

**APPLICANT’S PROPOSED FINDINGS OF FACT ADDRESSING  
COMPLIANCE WITH PLAN 2040, A COMPREHENSIVE PLAN  
FOR LOUISVILLE METRO**

**AL CAT, LLC**

**CASE No. 22ZONE0096:  
INVOLVING ALL OR A PORTION OF PROPERTIES LOCATED AT:  
5700 JANIES WAY, 6212 & 6220 SHEPHERDSVILLE ROAD &  
TAX BLOCK 0634, LOT 0242, LOUISVILLE, KY 40228**

**PROPOSED ZONE CHANGE FROM: R-4, SINGLE-FAMILY RESIDENTIAL & C1, COMMERCIAL  
TO: CM, COMMERCIAL MANUFACTURING**

**REQUEST SUMMARY**

The Louisville Metro Planning Commission, having heard testimony before its January 12<sup>th</sup>, July 13<sup>th</sup> and 27<sup>th</sup>, 2023 Land Development & Transportation Committee meetings and during its Public Hearing convened for August 31, 2023, and having reviewed evidence submitted into the administrative record for Case No. 22-ZONE-0096 and further evidence presented by the applicant, interested parties, and the staff’s analysis of the application, make the following findings:

**WHEREAS**, the applicant and property owner, AL CAT, LLC (hereinafter referred to as “Owner” or “Applicant”), proposes its application to rezone all or portions of properties AL CAT, LLC owns, which are located at 5700 Janies Way, portions of 6212 and 6220 Shepherdsville Road (the latter having property zoned appropriately but on which vehicular parking is located), and tax block 0634, Lot 0242 (the “Property”) from R-4, Single-Family Residential and C-1, Commercial to CM, Commercial Manufacturing to allow lawful construction of just over 86,000 square feet of indoor, climate controlled self-storage facility in two separate three-story buildings, repurpose an existing building into 2,000 square feet of office space, and supporting site infrastructure, including vehicular connections between properties that ultimately provide access to the public network of roadways; all of the proposed improvements referred to herein, as more specifically represented on the detailed district development plan (“DDDP”) drafted by Land Design & Development, INC., when taken as a whole, will referenced hereinafter as “the Proposal;” and

**WHEREAS**, the Property is within a well-established and active Suburban Workplace Form District, where a multitude of industrial and commercial properties operate and is anchored by the Haier Appliances Campus (formerly GE Appliance Park), just to the northeast of the Property; with the new vehicular connections being established thru by the Proposal, access from/to the Property will be available to both Fern Valley Road, a major arterial roadway, and Shepherdsville Road, a minor arterial roadway; other uses in the immediate vicinity include a popular drive-thru restaurant, which is next door to very similar drive-thru restaurant currently under construction on adjacent property fronting Shepherdsville Road; to the south of the existing

drive-thru restaurant is a vacant bowling alley building that holds the corner of Shepherdsville Road and Fern Valley Road; directly to the south of the Property is a long-established, traditional self-storage facility that was built prior to self-storage facilities starting offering indoor, climate controlled environments; to the west of that storage facility property is Pebble Creek Apartments, a multi-family residential community on property zoned R-7; to the north of the Property are a day care use, then a Circle K convenient store and fueling station, the latter of which holds the corner of Shepherdsville Road and Poplar Level Road; across Shepherdsville Road from the Property is a handful of automotive and heavy equipment uses on properties either zoned C-2, Commercial or PEC, Planned Employment Center and within the same Suburban Marketplace Corridor Form; given the intensity of the uses surrounding the Property, the Commission finds that this zoning context within an active Suburban Workplace Form, the R-4, Single-Family Residential zoning currently in place on the properties is no longer an appropriate and that the CM zoning the Applicant seeks via its zoning application is appropriate for the surrounding Suburban Workplace and the proposed uses for the Property.

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

**Plan Element 1 - Community Form**

**WHEREAS**, the Proposal conforms to Community Form Plan Element 1 and all applicable Goals, Objectives, and Policies adopted thereunder because 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 and the Applicant's Proposal advances these stated principles of the Community Form as the Proposal will provide redevelopment of infill property to expand and improve an existing Suburban Workplace with new, climate controlled self-storage space, which is a more appropriate use for the Property and the Suburban Workplace Form than what's permitted within the Property's current single-family zoning designation; in place of the current zoning, the applicant proposes CM zoning, a hybrid commercial and industrial zoning designation for the current and future uses of the Property, which will provide flexibility for commercial, industrial, or hybrid commercial-industrial users to locate thereon and reinvest resources into the Property but without permitting the intense, noxious uses that are permitted within the higher level of intensity zoning designations of M-2 or M-3, Industrial or EZ-1, Enterprise Zone, all of which are present in this very Suburban Workplace Form; the less intense CM zoning is appropriate for the uses fronting the specific blocks of Shepherdsville Road and Fern Valley Road, as well as establishes a compatible transition from the commercial/industrial corridors on which the Property fronts to its east and south to the residential uses west of the Property; and

**WHEREAS**, the Commission finds the Proposal complies with Community Form Goal 1, Policy 3.1.10 because the Property lies within the Suburban Workplace Form District, which is characterized by predominantly industrial and office uses where the buildings are set back from the street in a landscaped setting; in order to provide adequate transportation access in suburban workplaces connected roads, public transportation and pedestrian facilities should be encouraged; and Development within Suburban Workplace Form Districts may need significant buffering from

abutting uses; the Property currently contains the last remnants of R-4, Single-Family zoning on either side of this specific block of Shepherdsville Road – a block home to numerous commercial and light industrial uses such as a gas station and convenience store, numerous auto sales and service establishments, a home improvement store, a large equipment sales and service dealership, a vacant bowling alley building, a McDonald’s restaurant, a Taco Bell restaurant, and a day-care facility; the Commission finds adequate roadway infrastructure is in place to serve this immediate area of the Suburban Workplace Form as Shepherdsville Road, a minor arterial roadway, connects to the north with Poplar Level Road, a major arterial roadway to the west and a minor arterial roadway to the east of its intersection with Shepherdsville Road, and connects with Fern Valley Road, a major arterial roadway, to the south and where the Proposal will connect access from/to the Property to adjacent property thereby establishing vehicular connections to both Shepherdsville and Fern Valley roadways; all three well-used corridors maintain sufficient capacity to move goods and services from properties located within the Suburban Workplace Form with easy access to nearby expressway corridors as well as to the Muhammad Ali International Airport, which is a few miles to the west of the Property; TARC operates a local bus route along this stretch of Shepherdsville Road, as well as eastward on both Poplar Level Road and Fern Valley Road; a pedestrian connection serves the western side of Shepherdsville Road and along the Property’s frontage; no pedestrian connections serve the northern side of Fern Valley Road, however; and

**WHEREAS**, the Proposal aims to strengthen the surrounding Suburban Workplace Form by cleaning up outdated single-family residential zoning on the Property to allow construction of a climate-controlled, self-storage facility and to contribute supporting roadway and stormwater infrastructure for the immediate area; the proposed improvements to the Property will increase compatibility between adjoining properties; a multi-family residential complex lies to the west of the Property, on the other side of the elevated, high-powered electrical transmission lines running north-south; to the north of the Property is the Blue Spring Ditch and to the north and eastern side of the Property is an active day-care facility, My Little Testimonies; to the northeast of the Property, at the corner of Poplar Level Road and Shepherdsville Road, is a Mac’s gas station and convenience store; anchoring the corner of Shepherdsville Road and Fern Valley Road is a vacant bowling alley building, and the vehicular connection being proposed with this zoning application will allow for cars on the vacant bowling alley property to now access Shepherdsville Road without having to first turn onto Fern Valley Road, said connectivity will help traffic on this side of Shepherdsville Road move safely and efficiently; the Proposal will ensure compatibility in scale and design with these nearby existing land uses and with the prevailing pattern of development in the Suburban Workplace Form; and

**WHEREAS**, the rezoning of the Property to allow the Proposal is consistent with the commercial and light industrial uses that today serve the encompassing Suburban Workplace Form; the two self-storage facility buildings proposed for the Property will be setback from both Fern Valley Road and Shepherdsville Road and will be screened from the property line shared with the multi-family residential property to the west by an existing wall of combined trees and plantings along the shared property line as well as a landscape buffer area that, because the existing area along the detention basin is too narrow to successfully plant, will be positioned near the western façades of the buildings, thereby supplying two separate vegetative screens between the proposed buildings and the multi-family residential property to the west; no hazardous materials will be stored or handled onsite; the buildings will be constructed of materials typically found in

similar storage facilities and will be adequately parked with onsite vehicular and bicycle spaces; and

**WHEREAS**, the Commission also finds Goal 2 of the Community Form encourages sustainable growth and density around mixed-use centers and corridors and whereas the surrounding Suburban Workplace Form is well developed and active with commercial and industrial uses of various sizes and intensities; the commercial/industrial activity center around the Property is well rooted; the primary user of this particular Suburban Workplace Form is Haier's US Appliance Solutions (known by most as the former GE Appliance Park), where thousands of employees commute daily to and from the large employment center; the Proposal supports the established Suburban Workplace because it removes underused single-family zoning from a very active workplace area where residential use is not optimal fronting a highly-trafficked corridor that supports a jobs and commercial center; the Proposal will contribute necessary supporting infrastructure and provide space for nearby residents and/or workers in the area to store personal items, as well as added storage space for existing or emerging uses within the Suburban Workplace; the Proposal will add new investment and resources to the Suburban Workplace, notably climate-controlled storage space; the surrounding Suburban Workplace Form is served by adequate roadway corridors and TARC service; the proposed storage facility will be served by access to Fern Valley Road and will provide connectivity to Shepherdsville Road, which will assist in safe mobility of vehicles; no change to the existing grid pattern of streets is proposed; compatible utilities shall be placed in a common trench unless otherwise required by appropriate agencies; and

**WHEREAS**, the site contains no historic or archaeological resources that contribute to Louisville Metro's authenticity, nor does the site contain watersheds, viewsheds, or natural resources that would be unprotected; the proposed relocation of the detention basin encroaches into the middle zone of the streamside buffer area, but said encroachment will not endanger the Blue Spring Ditch because no buildings or structures are within the encroachment and the detention basin will not disrupt the streambank, which is a mowed streambank maintained by MSD; encroachments into the streamside buffer area exist throughout this Suburban Workplace Form, as well as in the adjacent Neighborhood Forms; additionally, no environmentally sensitive flood prone areas or wet or highly permeable soils, or sever, steep or unstable slopes exist on the Property to avoid; required tree canopy areas will be provided onsite; consequently, the Proposal complies with the applicable objectives and policies of Plan 2040 Community Form's Goals 1, 2 and 3; the Commission finds that Plan 2040's Goals 4 and 5 are inapplicable to this Property and specific Proposal; and

### **Plan Element - 2 Mobility**

**WHEREAS**, 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 models; 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 Commission finds that the applicant's Proposal complies with Plan 2040's Mobility Plan Element because it utilizes the Property in an efficient manner to locate thereon a new use to the Suburban Workplace, relocate and upsize a detention

basin, and create a helpful vehicular connection that provides a linkage between Shepherdsville Road and Fern Valley Road; the Applicants' change in zoning designation to the Property allows for investment in the Property and allows for it to contribute more appropriately to the active Suburban Workplace Form, whereas, currently, the R-4 area of the Property is idle land without connections to adjacent properties that could benefit from vehicular and pedestrian connections between each other; the Property is currently served by a direct connection to Shepherdsville Road and, after the development of the Proposal, the Property will be also accessible by Fern Valley Road; existing public roadways within the Suburban Workplace serve industrial, commercial, residential and general pass-thru traffic; the site has convenient proximity and adequate access via the public roadway network to I-65, I-265 and I-264 highways, which convenient access promotes the efficient movement of people and goods; and

**WHEREAS**, the Commission further finds as it relates to safety of access to the Property, there are no site-distance, corner-clearance or site-line issues affiliated with the existing curb cuts that will serve the Property, thereby facilitating safe vehicular to and from the proposed development and adjacent land uses; the Proposal ensures proper functioning of internal circulation and appropriate access to existing roadway network; an existing pedestrian connection runs along the Property's frontage with Shepherdsville Road; the Proposal will add imperceptible vehicular trips to the existing traffic in the immediate area, for the new self-storage space being proposed is a light generator of vehicular traffic and will cause no adverse effects to adjacent areas; and, whereas, storage facilities are not typically accessed via transit, yet TARC operates a local route along this segment of the Shepherdsville Road corridor, as well as other routes heading east from Shepherdsville Road on both Poplar Level Road and Fern Valley Road, providing multi-modal options to people in the area, including potential employees of the Proposal; adequate bicycle and vehicular parking for the Proposal is established on the Property; for the foregoing reasons, the Planning Commission finds 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**

**WHEREAS**, the Commission further finds that 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 Commission finds the Proposal complies with Plan 2040's Community Facilities Plan Element, and all applicable Goals, Objectives and Policies thereunder, because the Property is served by existing infrastructure and all necessary utilities, including water, sewer, electricity, and telephone, if needed; upon redevelopment, and to the extent possible, utilities will be located within common easements and trenches, as required by each utility; the development also has water for fire-fighting purposes and is served by the Okolona Fire District; the rezoning of the Property under one common zoning designation – CM, Commercial Manufacturing – can help future investment in the Property and hopefully lure a new source of jobs to the area and/or a land use that lends supportive services to Haier – the anchor of the Suburban Workplace Form.

## **Plan Element 4 – Economic Development**

**WHEREAS**, the Planning Commission finds 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 Proposal advances the intent of Plan 2040's Economic Development Plan Element, and its applicable Policies, Goals and Objectives because it will designate consistent and appropriate zoning for the underused infill Property so that it can facilitate new industrial and commercial uses within a robust Suburban Workplace Form already well outfitted with infrastructure serving industrial and commercial uses compatible with the CM zoning proposed for the Property; additionally, the Commission finds the Proposal promotes the Goals and Objectives of Plan 2040's Economic Development Plan Element because it is geographically positioned near one of the Louisville Metro's major job centers – Haier (GE Appliance Park) – where thousands of employees work daily and various nearby supportive services and businesses reliant on Haier/GE Appliance Park coexist and take advantage of common infrastructure and utilities within the Suburban Workplace Form; and

**WHEREAS**, the Commission further finds the Property fronts Shepherdsville Road, between its intersections with Fern Valley Road, a major arterial roadway, and Poplar Level Road, another arterial roadway, which will provide the Proposal appropriate transportation connectivity without negatively impacting current traffic flows; TARC does serve the Suburban Workplace Form with a local transit route that includes the Property, which addresses access to multi-modal transportation options for the workers who have jobs in this employment center; the Property also has convenient connections to major highways, such as I-65 and I-265, further supporting the flow of goods and services via adequate access to the Suburban Workplace Form and to the Property; in short, rezoning the Property to CM provides an opportunity for useful, appropriate infill redevelopment of the property of which the current single-family residential use is not the highest and best, nor the appropriate, use for the Property and will not contribute to the economic growth and sustainability of the community; therefore, the Commission finds the Proposal is in agreement with the Economic Development Plan Element of Plan 2040.

## **Plan Element 5 – Livability**

**WHEREAS**, the Planning Commission finds 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 on 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; and whereas the Commission finds 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 proposed development is located on a site that will enable proper stormwater handling and release management that will not adversely affect adjacent and downstream properties; Stormwater will be collected and piped underground to a proposed detention basin located toward the rear of the site, which is designed to ensure post-developed peak flows will be limited to pre-developed peak flows for 2-, 10-, 25- and 100-year storms or to the capacity of the down-stream system, whichever is more restrictive; this stormwater detention basin will is a recently relocated

basin larger in capacity than the previous basin, located nearer to its discharge point, and will efficiently serve a few properties in the immediate area; the final stormwater design is required to receive approval from MSD prior to construction of the proposed development and must meet all of MSD's MS4 water quality regulations; an Erosion Prevention and Sediment Control Plan utilizing best management practices as recommended by MSD will be implemented prior to commencing construction of the development; the applicant, similar to numerous industrial, residential, and commercial users in the area, is requesting to have the detention basin encroach into the streamside buffer area on the south side of the Blue Spring Ditch; the encroachment will not pose a threat or endanger the Blue Spring Ditch, for the basin will remain a safe distance from the mowed streambank maintained by MSD and no use or activity other than the presence of the basin will take place in the immediate area; and

**WHEREAS**, the site is listed within Zone A of the 100-year flood plain, per FIRM Map No. 21111 C 0077 F, dated February 26, 2021, but the applicable layer on Lojic illustrates the Proposal will have no affect to existing flood prone areas, floodplain/conveyance zones nor any FEMA 100-year review zones; no hydric soils are present on the Property and the site does not contain any known archaeological features on it; and no severe, steep or unstable slopes exist on site; the Proposal does not require any open space and given its compact nature, it would be difficult to locate any open space onsite that would be usable for the area; tree canopy requirements will be met via planting, including street tree plantings; and

**WHEREAS**, the Commission finds the proposal conforms to the requirements of APCD, represents an efficient land use that contributes to and enhances the existing pattern of development for the surrounding Suburban Workplace Form, and utilizes current traffic patterns on roadways with sufficient capacity and safe access thereto; and although the Property is located within an industrial and commercial center, it is positioned in an area supported by transit services and pedestrian connections, whereby accessing the site is not limited to only vehicle access; the proposed rezoning of the Property to a more appropriate CM zoning will invest new resources into the Property and compatibly add to an existing activity center without negatively effecting adjacent land uses.

### **Plan Element 6 – Housing**

**WHEREAS**, the Planning Commission finds 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 Commission finds that the Proposal advances all three Goals of the Housing Plan Element because it seeks to remove the sole remaining R-4, Single-Family zoning from this particular block of the Shepherdsville Road corridor, which commercial and industrial uses dominate to a level where single-family residential use is no longer appropriate or desirable on the Property; though Plan 2040 encourages developments to not displace residential uses from property, the change in zoning of the Property to CM, Commercial Manufacturing is much more in keeping with the immediate Suburban Workplace area along the frontage of this portion of Shepherdsville Road; the current incompatible relationship between the remaining R-4

zoning area of the Property, the non-residential zoning surrounding it, and the surrounding land uses warrant rezoning of the Property out of its current single-family use; and

**WHEREAS**, the Commission also finds that although the applicant is (appropriately) not pursuing a housing development for the Property, the Proposal will provide for the eventual redevelopment and reinvestment of capital into the Property, which neighbors a long-established Neighborhood Form to the west, consisting of single- and multi-family residential developments, all of which will not be negatively affected by the Proposal's relatively small amount of land development into an indoor self-storage facility; the rezoning of the Property to CM removes inappropriate, isolated single-family zoning from the Suburban Workplace Form and the prospect of the Property's redevelopment into an appropriate industrial/commercial use to further strengthen the existing Suburban Workplace Form will support existing and future residential uses in the surrounding neighborhoods.

#### **LDC Section 10.2.4**

##### **Proposed Findings of Fact in Support of Waiver to Allow 35-foot Property Perimeter Landscape Buffer Area To Be Occupied By Existing LG&E and MSD Utility Easements and to Allow Required Plantings To Be Installed In Different Area On Site**

**WHEREAS**, the Louisville Metro Planning Commission finds the applicant, AL CAT, LLC, is requesting a change in zoning to C-M, Commercial Manufacturing on the Property, which is located within the Suburban Workplace Form to develop an approximately 2.54-acre site into a brand new self-storage facility that will provide climate-controlled indoor storage units for customers to securely keep personal items to access whenever the customer needs, as more specifically shown on the Detailed District Development Plan (the "Plan") for the site drafted by Land Design & Development and submitted to Louisville Metro Planning and Design Services (the "Proposal"); in conjunction with the zone change and approval of the Plan, the applicant is requesting waivers from Section 10.2.4 of the Land Development Code ("LDC") to 1) permit the required 35-foot landscape buffer area ("LBA") along portions of western and southern property lines to be situated wholly within utility easements; and 2) to allow the plantings required to be installed within these portions of the LBA to be planted in another location on the Property, outside of the defined 35-foot LBA, because the plantings, once installed, will meet the spirit of the LDC provision by screening the proposed self-storage building to the multi-family residential buildings located on the property adjacent to the west of the Property (the "Waiver"); in short, the applicant is essentially requesting to relocate the 35-property-perimeter LBA on the Property, but on the inside of the existing detention basin, between the perimeter property line and the proposed storage buildings on the Property; with the proposed relocation of the LBA on the Property, the required plantings would be installed within a 25-foot wide area rather than a 35-foot wide area; for the reasons stated herein, the Commission finds the requested Waiver complies with the Plan 2040, A Comprehensive Plan for Louisville Metro ("Plan 2040") and the criteria for granting waivers and, therefore, should be approved; and

**WHEREAS**, the requested Waiver will not adversely affect adjacent property owners because the building improvements proposed for the Property will still be screened by plantings installed within a 25-foot LBA that will be established on the western side of said building improvements, thereby screening the building improvements from the residentially-zoned property located to the west of the Property and applicant's waiver meets the intent behind the LDC's LBA

requirement; the reason the applicant is requesting a different location for placement of the required LBA on the Property is because the area along the perimeter where the LBA is required to go is occupied by an existing detention basin, but also by an overhead LG&E electrical easement and an MSD easement, all of which could threaten the continued existence and maintenance of the plantings within the required LBA should the plantings be planted where the LDC requires; today, trees and plantings do exist along affected shared property line, which currently provide screening of the grass detention basin and portions of the Property beyond the basin;

**WHEREAS**, the Commission further finds the Waiver complies with the Comprehensive Plan for all of the reasons set forth in the applicant's compliance statement submitted with its proposed zoning application, including that the Proposal for the Property will be landscaped with plantings and canopy trees and that an LBA between the proposed building improvements and the neighboring residential property will be established and maintained, just closer to the proposed buildings than to the Property's perimeter; Plan 2040 encourages screening and buffering in transition areas, between form districts and use districts that might allow disparate intensities of development and uses; and, as applied here, the screening and buffering will be provided between the proposed CM, Commercial Manufacturing use district for the Property and the established apartment community on the neighboring property to the west, which is within a Neighborhood Form District and zoned R-7, Multi-Family Residential; and

**WHEREAS**, the Commission further finds the Waiver is the minimum necessary to afford relief to the applicant because the intent of applicable LDC Section is to provide a compatible relationship, namely via screening and buffering, between industrial uses in the Suburban Workplace Form District and the adjacent residential uses operating within the Suburban Neighborhood Form; also, the extent of Waiver is the minimum necessary to afford relief to the applicant because the existing LG&E and MSD easements were in their respective places prior to the contemplation of the Proposal; therefore, there was no way in which the applicant could have avoided the Waiver, given the affected property lines were established and, correspondingly, the associated LBA requirements along said property lines would be triggered regardless, per applicable LDC requirements; in addition, the detention basin was previously constructed in an area of the Property, which makes it difficult to impossible for the applicant to plant trees and vegetation in that particular area to screen the Property from the neighboring residential property to the west and south because the banks of the detention basin are located so near the Property line to allow for proper planting of the screening materials; planting these required plantings on the other side of the detention basin, but between the proposed building improvements and the residentially zoned property, provides a reasonable and acceptable mitigation plan to address said Waiver, and, therefore, the Commission finds that the Waiver is the minimum necessary to afford relief to the applicant for the applicant to develop the Proposal on the Property; and

**WHEREAS**, the Commission does find that the strict application of zoning regulation requirements would deprive the applicant of a reasonable use of the land and create an unnecessary hardship on the applicant because to comply with this particular LDC Chapter 10 regulation, the applicant would need to retrofit the size of the existing detention basin, which today serves a number of nearby properties, to lessen its volume so that the required LBA plantings could be established along portions of the western and southern property lines, along said property lines of which already contain trees and plantings to provide screening between the properties; regardless

of whether the applicant has additional space to install tree and vegetative plantings along these specific portions of the western and southern perimeter property lines (assuming the detention basin was reduced in size) the Waiver will be triggered due to the fact the LG&E and MSD easements were already established in those same locations; as a result, the strict application of the LDC provisions would have the applicant spend significant resources to downsize or relocate an existing detention basin only so that it could install the required plantings on ground being occupied by utility easements or to put enough contiguous ground together to establish an LBA where utility easements do not traverse the area of the LBA, which, itself, might be impossible on the Property; consequently, if the applicant was to plant within the area where the required LBA is to be located on the Property, per the LDC, then said plantings would be subject to removal by said utility so said utility can access the infrastructure improvements for work and/or maintenance on the same; this situation would create an unnecessary hardship on the applicant, especially considering there are other areas on the Property to establish an LBA without sacrificing effectiveness of the LBA or providing obstacles for the utilities to reach their infrastructure; Indeed, the applicant can establish a 25' LBA closer to the proposed building improvements, thereby establishing a screen as the LDC intended, between the buildings of the CM-zoned property and the property line of the residentially-zoned property.

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For all the foregoing reasons, including the information shown on the submitted detailed development plan iterations presented and discussed at the Planning Commission's Land Development & Transportation Committee meetings, and for all other reasons presented during the Louisville Metro Planning Commission's public hearing, the Planning Commission hereby finds the applicant's Proposal seeking CM, Commercial Manufacturing zoning is appropriate for the Property and for the surrounding Suburban Workplace Form District and is also in agreement with all applicable Guidelines and Policies of Plan 2040, Louisville Metro's adopted Comprehensive Plan. Equally as true, the Planning Commission also finds portions of the Property zoned R-4, Single-Family Residential are no longer appropriate for the Property, considering the Property is within a well-established and active the Suburban Workplace Form for a good amount of time, and the surrounding land uses in the immediate area are a mix of light industrial or commercial uses, not single-family residential. Consequently, the applicant's request to change the zoning of the Property complies with Kentucky Revised Statute 100.213. Additionally, the applicant's Waiver Application is properly justified and, therefore, waiver relief, based upon the submitted Development Plan, is warranted.

Respectfully submitted,

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