

ZONING APPLICATION'S COMPLIANCE WITH PLAN 2040

**4111 E. INDIAN TRAIL (0.360 ACRE)
PORTION OF 4107 E. INDIAN TRAIL (0.194 ACRE)
PROPOSED ZONE CHANGE FROM: R-4, SINGLE-FAMILY RESIDENTIAL
TO: C-2, COMMERCIAL**

THE PROPOSAL

The Applicant, MHF&O, LLC, proposes its application to rezone to C-2, Commercial approximately 0.554 acres of land it owns and is zoned R-4, Single-Family Residential and covers the entirety of one property located at 4111 and a portion of the adjacent property at 4107 E. Indian Trail, Louisville, KY 40213, the latter parcel of property of which is currently split zoned C-2 and R-4 (the "**Property**"). Should the Property be successfully rezoned, the Applicant will consolidate it with three additional adjacent C-2 zoned parcels of property it owns that are located at 4103 and 4105 E. Indian Trail and 4103 Poplar Level Road to form a larger site ("**Site**"). No land user is identified at this time. Once consistently zoned under one zoning designation district, however, the Site's marketability will improve for attracting a corner commercial land user or users to the Site that will provide opportunities for neighborhood-serving users to provide goods and services benefitting the nearby neighborhoods and anchor the southern boundary of the Suburban Marketplace Corridor Form District ("**SMCFD**"), which also coincides with the southern boundary to the City of Watterson Park, with a viable activity center (the "**Proposal**"). The Applicant also files its related general development plan (the "**GDP**") for the Site, as drafted by Land Design and Development Inc. LD&D).

THE PROPOSAL'S AGREEMENT WITH PLAN 2040 LOUISVILLE METRO'S COMPREHENSIVE PLAN

The proposed application to rezone the Property from its existing R-4, Single-Family Residential designation to C-2, Commercial is in agreement with Plan 2040, A Comprehensive Plan for Louisville Metro ("**Plan 2040**"), as justified in detail hereinbelow, and therefore C-2 zoning is an appropriate designation for the Property and should be approved.

Plan Element 1 - Community Form

The Applicant's Proposal conforms to Community Form Plan Element 1 and all applicable Goals, Objectives and Policies adopted thereunder. Plan 2040's 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 Proposal advances these stated principles of the Community Form because the Proposal involves an appropriate rezoning of a sliver of remaining R-4, Single-Family Residential land area sandwiched between properties that are

zoned C-2, Commercial and located within the SMCFD, at the busy intersection of Poplar Level Road, a major arterial roadway, and E. Indian Trail, a minor arterial roadway. Rezoning the Property to C-2 will allow for a number of properties located at this intersection to be consolidated into a usable commercial site, which, when formed, can facilitate a commercial user or users on the Property. The C-2 zoning district adds flexibility in permissible commercial land uses that can attract desired users to the Property and the Site can be designed with the necessary supporting parking, landscaping, property stormwater drainage, if necessary, and safe access to the roadway network, all of which will inject much needed vitality into the existing underperforming condition of these corner properties, thereby strengthening the interrelationship between the SMCFD and the adjacent Neighborhood Form District ("**NFD**").

The Property is currently located within the SMCFD. Per Goal 1, Policy 3.1.8 of Plan 2040, Suburban Marketplace Corridors are generally located along major roadways 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. Accommodation for transit users, bicyclists and pedestrians are encouraged in an effort to attract a variety of users as well as to minimize automobile dependency and traffic congestion. Transit-oriented development and park and ride facilities are encouraged to facilitate the creation of transit nodes throughout the community. Connectivity to nearby uses should be encouraged. Developers should be encouraged to design new commercial development in compact groups of buildings, which use the same curb cut, share parking, have a common freestanding sign identifying the uses and have a common buffering or streetscape plan with respect to any abutting uses of lower density or intensity. 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. Proposed new commercial uses are encouraged to locate within the boundaries of existing corridors. Reuse of locations within existing corridors is preferred over expansion of a corridor.

The Property is situated between properties already zoned C-2, Commercial and across E. Indian Trail from another property zoned C-2 Commercial and property adjacent to the east of that C-2 property that is zoned R-4, Single-Family Residential. The Property and the Site sit within a SMCFD that includes this intersection and both sides of a stretch of Poplar Level Roadway that runs between the northern section and southern section of a very large Suburban Workplace Form District ("**SWFD**") comprised of all sizes of employers from the large Haier/GE to the southeast, to an active industrial park to the north that also includes the large employer Churchill Downs gaming facility. This particular corner where the Site lies is ripe for redevelopment as a neighborhood-serving commercial use or small commercial center, which can also act as an effective transition between the lower intensity residential uses to the east and to the south of the Property and the higher intensity commercial users fronting the commercial corridor to the north.

The rezoning of the Property is an appropriate correction to make to this leftover remaining slice of single-family zoning district because the Property's location at the corner of two major corridors and within the SMCFD places the Property within an established

commercial area, as recognized by Plan 2040, and because the Property is surrounded by commercial users. Therefore, the rezoning of the Property is not an expansion of commercial zoning into a residential area, not an expansion to the boundaries of the existing SMCFD as it is today, and the redevelopment of the Property will not displace residents. The C-2 zoning being sought for the Property will not allow for hazardous materials to be handled or stored onsite, nor will it permit the location of industrial uses on the Property, nor permit noxious odors, particulates or emissions. The Property's proximity near an expansive SWFD will support industrial users and their employees, however, because the C-2 zoning being assigned to the Property can provide goods and services to these employees commuting to or from work. Uses with air, noise and light emissions must comply with LMCO and LDC restrictions already in place and applicable to the Property.

The Proposal aims to reinforce the adjacent NFD by allowing for the placement of appropriate neighborhood-serving commercial users that will attract customers on foot or bicycle or transit from nearby residents and workers who are employed by existing job centers in the adjacent SWFD, as well as capture traffic already traveling the Poplar Level and E. Indian Trail corridors. C-2 zoning for the Property will open the door for five (5) C-2 zoned properties to be utilized as one commercial site and instill flexibility for more variety in land uses to locate thereon, which, in turn, creates potential for a more sustainable commercial site, which strengthens the viability of both the SMCFD and the adjacent NFD. Indeed, the flexibility in land uses the C-2 zoning district affords will help the Site attract tenants to the existing commercial activity center, thereby maintaining a draw for customers to come to the Site, where said customers can access various goods and services all from the same property. The ability to attract new commercial tenants to revitalize the Property supports the nearby residential uses that rely on nearby access to commercial uses for goods and services and for potential job opportunities. Should residential uses be desired on the Property in the future, the C-2 zoning district can accommodate such a use. Residential uses atop commercial spaces could be an option, depending on appropriate site design.

The Property will be accessed via E. Indian Trail and, upon redevelopment, the then applicant will need to work with Louisville Metro Public Works and KYTC to ensure safe, efficient access is established to the Site. Cross-access to neighboring C-2 properties will be established if it makes sense. No junkyards, landfills or quarries would be permitted or even feasible on the Property. Details setting forth parking areas, required building heights, interior and perimeter landscaping, signage and required setbacks will be displayed on detailed plans in the future, when a commercial user(s) pursue development on the Site, including the Property. Considering the limited size of the Property and the Site, a compact development pattern could prove to be ideal for Site improvements. The Applicant is willing to consider reasonable binding elements on its GDP to address compatibility of future users with the residences east and south of the Property, thereby protecting residential users no matter which commercial users end up locating on the Property. Existing structures on the Site will be maintained until proposed redevelopment requires their removal. For the aforementioned reasons, the Proposal is in accord with Goal 2 of Plan 2040's Community Form because, as explained herein, the Proposal encourages sustainable growth and supports density around mixed-use centers and corridors.

In response to applicable Policies under Plan 2040's Community Form's 3rd Goal, the Property and the Site contain no historic or archaeological resources that contribute to Louisville Metro's authenticity, nor does the site contain watersheds, viewsheds, karst areas or natural resources to leave undisturbed and protected. No flood prone areas or wet or highly permeable soils, areas within floodplain or severe, steep or unstable slopes exist on the Property or on the Site to avoid. No environmental resources or water features are present on either the Property or the Site, thereby nothing on the Site is worth protecting for the purpose of enhancing residential neighborhoods. Open Space is not required for the Proposal and there is no available area on the already developed Property for any meaningful or functional open space to be established. Consequently, the 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 Proposal.

Plan Element 2 - Mobility

The Applicant's 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 Proposal complies with Plan 2040's Mobility Plan Element because the Property is part of an activity center at the intersection of major and minor arterial roadways and within a SMCFD and, when redeveloped, will utilize safe access points to the Property, as reviewed and approved by Louisville Metro Public Works, Metro Transportation Planning and KYTC for customers to use when visiting the site seeking goods and service from neighborhood-serving users.

Opportunities for cross-access to neighboring properties will arise as those neighboring properties develop in the future. Considering the Property is currently contiguous to C-2 zoned properties, should the remaining R-4 portion of the Property be rezoned to C-2, access to the Property will not occur through areas of significantly lower intensity or density. Easy access to TARC routes on Poplar Level Rd. supports the rezoning of the Property to a commercial district and the future placement of neighborhood-serving commercial uses will encourage pedestrians to access the property via sidewalks, the construction of which will be required upon redevelopment of the Property. Also, upon redevelopment of the Property, the Applicant will work with KYTC on any alterations to the Poplar Level curb cuts to the Property, if necessary. Bicycle parking will be provided on the Site in support of a new commercial user for the future user's customers or employees who desire or need to bike to the Property. Therefore, once redeveloped into a cohesive commercial site, an accessible system of alternative transportation modes, including pedestrian connections, vehicular connections and transit will serve the Property.

Depending on the ultimate commercial users for the Property, and the particular needs of those users, detailed district development plan(s) ("**DDDP**") will be required for submittal and review. These DDDPs of future commercial users will depict the specific parking areas and vehicular use areas for the respective users, which said details will be

reviewed for compliance with applicable LDC regulations at the time of filing. Information related to necessary right-of-way dedications, lane widths, turn lanes, if necessary, proper site distances and proper turning radii will be set forth on those required detailed plans. The proposed change to C-2 zoning for the Property will permit a mix of complimentary neighborhood-serving uses to support the surrounding neighborhoods and, as mentioned, there are multi-modal mobility options for visitors to access the Property, thereby shortening trips for residents in search of goods and services. Consequently, the existing modes of transportation available to access the Property encourage connections between land uses, neighborhoods, and different geographic areas of Louisville Metro and support the Property's and surrounding SMCFD's future growth. For the foregoing reasons, the 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 Proposal complies with Plan 2040's Community Facilities Plan Element, and all applicable Goals, Objectives and Policies thereunder, because the Property has access to all necessary utilities to support commercial use of the Property. The Applicant will work with utility providers on site design and hooking up buildings when the time comes for commercial users to locate on the Property. The Property also has an adequate supply of potable water and water for fire-fighting purposes and is served by the Louisville's Okolona District, which has a nearby fire district station #3 1.1 miles to the southeast of the Property at 1714 Rangeland Rd, Louisville, KY 40219. The Louisville Metro Police Department's Sixth Division is assigned to the Property.

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 Applicant's Proposal advances the intent of Plan 2040's Economic Development because it will designate consistent and appropriate zoning across all five (5) parcels that comprise the Property, thereby allowing the owner to form a corner commercial site at the intersection of minor and major arterial roadways and within a SMCFD. The rezoning will pave the way to attract a neighborhood serving commercial land user to the Property, which will provide new vitality and sustainability to an underserved portion of the enveloping SMFD. The Property's prime location also provides it with strong opportunities to capture traffic trips already traveling either the Poplar Level or the E. Indian Trail corridors.

By removing the remaining R-4 zoning from the Property in favor of the proposed C-2 zoning designation, the Property will be marketable to a commercial user who might otherwise hesitate to be interested in the Property considering the existing zoning gap between the C-2-zoned areas of the Property. And, rezoning the Property to C-2 removes this intervening zoning gap, thereby providing a larger commercial site, although moderate in its fully consolidated size, which will widen the list of potential commercial users who could utilize the Property to establish and operate thereon a business. The increase in marketability to attract various neighborhood-serving commercial users is positive for economic development of the neighborhood, the SMCFD, and beyond, as it increases the options for quality tenants that provide needed and sought after goods and services to support everyday life of residents within the adjacent NFD and should a tenant of the Property not succeed for whatever reason, the Property can attract replacement commercial tenants.

The Property is already part of an activity center of commercial properties aligning Poplar Level Road that is outfitted with existing infrastructure to serve commercial users and their customers. Additionally, the Proposal promotes the Goals and Objectives of Plan 2040's Economic Development Plan Element because it would permit land uses compatible with the existing commercial activity center and lure more neighborhood serving commercial uses. TARC serves this section of Poplar Level Road where the Property sits. Therefore, access to nearby transit gives patron guests of the future commercial users of the Property, and employees working on the Property, multi-modal transportation options to travel to/from the Property. As a result, the Proposal on the Property will help various folks engage in the local Louisville Metro marketplace. Therefore, the Proposal agrees with Plan 2040's Economic Development Plan Element and its applicable policies.

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 built environment as development occurs. The Applicant's 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 rezoning of the R-4 portion of the Property will help attract commercial users to the site that can provide everyday commercial goods and services in support of the adjacent NFD residents and nearby SWFD workers, which will help shorten travel distances and vehicular travel time for certain goods and services, thereby helping to reduce emissions along popular corridors in the immediate area. When redevelopment of the site in support of a commercial user occurs, the requirement for a DDDP will be triggered, which, when submitted, will reflect the addition of tree plantings and new landscaping to the Property, and specifics related to management of stormwater drainage on the Property will be addressed.

The Property contains no environmental sensitivities that, when the Property is redeveloped, would be disrupted and harm the Property or negatively impact any abutting

properties. No area associated with the Proposal is in the regulatory floodplain, nor the 100-year flood hazard area (per FEMA FIRM Panel 21111C0077F). The Property shows thereon no indication of Hydric soils. The Property contains no characteristics of carbonate or karst areas being present and possesses no protected waterways, riparian zones, nor blue line streams – perennial or intermittent. Also, the Property is home to no known archaeological features on it. No severe, steep or unstable slopes exist on Property of which would cause impediments to its current use or to its redevelopment a corner commercial site, whenever that may occur in the future. Consequently, Applicant’s Proposal will have no negative impacts to mitigate on the Site.

The rezoning of the Property conforms to the requirements of APCD, represents an appropriate zoning designation that strengthens the existing pattern of development along these stretches of the Poplar Level Road and E. Indian Trail corridors and for the immediate surrounding activity center within the SMCDFD. The Property will rely on current traffic patterns and infrastructure. The Property is in an area supported by nearby transit services whereby accessing the site is not limited to only vehicle access.

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 Proposal is not for housing. C-2 zoning does permit various housing options, however, including single-family or multi-family residential housing types and the different housing styles under each type, which could support aging in place, inter-generational, mixed income and mixed-use development that would benefit the SWFD and the nearby NFDs. Transit also serves the Property via Poplar Level Road. Therefore, should the Property be repurposed in the future to residential use, the C-2 zoning district does support housing choice for redevelopment of the Site. Considering the entirety of the Site is under two (2) acres and located at a busy roadway intersection, the potential for building housing on the Property is low, unless the Property is consolidated with additional properties to form an even larger site.

The proposed C-2, Commercial zoning for the Property will provide opportunities for a variety of commercial users to locate and operate on the Property, which will contribute to the existing activity center along Poplar Level Roadway and at this corner of Poplar Level and E. Indian Trail, further supporting residents in the adjacent NFD. The sliver of land area subject of the rezoning request contains two residential structures, one of which is used commercially (within the commercially zoned portion of the parcel) and with the other residential structure, the applicant allows a resident to live there temporarily for little to no rent. The residents is aware of the portion of the Property is being rezoned to support a future commercial user, thereby providing the resident with notice to find a different location to reside.

For all the foregoing reasons, including the information shown on the submitted GDP to be discussed at the Planning Commission's Land Development & Transportation Committee, if necessary, and for all other reasons presented at the Planning Commission's public hearing, the Applicant's Proposal to rezone the Property from its existing R-4, Single-Family Residential designation to C-2, Commercial, including the associated GDP, complies with all other applicable Guidelines and Policies of Plan 2040, Louisville Metro's adopted Comprehensive Plan.

Respectfully submitted,

Jon Baker
Bricker Graydon Wyatt, LLP
400 West Market Street, Suite 2000
Louisville KY 40202
Direct: (502) 562-7316
Fax: (502) 589-0309
Email: jbaker@bricker.com