

23-ZONE0020: UPDATED JUSTIFICATION STATEMENT OF ZONING APPLICATION'S COMPLIANCE WITH PLAN 2040

EDWARD L. & BENITA G. ALVEY

12200 DIXIE HIGHWAY (PARCEL IDs 105200100000 & 105200650000):

PROPOSED ZONE CHANGE FROM: R-4, SINGLE-FAMILY RESIDENTIAL & C1, COMMERCIAL

TO: C1, COMMERCIAL & CM, COMMERCIAL MANUFACTURING

PROPOSED FORM DISTRICT CHANGE FROM: NEIGHBORHOOD FORM & SUBURBAN MARKETPLACE CORRIDOR

TO: SUBURBAN MARKETPLACE CORRIDOR

THE UPDATED PROPOSAL

At formal submittal of their zoning application, the applicants, Ed and Benita Alvey, husband and wife, initially proposed their application to rezone portions of two properties located at 12200 Dixie Highway (Parcel IDs 105200100000 (64.40 acres) & 105200650000 (61.19 acres)) (the "Property"), from the Property's existing split-zoned R-4, Single-Family Residential and C-1, Commercial Industrial, to C-1, Commercial, CM, Commercial Manufacturing, and EZ-1, Enterprise Zone, as well as a change in Form Districts from Neighborhood Form (N) and Suburban Marketplace Corridor (SMC) to Suburban Workplace (SW) and Suburban Marketplace Corridor so that the property can be utilized as Office Warehouse and Industrial uses. After recent discussions with Louisville Metro Planning related to the appropriateness of changes in form and use districts to a SW form district and an EZ-1 use district for the Property, the applicants now propose to lessen the intensity of their initial Proposal and, as a result, will no longer seek a SW form district nor EZ-1 use district for the Property. Instead, to bring their Proposal into accord with the planning vision for the Property mutually agreed upon by Metro Planning and the applicants, the applicants respectfully request a change in zoning for the Property that will expand the existing SMC form to include the entirety of the Property and where the applicants initially requested EZ-1 zoning, they now request CM, Commercial Manufacturing. The applicants' zoning application is accompanied by an updated general plan, yet, still no particular user for the Property is identified at this time and, therefore, no detailed development plan is being submitted at this time. The existing Stonegate Manor mobile home residential community located at the Property's frontage along Dixie Highway is to remain and will be heavily buffered. No waivers or variances are requested (taken altogether, the "Updated Proposal").

THE UPDATED PROPOSAL'S AGREEMENT WITH PLAN 2040

LOUISVILLE METRO'S COMPREHENSIVE PLAN

Ed and Benita Alvey's application to rezone their Property from the existing mix of R-4, Single-Family Residential and C-1, Commercial to C-1, Commercial and CM, Commercial Manufacturing and the associated change in form districts from the existing N Form and SMC Form to bring the Property wholly within the SMC Form are in agreement with Plan 2040, A

Comprehensive Plan for Louisville Metro (“Plan 2040”), as justified in detail below, and therefore should be approved.

Plan Element 1 - Community Form

The Updated Proposal conforms to Community Form Plan Element 1 and all applicable Policies adopted thereunder. The Community Form Plan Element guides the shape, scale and character of development in ways intended to promote a connected, healthy, authentic, sustainable and equitable built environment. Community Form encourages *redevelopment while promoting land use flexibility*. As described herein, the applicant's Updated Proposal advances these stated principles of the Community Form because the Proposal involves reclassification of the Property's zoning from residential uses to low intensity industrial, workplace and commercial uses, which allow a more appropriate utilization for the future of the specified portions of the Property subject to the rezoning request because said portions adjoin an elevated railroad to the north, Metropolitan Sewer District's (MSD) Derek R. Guthrie Waste Water Treatment Plant to the west, both uses of which are not ideal neighbors to residential development. Also, the Property contains significant dense tree canopy to the south to buffer the Property from the rear of residential properties that face W. Orell Road. In place of the Property's current zoning, the applicants propose CM, Commercial Manufacturing zoning, a hybrid of commercial and light industrial zoning designation, in the rear portion of the Property adjacent to the waste water treatment plant. As a result, the applicants propose to change the N Form to SMC, which will assign the property a form district that allows for commercial and lighter industrial uses, but not the more intense industrial uses permitted within the SW form the applicants previously requested of which such uses could have the potential to be disruptive to the residential uses in the nearby N Form. The proposed changes in zoning district and form district designations will benefit the viability of the Property because it will provide flexibility for commercial, industrial, or hybrid commercial-industrial users (certain logistical users) to locate thereon and allow for higher probability a future user(s) will invest resources into the Property. With such convenient proximity to the Gene Snyder Freeway, development of the Property into non-residential uses is a much stronger and viable opportunity for the Property's success.

The Updated Proposal complies with Community Form Goal 1, Policy 3.1.8 because Suburban Marketplace Corridors are generally located along major roadways (like Dixie Highway) with well-defined beginning and ending points and established depths along the length of the corridor. The pattern of development is distinguished by a mixture of medium- to high- intensity uses. This form may include medium to high-density residential uses that are designed to be compatible with both the non-residential uses along the corridor and the lower-density residential uses in adjacent Form Districts. Reuse of locations within existing corridors is preferred over expansion of a corridor. Proposals to expand defined corridors represent significant policy decisions. When considering proposals that result in an extension of suburban marketplace corridors, particular emphasis should be placed on: (a) use or reuse of land within existing corridors; (b) potential for disruption of established residential neighborhoods; and (c) compliance with the site and community design standards of the Land Development Code. In contrast, The N 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 in N Forms 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 N Form will contain diverse housing types. 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.

The applicants' Updated Proposal complies with Plan 2040's Community Form because a change in form districts for the Property is necessary for it to reach its highest, best use and fulfill its potential, notably considering the prospect of developing property near potentially noxious uses into residential uses. Here, given the Property sits next door to an MSD sewage treatment plant and, along another property line, an elevated railroad, the N Form is no longer an appropriate form district for the Property. In fact, the current residents of the mobile home park can detect offensive smells from the waste water facility, especially during the night. Thus, it makes little planning sense to develop the Property, which is nearer to the waste water facility, with additional residential dwellings. Rather, a change to SMC Form for the Property is appropriate because an existing SMC along Dixie can be deepened to allow for the desired use of the Property and without having to pursue a SW Form for the Property, which would attract uses too intense for the Property and nearby residents. Here, the proposed buildings, whether serving a single user or multiple users, will be setback a good distance from Dixie Highway and in a landscaped setting, but are too large to fit within properties located in the current SMC as a reuse of those properties. Connected internal roadways will serve the Property and pedestrian connections will be installed to provide employees walkable options on and off the property from Dixie Highway, where a TARC stop is available in front of the Clayton Homes business just south of the Property (Stop ID: 16460). As part of its request to assign a SMC, the existing residents in Stonegate Manor and other nearby residents will be protected from the land users that might locate on the Property via existing tree canopy preservation areas that are significant in size and the additional of new plantings. In addition, when developed, the applicant or other future land users will adhere to site and community design standards of the Land Development Code.

Currently, the section of SMC in front of the Property contains a mix of commercial zoning districts, including some area of commercial manufacturing directly across Dixie Highway from the curb cut onto Dixie Highway that will serve the Property. This portion of the SMC along both sides of Dixie Highway is home to a variety of property users. On the west side of Dixie Highway and in front of the Property there exists an abandoned gas station, a White Castle, then the entrance to Stonegate Manor, then Clayton Homes, which sells manufactured homes including storage of inventory on its property. After Clayton Homes is a tattoo parlor and a Moby Dick drive-thru restaurant before Dixie Highway intersects with W. Orell Road. Across Dixie Highway from the proposed entrance to the Property is a business that stores and sells trailers, then, heading southward, a curb cut for E. Orell Road, then a Dollar General, then Kenny's Spot tire shop, then J & J Boat & Trailer Storage, then Trailers Plus, which is another type of trailer sales operation, then a Speedway fueling station, then a couple automotive-related uses, a portable building sales business, then an automotive body shop use before reaching W. Orell Road. Taken together, this section of

Dixie Highway has a mix of commercial and light industrial uses and the Proposal will fit right in with what is already operating within the SMC.

Applicants' Updated Proposal is consistent with a SMC Form and, for reasons specified herein, the SMC Form designation is appropriate for the Property. Redrawing the SMC Form to increase its depth off of the Dixie Highway and bring additional acreage into the commercial corridor marketplace also makes sense for this particular property, because it will provide ample room for more commercial- and warehouse-type uses to access Dixie Highway, where customers will have direct access to commercial goods and services and whereas the warehousing, logistical and light manufacturing uses set behind the eventual commercial uses fronting Dixie Highway will be well-positioned on the Property because said uses will be setback from the commercial corridor and be buffered and screened from view, while also enjoying close proximity on Dixie Highway to the Gene Snyder Freeway. As a result, the Property will be more appealing for a new industrial/commercial user to locate on the Property where said new user can operate on a well-buffered and well-screened site that will protect Stonegate Manor residents but also fit compatibly next to MSD's wastewater treatment plant and the raised railroad track while also enjoying convenient access to Dixie Highway and the Greenbelt Highway (Gene Snyder), which, just to the north of the Property on Dixie Highway, provides access to I-65, I-64 and I-71 interstate highways. The Property is therefore located where it can be accessible to the traffic serving office/warehouse and light industrial uses via an interconnected system of roadways linking the Property to the Dixie commercial corridor, where employees can access new job sources on the Property via transit, and where access to the newly-expanded SMC area on the Property will not travel through areas of significantly lesser use intensity, like residential uses.

A buffer will be established between the developable area of the Property and the adjoining residential properties. A berm will be installed with plantings to protect the Stonegate Manor residents from the future use of the Property and an existing, dense tree canopy exists along the southern property lines, wherein Mill Creek runs northwest to southwest across the Property. This heavily wooded area will be an excellent buffer and screen for the residential properties fronting W. Orell Road, thereby maintaining compatibility between properties of differing land use intensities. In addition, landscaping and tree plantings will be provided throughout the Property, which, along with interior landscaping in the vehicular use areas, will further enhance the aesthetic appearance of the site. Accordingly, the Updated Proposal will comply with Community Form's Goal 1 and its applicable Objectives and Policies.

Goal 2 of the Community Form encourages sustainable growth and density around mixed-use centers and corridors. The Dixie Highway SMC has myriad uses of varying intensities and densities along its frontage with a number of different SW Forms of varying sizes and intensities set back off of Dixie Highway in certain areas and fronting Dixie in other areas. Here, working with Planning and Design Services, it was determined that instead of pursuing another SW Form for the Property, that it would be more appropriate for the applicant property owners to extend the current SMC to absorb the Property and eliminate EZ-1 zoning from the request, and allow for lighter industrial uses, office/warehouse uses and commercial uses on the Property.

The Updated Proposal will have vehicular and pedestrian access to Dixie Highway. Transit is also available on Dixie Highway, allowing multi-modal transportation for employees to travel between commercial, residential and workplace centers without relying upon a car. The creation of a new job center on the Property was welcomed by residents at the neighborhood meeting because it would bring jobs to the immediate area and near to residents in the surrounding N Forms. Adequate parking will be provided as required by the Land Development Code and is designed to ensure the safe and efficient movement of vehicles and pedestrians. Interior landscape areas will be installed to break up the parking areas and enhance the overall aesthetic quality of the site. The site will be outfitted with necessary utilities for land users to operate on the Property and the site design will allow for a compact pattern of office/warehouse buildings with pedestrian connections throughout the site and its frontage along Dixie Highway. The site contains no known historic or archaeological resources that contribute to Louisville Metro's authenticity. The applicants will work with MSD and if necessary the Army Corps of Engineers to responsibly develop areas near hydric soils, wetlands and the intermittent stream between the site and Dixie Highway. Mill Creek will be protected by a stream buffer and a strong canopy of trees surrounding both of its banks. No severe, steep or unstable slopes exist in the developable areas of the Property. Once mitigation measures are in place, the site will be mostly screened from view to nearby residential communities. Consequently, the Updated Proposal complies with the applicable objectives and policies of Plan 2040 Community Form's Goals 1, 2 and 3. Plan 2040's Goals 4 and 5 are inapplicable to this Property and specific Updated Proposal.

Plan Element - 2 Mobility

The applicant's Updated Proposal complies with the intent of Plan 2040's Mobility Plan Element and its applicable goals, objectives and policies. Goal 1 of Plan 2040's Mobility Plan Element is to implement an accessible system of alternative transportation modes. Goal 2 of the Mobility Plan Element is to plan, build and maintain a safe, accessible and efficient transportation system, while Goal 3 encourages land use and transportation patterns that connect Louisville Metro and support future growth. The applicant's Updated Proposal complies with Plan 2040's Mobility Plan Element because it will encourage the development and use of the Property, thereby attracting investment and new job sources to an area of Jefferson County that is often overlooked in favor of other locations in the county. The general development plan shows the Property will be served by connected internal vehicular use and parking areas and will have access to the public roadway network via Dixie Highway, a major arterial roadway, which provides access to the Greenbelt Highway, the Watterson Expressway, multiple industrial parks off of Dixie Highway, and south into Hardin County, where Fort Knox is located. The current roadway network maintains more than adequate traffic carrying capacity. The applicants will work with KYTC, Louisville Metro Public Works and Metro Transportation Planning Moreover on improvements to the roadway network, if necessary, to serve the ongoing use on the Property or other users in the immediate area. The applicants will also work closely with MSD to ensure the entrance drive crosses the intermittent stream at a location and in a manner acceptable to MSD.

TARC operates a local route along this particular section of Dixie Highway. Farther north on Dixie, a bus rapid transit route serves the corridor up until it reaches W. Broadway

Avenue, thereby providing transportation options from the site eventually to downtown without the need of an individual automobile. Internal pedestrian connections will serve the site and connect the businesses operating on the Property to the transit stop on Dixie Highway, providing employees a safe pathway to walk between their jobs and transit. A bikeway does not serve this area of Dixie Highway. Adequate parking for the uses that locate on the Property will be reviewed during detailed plan submittal. For the foregoing reasons, the Updated Proposal complies with the Mobility Plan Element of Plan 2040, including its Goals 1, 2 and 3 and their applicable Policies.

Plan Element 3 – Community Facilities

Plan 2040's Community Facilities Plan Element provides guidance and recommendations for the proper integration of necessary community resources across Louisville Metro to plan and maintain accessible facilities that will improve the quality of life for existing and future residents and visitors of Louisville Metro. The Updated Proposal complies with Plan 2040's Community Facilities Plan Element, and all applicable Goals, Objectives and Policies thereunder, because the Property is adequately served by all necessary utilities and will be outfitted with necessary infrastructure to support the future land uses drawn to the Property by the change in zoning. Upon development of the Property, and to the extent it is reasonably possible, utilities will be located within common easements and trenches, as required by each utility. The development also has an adequate supply of potable water and water for fire-fighting purposes and is served by the Pleasure Ridge Fire District 4, which is located near the Property at 13210 Dixie Highway. The Property is located in an accessible area in very close proximity to the Greenbelt Highway/Gene Snyder Freeway.

Plan Element 4 – Economic Development

The intent of Plan Element 4 of Plan 2040 is to provide a positive, healthy economic climate for citizens of Louisville Metro in a way that cultivates a vibrant city to attract and retain a highly-skilled workforce. Sound economic development planning allows for equitable, sustainable and innovative growth that strengthens our community's ability to attract and retain a strong and diverse workforce. The applicants' Updated Proposal advances the intent of Plan 2040's Economic Development because it will allow for the development of land that, given its location to a railroad and sewage treatment plant, is undesirable for residential development but perfectly fine for office/warehouse, light manufacturing and commercial uses. The requested rezoning and from district changes will assign appropriate zoning to the Property for facilitating a new industrial/commercial user(s) where employment options for nearby residents can locate. Expansion of the existing SMC to absorb the Property will provide more options where business and industry may locate, adding to the mixture of office, light industrial and commercial uses in Southwest Jefferson County, further contributing to the economic growth and sustainability of an area of Dixie Highway that is often overlooked compared to the areas of Dixie Highway located inside the Gene Snyder Freeway. Additionally, the Property has easy access to Dixie Highway, one of Jefferson County's premier marketplace corridors, and to the Gene Snyder Freeway, which connects to various interstate highways supporting local, regional and national

transportation carriers. As mentioned, TARC does serve the Dixie Highway commercial corridor, which addresses access to multi-modal transportation options for the workers who have jobs in this small employment center. In short, the applicants' Updated Proposal will provide an opportunity for the use of underutilized property the current zoning of which does not allow for its highest and best use. Therefore, the Updated Proposal is in agreement with the Economic Development Plan Element of Plan 2040.

Plan Element 5 – Livability

The Livability Plan Element of Plan 2040 provides guidance and direction for the provision and maintenance of resources necessary for the health and well-being of citizens, including a focus designing and developing places while prioritizing the protection and enhancement of the natural environment and the integration of it with the build environment as development occurs. Applicants' Updated Proposal is consistent with the applicable Goals, Objectives and Policies of Plan 2040's Livability Plan Element, primarily those set forth under Goal 1 of the Plan Element, because the general development plan filed alongside the applicants' zoning application shows buffers zones to protect Mill Creek, a perennial blue line stream, from development and land disturbance encroachment into its watershed area, thereby protecting the functional and environmental integrity of the creek. As it relates to the intermittent stream traversing the 11900 Dixie Highway property, where vehicular access to the Property must cross, the applicants will work with Louisville Metro Public Works, Transportation Planning and MSD to ensure the vehicular access is best designed to cross the stream with as little disturbance as possible. The Property does contain hydric soils, wetlands, and a portion of the property lies within the 100-year floodplain (FEMA FIRM Panel 21111C0121F). Appropriate mitigation measures will be taken to offset any impacts of the development to these features, including stormwater detention as required by MSD and should development of the wetlands areas occur, the applicants or future land users will work with the Army Corps of Engineers to meet their requirements and minimize disturbance. Consequently, when it comes time to improve the property, the general development plan and eventual detailed development plans will ensure that the built environment will respect the natural features of the site.

The Updated Proposal will tap into available sewer infrastructure already in place around and on the Property and onsite detention will be utilized to further manage stormwater drainage. Significant tree canopy on the site, especially canopy situated between the rear of the properties fronting W. Orell Road and the developable area of the site, will remain undisturbed. Installation of a berm along with additional trees and the incorporation of landscape plantings on the Property will buffer and screen the residents of Stonegate Manor from the developable areas of the Property and beautify other areas of the Property as well. The site does not display thereon any characteristics of carbonate or karst areas being present. The Property contains no known archaeological features on it; and no severe, steep or unstable slopes exist on site of which would cause impediments to the using the developable area on the Property. Some steeper slopes exist near where the elevated railroad is, but that portion of the property will remain as-is. Consequently, applicant's Updated Proposal will not have any negative impacts to mitigate on site.

The Updated Proposal locates job opportunities near residential areas in this part of Dixie Highway, south of the Gene Snyder Freeway (Greenbelt Highway), where nearby residents can drive or access TARC to the Property, thereby reducing miles traveled. Vehicular traffic will rely upon current traffic patterns and infrastructure. The Updated Proposal now seeks only expansion to an existing SMC rather than pursuing SW for the Property, which will help bring the job opportunities near the residential areas, but only uses that do not include the higher, more noxious industrial uses found in EZ-1 zoning and SW forms, thereby protecting existing residences from nuisance uses. Pedestrian connections from the site to Dixie Highway will support transit users who are picked up and dropped off at transit stops on Dixie Highway walking to and from the Property. Moreover, the proposed rezoning of the Property will eventually draw investment to the Property by a new user(s), which will provide an opportunity for Metro Planning and associated Metro agencies to revisit site design proposals for the Property, thereby ensuring appropriate consideration of site design solutions and, when more detailed development proposals are being sought, that the required elements of the general development plan are adhered to and the necessary improvements supporting the development and protecting neighboring properties do get implemented.

Plan Element 6 – Housing

The Housing Plan Element strives to enhance housing opportunities for all citizens of Louisville Metro by promoting equitable housing means ensuring diverse, quality, physically accessible, affordable housing choices with access to opportunities, services and amenities. The following three Goals are set forth within the Housing Plan Element: 1) Expand and ensure a diverse range of housing choices; 2) Facilitate the development of connected mixed-use neighborhoods; and 3) Ensure long-term affordability and livable options in all neighborhoods. The Updated Proposal advances all three Goals of the Housing Plan Element because residential zoning is no longer appropriate for properties sharing property lines with a sewage treatment plant and a well-trafficked, elevated railroad. The Updated Proposal permits an appropriate transition in uses especially with the Property being limited to CM zoning rather than the initially sought-after EZ-1 zoning. Moreover, CM zoning permits residential uses, as does C-2 and C-1 districts, thereby allowing for future residential development opportunities on the Property, should conditions change in the future years and use of the railroad or wastewater treatment facility cease, which, at that time, may provide for a more conducive environment to locate new housing on the property. If those events ever materialize, then CM zoning would support new housing units on the Property, whereas the initially sought after EZ-1 zoning would not, except for very specific situations.

Although the applicant is (appropriately) not pursuing a housing development for the Property, the Updated Proposal will provide for the eventual redevelopment and reinvestment of capital into the Property, which will add to the employment opportunities within the immediate area, an idea supported by a number of folks at the neighborhood meeting who expressed support for added jobs in immediate area. As such, additional employment positions in the area will assist residents of inter-generational, mixed-income possibly find employment in an area within reasonable commuting distances from where they reside. Convenient access to TARC is on Dixie Highway. The rezoning of the Property

does not displace current residents on property subject of the rezoning and the residents of Stonegate Manor will be properly buffered from the Updated Proposal and prospect of the Property's redevelopment into another significant industrial/commercial use will support existing and future residential uses in the surrounding neighborhoods.

Respectfully submitted,

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