

ZONE CHANGE JUSTIFICATION STATEMENT

Old Bardstown Road

Case No. 16Zone1069

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The applicant, J & B Louisville, LLC, proposes a zone change from Commercial District C-1 to Industrial District M-2 on 6.5 acres located on the west side of Bardstown Road north of Thixton Lane. The remaining 4.53 acres at the site is currently zoned Commercial District C-1 and will remain. The property is bordered on the east by Bardstown Road and on the west by Old Bardstown Road. The property is located in the Neighborhood Form District and is also located within the area encompassed by the Fern Creek Small Area Plan adopted in July 2001. Access to the property will be from both Bardstown Road, as well as the original Bardstown Road, now Old Bardstown Road.

The proposal is for a rental, sales and service of lawn, garden and construction equipment ("Store"). The requested zone change is in agreement with the Comprehensive Plan and therefore complies with the requirements of KRS 100.213. An analysis of applicable Guidelines and Policies of the Comprehensive Plan is set forth in this Justification Statement.

COMPREHENSIVE PLAN GUIDELINES

Compliance with specific applicable Guidelines and Policies of the Comprehensive Plan are as follows:

Guideline 1. Community Form.

A Neighborhood Form District is "characterized by predominantly residential uses that vary from low to high density and that blend compatibly into the existing landscape and neighborhood areas. Development should be on 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, bicycles and transit."

The property lies within the Neighborhood Form District, is consistent with the Neighborhood Form District and therefore no change in the Form District is proposed. In particular, the proposal is consistent with Guideline 1.B.3 since the scale of the development is appropriate for the location and nearby neighborhoods. Additionally, the proposal provides for accessibility and connectivity between adjacent uses and neighborhoods by automobile, pedestrian, bicycles and public transit.

Guideline 2. Centers.

While the proposal doesn't include an activity center, the remaining C-1 portion of the property will allow for the further development and may include an activity center. Guideline 2 "encourages mixed land uses organized around compact activity centers that are existing, proposed or planned" and this Store allows for the future growth that can be centered around an activity

center. The intent of this Guideline is "to reduce commuting time and transportation-related air pollution . . . , to provide an opportunity for neighborhood centers and marketplaces that include a diversity of goods and services that are designed to be assets to the community . . . , [and] to encourage vitality and a sense of place in neighborhoods and the community. . . ."

The proposal complies with Guideline 2 and many of the applicable Policies adopted thereunder, including Policies 2.3, 2.9, 2.11, 2.13, 2.14 and 2.16. The center will be located at an intersection off of Bardstown Road, a major arterial, which meets the requirements that at least one of the intersecting streets be classified as collector level or above. The Store will reduce commuting times and transportation-related air pollution by allowing residents to shop closer to home, which is one of the overriding objectives of the Cornerstone 2020 Comprehensive Plan.

The Fern Creek Small Area Plan specifically recommends this site for an activity center or future development. In Section 5.2.1.1, on page 35, the Plan states "the only location where new commercial activity is recommended south of the Gene Snyder Freeway is at the southern end of the land between Old Bardstown Road and the new alignment of Bardstown Road, adjacent to the intersections with Thixton Lane. It should be developed at a neighborhood-scale, consisting of commercial uses that are intended to meet the day-to-day needs of adjacent residential neighborhoods."

Policy 2.3 of this Guideline provides for the location of retail commercial development in activity centers where it can be demonstrated that sufficient population supports it. The December 2006 Analysis prepared by Market Graphics reports that over 3,000 homes were recently approved in Metro Louisville by the Planning Commission for the area south of the Gene Snyder Freeway between Beulah Church Road and Floyds Fork. The proposed Store is centrally located to this area. The Market Graphics Analysis also found 518 sales during the preceding 12-month period. Thus, it is clear that the population in this area is growing rapidly with homes already approved for close to 10,000 new residents, well beyond estimates included in the Fern Creek Small Area Plan adopted in 2001.

Policies 2.9 of this Guideline provide that non-residential development within a Neighborhood should occur only at certain locations such as intersections and locate neighborhood centers in areas that are not served by an existing neighborhood center. The Store will be bordered on the east by Bardstown Road and on the west by Old Bardstown Road and provide easy access to nearby neighborhoods that are not currently served. Further, non-residential and mixed uses should be developed in designated activity centers.

Policies 2.11, 2.13 and 2.16 of this Guideline pertain to compact and mixed compatible uses in a well-designed center that includes a focal point and shared parking. The development plan submitted with this application leaves the existing C-1 portion of the property open for development with cross access. Note 13 of the development plan reads upon development of the adjacent properties, a unified access and circulation system shall be developed and provide for vehicular movement through adjacent sites as determined by public works and a cross access agreement shall be recorded prior to construction approval for the adjacent property. This type of development is encouraged by the Land Development Code and the proposed development plan and building elevations submitted with this application are in compliance with these Guidelines.

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Guideline 3. Compatibility.

This Guideline is intended to "ensure that land uses and transportation facilities are located, designed and constructed to be compatible with nearby land uses and to minimize impacts to residential areas, schools and other sensitive areas in the community." This Guideline is also intended to "allow a mixture of land uses and densities near each other as long as they are designed to be compatible with each other" and "preserve the character of existing neighborhoods."

This proposal is of a scale and site design compatible with nearby existing development and with the pattern of development in the Neighborhood Form District. The type of building materials will be appropriate for the character of the neighborhood, and any adverse impact on adjacent residential uses, including traffic, parking, signs and lighting, will be mitigated through binding elements that have been proposed and agreed to by the developer. Appropriate transitioning from residential to non-residential uses will be provided through the use of natural vegetative buffers and landscaping, landscape buffer yards, the 30-foot parkway buffer along Bardstown Road, the 80-foot setback along Bardstown Road and the 15-foot "Vehicular Use and Landscape Buffer" located along Old Bardstown Road. Additionally, the proposed development is designed to provide accessibility to people with disabilities. The parking, loading and delivery areas are adequate for the proposed uses and are designed to minimize any adverse impact on adjacent residential areas, with parking and circulation areas screened and buffered from any adjacent streets. All signage will be compatible with the Neighborhood Form District and will comply with the requirements of Chapter 8, Part 3, of the Land Development Code.

Policies 3.1 and 3.2 address the issues of design compatibility, with an emphasis on size, scale and building materials. The building design of the Store along with the materials used in such structure, is designed to create an aesthetically-pleasing appearance for the site.

Policies 3.6, 3.7, 3.8 and 3.9 are intended to deal with traffic, noise, lighting and visual impacts. As indicated, Bardstown Road is a major arterial and has ample capacity to accommodate this development without a significant impact on traffic. Design details will ensure the level of noise generated by the proposed development will not have an adverse impact on the surrounding residential areas. Lighting employed on the site will be directed down and away from adjacent residential areas. Additional screening and landscape buffering will be provided along both Bardstown Road and Old Bardstown Road which will reduce the visual impact of the site from nearby residential areas.

Policies 3.21, 3.22, 3.23, 3.24 and 3.28 of this Guideline pertain to transitions, buffers, setbacks, signage and other design techniques to minimize adverse impacts from parking, loading, delivery and related transportation facilities. Appropriate transition between the adjacent uses and the proposed development will be ensured by substantial perimeter landscape and buffer areas around the entire site. These factors will avoid any sharp contrast in height, appearance and building design between the proposal and the nearby residential uses. Appropriate transitioning from residential to non-residential uses will be provided through the use of natural vegetative buffers and landscaping, landscape buffer yards, vegetative berms and compatible building design and materials. All setbacks, lot dimensions and building heights of the proposal comply with or exceed the requirements of the Land Development Code and are compatible with those of adjacent and nearby development. All parking, loading and delivery areas have been designed and located

so as to minimize any adverse impacts from noise and lights. All delivery and parking areas, as well as circulation areas, will be buffered through the use of landscaping or other design features so as to minimize any adverse impact on nearby residents. Signs will be located at the entrances from Bardstown Road and Old Bardstown Road.

Guideline 4. Open Space.

This Guideline seeks to "ensure well designed and permanently protected open space that meets natural resource protection." This proposed Store and specifically the northern portion of the development provides greenspace between the Store and the rental equipment storage lot. The greenspace maintains the existing natural features of the location.

Guideline 5. Natural Areas and Scenic and Historic Resources.

This Guideline seeks to "protect natural areas" and to "locate development . . . in areas that do not have severe environmental limitations." The proposed development satisfies Policies 5.1, 5.3 and 5.6 of this Guideline. Due to the fact that the site is located between a major arterial (Bardstown Road), as well as a collector road (Old Bardstown Road) and given the other characteristics of the site, the proposal respects the natural features of the site by avoiding substantial changes to the topography of the site. Low-impact Development (LID) techniques are incorporated.

Guideline 6. Economic Growth and Stability.

This Guideline is designed to "provide for a positive culture for attracting and sustaining businesses within Louisville and Jefferson County." The intent of this Guideline, among other things, is "to ensure the availability of necessary usable land to facilitate commercial . . . development." This development will address the need for retail services provided by the Store for the already existing and growing population within this area, thereby reducing travel to shopping and work and locating services and facilities near these growing neighborhoods. This development will also assure the community's continued growth and the competitiveness of the marketplace in this area.

Guideline 7. Circulation.

This Guideline is intended to "ensure a balanced and comprehensive multi-modal transportation network that is coordinated with desired growth and development patterns and provides for the movement of people and goods." The proposed development provides for future internal circulation, as well as connections to major thoroughfares and adjacent road networks. The proposal will include adequate sidewalks, bicycle racks and pedestrian access. We anticipate approval by the Department of Inspections, Permits and Licenses indicating adequate access to, from and through the development. Parking requirements will be met or exceeded. Note 13 of the development plan reads upon development of the adjacent properties, a unified access and circulation system shall be developed and provide for vehicular movement through adjacent sites as determined by public works and a cross access agreement shall be recorded prior to construction approval for the adjacent property.

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Guideline 8. Transportation Facility Design.

It is the intent of this Guideline to "design transportation facilities that are safe and efficient, that minimize adverse impacts upon the community and that accommodate, where possible, all modes of travel, such as trucks, automobiles, transit, pedestrians and bicycles."

The proposed development complies with applicable policies adopted under this Guideline, including Policies 8.2, 8.5, 8.10 and 8.11. Primary access to the site is from Bardstown Road and Old Bardstown Road and will not route traffic through areas of lower intensity. These primary access points will have adequate site distance and we anticipate approval of the Department of Public Works and the Kentucky Transportation Cabinet. The internal circulation pattern for drives within the development ensures the functioning hierarchy of streets and appropriate linkage between Bardstown Road and Old Bardstown Road.

Guideline 9. Bicycle, Pedestrian and Transit.

It is the intent of this Guideline to "support transit and non-motorized methods of travel, provide the necessary infrastructure improvements to accommodate alternative modes of travel." The proposal will provide for a 5-foot multi-use path along Old Bardstown Road, as well as a 15-foot "Vehicular Use and Landscape Buffer" located along Old Bardstown Road. In addition, bike parking will be provided on the property.

Guideline 10. Flooding and Storm Water.

This Guideline is intended to "minimize the potential for and impacts of flooding and effectively manage storm water." We anticipate approval of the Metropolitan Sewer District and otherwise the proposal complies with all applicable policies set forth in Guideline 10. Moreover, LID techniques will assure storm water management best practices and peak post-development surface water runoff will not exceed predevelopment levels. In the event peak post-development surface water runoff exceeds predevelopment levels, the site will be subject to the payment of facilities management fees pursuant to Metropolitan Sewer District requirements.

Guideline 11. Water Quality.

It is the intent of this Guideline to "prevent the degradation of water quality due to water pollution and erosion." As indicated, we anticipate approval of the Metropolitan Sewer District and the proposal is compliant with all applicable Policies under this Guideline 11. Prior to any construction activities on the site, Erosion and Silt Control Plan will be implemented in accordance with the Metropolitan Sewer District and the USDA Natural Resources Conservation Service recommendations. Best management practices with respect to the site preparation and construction activities will be employed to ensure the protection of potential groundwater sources and identify the presence of carbonate conditions and features on site.

Guideline 12. Air Quality.

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It is the intent of this Guideline to "minimize, reduce or eliminate, as necessary and appropriate, through the land use planning and development review process, air pollution from stationary, area and mobile sources."

We anticipate approval of Air Pollution Control District. The proposed development satisfies the applicable Policies of this Guideline since the proposed retail development will not create, but rather capture, traffic from the already significant existing and growing residential population in this area. This Guideline further encourages development to occur in and around residential populations to reduce vehicle miles traveled, especially along clogged arterials and in clogged intersections, such as Bardstown Road at the Gene Snyder Freeway.

Guideline 13. Landscape Character.

It is the intent of this Guideline to "protect and enhance landscape character." The proposed development plan is compliant with the tree canopy requirements of the Land Development Code and landscaping features will be provided on site. Best management practices during construction activities will be employed. Construction fencing will be erected prior to any construction or grading activities preventing compaction of root systems of trees to be preserved. This protective fencing will remain in place throughout construction.

Guideline 14.

It is the intent of this Guideline to "provide for necessary infrastructure and to ensure that carrying-capacity of the land is adequate for proposed development."

The proposed project is in compliance with all applicable Policies adopted under Guideline 14. All utilities are available or will be available to the site, including adequate water, electric and sewer service. Adequate water supply of portable water for domestic purposes is available through Louisville Water Company facilities. These facilities will also serve the safety needs of the development for adequate water for firefighting purposes. Sufficient sewage treatment will be provided to the development and all other necessary utility facilities are available.

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