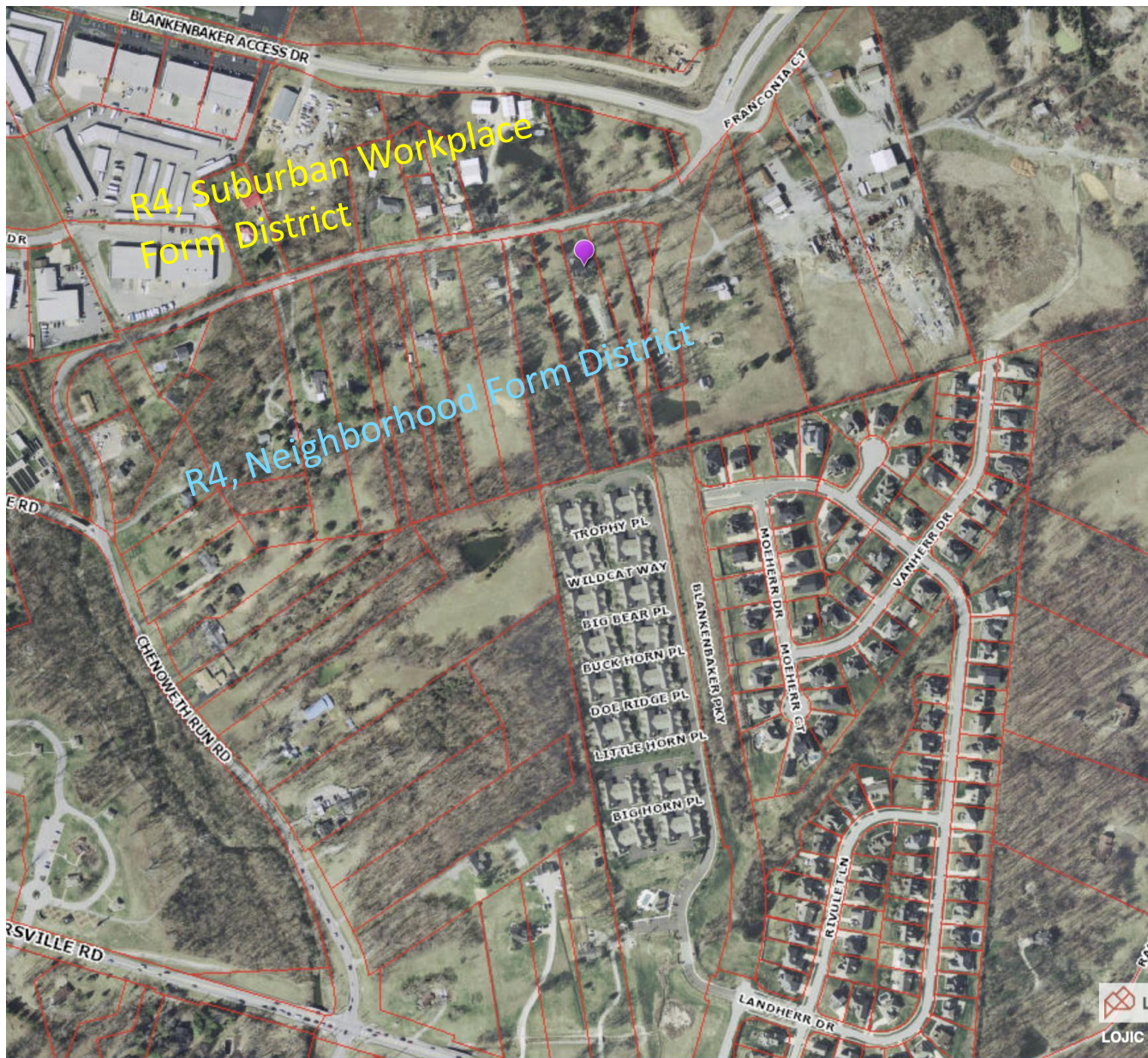
Proposed change in zoning from R-4 to C-2 to allow a contractor's shop on approximately 4.34 acres on property located at 3115, 3109 & 3119 Chenoweth Run Road



History and Background



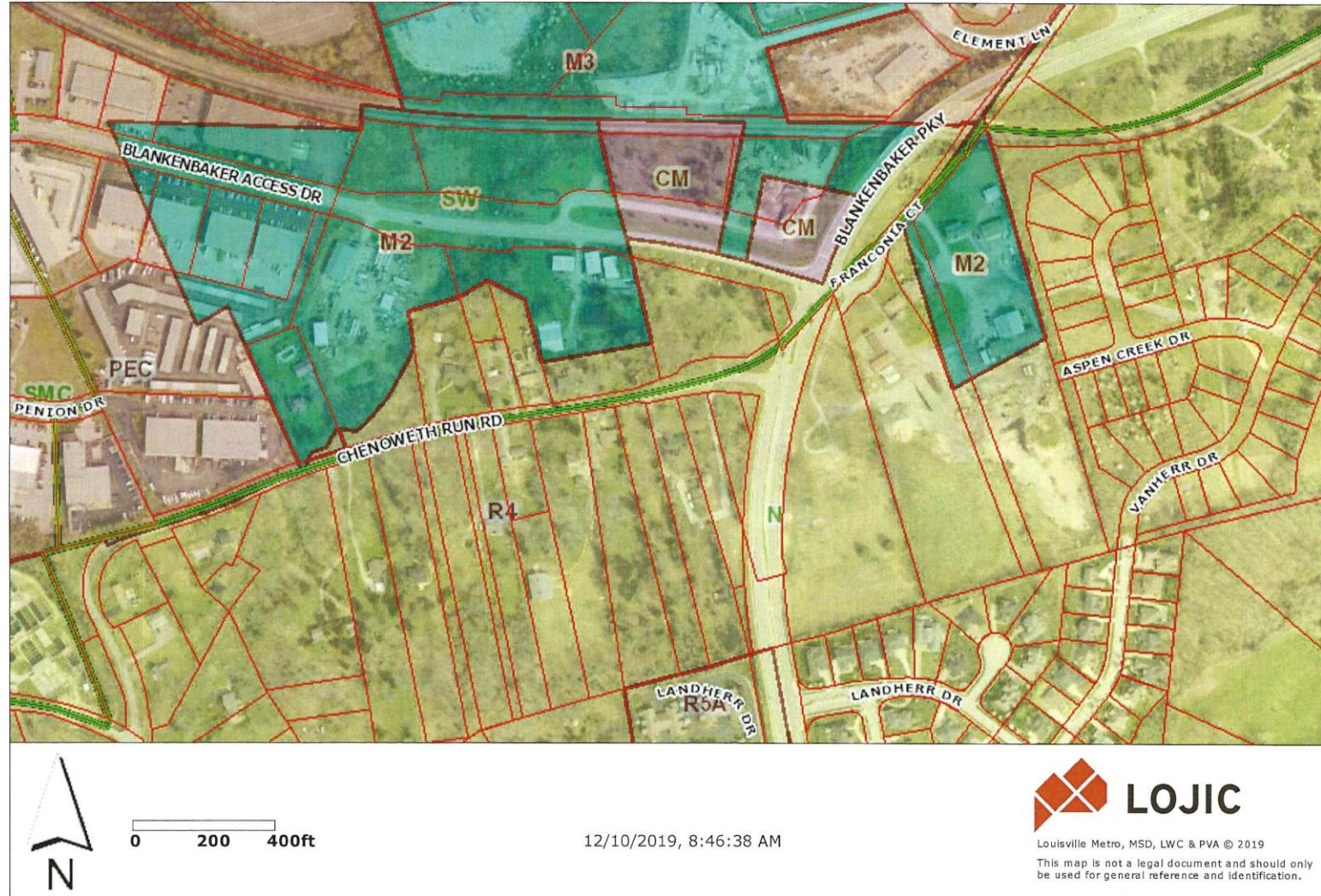
- Blankenbaker Parkway Extension (from Blankenbaker Access KY 913C to Taylorsville Road KY 155) was completed in 2011
- Prior to Blankenbaker extension in 2011, Chenoweth Run Road was the main artery between Blankenbaker Parkway and Taylorsville Road. All traffic traveled on this road.
- This road was the clear boundary line between the R-4 Suburban Workplace Form District near the Industrial Park and the residences in the R-4 Neighborhood Form District.
- Deer Creek and Landherr Estates communities gained visibility due to having access to Blankenbaker Parkway rather than a dead-end street from Taylorsville Road and property values increased due to exposure.
- Traffic was reduced from Chenoweth Run and was rerouted to Blankenbaker Parkway
- All property along the Blankenbaker Extension was residential property.



History and Background

- Mulch Yard property at corner of Blankenbaker Access and Blankenbaker Parkway was already located in the R4 Suburban Workplace zone prior to the Blankenbaker Extension.
- **House located on Franconia Trucking property along Blankenbaker Parkway was removed due to the property's deterioration after family member's death; was not affected by completion of Blankenbaker Extension in 2011**
- Evans Engine Repair was located in the back of the Franconia Trucking property but has now moved to the Industrial Park at 2209 Watterson Trail.
- Interested parties have evaluated the Franconia Trucking property and have indicated that it would be ideal for high density patio homes or apartments in the future resulting in additional residentially zoned property.

History and Background



History and Background

- Rober Lopez Castellanos bought his property on March 24th, 2016 from Barney and Anna Long after the Blankenbaker Extension was completed, presumably recognizing the impact of the Blankenbaker Parkway extension for his business plans – greater street access to areas of Louisville, outside the Jeffersontown Industrial Park (less taxes), residential property cheaper than Industrial Park, etc.
- Cited in June 2016 for operating a commercial business in a residential area – noise from industrial equipment, debris dumping, etc.
- **Future criminal court date in February 2020 (awaiting possible rezoning change)**⁵



History and Background

- Attorney states in his application the following:

“Applicant using the property as his residence and as a staging area for his landscaping related businesses”; Applicant’s business has experienced tremendous growth in the last three years resulting in neighbors’ complaints and court citations.”

In his own words, this is a perfect explanation of what this applicant’s intentions have been all along with this property: A residence being used as a commercial business skirting all commercial regulations and policies.



Blankenbaker Parkway Sound Barrier Walls for Landherr Estates and Deer Creek

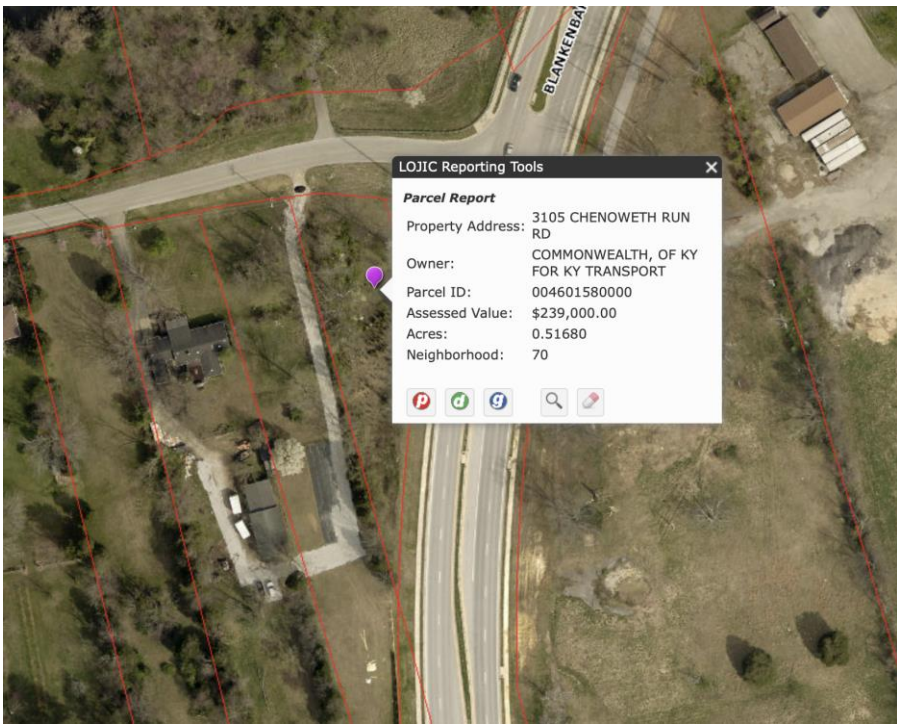


- Blankenbaker Parkway sound barrier wall was planned for Deer Creek patio homes initially in the KDOT plan
- Landherr Estates subdivision had to request the sound barrier wall and was granted one also by the KDOT
- Chenoweth Run residences did not request a sound barrier wall down to Chenoweth Run Road
- KYDOT would not have placed a sound barrier wall due to property being vacant at Chenoweth Run Road along Blankenbaker Parkway
- **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.**
- **If applicant feels that a sound barrier wall is needed, an application could have been submitted to the KYDOT to request one.**

Proposed Lopez rezoned lots have not lost value due to Blankenbaker Parkway Extension (completed in 2011)

Addresses Along Blankenbaker Parkway	Taxable Assessed Value							
	2008	2010	2012	2013	2014	2016	2017	2019
3109 Chenoweth Run Road	\$25,100	NA	\$25,100	NA	\$25,100	\$45,000	\$45,000	NA
3115 Chenoweth Run Road	\$137,300	NA	\$137,300	NA	\$226,200	\$202,060	\$250,990	NA
3119 Chenoweth Run Road	\$23,700	NA	\$23,700	NA	\$23,700	\$54,010	\$54,010	NA
Total	\$186,100		\$186,100		\$275,000	\$301,070	\$350,000	
4108 Moeherr Drive	\$429,850	\$330,000	\$330,000	\$330,000	\$330,000	\$371,470	\$374,900	NA
4106 Moeherr Drive	\$397,030	\$397,030	\$397,030	\$397,030	\$407,030	\$370,370	\$370,370	NA
4104 Moeherr Drive	\$410,000	\$410,000	\$410,000	\$410,000	\$410,000	\$400,610	\$400,610	NA
4008 Moeherr Court	NA	\$250,000	\$250,000	\$245,000	\$245,000	\$270,000	\$270,000	\$335,000
4006 Moeherr Court	\$245,500	\$245,500	\$245,500	\$245,500	\$245,500	\$255,420	\$255,420	\$375,000
4004 Moeherr Court	\$445,000	\$445,000	\$375,000	\$375,000	\$375,000	\$389,000	\$389,000	\$389,000
4002 Moeherr Court	\$306,780	\$306,780	\$306,780	\$306,780	\$306,780	\$275,170	\$391,500	\$391,500

Note: Some home values were foreclosed on during the 2008 housing crisis and then were resold at lower prices.



LOJIC Reporting Tools

Parcel Report

Property Address: 3105 CHENOWETH RUN RD

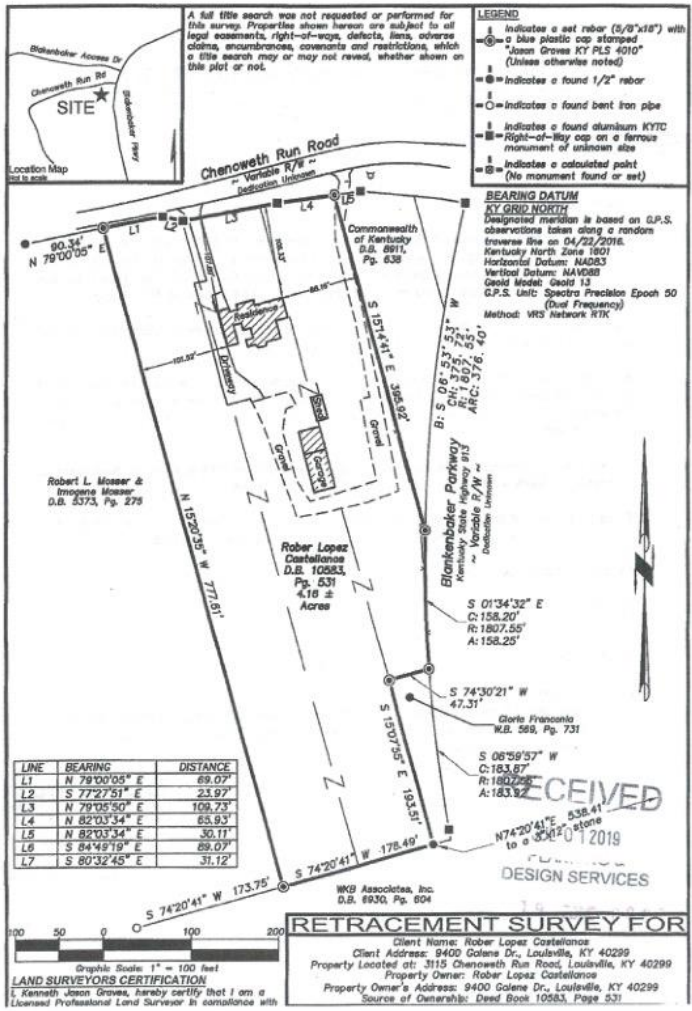
Owner: COMMONWEALTH, OF KY FOR KY TRANSPORT

Parcel ID: 004601580000

Assessed Value: \$239,000.00

Acres: 0.51680

Neighborhood: 70



- Small KYDOT property adjacent to proposed rezoning area along Blankenbaker Parkway has a significant taxable assessed value, \$239,000, and does not appear to have lost value due to the Blankenbaker extension.
- If purchased by the applicant, this property could grant the applicant 534.65 ft of frontage on Blankenbaker Parkway.



- View of proposed rezoned lots from Blankenbaker Parkway (view from Landherr Estates)
- If fence deteriorates or vegetation is removed, this property will be totally visible on Blankenbaker Parkway.
- Equipment visible on Blankenbaker Parkway as deciduous trees lose their vegetation in winter months



Deer Creek

- Patio home community located at the corner of Taylorsville Road and Blankenbaker Parkway
- Connects with the proposed rezoned lots on the north side of their community
- Better visibility with access on Blankenbaker Parkway
- 65 homes; zoned R5A



Landherr Estates

- 116 homes located along Blankenbaker Parkway
- Most expensive homes pictured (valued over \$350,000) are located along Blankenbaker Parkway
- Zoned R-4 Neighborhood Form District



- Future RJ Thieneman Woods at Landherr development located at Vanherr Drive and adjacent to Franconia Trucking property
- 87 lots with planned home values of \$350-600,000 plus
- Zoned R-4 Neighborhood Form District



- Examples of current new development standards for business and residential communities along Blankenbaker Parkway
- Well manicured landscaping
- Proper signage
- Same standards should apply to entire length of Blankenbaker Parkway from Shelbyville Road to Taylorsville Road.

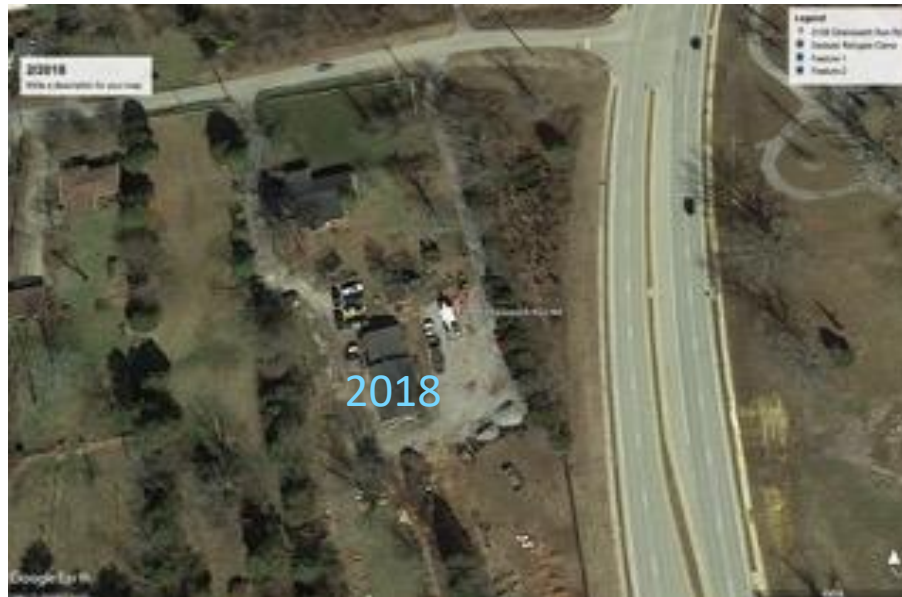


View of Lopez property from the west sidewalk on Blankenbaker Parkway

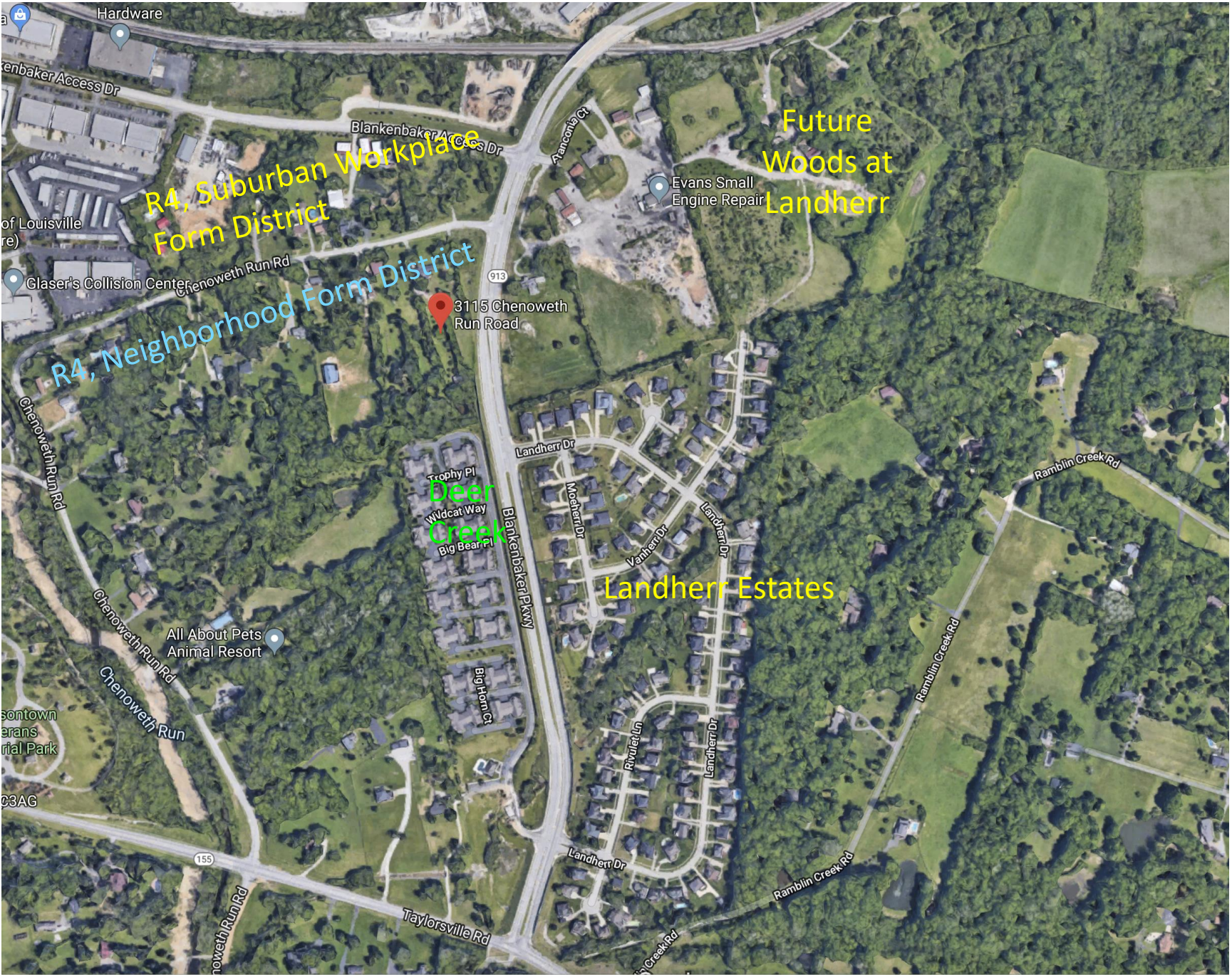
- Large boom trucks, cranes, stump grinders, wood chippers and wood chip trucks are parked on improper surface daily (gravel and dirt surfaces)
- Has operated wood chipper and other equipment on the property (excess noise and fuel odors)
- Buildings in poor condition
- Possible environmental issues with equipment repair on site without proper facilities
- Debris could be a home for rodents and other pests



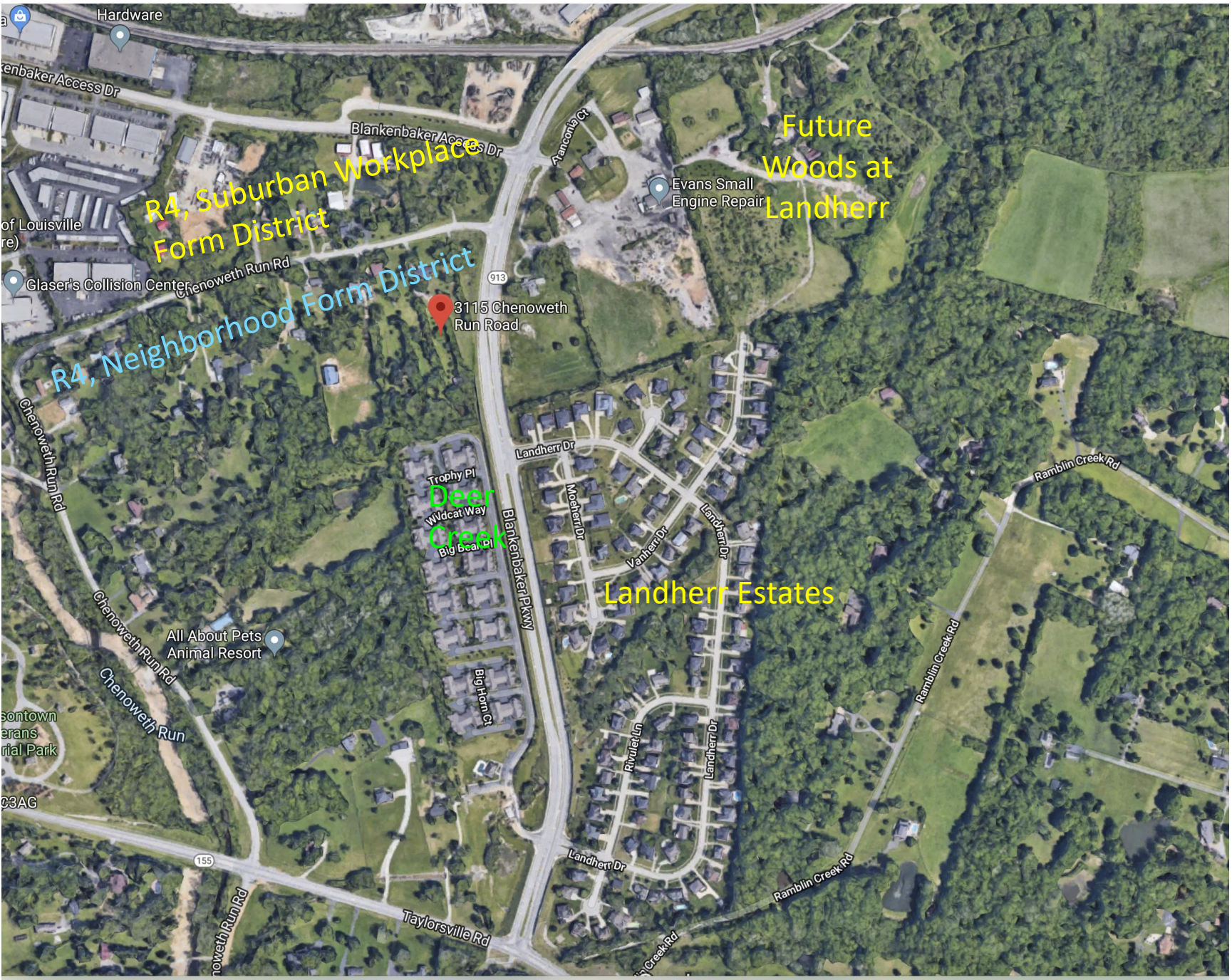
- Lopez application request describes an operation that consists of just landscaping lawnmowers on trailers attached to pick up trucks.
- Lawnmowers on trailers attached to pick up trucks are present on the property daily, but this description is very far from the truth as you can see from the photos.
- A crane, bucket lift trucks, dump trucks, trailers with mowers and wood chippers from Lopez Tree Service are also parked and serviced at this location everyday.
- **C-2 Zoning is not applicable to this situation due to staging of vehicles outside of facility buildings; Does not meet C-2 zoning permitted use in Land Development Code**



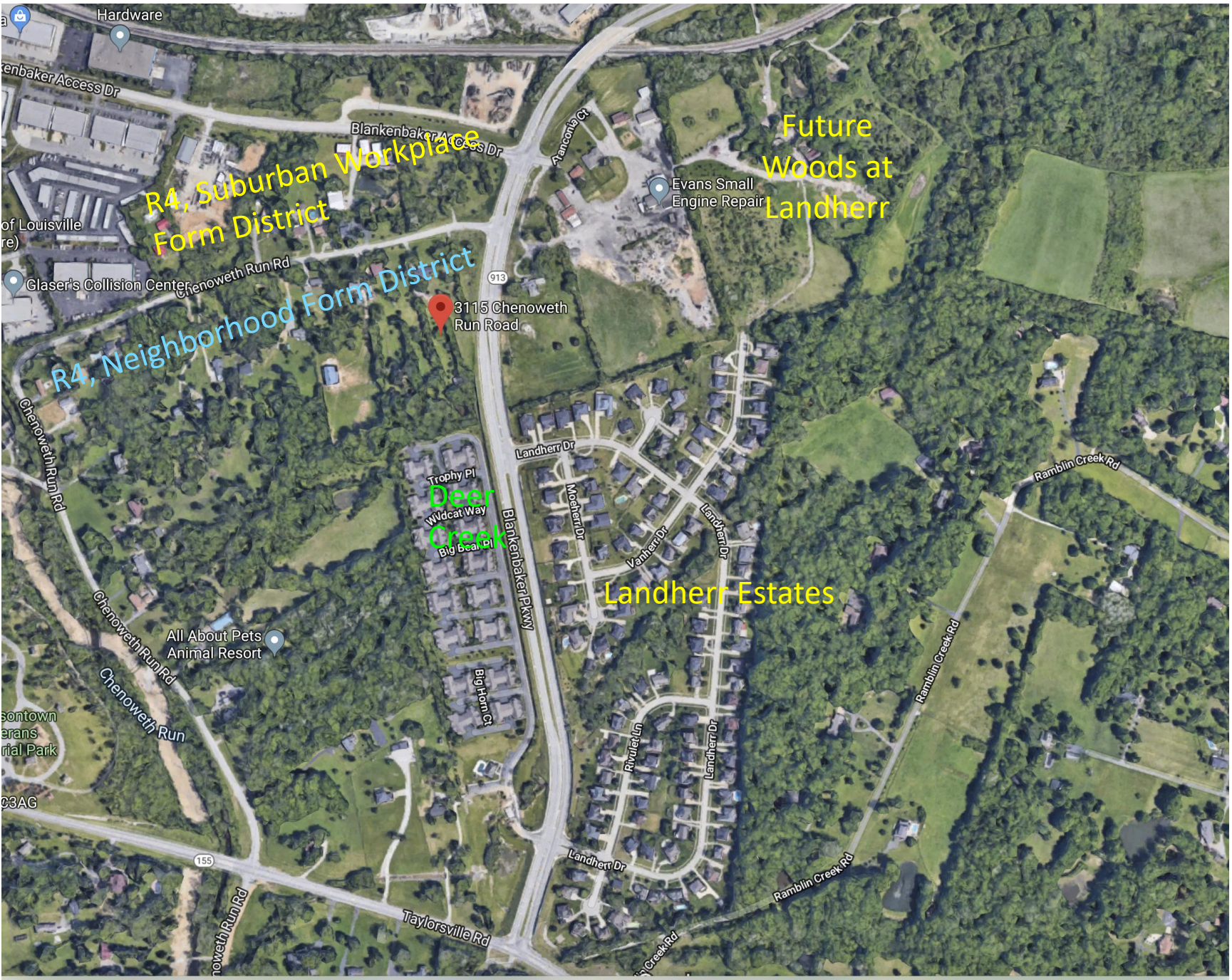
- Lopez Tree Service has extended their property footprint by building a gravel driveway on state owned property.
- Lopez is trying to purchase KYDOT and Franconia property along Blankenbaker Parkway to enlarge their frontage on Blankenbaker Parkway.
- All vehicles are parked on gravel and dirt surfaces.
- Tree canopy has been removed to make room for additional parking.
- Inadequate facilities to repair vehicles on site.
- Site is on septic tank sewage.
- No rest rooms planned in future buildings.
- House is listed as an office on the plan but is really the owner's residence.
- Debris dumping increasing at rear of property behind wooden fence along Blankenbaker Parkway.



- **R-4, Suburban Workplace Form District** boundary line has always existed on the north side of Chenoweth Run Road
- **R-4, Neighborhood Form District** has always existed on the south side of Chenoweth Run Road
- **This rezoning request is a case of Spot Rezoning** where an applicant is trying to transition from an intense commercial R4 Suburban Workplace Form District into a less intense R4 Neighborhood Form District; this transition violates policies of the Comprehensive Plan 2040.
- **Lopez business is a single use entity rather than a multi-use activity center and does not enhance our Neighborhood Form District.**



- Less intensive R4 Neighborhood Form District can transition to the more intensive R4 Suburban Workplace Form District, but not the other way around.
- This rezoning request should not be approved unless the R4 Neighborhood Form District south of Chenoweth Run Road is changed to a R4 Suburban Workplace Form District by Louisville Metro Council.
- Plan 2040 prohibits incompatible high-intensity use immediately adjacent to residential property.
- **This rezoning request is violating the rules established in the Comprehensive Plan 2040 and passage of this rezoning request could lead to future possible litigation.**



- Current zoning request is for C-2 zoning, but due to the staging of vehicles and equipment outdoors and type of operation should be M-2 Industrial according to the permitted uses allowed in the Land Development Code
- 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 such as a Town Center (shopping, restaurants, etc)
- Most contractor shops are M1 or M2 Industrial due to the staging of vehicles and equipment outdoors.

Land Development Code – C2 Zoning Permitted Uses Section 2.4.4

C-2 Commercial District

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

A. Permitted Uses:

All uses permitted in the C-1 Commercial District are allowed in the C-2 Commercial District as well as the following uses:

- Building materials, storage and sales provided all operations are totally enclosed in a building
- **Contractor's shop, including but not limited to building, electrical, HVAC, landscape, and plumbing contractors, provided all operations are confined within a building**
- Equipment rental, **where all activities are within a building**
- Plumbing, and heating shops, storage and sales **provided all operations are totally enclosed in a building**
- Printing, lithographing, or publishing establishments, if constructed to insure that **there is no noise or vibration evident outside the walls of the buildings**
- Used car sales areas, provided that no repair or reconditioning of automobiles or storage of parts shall be permitted except **when enclosed in a building.**

***Based on the C-2 permitted use, Lopez must keep all trailers, mowers, vehicles and equipment within the contractor's shop facility. Design does not have adequate space to do so. Applicant will not be able to house equipment on property.**

Land Development Code – M-2 Zoning Permitted Uses Section 2.5.2

M-2 Industrial District

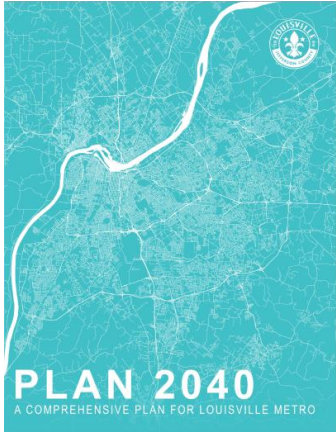
The following provisions shall apply in the M-2 Industrial District unless otherwise provided in these regulations.

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
 - Building materials (cement, lime, sand, gravel, lumber, and the like), storage and sales
 - Bus garage and repair shop
 - **Heavy truck and other heavy motor driven vehicles: sales, rental, repair and storage**
 - Lumber yards
 - **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**
- Uses, manufacture, processing, treatment, or storage of the following:
- **Insecticides, fungicides, disinfectants, and related industrial and household chemical compounds (blending only)**

*** 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)**

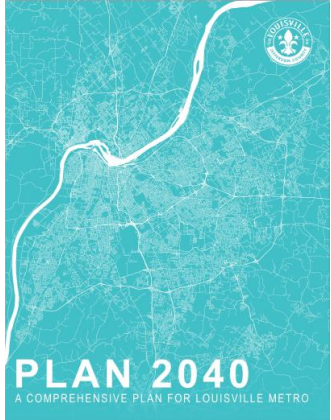


Community Form

Community Form Policies

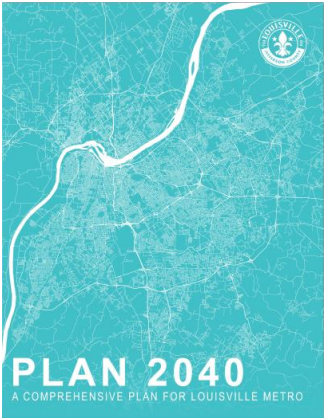
1. Plan 2040 identifies 13 existing patterns or forms of development which legislative bodies with zoning authority shall continue to **use as a guide to establish and maintain Form Districts. The Form Districts shall be used to make land use and site development decisions.**
2. **Land Use. Use the patterns of development described as community forms in reviewing proposals for zoning or Form District changes and land development decision making. Develop guidelines and standards for the Form Districts, derived from the pattern, character and function of each Form District. These guidelines shall provide the basis for site design regulations** such as building scale, size, height and massing, as well as regulations pertaining to the relationship of proposed development to nearby buildings, the community, the street and the site.

Community Form Policies



Community Form

- 2.1. Evaluate the appropriateness of a land development proposal in the context of:**
 - 2.1.1. the description, character and function of the Form District designated for the area in which the subject site is located;**
 - 2.1.2. the intensity and density of the proposed land use or mixture of land uses;**
 - 2.1.3. the effect of the proposed development on the movement of people and goods; and**
 - 2.1.4 the compatibility of the proposed use or uses with surrounding uses including the relationship of the use, mass, scale, height, materials, building footprint, orientation, setback and design of the proposed building or buildings with that of surrounding buildings.**
- 2.2. Evaluate the appropriateness of a Form District amendment in the context of:**
 - 2.2.1. the description and function of the subject property's existing Form District;**
 - 2.2.2. the description and function of the Form District to which it is proposed the subject property should be attached;**
 - 2.2.3. the compatibility of any proposed development associated with the Form District amendment with the character of the proposed Form District; and,**
 - 2.2.4. the compatibility of the proposal with the existing buildings and uses on any contiguous land.**



Community Form

3.1.3. Neighborhood: The Neighborhood Form is characterized by **predominantly residential uses that vary from low to high density and that blend compatibly into the existing landscape** and neighborhood areas. **High-density uses will be limited in scope to minor or major arterials and to areas that have limited impact on the low to moderate density residential areas.**

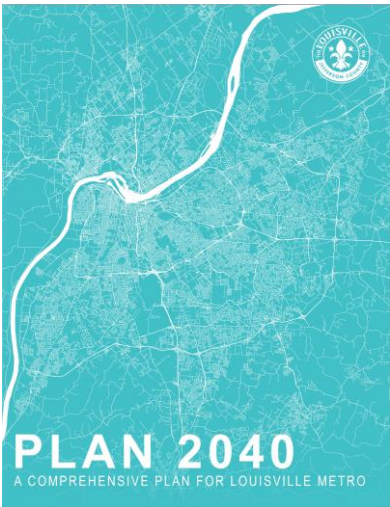
The Neighborhood Form will contain diverse housing types in order to provide housing choice for differing ages, incomes and abilities. New neighborhoods are encouraged to incorporate these different housing types within a neighborhood as long as the different types are designed to be compatible with nearby land uses. These types may include, but not be limited to, large lot single family developments with cul-de-sacs, traditional neighborhoods with short blocks or walk-ways in the middle of long blocks to connect with other streets, villages and zero-lot line neighborhoods with open space, and high density multi-family housing.

The Neighborhood Form may contain open space and, at appropriate locations, civic uses and neighborhood centers with a mixture of uses such as offices, retail shops, restaurants and services. These neighborhood centers should be at a scale that is appropriate for nearby neighborhoods. The Neighborhood Form should provide for **accessibility and connectivity between adjacent uses and neighborhoods by automobile, pedestrian, bicycle and transit.**

Neighborhood streets may be either curvilinear, rectilinear or in a grid pattern and should be designed to support physical activity for all users and invite human interaction. Streets are connected and easily accessible to each other, using design elements such as short blocks or bike/walk-ways in the middle of long blocks to connect with other streets. Examples of design elements that encourage this interaction include narrow street widths, street trees, sidewalks, shaded seating/gathering areas and bus stops. Placement of utilities should permit the planting of shade trees along both sides of the streets.

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 fulfill these requirements for a R-4 Neighborhood Form District.**

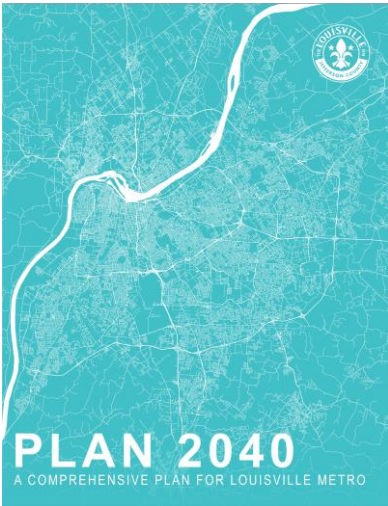


Community Form

3.1.10. Suburban Workplace Form District

A Suburban Workplace is a form characterized by **predominately 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. **New larger proposed industrial uses are encouraged to apply for a planned development district.** 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 significant buffering from abutting uses.

3.2. Design. Use Form District pattern rather than Zoning Districts as a basis for site design standards such as lot dimensions, building scale, size, height, massing and materials as well as how buildings relate to other nearby buildings, the street, and the site itself. Design standards should reflect the special character of each Form District. Design of new development and redevelopment should take into account use by persons with disabilities.



Community Form

Goal 1 Guide the form and design of development to respond to distinctive physical, historic and cultural qualities.

Land Use & Development

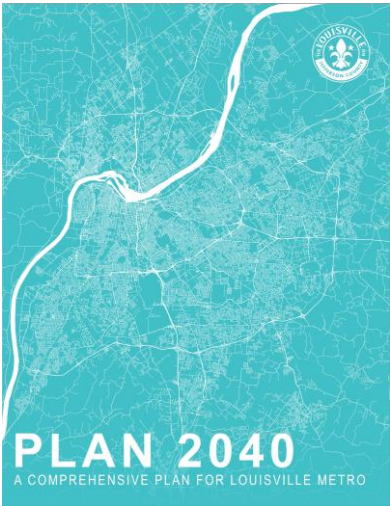
4. Ensure new development and redevelopment are compatible with the scale and site design of nearby existing development and with the desired pattern of development within the Form District.

Attorney justification:

“Applicant using the property as his residence and as a staging area for his landscaping related businesses”; Applicant’s business has experienced tremendous growth in the last three years resulting in neighbors’ complaints and court citations.”

Opposition response:

This commercial industrial business is not compatible with the rest of the Neighborhood Form District with existing subdivisions. It is a spot rezoning to save the applicant from legal action. Applicant design does not have adequate parking for all trailers and trucks and with C2 zoning all equipment needs to be within a facility. Business will outgrow the space very quickly. Criminal court restrictions on noise, traffic and hours of operation have no impact on the rezoning approval. Applicant’s behavior has proven to be untrustworthy even with the strictest binding elements.



Goal 1 Guide the form and design of development to respond to distinctive physical, historic and cultural qualities.

Land Use & Development

5. Allow a mixture of densities as long as their designs are compatible. Adjacent residential areas in different density categories may require actions to provide an appropriate transition between the areas. Examples include vegetative buffers, open spaces, landscaping and/or a transition of densities, site design, building heights, building design, materials and orientation that is compatible with those of nearby residences.

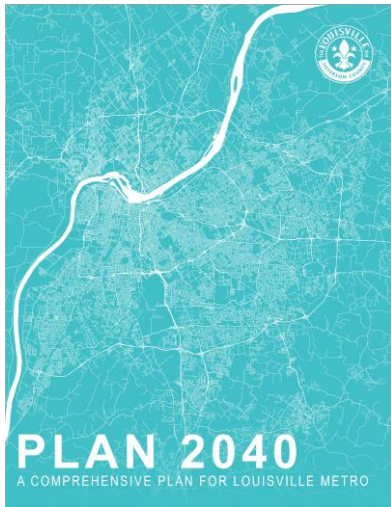
Community Form

Attorney justification:

“With the changes in the area because of the extension of Blankenbaker Parkway, in what used to be a quiet residential area, the zoning change is appropriate and necessary. Applicant’s operations with the voluntary restrictions provide the ideal transitional property, allowing it to be productively used in light of the roadway expansion, but at the same time blending compatibly with and creating a buffer between competing uses”

Opposition response:

This area is still a quiet residential area. Applicant’s residence was not damaged by the Blankenbaker extension, but was enhanced like other homes in the Neighborhood Form District. There is no need for a transitional property between the Suburban Workplace District and the Neighborhood District. They are two separate distinct districts. The applicant’s property is a residential property and should remain one. There are no future plans to increase commercial development within the current Neighborhood Form District.



Community Form

Goal 1 Guide the form and design of development to respond to distinctive physical, historic and cultural qualities.

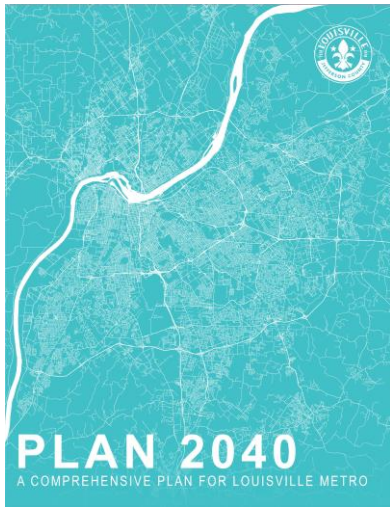
6. Discourage non-residential expansion into existing residential areas unless applicant can demonstrate that any adverse impact on residential uses will be mitigated. Evaluation of impacts may include, but not be limited to, displacement of residents, loss of affordable housing units, **traffic, parking, signs, lighting, noise, odor, and stormwater.** Appropriate transitions from non-residential to residential uses should depend on the pattern of development of the Form District and may include natural vegetative buffers, landscaping or the use of higher density residential between lower density residential and/or non-residential.

Attorney Justification:

“Applicant’s property with the zone change will further ensure new development and redevelopment that is compatible with the scale and site design of nearby development. ...The potential adverse impacts such as noise, lighting and traffic will be mitigated through the use of binding elements restricting operations and uses, existing and added vegetative buffers and compliance with the Land Development Code.”

Opposition response:

Applicant has displayed a disregard for obeying regulations. The binding elements prove that the rezoning is incompatible with the rest of the Neighborhood Form District. There is no need to transition between the Suburban Workplace and Neighborhood Form Districts. They are distinct separate districts and should remain that way. Just because the residential lots are near a major artery does not mean they are less valuable and useless. Staging of trucks, trailers and equipment is not compatible with C2 zoning and Neighborhood Form District.



Community Form

Goal 1 Guide the form and design of development to respond to distinctive physical, historic and cultural qualities.

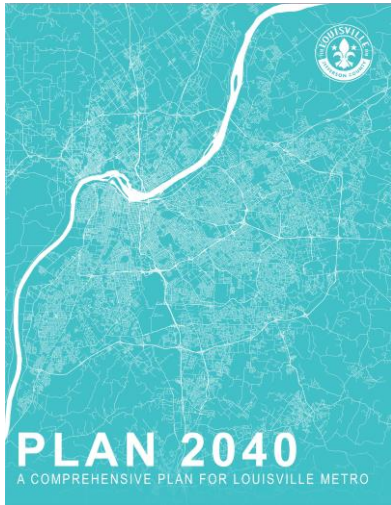
8. Encourage industries to locate in workplace Form Districts or in areas readily served by infrastructure and transportation facilities, including transit, rather than isolated industrial sites.

Attorney justification:

Although the Form District is “Neighborhood Form District”, the use of staging trucks and operating small business is consistent with the uses traditionally utilized in this area, both before and after the Blankenbaker extension.

Opposition response:

There are no commercially zoned businesses operating in the Neighborhood Form District except this illegal one with a growing number of trucks, wood chippers, trailers, cranes and lift trucks. This is a residential area being invaded by a business that should be located in the Industrial Park in the Suburban Workplace For District like Farison, Full Care, etc. This site does not have proper infrastructure. It is on a septic system and bathrooms cannot even be installed in the buildings in the future.

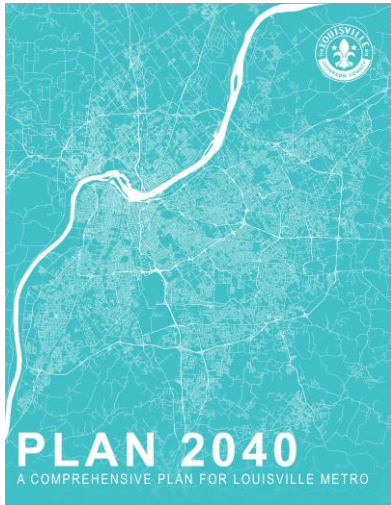


Community Form

Goal 1 Guide the form and design of development to respond to distinctive physical, historic and cultural qualities.

17. Mitigate adverse impacts of traffic from proposed development on nearby existing communities.

It is apparent that the plan of this applicant has been to be on Blankenbaker Parkway for quicker access to the interstate and other parts of the city. He wants to exit his trucks and equipment directly onto Blankenbaker Parkway, which will add to traffic congestion to/from Chenoweth Run Road onto Blankenbaker Parkway due to the absence of a traffic light at this intersection. The traffic light is at Blankenbaker Access and Blankenbaker Parkway. Planning and Design is responsible for preventing safety hazards caused by direct residential access to high speed roadways (policy statement 21). This tree service's vehicles creates traffic that exceeds the normal level of a residential neighborhood at morning and night and also is a wear and tear on the streets. These types of vehicles belong in the Suburban Workplace Form District. The distinguishing travel demand characteristics between each of the Form Districts are different. The neighborhood will not be enhanced by having a landscaping service company in our area.



Community Form

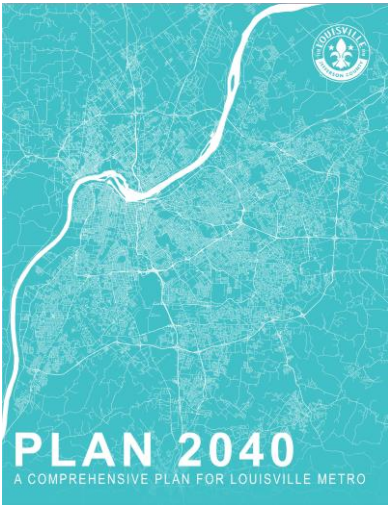
Goal 1 Guide the form and design of development to respond to distinctive physical, historic and cultural qualities.

18. Mitigate adverse impacts of noise from proposed development on existing communities.

Applicant has reduced noise due to restrictions from criminal case, but does not guarantee future adherence to the rules. Operating heavy equipment in a residential area is going to generate excessive noise.

20. Mitigate adverse visual intrusions when there are impacts to residential areas, roadway corridors, and public spaces.

20 feet tall buildings, depending on quality of construction, could cause adverse visual intrusions in the residential areas. Structure may not be compatible with residential homes in the area.

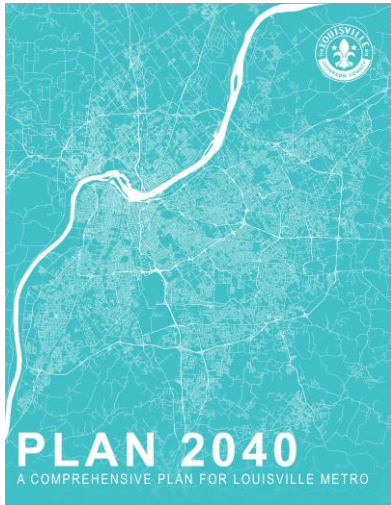


Community Form

Goal 2 Encourage sustainable growth and density around mixed-use centers and corridors.

Land Use & Development

1. Locate activity centers in appropriate areas in all Form Districts. Design and density should be compatible with desired form, adjacent uses, and existing and planned infrastructure.
2. Encourage development of non-residential and mixed uses in designated activity centers provided:
 - 2.1. **proposed uses, density and design are compatible with adjacent uses and meets Form District guidelines;** or
 - 2.2. when a proposed use requires a special location in or near a specific land use, transportation facility or when a use does not fit well into a compact center (e.g., car dealer- ships or lumberyards).
3. Allow centers in new development in Traditional Neighborhood, Neighborhood and Village Form Districts that serve the day-to-day needs of nearby residents and that are designed to minimize impacts on nearby residents.
4. Allow non-residential development within the Neighborhood, Traditional Neighborhood and Village Form Districts to occur only at locations with appropriate access and connectivity.



Goal 2 Encourage sustainable growth and density around mixed-use centers and corridors.

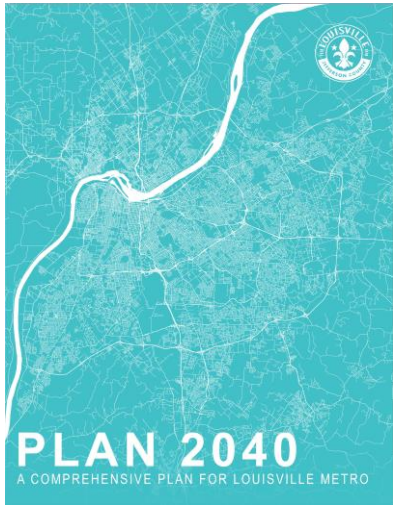
Attorney justification:

“Proposed use will encourage sustainable growth and density around mixed-use centers and corridors by placing density compatible with desired form and existing infrastructure. The design and density are appropriate with adjacent uses that will **serve the needs of the surrounding community**. The development will be compact along a minor arterial and corridor resulting in efficient land use and cost effective infrastructure development. The mixture of compatible uses will reduce traffic, limit stops and provided buffers and transitions between competing uses. The development will rehabilitate the deteriorating property for a new use since it is no longer compatible for residential use....The plan will provide the neighborhood serving contractor workshop. The site will be easily accessible for pedestrian and bicycle traffic and preserve natural vegetative buffers with neighboring residences. “

Opposition response:

This business is not a town or activity center like a shopping center. It will not serve the needs of our neighborhood. We do not need a tree service company in our neighborhood. It will add to traffic entering and exiting Blankenbaker Parkway. The residence is not deteriorating due to the Blankenbaker extension like all other homes in the area. It will have zero impact on pedestrian and bicycle traffic due to the suburban nature of Blankenbaker Parkway.

Community Form



Goal 3 Enhance neighborhood by protecting and integrating open space, watershed and other natural resources.

Attorney justification:

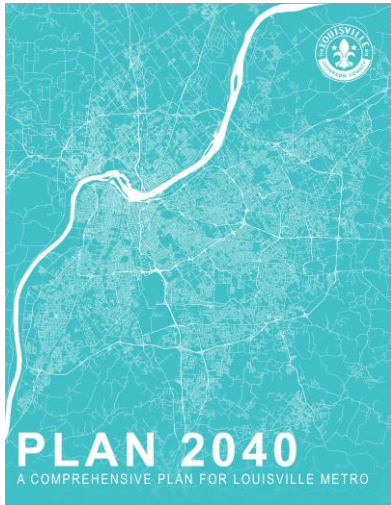
“Proposed development plan will enhance the surrounding neighborhoods by protecting the open space and natural resources by preserving the existing tree canopy and existing pond which serves as a buffer the residential uses to the south of the property, thereby protecting natural resources. The preserving the tree canopy and pond is compatible with the Form District in that it provides open space that can be enjoyed by the community and ensures transitions between the various surrounding properties. Respecting and preserving the natural features of the property will protect the health, safety and welfare of future uses of the development.”

Opposition response:

The construction of 2 storage buildings on the property will reduce existing tree canopy. This business has also been dumping tree debris and junk all over their property. It is a breeding ground for rodents and other animals. Over the years they have removed tree canopy to make room for more truck parking. The open space on this property is an eyesore for all surrounding neighborhoods and will most likely not change in the future (see adjacent pictures).

Community Form





Goal 4 Promote and preserve the historic and archeological resources that contribute to our authenticity.

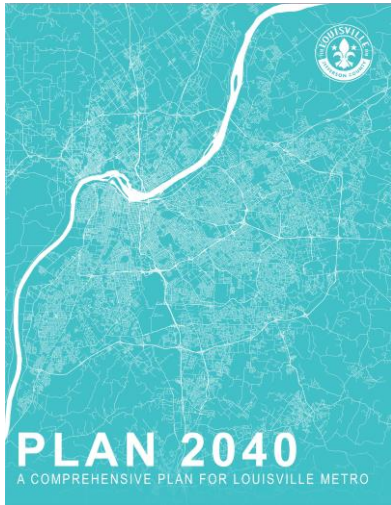
Attorney justification:

“The development plan will promote and preserve the historic and archeological resources that contribute to our authenticity by renovating, repurposing and preserving the residence with an adaptive reuse of the property and by preserving the natural tree canopy and pond currently and historically on the site. “

Community Form

Opposition response:

The current residence does not need to be repurposed as a business. As stated previously, the owner has often removed more trees than he preserves on the property when creating additional parking space for his equipment. They are not preserving the tree canopy and are harming the natural resources with debris dumping.



Mobility Form

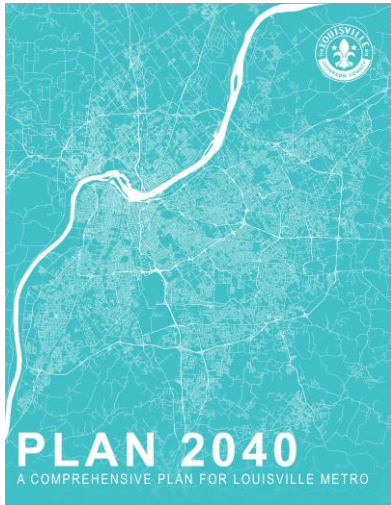
Goal 1 Implement an accessible system of alternative transportation modes.

Attorney justification:

“The development plan implements an accessible system of alternative transportation modes by providing sidewalks and walkway connections between the uses for bicycles and pedestrian traffic, in addition to vehicles. The site is close to public transportation. The office use is located close to the roadway to minimize distances of travel and encourages bicycle use in an activity center. The plan places higher density and intensity near existing corridors and along the minor arterial of Southside Drive and close to the major arterial of New Cut Road and the TARC service available there.

Opposition response:

The property has a sidewalk in front of it, but there is no public transportation near this site. Blankenbaker Parkway is really like an interstate highway with speed limits over 50 MPH. This business development is not an activity center. It is a tree and landscaping service company. Southside Drive and New Cut Road is 19 miles away from this site or about a 25 minute drive in a car according to Mapquest. There is no TARC access at this site. It appears that this part of the plan is totally inaccurate.



Mobility Form

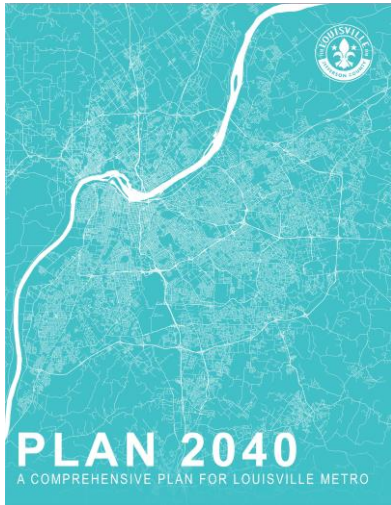
Goal 2 Plan, build and maintain a safe, accessible and efficient transportation system.

Attorney justification:

“The development plan complies with the objectives and policies of Goal 2 by promoting a safe, accessible and efficient transportation system by not interfering with the pedestrian, bicycle and vehicular access along the adjacent Blankenbaker Parkway which provides efficient mobility and access through the use of roads and sidewalks. “

Opposition response:

It is apparent that the plan of this applicant has always been to be on Blankenbaker Parkway for quicker access to the interstate and other parts of the city. He wants to exit his trucks and equipment directly onto Blankenbaker Parkway, which will add to traffic congestion to/from Chenoweth Run Road onto Blankenbaker Parkway due to the absence of a traffic light at this intersection. The closest traffic light is at Blankenbaker Access and Blankenbaker Parkway.



Mobility Form

Goal 3 Encourage land use and transportation patterns that connect Louisville Metro and support future growth.

Attorney justification:

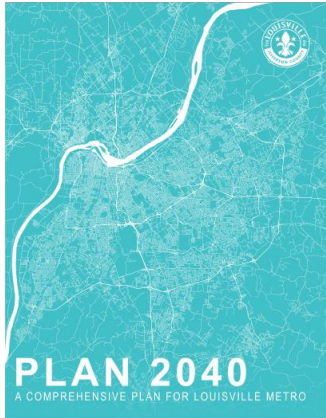
“The development plan complies with the objectives and policies of Goal 3 by providing employment opportunities along a minor arterial and near residential areas, limiting car trips. The site further does not inhibit or detract from the transportation opportunities along Blankenbaker Parkway, allowing efficient vehicular traffic, walking and bicycling opportunities and by providing complimentary neighborhood serving landscaping business, services and reducing miles travelled by car.

Opposition response:

IT is apparent that the plan of this applicant has been to be on Blankenbaker Parkway for quicker access to the interstate and other parts of the city. He wants to exit his trucks and equipment directly onto Blankenbaker Parkway, which will add to traffic congestion to/from Chenoweth Run Road onto Blankenbaker Parkway due to the absence of a traffic light at this intersection. The traffic light is at Blankenbaker Access and Blankenbaker Parkway. Planning and Design is responsible for preventing safety hazards caused by direct residential access to high speed roadways (policy statement 21). This tree service’s vehicles creates traffic that exceeds the normal level of a residential neighborhood at morning and night and also is a wear and tear on the streets. These types of vehicles belong in the Suburban Workplace Form District. The distinguishing travel demand characteristics between each of the Form Districts are different. The neighborhood will not be enhanced by having a landscaping service company in our area.

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:**
 - Rezoning application is an attempt to spot zone a C-2 Commercial property in a R-4 Neighborhood Form District to avoid legal action.
 - R-4 Suburban Workplace Form District boundary stops on the north side of Chenoweth Run Road and Lopez is attempting to get C-2 spot rezoning south of this boundary in a R-4 Neighborhood Form District
 - Lopez Tree and Landscaping Services business is a single use entity and is not an activity center being added to enhance the Neighborhood Form District.
 - This rezoning new development is not compatible with the scale and site design of nearby R4 Neighborhood Form District and with the desired pattern of development within the Form District. Property is not compatible with any other property in the R4 Neighborhood Form District.
 - R4 Neighborhood Form Districts should not be changed in order to transition it to a R4 Suburban Form District
 - Lopez property is not devalued and is not being repurposed as a transitional business property – it is a residential property with increasing value due to Blankenbaker access



Summary (Continued)

- **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:**
 - Rezoning application does not request the proper zoning classification according to the Land Development Code; requesting C-2 versus the correct M-2 zoning. Applicant design does not have adequate parking for all trailers and trucks and with C2 zoning all equipment needs to be within a facility. Proposal should be changed to a M2 rezoning request.
 - Criminal court restrictions on noise, traffic and hours of operation should have no impact on the rezoning approval. Applicant 's behavior has proven to be untrustworthy even with the strictest binding elements. Binding elements and restrictions will not hold applicant accountable for future use and development as exhibited by past operational behavior
 - 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: does not meet Blankenbaker Parkway development standards for new development



Summary (Continued)

- **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:**
 - Rezoning application does not meet the requirements of the Comprehensive Plan 2040 or the Land Development permitted uses
 - 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.
 - Fear of addition commercial linear development on Chenoweth Run Road in the future
- **Planning Commission should uphold the Comprehensive Plan 2040 and the Land Development Code and reject this development proposal.**
- **The planning commission should not always concede to the demands of developers, approving ill conceived plans and waivers.**
- **The power of plans and planners is to improve living conditions and interactions among people. “Design effects behavior.” Planners can avoid conflicts which result in negative effects on residential areas.**