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STATEMENT OF COMPLIANCE WITH ALL APPLICABLE GOALS, GUIDELINES AND POLICIES OF THE CORNERSTONE 2040 COMPREHENSIVE PLAN

Applicant/Owner: Rober Lopez Castellanos

Location: 3109, 3115, and 3119 Chenoweth Run Road

Proposed Use: Contractor's shop

Engineers, Land Planners and
Landscape Architects: Mindel Scott & Associates, Inc.

Request: Zone Change from R-4 to C-2 to allow a
Contractor's Workshop.

INTRODUCTION

This property is adjacent to the relatively recent extension in the last ten years of Blankenbaker Pkwy., from Blankenbaker Access Road to Taylorsville road. The applicant's property is separated from the parkway only by a sliver of ground controlled by the Kentucky Department of Transportation left from the parkway expansion, effectively bordering the parkway. As a result of the parkway expansion, the entire area has undergone tremendous change. Three of the applicant's immediate neighbors' homes have been abandoned and demolished exhibiting the need to rezone and repurpose this site. Residential property that used to be quiet, country-like, and isolated, is now bordered by one of the most active commercial and travelled roads in Jefferson County.

The applicant's property straddles industrial sites on one side and residential sites on the others. Most of the property north of the applicant's property along Blankenbaker Parkway is used and zoned industrial and commercial. The properties south of the applicant's property is residential. When Blankenbaker Parkway was extended to Taylorsville Road, though, the parkway extension project erected large acoustic sound walls to protect and insulate the newer residential development to the south from the significant traffic, noise and lighting impacts generated by Blankenbaker Pkwy. The small stretch of the applicant's residential property on Chenoweth Run Road however was left completely unprotected without any buffer, barrier or insulation from the industrial land and new significant impacts from the expansion of the arterial.

As a result of the significant change with the construction and expansion of the five-lane divided parkway immediately adjacent to the applicant's unprotected residential property, the R-4 zoning classification is no longer appropriate. The applicant's property has experienced significant, objective economic, physical and social change as a result of the government's condemnation of land and development of Blankenbaker Parkway, all for the community's benefit and at the expense of the applicant's property. While the parkway project protected the

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residential development to the south, it left the applicant's property completely exposed to the marked change without any protective barrier.

The applicant has been using the property as his residence and as a staging area for his landscaping related businesses. Many residential properties along Chenoweth Run Road have been and are currently being used in this way (as a residence and small business location) in violation of zoning regulations without complaint. However, the applicant's business has experienced tremendous growth in the last three years resulting in neighbors' complaints and court citations. The applicant first hired a lawyer unknowledgeable of the Land Development Codes and regulations resulting in mistakes in addressing the legal issues, exacerbating complaints from neighbors.

These issues are currently being addressed in district court. In March of this year, the applicant hired undersigned counsel and immediately made significant changes to his operations to respond to neighbors' issues. The applicant completely ceased engaging in activities which were creating noise disturbances, such as ceasing the use of grinding and mulching type machinery at all times. He also restricted his hours of operation, effectively only using the site to park and store trucks during the evening, where they leave in the morning and return at the end of the day, again without operating any intensive machinery. He further restricted any trucks or business vehicles from travelling west on Chenoweth Run Road. Now all trucks go directly from applicant's property to Blankenbaker Parkway and do not travel past any of the residences on Chenoweth Run Road. It is intended that these voluntary restrictions would be incorporated in binding elements should the application be approved. The property also has natural vegetative buffers which will remain, shielding it from the condominiums to the south. The applicant has agreed to install all other buffers required of the Land Development Code for its neighbors and any other reasonable request from the neighbors (although at this point it appears the immediate neighbor does not want any wall or tree-line installed at all). It should be noted that the neighbor at 3201 Chenoweth Run Road, while still opposing the project, acknowledged that the voluntary changes in business operations had resulted in significant improvements to noise disturbances.

With the changes in the area because of the extension of the five-lane Blankenbaker Parkway, in what used to be a quiet residential area, the zoning change is appropriate and necessary. There is no question that the circumstances leading to this change have not been ideal and the applicant made mistakes leading to this zoning change. However, those mistakes are appropriately being addressed in other court proceedings and they do not alter the significant objective changes occurring with the parkway extension. Moreover, the applicant's operations with the voluntary restrictions provide the ideal transitional use for this 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 the competing uses.

COMMUNITY FORM

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

The proposed zone change complies with all of the applicable, Objectives and Policies 3.1.3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 17, 18, 19, 20, 23, 27 & 28 of Goal 1, for these reasons:

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The proposed use complies with Goal 1 in several ways. First, this development will take an R-4 use that is completely out of place along a minor arterial next to industrial uses from a Suburban Workforce Form District and re-purpose the property with a commercial use, while at the same time blending compatibility with adjacent uses and creating transitions between the industrial uses on one side with the residential uses on the other. The binding elements, the natural buffers and the additional buffers will mitigate any negative impacts from its use. The restrictions to the uses and limited simply using the location as a “hub” for trucks and employees to leave in the morning and return in the afternoon will limit and mitigate any noise or other potential adverse impacts to the neighboring residential uses by having little to no noise or use during evening hours and even during the majority of the working day when the trucks and employees are in the field doing their work. This use will be not create or use any lighting typical of many commercial uses further mitigating potential adverse impacts to the neighbors. The location next to a minor arterial is appropriate for a non-residential use, particularly one adjacent to other industrial uses. It will be relatively noise free except when vehicles leave in the morning and return at the end of the day around peak traffic hours, which is compatible with residential adjacent uses and extremely low impact to residential uses. Further, this use will not result in any new buildings or improvements which are out of scale or inconsistent from a height standpoint with the residential developments. Although the Form District is “Neighborhood form District”, the use of staging trucks and operating small businesses is consistent with the uses traditionally utilized in this area, both before and after the Blankenbaker Parkway extension. The operation of a “contractor’s shop” with the very restrictive binding elements being offered will enhance this property and prevent it from becoming an otherwise wasted area as two of its other residential neighboring properties have become since the parkway extension was completed.

The 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 existing development. It will allow a mixture of densities with the use of appropriate buffers. The office and contractor’s workshop will locate higher density and intensity near the minor arterial of Blankenbaker Parkway and place the employment uses near existing infrastructure and transportation. 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. Finally, the use of the contractor’s workshop promotes mixed-use development and utilization and density with an out of place residential lot responding to the distinctive physical, historic, and cultural qualities.

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

The proposed zone change complies with all of the applicable, Objectives and Policies 1, 2, 4, 6, 7, 9, 12 13, 15, 16, & 17 of Goal 2, for these reasons.

The 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 investment. The mixture of compatible uses will reduce traffic, limit trips 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 without the acoustic sound barriers enjoyed by nearby residences

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on Blankenbaker Parkway. The plan will provide neighborhood serving contractor workshop. The site will be easily accessible by pedestrian and bicycle traffic and preserve natural vegetative buffers from neighboring residences.

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

The proposed zone change complies with all of the applicable, Objectives and Policies 2, 3, 6, 7, 8, 9, 10 & 12 of Goal 3, for these reasons.

The 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 to buffer the residential uses to the south of the property, thereby protecting natural resources. The preserving of the tree canopy and pond is compatible with the Form District in that it provides open space that can be visually 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.

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

The proposed zone change complies with all of the applicable, Objectives and Policies 1, 2 & 3 of Goal 4, for these reasons.

The development plan will promote and preserve the historic and archaeological 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.

MOBILITY

Goal 1 – Implement an accessible system of alternative transportation modes.

The proposed zone change complies with all of the applicable, Objectives and Policies 1, 3, 4, 7 & 14 of Goal 1, for these reasons.

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.

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

The proposed zone change complies with all of the applicable, Objectives and Policies 1, 2, 4, 5, 6, 7, & 8 of Goal 2, for these reasons.

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 the roads and sidewalks. The site distances for the curb cut are adequate for the area and the circulation of pedestrian and vehicular traffic is appropriate with the surrounding walkway, access, parking, etc. The entrance is compatible with surrounding development and aesthetically pleasing to adjacent areas.

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

The proposed zone change complies with all of the applicable, Objectives and Policies 1, 2, 3, 4, 5, 7, 10, 11, 12, 14, 18, 24, & 27 of Goal 3, for these reasons.

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, walking and bicycling opportunities and by providing complimentary neighborhood serving landscaping businesses, services and reducing miles travelled by car. The plan will not burden the transportation network, but will enhance it with developing the lot in a way that compliments the Neighborhood Form District by blending competing uses of the nearby industrial uses and the residential uses. The plan also encourages transportation patterns by situating the site next to a minor arterial that will divert peak hour traffic away from smaller roads and corridors, making the plan consistent with long-range transportation plans. The parking requirements of the site consider the density of the use and the character and pattern of the Form District in that it converts a residence to a contractor's workshop. The plan also satisfies the policy of infill development opportunities along arterials supporting vehicular, biking and pedestrian travel.

COMMUNITY FACILITIES

Goal 2 – Plan for community facilities to improve quality of life and meet anticipated growth.

The proposed zone change complies with all of the applicable, Objectives and Policies 1, 2, & 3 of Goal 2, for these reasons.

This development plan is not a community facilities plan, but it does locate development in areas currently served by existing infrastructure, it has adequate water supply so as to not burden existing or future community facilities.

ECONOMIC DEVELOPMENT

Goal 1 – Provide an economic climate that improves growth, innovation, investment and opportunity for all.

The proposed zone change complies with all of the applicable, Objectives and Policies 3, 7, & 9 of Goal 1, for these reasons.

This development plan complies with Goal 1 of Economic Development as it provides economic climate that improves growth, innovation, and investment opportunity for all by reusing and redeveloping a residential property that is no longer appropriate for its use adjacent to the minor arterial of Blankenbaker Parkway. It locates the contractor's shop in an area with existing infrastructure in an efficient manner increasing economic opportunities in the area, while at the same time blending and buffering competing uses. It will provide opportunities to underserved

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small businesses in the area increasing economic opportunity to business owners and employment. While the development will not create high traffic, the traffic will be directed on a minor arterial.

Goal 2 – Cultivate a vibrant, unique city that attracts, retains, and develops a highly skilled workforce.

The proposed zone change complies with all of the applicable, Objectives and Policies 1, 3, 4, 5, & 7 of Goal 2, for these reasons.

This development plan complies with Goal 2 of Economic Development as it enhances the quality of life in the area by reusing and readapting a current less desirable use, while at the same time protecting and improving the economic value of the surrounding areas and the residential properties. It satisfies the goal and policy of infill development to take advantage of the existing infrastructure. The design elements being used will limit the heat island effect by retaining much of the existing tree canopy and existing pond.

LIVABILITY

Goal 1 – Protect and enhance the natural environment and integrate it with the built environment as development occurs.

The proposed zone change complies with all of the applicable, Objectives and Policies 2, 4, 5, 6, 7, 10, 12, 15, 19, 21, 23, 25, 26, 27, 28, 31, 35, 36, 38 & 39 of Goal 1, for these reasons.

The development plan complies with the objectives and policies of Goal 1 of Livability element in that it protects the tree canopy and existing pond, preserving natural features that buffer the property, reduce heat island effects, and protect native species and groundwater resources. In addition to the preserved natural features, landscaping will be added to reduce the impacts of the site to nearby residences. The binding elements will further reduce noise and the use itself will not create any negative lighting impacts to neighbors.

Goal 2 – Ensure equitable health and safety outcomes for all.

The proposed zone change complies with all of the applicable, Objectives and Policy 8 of Goal 2, for these reasons.

The development plan complies with the objectives and policies of Goal 2 of Livability element by preventing the site from following the path of the other properties impacted by Blankenbaker Parkway extension from becoming blighted or unused, vacant sites, all of which will be a benefit to the residences and businesses in the immediate vicinity, particularly the adjacent properties.

Goal 3 – Ensure equitable access to land use planning and Policy-making resources.

The proposed zone change complies with all of the applicable, Objectives and Policies 1, 2, & 4 of Goal 3, for these reasons.

The development plan complies with the objectives and policies of Goal 3 of Livability element providing equitable access to the land use planning and policy resources by providing the surrounding residents and property owners notice of the development, notice of all public

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meetings and by providing the neighborhood meeting, encouraging and providing an opportunity for area involvement in the plan design.

Goal 4 – Integrate sustainability and resilience in community planning processes.

The proposed zone change complies with all of the applicable, Objectives and Policies 1, 2, & 8 of Goal 4, for these reasons.

The development plan complies with the objectives and policies of Goal 4 of Livability element by providing and enhancing choices for mobility choices, encouraging clean air by reducing miles driven by providing needed services to an underserved area. It also provides needed contractor services in and along high capacity transit corridor of Blankenbaker Parkway.

HOUSING

The proposed zone change and development plan complies with all of the applicable Objectives and Policies of Goal 1, 2, & 3 as it creates and locates necessary services and employment opportunities in an existing activity corridor near residential areas, thereby strengthening and supporting the housing in the area. This use will facilitate connected and mixed-use areas and ensure long-term affordability and living options for all in the community.

* * *

For all of these and other reasons set forth on the Detailed District Development Plan/preliminary subdivision plan accompanying this application and in accordance with evidence presented at Planning Commission public hearings, this application will comply with all other applicable Guidelines and Policies of the Cornerstone 2040 Comprehensive Plan.

Respectfully submitted,

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