

ZONING JUSTIFICATION STATEMENT
CHANGE IN ZONING FROM: R-6 MULTI-FAMILY RESIDENTIAL
TO: CN COMMERCIAL NEIGHBORHOOD

SUSAN COX
7717 AND 7721 SAINT ANDREWS CHURCH ROAD
22-ZONEPA-0081

August 8, 2022

THE PROPOSAL

The applicant, Susan Cox (the “Applicant”), is applying for a change in zoning for two parcels of property currently zoned R-6, multiple-family and situated along the east side of Saint Andrews Church Road – at 7717 and 7721 Saint Andrews Church Road (together, the “Property”), just north of where Cardinal Oaks Drive intersects with Saint Andrews Church Road, and south of Doss High School, to locate thereon a commercial retail store where residents and employees in the immediate area can access day-to-day goods. The Property is approximately 2 acres in area (1.988 acres) and situated within the Neighborhood Form District, along a minor arterial level roadway near residential properties, both single- and multi-family, a high school and an elementary school, and various commercial uses along the arterial roadway, including, but not limited to, a gas station, an animal hospital, a spa, a bar, a liquor store, a discount tire store, various auto-related uses, and a mini-storage facility. Over a mile to the south is the Dixie Highway Suburban Marketplace Corridor. The Applicant proposes vehicular access to the site via Saint Andrews Church Road. Landscape and tree plantings will be installed along the perimeter throughout the site, and along the rear property line to provide aesthetic enhancements to the site as viewed from Saint Andrews Church Road. Currently, the Applicant requests no variance nor waiver relief.

THE PROPOSAL IS IN AGREEMENT WITH AND CONFORMS TO ALL APPLICABLE PLAN ELEMENTS, GOALS, OBJECTIVES AND POLICIES OF PLAN 2040, A COMPREHENSIVE PLAN FOR LOUISVILLE METRO

Plan Element 1 – Community Form

The subject property is currently located within the Neighborhood Form District. Goal 1, Policy 3.1.3 of Plan 2040, A Comprehensive Plan for Louisville Metro (“Plan 2040”) describes the Neighborhood Form, in part, as:

... 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 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 Neighborhood Form may contain open space and, at appropriate locations, civic uses and neighborhood centers with a mixture of uses such as offices, retail shops, restaurants and services. These neighborhood centers should be at 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, bicycle and transit.

The Proposal, if approved, will allow for the location on an unused property of a Dollar General store, which is a neighborhood-serving land use that offers for sale a variety of products consumers use on a regular, day-to-day basis. Saint Andrews Church Road maintains a mix of neighborhood-serving commercial uses and the applicant's Proposal will contribute positively to this existing neighborhood activity center. The proposed change in zoning complies with Plan 2040's Community Form Plan Element, including its applicable Goals and Policies set forth therein, because the Property is within an existing activity center, which has been established along the frontages Saint Andrews Church Road, a minor arterial level roadway, and supports the surrounding residents in the Neighborhood Form without them having to travel to Dixie Highway.

The CN, Commercial Neighborhood zoning designation the applicant requests for the Property is a prudent extension of the existing commercial zoning in the area, which contains a mix of zoning designation intensities and densities from CN to C-1 and C-2 to R-4 to R-5A to R-6 and OR1 along this stretch of Saint Andrews Church, particularly near its intersection with Blanton Lane, just south of the Property. CN-zoned property is currently adjacent to the north of the Property. And to the north of that neighboring CN property on Saint Andrews Church Road is Trunnell Elementary School and Doss High School; directly across Doss High School is property zoned C-1 and used as a salon and spa (7626 Saint Andrews Church Road). To the immediate east of and behind the Property is Cardinal Oaks Condominiums, zoned R-6, multi-family. To the south of the property, across Cardinal Oaks Drive, is property zoned R-6, Multi-Family, where apartments are planned and approved for construction. South of this property on Saint Andrews Church Road are a mix of commercial properties and land uses. The Applicant's Proposal seeks to supplement the existing range of commercial support within the neighborhood activity center with affordable commercial goods and services. The development will contain a low-intensity, neighborhood-serving retail store, which will be appropriate in terms of scale, design, and intensity for a neighborhood center. As depicted on the building renderings submitted herewith, the exterior of the proposed Dollar General Store will match other commercial buildings in scale and building materials along Saint Andrews Church Road, thereby enhancing compatibility between residential and commercial developments in the immediate area.

The CN zoning being requested permits uses of higher density and intensity than the existing R-6, multi-family, but said CN uses, like the Dollar General Store being proposed, are intended to furnish convenience services near the neighborhoods they are intended to serve. The CN zoning district disallows hazardous industrial uses inappropriate for the surrounding area, however. The proposed Dollar General Store on the Property is an appropriate, relatively low-intensity, transitional use between the Saint Andrews Church Road corridor and the less intense residential uses located to the east of the Property and set back away from Saint Andrews Church

Road. The Proposal is further appropriately located on the Property because although the CN zoning district allows for residential uses, whether on its own or as a component of a mixed-use development, the Proposal does not displace existing housing. The property to the north and the property two properties to the south, both of which front St. Andrews Church Road, are zoned commercial. Today, the Property is devoid of trees and vegetation. Applicant's installation of additional landscaping on the Property, and especially the tree and shrubbery plantings along the entirety of the Property's rear boundary line, will ensure an appropriate transition between the commercial and residential properties. Parking for the use will be located between the corridor and the building (west of the building) as well as to the north of the building, which will be screened from the neighboring residents by trees and landscaping planted onsite. Proposed signage will meet applicable form district requirements. Any adverse visual, noise, and odor impacts from the proposed development will be adequately mitigated, thereby reducing the potential for disruption of the residential area to the south of the Property.

Though the Proposal does not represent a mixed-use development, the requested CN zoning would allow in the future for efficient development of a compact mixed-use site, including office and retail uses. The Property is served by adequate roadway infrastructure and will not interfere with minor residential service streets. The proposed convenience store will support the existing activity center located along the frontages of St. Andrews Church Road and provide additional goods for nearby single- and multi-family development residents – which, together, is undoubtedly a well-populated area sufficient to support demand for the store – to access via walking, bicycling and vehicle. Therefore, by providing a service that meets the day-to-day needs of nearby residents and employees, the proposed development results in an efficient land use pattern by enabling area residents to reduce trips and vehicle miles traveled, minimizing air pollution and promoting fuel conservation. The Applicant's proposed addition of tree canopy and landscape elements to the Property will enhance the overall aesthetic character of the commercial corridor, while simultaneously providing an effective buffer for the adjacent residential properties; currently, only 2.1% of the site has tree canopy and the Applicant proposes a tree canopy for approximately 47.9% of the site, a significant increase in tree canopy. The scale of the Dollar General Store is compatible with the range of buildings along the Saint Andrews Church Road corridor and applicable building height limitations will be observed. The proposed setbacks and landscaping are compatible with those of nearby developments. Utility easements will be designed to provide access for maintenance and repair, and utilities will be placed underground to minimize visual impacts. The proposed lighting onsite will be directed down and dark-sky compliant to ensure there are no negative lighting impacts from the proposed development on adjoining properties.

No access to, from, or through the residential street of Cardinal Oaks Drive is proposed to the Property. Once consolidated, two properties will become one and the parking and vehicular use areas on the consolidated property will be designed for safe and efficient intra-site traffic flow and parking. The Proposal includes thirty-two (32) parking spaces, including two (2) ADA spaces, which will provide ample parking to the land use yet create no underutilized parking areas. Required interior landscape areas (ILAs) are being provided, per the landscape plan

submitted alongside the zoning application. Applicant will repair and replace existing sidewalks along the Property's Saint Andrews Church Road frontage wherever necessary.

Applicant's Proposal is in agreement with Goals 3 and 4 of Plan 2040's Community Form because the site does not contain sensitive natural features, archaeological resources nor historic assets that would be endangered or disturbed by the Property's development. The Property does not possess any issues related to severe, steep or unstable slopes that would pose as impediments to the development of the Proposal or cause immediate or long-lasting environmental degradation. Moreover, the Property contains no protected waterways nor blue line streams – perennial or intermittent. Per Lojic and the applicable FEMA Map 21111C0089F, no floodplain areas, 100-year floodplain or local regulatory floodplain, affect the Property. Therefore, applicant's Proposal will not have any negative impacts to mitigate on site. The Applicant acknowledges that storm water drainage is an issue on adjacent and nearby properties, however. As a result, the Applicant will work with MSD and the current owner of the Property, who also owns and is developing apartment housing on 7727 Saint Andrews Church Road, located directly across Cardinal Oaks Drive, to provide stormwater drainage infrastructure that will assist in reducing runoff and pooling issues in the immediate area. Development of the Property will avoid substantial changes to the site's existing topography, for the site is already substantially level. Not many trees exist today on the development site. To improve the tree canopy on the Property, the Applicant will plant a number of trees, most of which will be installed along the eastern property line, providing appropriate buffering and screening of the site from the Cardinal Oaks community.

Accordingly, given the foregoing justifications, the proposed rezoning complies with Plan 2040's Community Form Plan Element, Goals 1, 2, 3 and 4 and all applicable Policies.

Plan Element 2 – Mobility

The proposed change in zoning is in agreement with Plan 2040's Mobility Plan Element and its three Goals because it will allow for a neighborhood-serving use to support nearby residents who can access the site without having to rely upon vehicles to travel to Dixie Highway to acquire the same day-to-day goods. Direct access to the use is proposed from Saint Andrews Church Road, a two-way minor arterial level roadway that will soon be outfitted with a center turning lane. There will be no vehicular trips to the Property to, from, or through the residential area located behind the Property on Cardinal Oaks Drive, a local level roadway fronting the Property's south. Accordingly, the existing roadway infrastructure avoids access to the Property through areas of significantly lower intensity, eliminating any traffic-related nuisances for its residential neighbors. Thus, access to the Property supports the Applicant's zoning application because it appropriately accommodates change via growth to the neighborhood center without negatively impacting the mobility of nearby residential properties, serves the immediate area with daily goods that are in-demand to nearby residents and employees, compatibly meshes with surrounding uses along the multi-use corridor, and complements the already established mix of neighborhood-serving businesses in the area.

A pedestrian connection already exists along the Saint Andrews Church Road frontage of the Property, but with the roadway updates planned for this section of Saint Andrews Church Road, it is likely this pedestrian connection will be updated. The Property was subject to a rezoning in 2019 and, at that time, property was dedicated to Saint Andrews Church Road public right-of-way. The existing (and upgraded, if necessary) sidewalk along Saint Andrews Church Road offers safe movement of pedestrians along its eastern side, between Trunell Elementary and Doss High Schools. On the Property, internal pedestrian connections will be provided as well as a connection from the Dollar General Store to the Saint Andrews Church Road sidewalk, conforming with Land Development Code requirements and ensuring that internal and external circulation provides safe and efficient pedestrian movements on and off of the Property. Sufficient parking spaces, including handicapped spaces required by the ADA, are provided for the development. The parking lot has been designed to allow for safe truck maneuvering and unloading, as well.

The Proposal is properly supported by a safe, accessible and efficient transportation network that connects areas of residential, commercial, workplace, civic and recreation from various modes of transportation. The development of the Property will generate low numbers of new daily traffic trips and will gain direct access to the public roadway network through a curb cut off of Saint Andrews Church Road. 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 and Policies thereunder because the Property is served by existing infrastructure and all necessary utilities, including water, sewer, electricity, and telephone. To the extent 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; the Property is served by the Pleasure Ridge Park Fire Protection, which maintains a station facility nearby at 4500 Kerrick Lane, just over one mile from the Property. Louisville Metro Police Department, Third Division provides police protection 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. The Property is appropriately located along a minor arterial corridor that serves various uses – residential, commercial, office, and institutional. As such, the proposed redevelopment of the Property promotes the goal of locating development along established corridors. The Proposal will attract mostly passerby vehicular traffic already on Saint Andrews Church Road, as well as pedestrians from the surrounding Neighborhood Form and/or the

schools adjacent to the north of the Property. Consequently, any impacts created by customer traffic or from deliveries will not affect residential properties or local neighborhood roadways. The Proposal will allow residents and workers in the immediate area to access day-to-day goods at affordable prices without having to access the same on Dixie Highway. The Proposal will also provide additional jobs for area residents. The proposal complies 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. Applicant's Proposal is consistent with the applicable policies of Plan 2040's Livability Plan Element, notably those set forth under Goal 1 of the Plan Element, because the development of the Property protects the natural environment, improves storm water drainage on the site (and hopefully can alleviate stormwater drainage on adjacent properties), and increases the tree and landscape plantings on a site devoid of the same, thereby restoring tree canopy in the immediate area. Furthermore, the Proposal will activate the unused Property, contribute trees, landscaping and green infrastructure to protect and enhance water quality, and provide pedestrian connections internal to the Property as well as connections to adjacent properties, helping integrate the existing condition of the Property with the built environment of the site.

The Property does not display thereon any characteristics of karst being present, nor does the Property contain any protected waterways, nor blue line streams – perennial or intermittent. To the east of Cardinal Oaks is Big Run stream, but it does not affect any portions of the Property. No 100-year floodplain or local regulatory floodplain areas touch the Property, ensuring emergency vehicle access to the Property without potential hazards of traversing flood waters during emergencies. Per Lojic, potential wetlands (hydric soils) are not indicated as being present on the Property. Additionally, no severe, steep or unstable slopes exist on site of which would cause impediments to development of the Proposal. Therefore, Applicant's Proposal will not have any negative impacts to livability characteristics on site to mitigate. Site disturbance will take place on the Property in compliance with MSD procedures.

The Proposal is in further agreement with Plan 2040's Livability Plan Element because it abides by all applicable building setbacks and the Applicant requests no variances from the LDC. Planting and screening requirements will be met on the Property, as illustrated on the submitted landscape exhibit. With the proposed plantings, tree canopy on site will go from 2.1% to 47.9%, a considerably positive increase for the Property, which will benefit adjacent property owners. The Proposal will aid in the effort to reduce drainage issues in the immediate area, which, according to attendees of the neighborhood meeting, is sorely needed in areas near the Property. MSD must be satisfied with the Applicant's proposed stormwater management system before the Applicant can proceed to the Planning Commission's Land Development and Transportation Committee meeting. The development of the Property will accommodate "through" drainage systems and peak stormwater runoff rates post redevelopment will be acceptable to MSD and consistent with adopted regional and watershed plans. An erosion prevention and sediment control plan will be implemented prior to construction utilizing best management practices as

required by MSD. Along with roadway improvements being undertaken to Saint Andrews Church Road, the Louisville Water Company is also in the construction phase of a project that will install a transmission main along this portion of Saint Andrews Church Road, which will improve water supply and reliability to Southwest Jefferson County Louisville Water.

The proposal conforms to the requirements of APCD, represents an efficient land use pattern, and utilizes current traffic patterns. Because the site is located in an area where roadway infrastructure is undergoing upgrades, including an added turn lanes to Blanton Lane and a center turn lane on Saint Andrews Church Road to assist turning movements into/out of Doss and Trunnell, and lane-widening to alleviate overall vehicular congestion in the immediate area, as well as updated pedestrian connections, the proposed development will accommodate alternative modes of travel, which enables and promotes a reduction in vehicle miles traveled, thereby reducing overall air quality impacts.

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. As discussed herein, the Proposal advances all three Goals of the Housing Plan Element.

Applicant's Proposal does not include housing, neither single-family nor multi-family housing. The CN, commercial zoning designation being sought does permit housing, however, at 17.42 dwellings per acre. Therefore, should the Property be re-purposed after its use as a retail convenience store, the CN zoning would permit a variant of housing types to be developed, including single-family, multi-family, mixed-use, zero-lot line developments. Multi-family housing or a mixed-use development including a residential component atop commercial or office would be a nice transition from the Saint Andrews Church Road corridor, where a number of commercial, residential and institutional uses are located to the Cardinal Oaks condominium community directly behind the Property. Moreover, the Property's location nearby to Doss High School, Trunnell Elementary School, and various multi-family developments including Cardinal Oaks, Montair Apartments, Oaks at St. Andrews, the Landing Apartments, Fordhaven, and Renaissance St. Andrews Apartments, will provide goods and services accessible to residents, employees and students within walking distances from home, work and school, which means opportunities for less reliance on vehicular transportation and reduces the need to access Dixie Highway to obtain necessary items. This last point is important for an area that has multiple multi-family communities without access to transit. Indeed, for in the recent years, there has been much debate involving whether it is appropriate to approve zoning in support of new multi-family housing where the zone change being proposed is not "near" goods and services. Here, the Applicant wishes to bring convenience retail to an area where density in residential dwellings – single and multi-family – has already been established in the immediate area.

Although the applicant is not pursuing a housing development for the Property, the Proposal will provide for the expansion of an existing commercial use which will facilitate the convenient access to day-to-day goods and services to residents in the surrounding neighborhoods and possibly provide additional employment opportunities to these same residents. The Proposal will activate and reuse an idle property — a major investment for the Property – with the end result being an improved condition for the Saint Andrews Church Road corridor. No existing residents will be displaced by the Proposal.

COMPLIANCE WITH KRS 100.213

For all the reasons set forth in the applicant’s detailed Zoning Justification Statement together with the information set forth on the Detailed District Development Plan submitted along with its formal zoning application, the applicant’s Proposal is in agreement with the intents, plan elements, objectives, goals and policies of the Plan 2040, A Comprehensive Plan For Louisville Metro. Consequently, the applicant’s request to change the zoning of the Property complies with Kentucky Revised Statute 100.213.

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