

STATEMENT OF JUSTIFICATION

Docket 17ZONE1000

In connection with the completed and signed Conditional Use Permit Application for approximately 1.47+/- acres located at 4819 Poplar Level Road in Louisville, Kentucky 40213 (the "Property"), the owner of the Property, M&C Rentals, LLC, a Kentucky limited liability company (the "Owner") justifies the request for a Conditional Use Permit as follows:

The Property is located within the Suburban Marketplace Form District. As permitted in the Suburban Marketplace Form District, the Property, as rezoned to CM-2, will contain warehouse/storage which is a low-intensity industrial/high-intensity commercial use and is proposed along a corridor with a wide range of intensities. The Property will be better served as a contractor's warehouse/storage facility with the availability of outdoor storage, as permitted under LDC 4.2.51. In accordance with the requirements of LDC 4.2.51, Owner will insure that:

- (i) Stacked materials and equipment shall not exceed a height of five (5) feet.
Owner will include this requirement in all leases with third parties for use of the Property and shall regularly monitor the Property to insure compliance.
- (ii) Outdoor storage areas shall be screened from adjacent streets and properties.
Owner's plans previously submitted provide fencing enclosing each storage courtyard, and also provide for a six (6) foot privacy fence along a portion of the boundary line between the Property and adjacent R-4 zoned properties. The storage courtyards will be hidden from view of the adjacent street by the proposed contractors' warehouses. The property located immediately to the southeast of the Property is improved with structures in such close proximity to the Property line that there will be little, if any, visibility of the Property from such tract.
- (iii) Storage of combustible materials shall conform to the requirements of NFPA Pamphlet 30 (information on NFPA pamphlet 30 may be obtained from local fire department).
Owner will work with the local fire department to undertake all measure necessary to comply with applicable laws, rules, ordinances, statutes and regulations, including but not limited to the requirements of NFPA Pamphlet 30. Owner will include this requirement in all leases with third parties for use of the Property and shall regularly monitor the Property to insure compliance.

Owner requests a waiver of the following requirement noted in LDC 4.2.51 (A): Outdoor storage areas prohibited within form district transition zone.

Although a portion of the rear of the Property, including one of the proposed storage courtyards, is within the form district transition zone, the transition zone is bounded by R-4 property which is not currently used for residential purposes (religious use to the northeast and parking lot to the northwest) and is adjacent to a CM zoned tract to the southeast. All storage courtyards, including the rear courtyard within the transition zone, will be enclosed by fencing,

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and the only property having a relatively clear view of the rear courtyard is the CM zoned property to the southeast of the Property. The portion of such CM property having a view of the Property's rear storage courtyard is a relatively undeveloped rear portion of such CM property.

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