

Louisville Metro Planning Commission Public Hearing - July 7, 2022

Land Development & Transportation Committee - June 9, 2022

Virtual Neighborhood Meeting - June 21, 2021

In-person Neighborhood Meeting - July 8, 2021

Docket No. 21-ZONE-0095

Zone change from RR to C-2, with waivers & a variance, on approximately 6.89 acres of the overall 24.04-acre property to allow a Southeastern Salvage/Home Emporium retail home décor and furnishing business in the existing horse barn structures on property located at 2612 S. English Station Road

**SOUTHEASTERN
SALVAGE**
Home Emporium

and

HOME
Emporium



Index

1. LOJIC Zoning Map
2. Aerial photographs of the site and surrounding area
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8. Proposed Business Operations
9. Floyds Fork DRO Statement of Compliance
10. Statement of Compliance filed with the original zone change application with all applicable Goals of the 2040 Plan, Variance, and Waiver Justification
11. Proposed findings of fact pertaining to compliance with the 2040 Plan, Variance, and Waiver criteria



LOJIC ZONING MAP

TAB 1



Zoning Map

Beckley Creek Park

Echo Trail Subdivision

New JCPS school

S. English Station Rd

Echo Trail

Site

S. Pope Lick Rd

(PRD)

(RR)

(M2)

Trestle Pointe Subdivision

Taylorville Rd

(C1)

(C1)

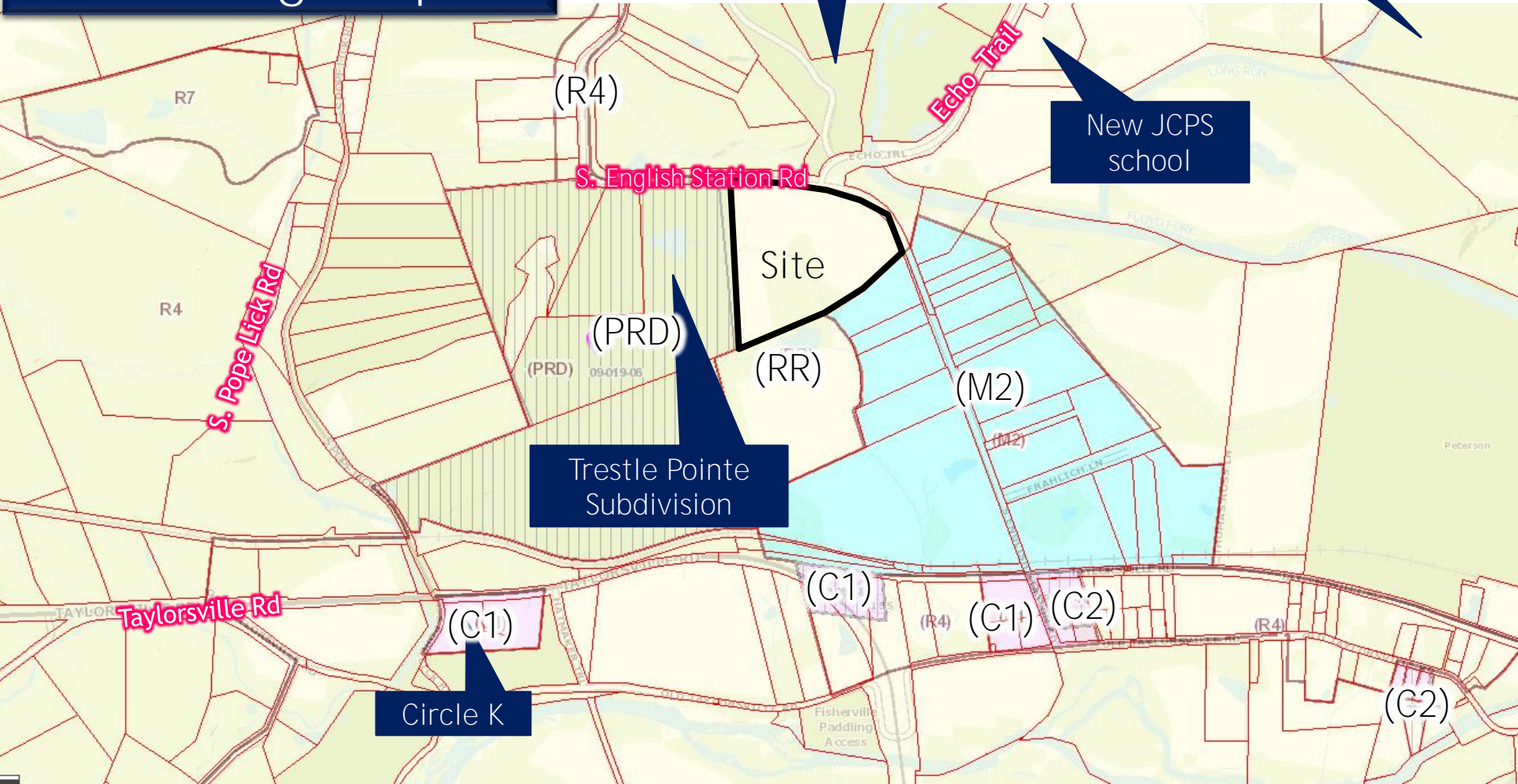
(C1)

(C2)

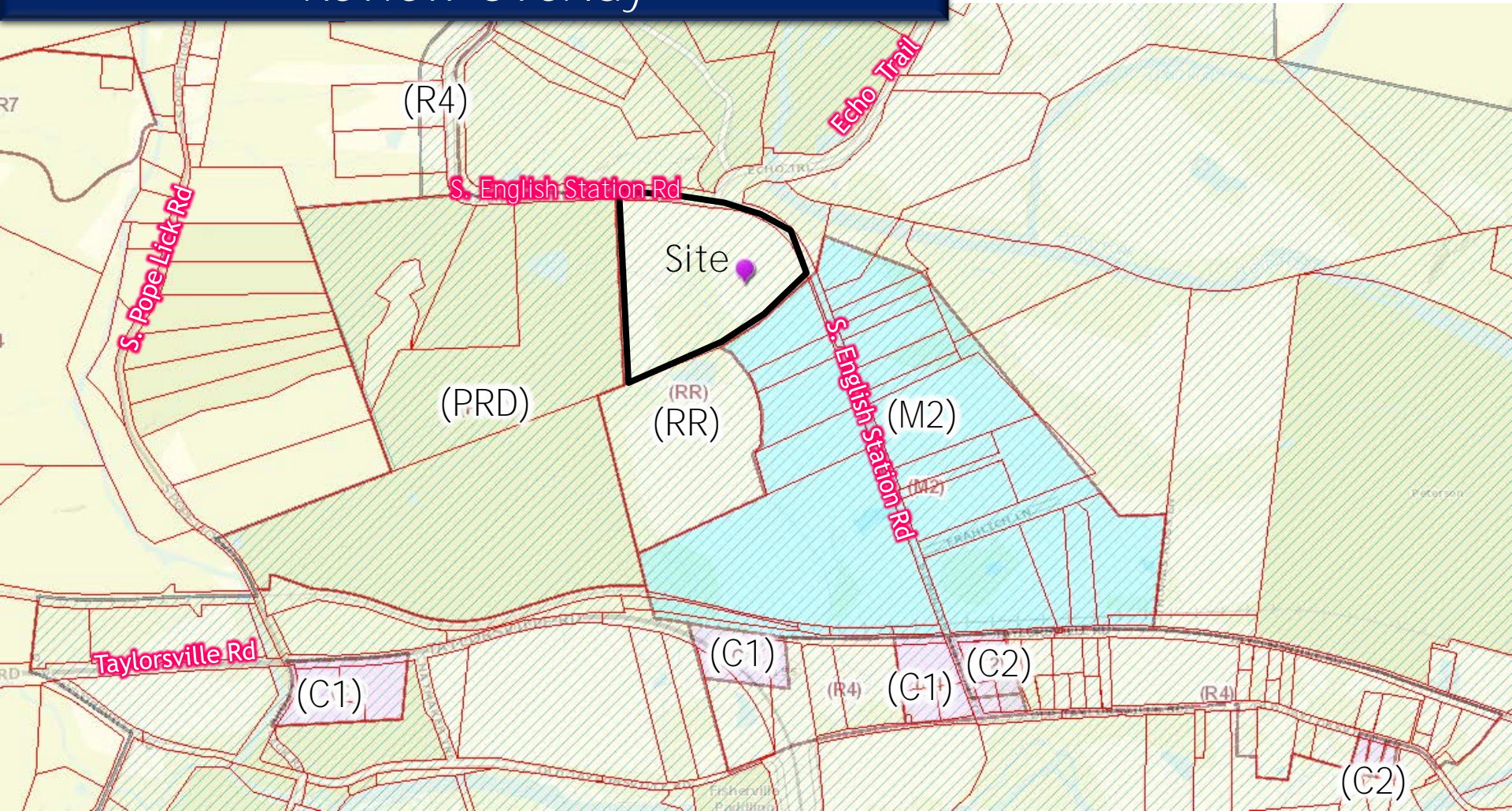
Circle K

Fisherville Paddling Access

(C2)



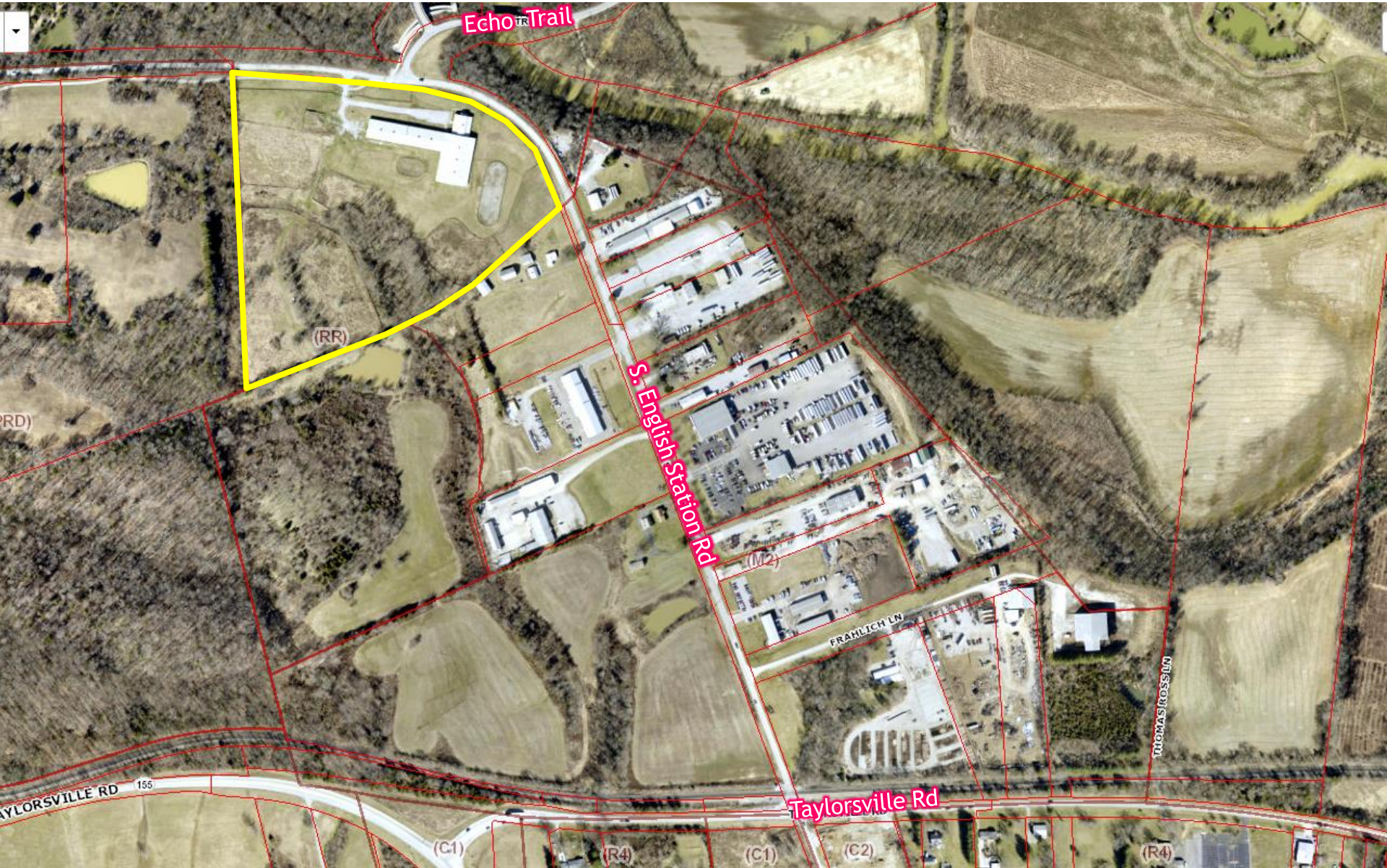
Zoning Map showing the Floyds Fork Review Overlay

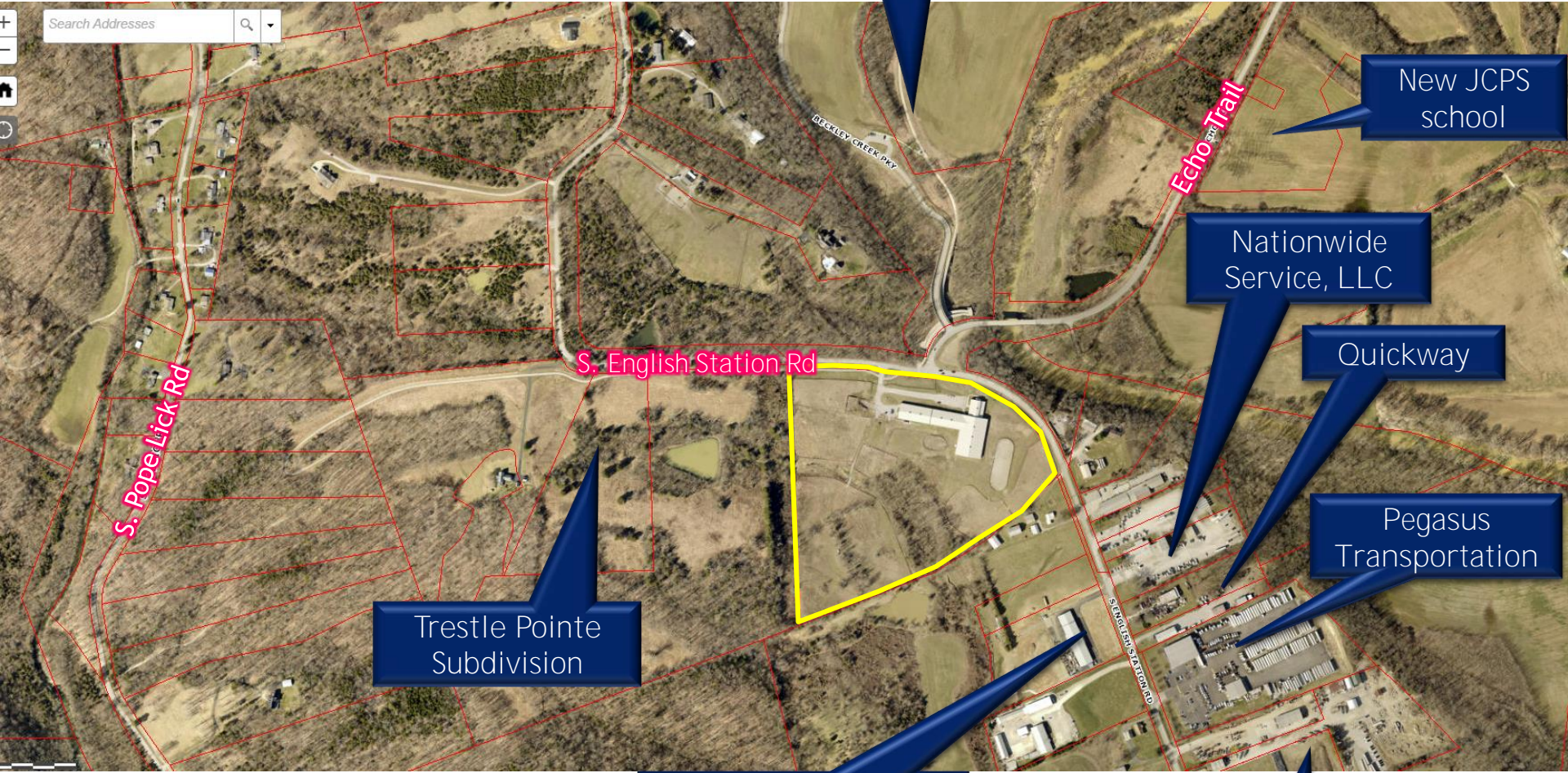


AERIAL
PHOTOGRAPH
OF THE SITE
AND
SURROUNDING
AREA

TAB 2







Beckley
Creek Park

New JCPS
school

Nationwide
Service, LLC

Quickway

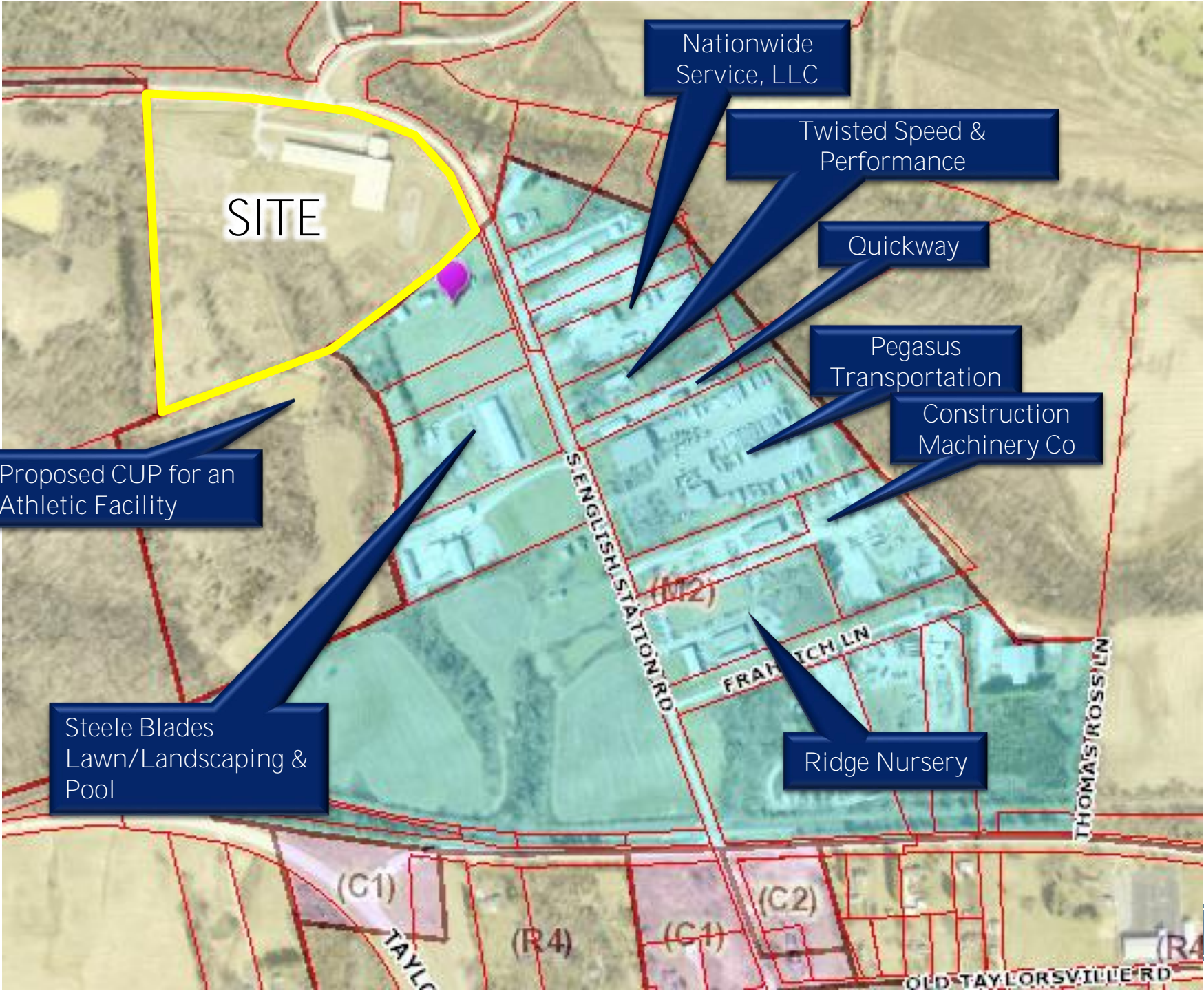
Pegasus
Transportation

Trestle Pointe
Subdivision

Steele Blades
Lawn/Landscaping &
Pool

Ridge Nursery





SITE

Nationwide Service, LLC

Twisted Speed & Performance

Quickway

Pegasus Transportation

Construction Machinery Co

Proposed CUP for an Athletic Facility

Steele Blades Lawn/Landscaping & Pool

Ridge Nursery

(C1)

(R4)

(C1)

(C2)

(R4)

S ENGLISH STATION RD

FRANCH LN

THOMAS ROSS LN

TAYLOR

OLD TAYLORSVILLE RD

GROUND LEVEL
PHOTOGRAPHS
OF THE SITE
AND
SURROUNDING
AREA

TAB 3



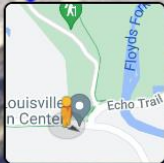


SITE

Proposed entrance location

Echo Trail

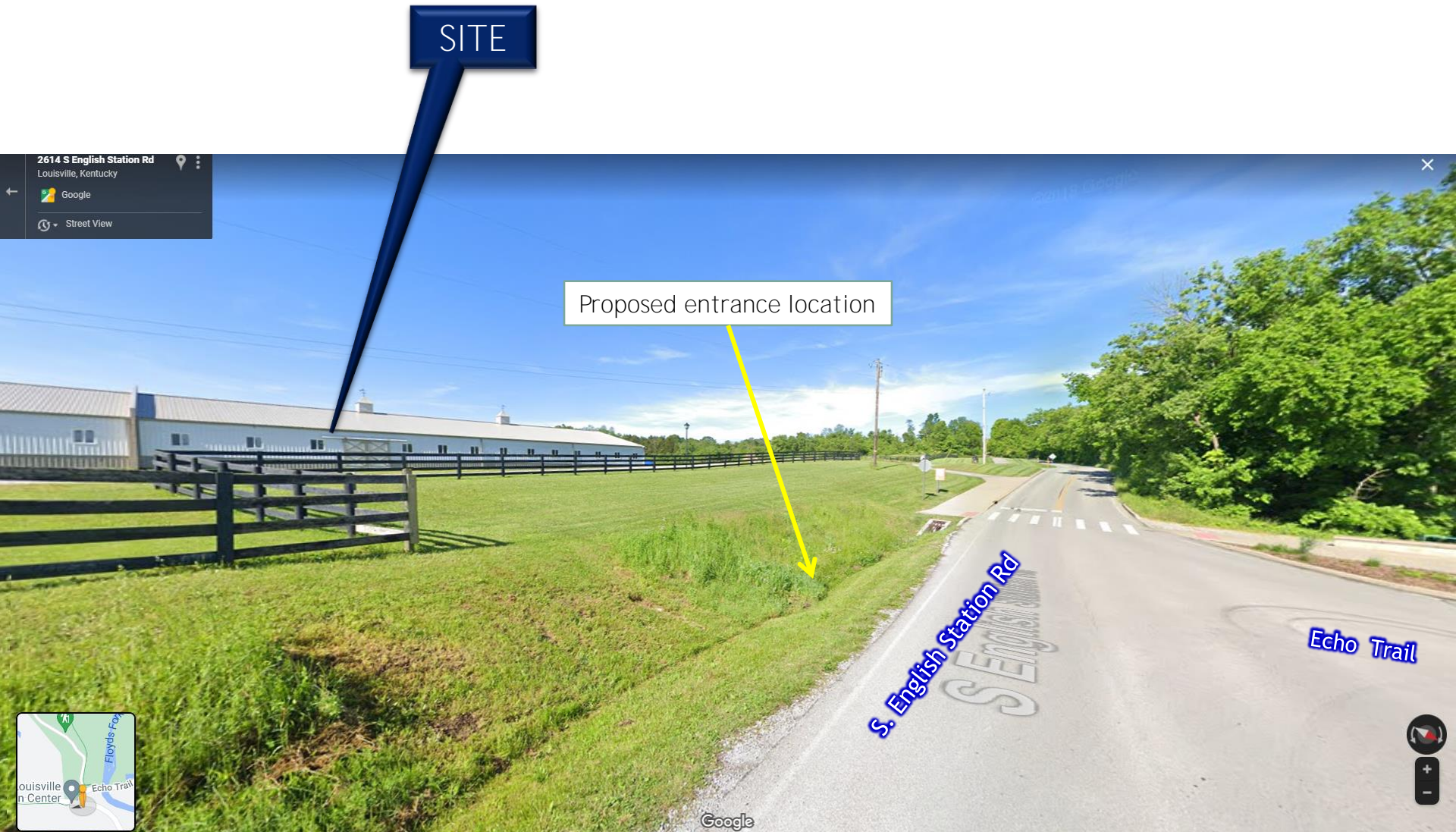
S. English Station Rd



Google

Looking east down S. English Station Road. Site is to the right.





SITE

Proposed entrance location

S. English Station Rd

Echo Trail

Google

Looking west down S. English Station Road. Site is to the left.





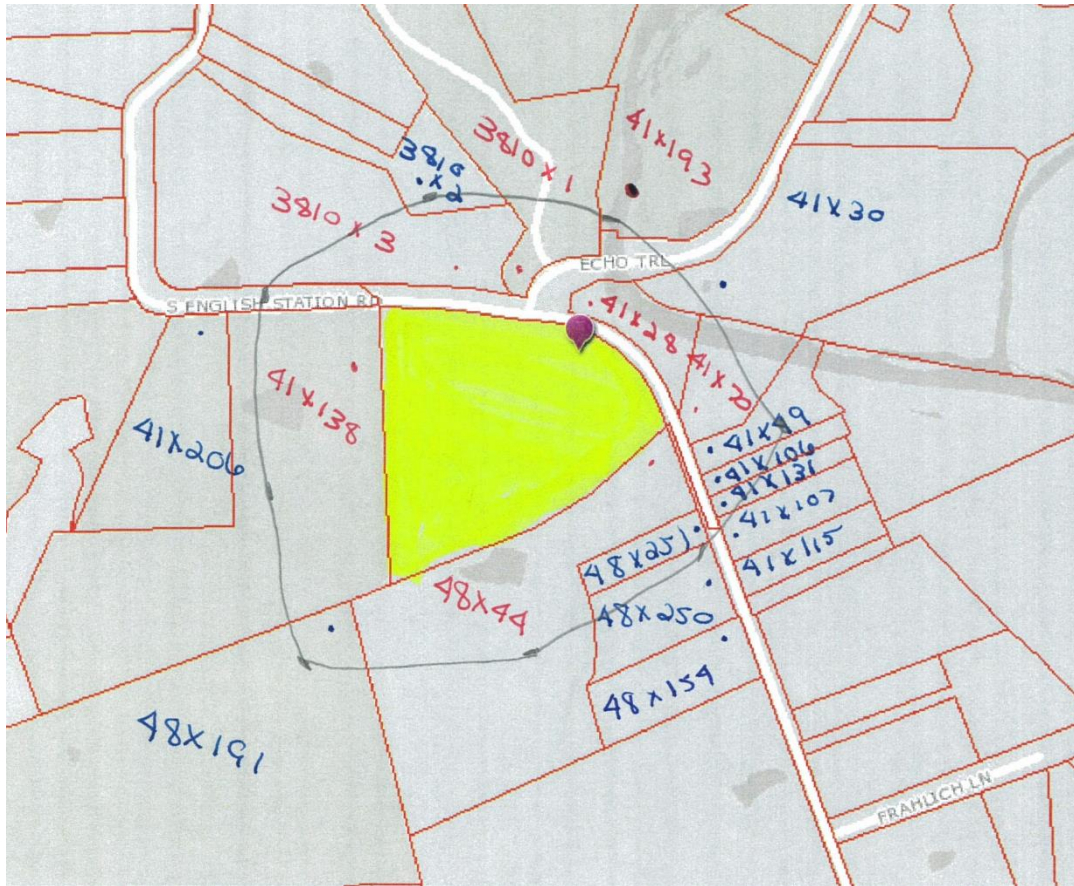
View of existing buildings to remain.



NEIGHBORHOOD
MEETING NOTICE
LIST MAP, LETTER TO
NEIGHBORS
INVITING THEM TO
THE MEETING AND
SUMMARY OF
MEETING

TAB 4





Adjoining property owner notice list map wherein 33 neighbors plus those on the **DPDS “interested party list”** were invited to the neighborhood meeting and subsequent LD&T and Planning Commission public hearing.



BARDENWERPER, TALBOTT & ROBERTS, PLLC

ATTORNEYS AT LAW

BUILDING INDUSTRY ASSOCIATION OF GREATER LOUISVILLE BLDG • 1000 N. HURSTBOURNE PARKWAY • SECOND FLOOR • LOUISVILLE, KENTUCKY 40223
(502) 426-6688 • WWW.BARDLAW.NET

Nicholas R. Pregliasco
Email: NRP@BARDLAW.NET
Mobile: (502) 777-8831

June 7, 2021

RE: Neighborhood meeting for a proposed a zone change request from RR to C-2 on approximately 5.86 acres of the overall 24.04 acre property to allow a Southeastern Salvage / Home Emporium retail home goods business on property located on the south side of S. English Station Road at its intersection with Echo Trail at 2612 S. English Station Road

Dear Neighbor:

We are writing to notify you about an upcoming “neighborhood meeting” regarding the above referenced project. Because of the COVID-19 emergency orders requiring and/or recommending social distancing, the neighborhood meeting will be held virtually. The details are set forth in this letter and the supporting attachments. If you cannot obtain access to the virtual meeting, we may be able to assist you in that regard or otherwise assure a telephone or in-person conversation.

2NDS IN BUILDING MATERIALS, INC. is seeking approval of a rezoning from RR to C-2 on the property referenced above to repurpose the buildings used by the former horse riding operation into an upscale home goods business. The project is proposed to consist of the repurposing of the existing 49,068 sf of building footprint previously used for the stables, riding areas, and business office with an additional 25,000 sf building added to rear of the existing buildings for a total of 74,068 sf of retail space on approximately 5.86 acres of the overall site. As such, a plan was filed for pre-application review with Metro Planning and Design Services (PDS) that was assigned case number **21-ZONEPA-0064** and case manager **Joel Dock**.

The virtual meeting will be held on **Monday, June 21st** beginning at **6:00 p.m.**

Enclosed for your review are the following:

1. The development plan and aerial photograph sheet
2. LOJIC site location zoning map sheet showing the location of the site
3. Detailed summary sheet of the project
4. Contact information sheet
5. Instruction sheet on how to join the virtual meeting.
6. Information sheet on how to obtain case information online from PDS’ online customer service portal.
7. PDS’ “After the Neighborhood Meeting” sheet

If you are unable to attend the virtual meeting, or have any questions or comments, please feel free to email or call me, or contact the PDS manager listed on the attached contact information sheet.

We look forward to our opportunity to visit virtually or by phone.

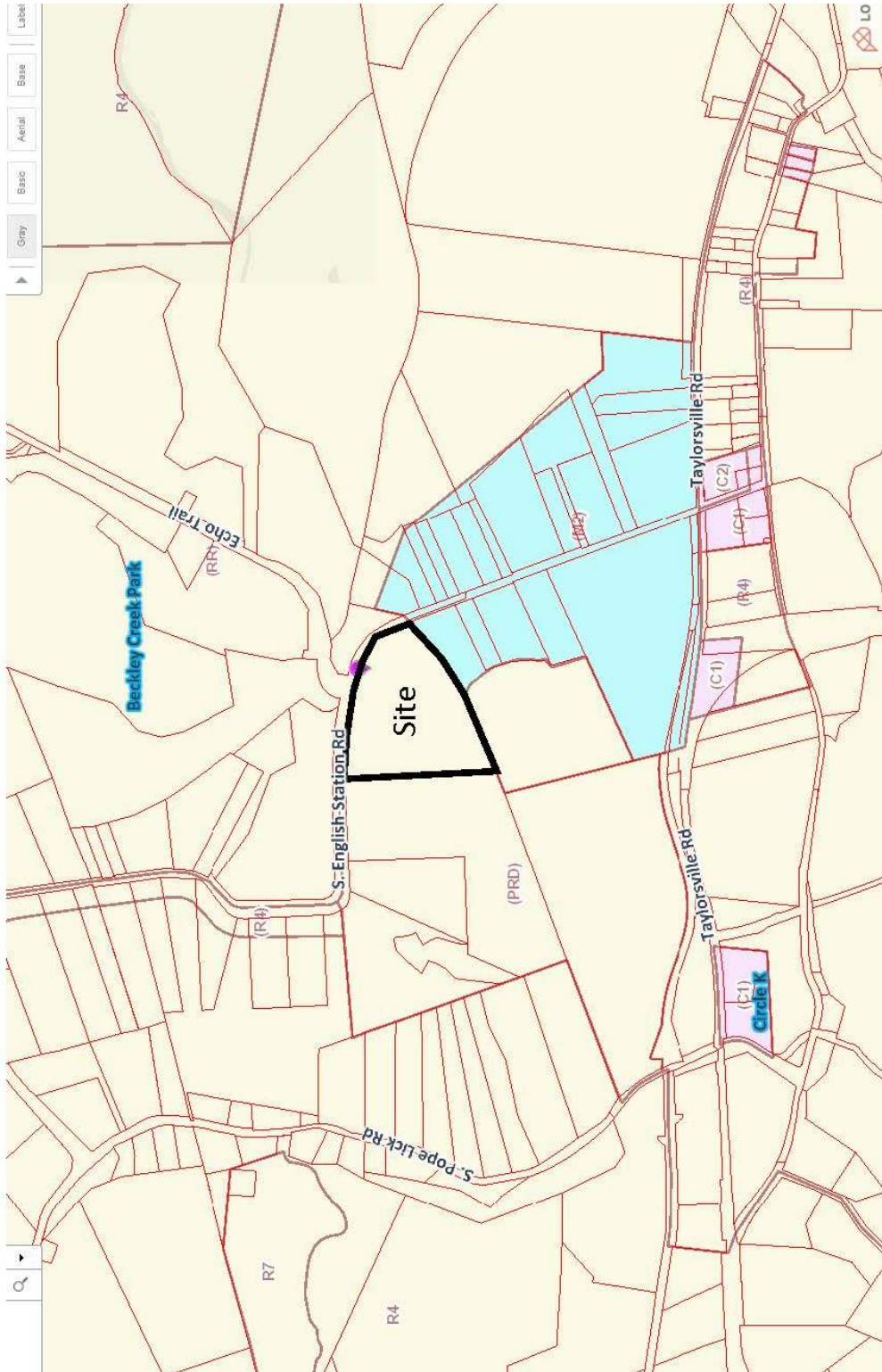
Sincerely,



Nicholas R. Pregliasco

cc: Hon. Stuart Benson, Councilman, District 20
Joel Dock, Planning & Design Case Manager
Kelli Jones, land planner with Sabak, Wilson & Lingo, Inc.
Paul Baggett, Baggett and Associates, LLC
Scott Leroy, applicant with 2nds IN Building Materials, Inc.

LOJIC SITE LOCATION SHEET



DETAILED SUMMARY SHEET

2NDS IN BUILDING MATERIALS, INC. is seeking approval of a rezoning from RR to C-2 on the property referenced above to repurpose the buildings used by the former horse riding operation into an upscale home goods business. The project is proposed to consist of the repurposing of the existing 49,068 sf of building footprint previously used for the stables, riding areas, and business office with an additional 25,000 sf building added to rear of the existing buildings for a total of 74,068 sf of retail space on approximately 5.86 acres of the overall site. As such, a plan was filed for pre-application review with Metro Planning and Design Services (PDS) that was assigned case number **21-ZONEPA-0064** and case manager **Joel Dock**.

The property is located on the south side of S. English Station Road at its intersection with Echo Trail at 2612 S. English Station Road, as shown on the attached "LOJIC Site Location" attachment.

Because the project is located in the Floyds Fork Development Review Overlay, great lengths will have been taken and will continue to be taken to ensure the project does not adversely affect Floyds Fork Creek. The proposal is not for the entire development to provide additional buffering and to mitigate impacts to Floyds Fork. Landscaping, screening and buffering will contain at least the minimum amount required by Chapter 10 of the Louisville Metro Land Development Code (LDC). Greater detail on this should be available at the time of the neighborhood meeting, which should also include details on the plan for preservation of trees and other vegetation. The development plan does show the very substantial tree preservation areas that are being proposed on the 19 acres of property not proposed for development. A tree preservation plan basically accomplishing this will be provided to the Louisville Metro Planning Commission's staff landscape architect for approval prior to commencement of post-approval construction activities.

The project proposes a new septic system to replace the older existing septic system, with the new system moved further away from area that drains toward Floyds Fork. The new proposed septic system will be reviewed and approved by the Louisville Metro Health Department, that is, until such time as sanitary sewer service is available to the property. The existing and outdated septic system will be replaced. Further, the proposed retail use will provide less of an environmental impact to Floyds Fork than the prior business which included the stabling of horses and the horse riding operation.

Upon filing, we will determine what form of traffic analysis will be required related to the proposed destination retail use and the scope of this analysis. Everything in this regard pertaining to this proposed project, and on any other issue, is available on the PDS customer service portal.

Storm water treatment must assure that the post-development rate of run-off does not exceed pre-development condition. MS4 water quality will be addressed as well. The development plan shows the large proposed detention basin, which will be an improvement from the existing condition. Final configuration of drainage pipes and channels must conform to MSD requirements.

DEVELOPMENT PLAN CHANGES. Please be advised that this "Detailed Summary" is being provided early in the application process. As such, whereas every effort has been made to assure accuracy, changes may be made to the subdivision/development plan before the now scheduled neighborhood meeting and also after it based on public comments and those of various agencies and PDS staff review. Any changes will be available for public review on the PDS Online Customer Service Portal. Instructions on how to access this information is provided in the PDS's online customer service portal information sheet. Additionally, those changes with the final plan would be presented at the time of the public hearing(s). You may also contact the PDS case manager if you have any questions, or contact any others listed on the Contact Information Sheet where contact information is provided.

CONTACT INFORMATION SHEET

1. PRIMARY CONTACT

*Bardenwerper, Talbott & Roberts, PLLC
1000 N. Hurstbourne Pkwy., 2nd Floor
Louisville, KY 40223
Attn: Nick Pregliasco – (502) 777-8831
nrp@bardlaw.net*

2. ENGINEERING FIRM

*Sabak, Wilson & Lingo, Inc.
608 S. Third Street.
Louisville, Kentucky 40202
Attn: Kelli Jones – (502) 584-6271
kelli.jones@swlinc.com*

3. APPLICANT

*2nds IN Building Materials, Inc.
6052 Lee Highway
Chattanooga, TN 37421
Scott Leroy – Sleroy@2nds.biz*

4. CASE MANAGER OR SUPERVISOR

*Joel Dock, Planning & Design Case Manager
Planning & Design Services
444 South Fifth Street, Suite 300
Louisville, KY 40202
(502) 574-5860
Joel.Dock@louisvilleky.gov*

INSTRUCTION SHEET ON HOW TO JOIN THE VIRTUAL MEETING

You may join the meeting using a computer, tablet, smart phone, or standard telephone

Scott Leroy/S. English Station NM
Mon, Jun 21, 2021 6:00 PM - 7:30 PM (EDT)

Please join my meeting from your computer, tablet or smartphone.

<https://global.gotomeeting.com/join/546479301>

You can also dial in using your phone.

United States (Toll Free): [1 866 899 4679](tel:18668994679)

United States: [+1 \(571\) 317-3116](tel:+15713173116)

Access Code: 546-479-301

New to GoToMeeting? Get the app now and be ready when your first meeting starts:

<https://global.gotomeeting.com/install/546479301>

Note: If anyone would like the connection link emailed to them, or a set of the meeting slides, please email Anna Martinez at amc@bardlaw.net or Nanci Dively at nsd@bardlaw.net

IF YOU ARE UNABLE TO ATTEND THE VIRTUAL MEETING AND HAVE QUESTIONS, PLEASE FEEL FREE TO CONTACT ANY OF THE FOLLOWING:

Nick Pregliasco, Esq. – (502) 777-8831

nrp@bardlaw.net

Bardenwerper, Talbott & Roberts, PLLC

Kelli Jones – (502) 584-6271

kelli.jones@swlinc.com

Sabak, Wilson & Lingo, Inc.

Joel Dock, Planning & Design Case Manager

(502) 574-5860

Joel.Dock@louisvilleky.gov

**PLANNING & DESIGN SERVICES (PDS's)
ONLINE CUSTOMER SERVICE PORTAL INFORMATION SHEET**

To view details of the zone change online, use the link at:

<https://aca-louisville.accela.com/LJCMG/Welcome.aspx?TabName=Home&TabList=Home>

Click on the "Search" tab

Then "Planning Applications"

Enter case number in "Record Number" box

Click on "Record Info" tab

AFTER THE NEIGHBORHOOD MEETING SHEET

After the Neighborhood Meeting

This Neighborhood Meeting is an opportunity for the applicants and surrounding neighbors to discuss and develop an understanding of the proposal prior to a public hearing. At the conclusion of this neighborhood meeting, the applicant has 90 days to file a formal application with Planning & Design Services. If the formal application is not filed within 90 days, the applicant will be required to have another neighborhood meeting.

Once the formal application is filed, a public hearing will be scheduled to consider the application. This public meeting is your official opportunity to speak in support or opposition to the proposal. If you received a notice regarding this neighborhood meeting, or did not receive a notice but signed the sign in sheet, you will receive a notice of the public meeting. Please contact the case manager if you are interested in learning how to request a night hearing or hearing in the district of the project.

If you are interested in staying informed about this proposal, or have any questions about the formal review process, you may call the Planning & Design Services office at **(502) 574-6230**. Please refer to the case number in your inquiry. You may also go to **<https://louisvilleky.gov/government/planning-design>** to view meeting agendas, search case information, or obtain other Planning & Design Services information.

BARDENWERPER, TALBOTT & ROBERTS, PLLC

ATTORNEYS AT LAW

BUILDING INDUSTRY ASSOCIATION OF GREATER LOUISVILLE BLDG • 1000 N. HURSTBOURNE PARKWAY • SECOND FLOOR • LOUISVILLE, KENTUCKY 40223
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Nicholas R. Pregliasco
Email: NRP@BARDLAW.NET
Mobile: (502) 777-8831

June 24, 2021

NOTICE OF IN-PERSON NEIGHBORHOOD MEETING

RE: Neighborhood meeting for a proposed a zone change request from RR to C-2 on approximately 5.86 acres of the overall 24.04 acre property to allow a Southeastern Salvage / Home Emporium retail home goods business on property located on the south side of S. English Station Road at its intersection with Echo Trail at 2612 S. English Station Road

Dear Neighbor:

As promised in the letter previously mailed to you on June 14th regarding the above referenced proposed zone change, below is the information for the in-person neighbor meeting. Also, the presentation shown will be the same at both the virtual meeting and the in-person meeting.

As stated in our previous letters, 2NDS IN BUILDING MATERIALS, INC. is seeking approval of a rezoning from RR to C-2 on the property referenced above to repurpose the buildings used by the former horse riding operation into an upscale home goods business. The project is proposed to consist of the repurposing of the existing 49,068 sf of building footprint previously used for the stables, riding areas, and business office with an additional 25,000 sf building added to rear of the existing buildings for a total of 74,068 sf of retail space on approximately 5.86 acres of the overall site. As such, a plan was filed for pre-application review with Metro Planning and Design Services (PDS) that was assigned case number **21-ZONEPA-0064** and case manager **Joel Dock**.

The in-person meeting will be held on **Thursday, July 8th** beginning at **6:30 p.m.** in the **Sanctuary** at the **Reformed Baptist Church** located at **3400 Wilderness Trail, Louisville, Kentucky 40299** (*enter the Sanctuary through the doors at the main entrance under the carport*).

If you are unable to attend the virtual or in-person meeting, or have any questions or comments, please feel free to email or call me, or contact the PDS manager listed on the attached contact information sheet.

We look forward to our opportunity to visit with you.

Sincerely,



Nicholas R. Pregliasco

cc: Hon. Stuart Benson, Councilman, District 20
Joel Dock, Planning & Design Case Manager
Kelli Jones, land planner with Sabak, Wilson & Lingo, Inc.
Paul Baggett, Baggett and Associates, LLC
Scott Leroy, applicant with 2nds IN Building Materials, Inc.

Neighborhood Meeting Summary

A virtual neighborhood meeting was held on June 21 at 6:30 pm via GoToMeeting. Councilman Stuart Benson, through his aide Angela Webster, requested the applicant to also hold an in-person neighborhood meeting due to the reduction of COVID cases and the announced Planning Commission return to in person neighborhood meetings and Planning Commission hearings as of August 1st. The applicant agreed and the in-person was held on July 8th at 6:30 pm at Reformed Baptist Church, located at 3400 Wilderness Trail, Louisville, KY 40299. At both meetings, those in attendance included the applicant's representatives, Nick Pregliasco, attorney with Bardenwerper, Talbott & Roberts, and Kelli Jones, land planner and engineer with Sabak Wilson & Lingo. The applicant representative Scott Leroy also participated on the virtual neighborhood meeting answering questions related to the use.

At the virtual neighborhood meeting, Nick Pregliasco started off by introducing the applicant representatives and showing a Power Point presentation describing the property, the prior history of the property, a LOJIC zoning map of the property and the surrounding area and aerial images of the site and those in the vicinity. These slides included the Floyds Fork Development Review Overlay (FFDRO) area showing the property is located within the FFDRO describing same. Then, Nick explained the prior horse riding business operated on the property and images of the buildings and S. English Station and Echo Trail. Nick then showed the proposed development plan overlaid on an aerial image, which is an adaptive re-use of the existing horse barn, office building, and horse stable. These buildings, having large interior areas without obstructions work well for the proposed retail use. Nick explained on the development plan that only approximately 6 acres of the overall 24 acre site is being proposed for rezoning with the balance of the property to remain RR. Nick explained the differences or changes to the current horse riding business buildings, mainly being the additional parking areas and the 25,000 square foot building at the rear of the property. Then, Kelli Jones provided more explanation and detail as to the development plan and why the development plan was laid out in the manner it was, mainly to reduce the number of changes to the existing buildings to assist with the FFDRO compliance. Kelli explained the existing lateral field on the property and the work that has already been completed in investigating same. Kelli mentioned that to the extent the existing buildings need a setback variance, we will file for same, but that is to address the existing condition. Kelli explained the parking, the reductions sought for the number of parking spaces without a waiver, and the Louisville Loop in front of the property, which will remain as it is currently. Nick then showed the building elevations, which are largely as to the buildings are today with more animating features being added for Land Development Code compliance. Nick then showed a number of pictures of a Home Emporium location in Greenville South Carolina to show what the building would look like on the inside and the outside.

Nick then explained the rezoning process and the steps in same and opened the floor to questions. Nick and Kelli answered questions from a timing perspective for the approval process and the limited construction that would be involved. Nick explained that the applicant will be proposing binding elements to address the concerns over C-2 uses, agreeing to limit same, as well as to address other concerns. Applicant representative Scott Leroy then explained the proposed business and the other 12

locations. Another applicant representative Paul Baggett answered questions about the condition of the buildings and explained the work performed to remedy active deterioration issues. Jeff Frank asked a number of questions related to the proposed use, including the number of daily trips, hours, etc. which Nick and Scott answered or agreed to get additional information to provide same.

Steve Porter asked about the number of persons on the call and online, as well as asked about the upcoming in-person meeting, which Nick provided the details available and that it was still being scheduled and how all participants can get notice of that meeting. Steve asked about other properties with in the FFDRO that were rezoned to commercial zoning and stated his opinion that C-2 zoning is not appropriate for this area or for the FFDRO. Nick explained the industrial zoning just south of this property and Kelli described how this rezoning could provide a transition from the industrial on one side to RR and the park on the other. A nearby property owner in the area explained that this was a good re-use of the property in their opinion. There were questions about traffic and the proposed date for the JCPS school on Echo Trail north of this site. Nick and Kelli explained the status of the JCPS project as well as the Echo Trail subdivision. Kelli Jones explained the fact the entrance is proposed to remain as is for the prior horse riding business. Kelli answered questions about stormwater management and how this would occur.

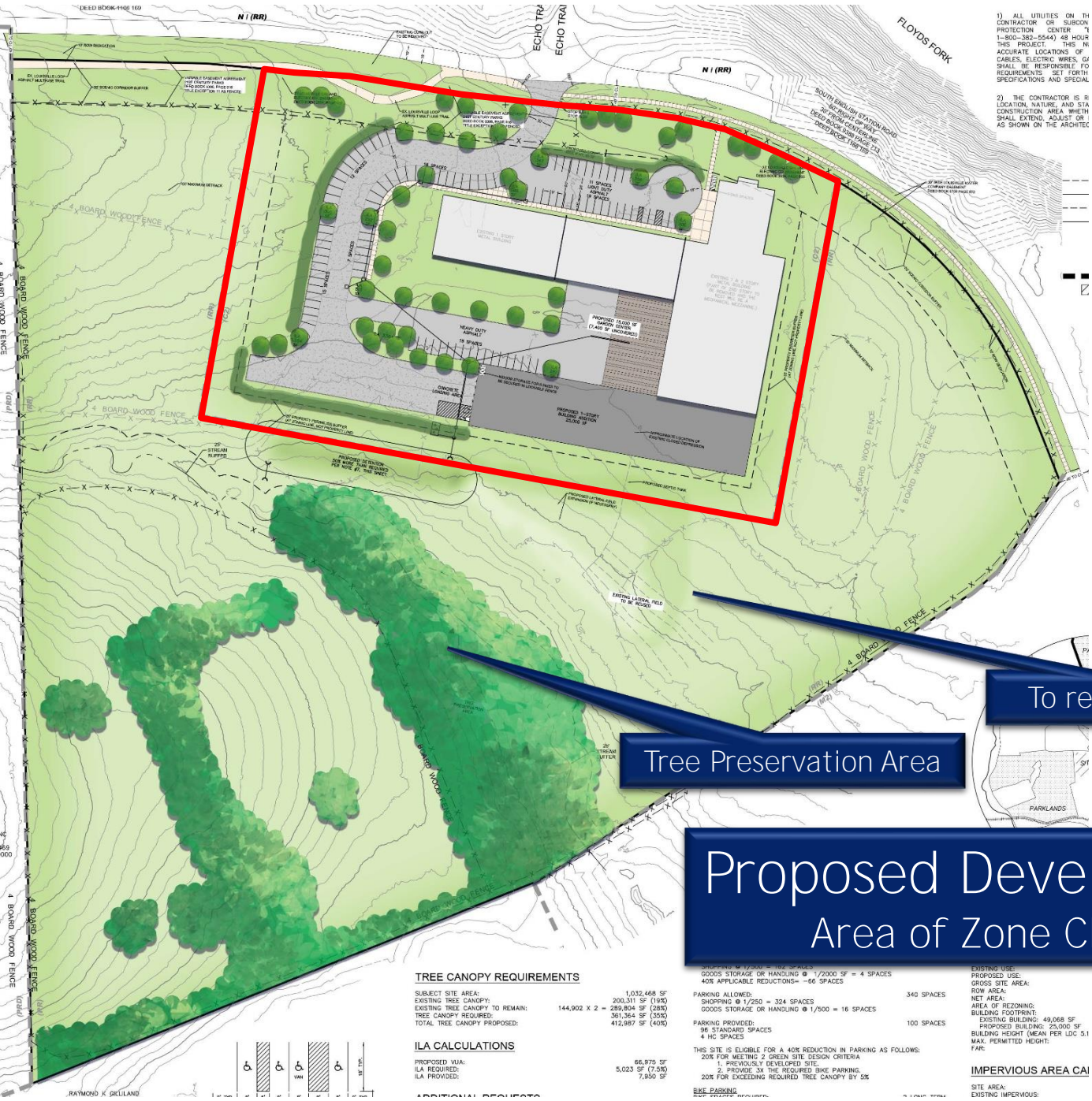
At the in-person neighborhood meeting on July 12th, the process was much the same as on the virtual meeting, with many of the same persons in attendance. Nick Pregliasco started off by showing the Power Point presentation using a projector on a large screen at the church. Nick explained the project and the proposal, providing some additional details in response to questions asked on the virtual meeting, such as the number of transactions per hour, etc. Many of the questions were very similar to the virtual meeting, with more detailed answers provided by Kelli Jones and Nick Pregliasco. There was discussion of the ways to avoid affecting the Louisville Loop. Most of the questions revolved around traffic, the lack of retail in the area, the potential impacts to Floyds Fork, etc.

DEVELOPMENT PLAN

TAB 5



- 1) ALL UTILITIES ON THE CONTRACTOR OR SUBCONTRACTOR CENTER LINE SHALL BE PROTECTED. THE CONTRACTOR SHALL BE RESPONSIBLE FOR LOCATING ALL UTILITIES AND SHALL BE RESPONSIBLE FOR PROTECTING THEM. THE CONTRACTOR SHALL BE RESPONSIBLE FOR PROTECTING ALL UTILITIES AND SHALL BE RESPONSIBLE FOR PROTECTING THEM.
- 2) THE CONTRACTOR IS TO LOCATE, NATURE, AND STA CONSTRUCTION AREA WHICH SHALL EXTEND, ADJUST OR AS SHOWN ON THE ARCHITECT.



To remain RR

Tree Preservation Area

Proposed Development Plan Area of Zone Change in Red

TREE CANOPY REQUIREMENTS

SUBJECT SITE AREA:	1,032,468 SF
EXISTING TREE CANOPY:	200,311 SF (19%)
EXISTING TREE CANOPY TO REMAIN:	144,902 X 2 = 289,804 SF (28%)
TREE CANOPY REQUIRED:	361,364 SF (35%)
TOTAL TREE CANOPY PROPOSED:	412,987 SF (40%)

ILA CALCULATIONS

PROPOSED VIA:	66,875 SF
ILA REQUIRED:	5,023 SF (7.5%)
ILA PROVIDED:	7,450 SF

PARKING PROVIDED:

36 STANDARD SPACES	100 SPACES
4 HC SPACES	

EXISTING USE:

GOODS STORAGE OR HANDLING @ 1/2000 SF = 4 SPACES	340 SPACES
40% APPLICABLE REDUCTIONS = -56 SPACES	
SHIPPING @ 1/250 = 324 SPACES	
GOODS STORAGE OR HANDLING @ 1/500 = 16 SPACES	

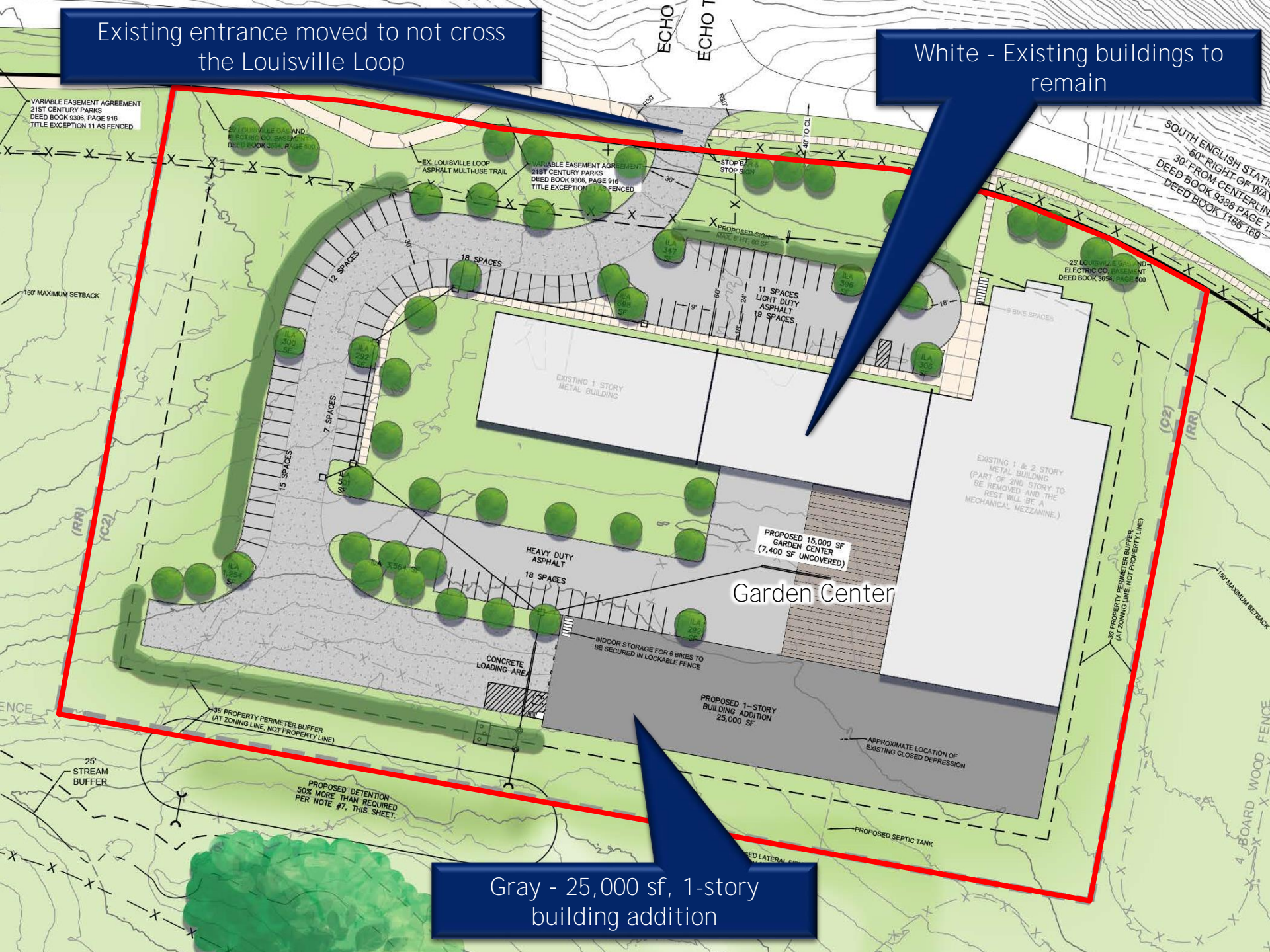
EXISTING IMPERVIOUS AREA CAI

SITE AREA:	EXISTING IMPERVIOUS:
------------	----------------------



Existing entrance moved to not cross the Louisville Loop

White - Existing buildings to remain



Gray - 25,000 sf, 1-story building addition

From: Jennifer M. Barbour <ibarbour@MiddletonLaw.com>
Sent: Thursday, March 17, 2022 2:04 PM
To: Nick Pregliasco <nrp@bardlaw.net>
Cc: Kelli Jones <kelli.jones@swlinc.com>
Subject: 2612 S. English Station

Hi Nick and Kelli,

Parklands has asked that I reach out concerning a revised site plan Beth Stuber with Metro provided. The plan is attached for your reference. This revised plan addresses the Parklands' concern of having a single entrance aligned with Echo Trail and removes the existing curb cut. Based on this formal resubmitted plan, Parklands has asked that I communicate it does not oppose this use of the property as submitted on the plan. While the Parklands will not go on public record in support of the plan, Parklands will not voice any opposition to it with the single entrance aligned with Echo Trail and the removal of the existing curb cut.

If you have any questions or concerns, please feel free to contact me.

Thanks,



Jennifer M. Barbour
Attorney

Direct: 502.625.2787 Fax: 502.588.1917
401 South Fourth Street, Suite 2600, Louisville, KY 40202
ibarbour@middletonlaw.com

V-CARD

BIO

ABOUT MIDDLETON REUTLINGER

This message contains information which may be confidential and privileged. Unless you are the intended addressee (or authorized to receive for the intended addressee), you may not use, copy or disclose to anyone the message or any information contained in the message. If you have received the message in error, please advise the sender and delete the message.

E-mail from Parklands Attorney



BUILDING
ELEVATIONS,
INTERIOR
PHOTOS, AND
PHOTOS OF
EXISTING
LOCATIONS

TAB 6





A
A200 PRELIMINARY EXTERIOR ELEVATIONS - LOOKING WEST
SCALE: 1/8" = 1'-0"



C
A200 PRELIMINARY EXTERIOR ELEVATIONS - LOOKING EAST
SCALE: 1/8" = 1'-0"





View of interior barn stalls to be adaptively reused.





Columbia, SC



Cincinnati, OH



Huntsville, AL







PROPOSED
ADDITIONAL
BINDING
ELEMENTS

TAB 7



Proposed Additional Binding Elements

6. All C-2 uses other than outdoor storage for a retail home goods business are prohibited.
7. A large deciduous tree will be planted every 50 feet along the S. English Station Road frontage.



PROPOSED
BUSINESS
OPERATIONS

TAB 8



WHO WE ARE

- 2nds in Building Materials, Inc. started business over 40 years ago. It is family-owned business. At inception, **literally the company sold “seconds” or “B grade” building materials** - wall paneling, trim, moldings, doors and windows. At the time, 40 years ago, the company sold a wide range of home building materials at 3 locations - Chattanooga TN, Chesapeake VA and Shreveport LA.
- The name “2nds” is purely a legacy name. The company **operates 11 retail stores that sell almost no “seconds” or “B grade” materials of any kind. The stores operate under the registered trade names Southeastern Salvage or Home Emporium. Ironically the “salvage” term is also, at this point, mainly a historical name.** The company sells very little (less than 1%) of any product of a salvage nature or background.
- Today, we operate 11 retail centers in 6 states. Louisville would be number 12 and the first in Kentucky. Our closest operations to Louisville would be Nashville, Cincinnati and Knoxville. Currently we would be described as a home décor and furnishing store.

WHAT WE DO

- The product range in each store is immense - from upholstered Italian leather furniture, wood tables, chairs and cabinets to rugs, hard wood flooring, vinyl tile and plank. As an example, rugs can range from a \$5 throw rug or mat to a \$5000 handmade oriental rug. The home décor items number in the hundreds - mirrors of every size and shape, metal art, lighting, lamps - just about anything and everything you can decorate a home with.
- We also have a garden center and outdoor products - ceramic pots, pavers, mulch and furniture to live plants, shrubs and trees. Or, for the inside, we have everything from wood and stone cutting boards to bloody Mary mix.
- Building materials also cover a broad range. We have vanities that have a furniture base with a solid marble top or an unpainted kitchen cabinet and a variety of stainless steel or porcelain sinks that can be mounted or placed. We generally do not sell dimensional lumber - 2X4's, etc. Occasionally we may have plywood or roofing materials but not on a regular basis - just when we are offered a great deal.
- When we say we have a little something for everyone, we mean it! That includes products and prices for every budget.
- We have a team of experienced buyers who travel the world to buy different, unique products that you generally will not find in the chain big box stores or online. We buy products direct from the manufacturer from five continents.

**SOUTHEASTERN
SALVAGE**
Home Emporium

and

HOME
Emporium



WHY LOUISVILLE AND THIS LOCATION?

- We look for large, stand-alone buildings for company owned stores. The owners have been visiting Louisville and searching for potential locations for almost 10 years. We do not generate heavy traffic. Our business depends on building repeat customers who like to see what we have found lately and enjoy a destination location. We look for mid-sized cities in the South-Central section of the country that have a wide-ranging population.
- Our stores have a wide range of appearances and square footage. We need a minimum of 50,000 square feet and an outdoor space for plants and outdoor products, preferably at least 8000 square feet. We prefer stand-alone to control traffic and to be able to secure our property and products. We work with what we can find to meet our needs and fit in to the community.
- Louisville is a great city and market we are excited to finally be in. It has not been easy to find a large, open building that is not part of a larger commercial area. So far, our customers have enjoyed our stores - we have never closed one.
- We envision this store as retaining the appearance and setting of the horse stables and barn it has always been. The inside will be drastically different. No horses, at least not on the inside. We hope to be able to find local products and vendors that will draw people from all parts of Louisville to our store.
- We believe this store will be a great place and opportunity for the Louisville community to enjoy.

**SOUTHEASTERN
SALVAGE**
Home Emporium

and

HOME
Emporium



Daily Traffic 2/6/2022 to 4/2/2022		
Location	Average Weekday	Average Weekend
Huntsville	43	76
Greenville	33	68
Knoxville	61	105

Average
Daily
Customer
Traffic
from
Other
Locations



FLOYDS FORK DRO
STATEMENT OF
COMPLIANCE

TAB 9



BARDENWERPER, TALBOTT & ROBERTS, PLLC

ATTORNEYS AT LAW

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STATEMENT OF COMPLIANCE

FOR THE FLOYDS FORK OVERLAY DISTRICT GUIDELINES

Applicant/Owner: 2nds in Building Materials, Inc.
Project Name/Location: 2612 S. English Station Road
Proposed Use: Commercial/Retail Home Goods Business
Request: Zone change from RR to C-2
Engineers, Land Planners, Landscape Architects: Sabak Wilson & Lingo

INTRODUCTION

This proposed commercial development of a vacant horse farm will preserve an existing building for retail and add an additional storage building for its home goods store and associated parking.

I. COMPLIANCE WITH THE FLOYDS FORK OVERLAY GUIDELINES

The development complies with the applicable guidelines as follows:

The site is within the Floyds Fork Development Review Overlay but has no wetlands or hydric soils the development area of the site avoids steep slopes or unstable soils. The environmentally sensitive areas of the site are wholly within protected and undisturbed open space retaining the existing vegetation.

The Floyds Fork Development Review Overlay (FFDRO) is an overlay area shown on Louisville Metro's zoning district maps, which "constitutes a second level of development standards in addition to those specified by the underlying zoning district", the "purpose" of which "is to protect the quality of the natural environment . . . by promoting compatible development of land and structures" from "blighting influences" . . . , "unsafe buildings" . . . , "significant damage or destruction of prominent hillsides or valleys caused by improper development" . . . , "significant damage to the economic value of existing properties and/or new developments" . . . , "soil erosion and stream siltation" . . . , "destruction of mature and/or valuable trees and other vegetation and wildlife habitat" . . . , and "loss of high quality visual character." LCD 3.1.A.1.

The FFRDO Regulations attempt to accomplish these purposes by reviewing development applications against certain "guidelines" which contain such word choices as "desirable", "preferred", "recommended", "discouraged", "encouraged", "intended", "where possible", "may" and "would". Indeed, there are 62 different times the word "should" is used in the

FFDRO Guidelines, with only a single use of the word “shall”. This is why the FFDRO review is conducted against mere “guidelines”, not detailed, objective “standards”, like the rest of the LDC.

As such, in each case a FFDRO review is conducted by the Planning Commission to determine a proposed development’s “impact on environmental characteristics.” To aid the Planning Commission in doing so, the FFDRO Regulations state that the applicant must “provide adequate information to allow the Commission to determine impacts of the proposal and compliance with the [established] guidelines.” LDC 3.1.B.3. If the Planning Commission determines there to be negative impacts, the next question for the Planning Commission is to determine if those impacts “can be overcome” and “mitigated to a substantial degree” through “incorporation of any necessary mitigation measure” — defined by the FFDRO as Conditions of Approval (COA). In such case, “approval of the development . . . will be given”, contingent of course upon compliance with other LDC regulations. LDC 3.1.B.8.

These are the FFDRO Guidelines and how this development application does not cause negative impacts or at least ones that cannot be mitigated through a Condition of Approval.

1. Stream Corridors: Floyds Fork is northeast of the subject site on the other side of S. English Station Road. Therefore, the 100-foot-wide buffer strip from top of bank of Floyds Fork will be avoided. The subject site drains away from Floyds Fork in the opposite direction with a 40-foot fall from the front of the subject property closest to Floyds Fork to the rear, such that the drainage runs through the new oversized detention basin (50% oversized) and through the new water quality units to be installed. The drainage away from Floyds Fork with oversized detention avoids concerns over stream bank erosion. Further, this is an adaptive re-use of the existing structures which are located more than 200 feet from the ordinary high-water mark of Floyds Fork (with no structures or impervious surface proposed within 200 feet. There are no floodplain areas on the subject site to be avoided.

2. Trees and Vegetation: The existing “wooded areas” have been entirely avoided as development and construction activity is confined entirely to the former area of the horse farm operation on only six of the twenty-four acres of the site where no trees exist today. Despite no trees located on the area being rezoned, the applicant will be planting a substantial amount of trees in this area as will be shown on the landscape plan. The existing wooded areas to the rear of the area being rezoned are shown to be preserved tree canopy. Development activities within the drip lines of retained trees will be avoided, and limits of disturbance will be shown on development-related plans, including a sediment. The development will provide 40% tree canopy exceeding the 35% requirement the LDC.

3. Drainage and Water Quality: A pre-existing septic tank and lateral field for on-site sanitary disposal systems will be utilized, which is twice the size as required and located appropriately considering the site drains away from Floyds Fork and is located more than 150 feet away from the FFDRO identified streams. Although there does not appear to be any identified wetlands on this site any that may be subsequently identified will be preserved and or mitigated. An MSD compliant soil erosion and sediment control plan will be prepared prior to construction plan approval. Storm water will be addressed by a large detention basin to the rear of the development area and will ultimately be sized and configured in the construction design

process in manners approved by MSD that will ensure that peak post development flows will not exceed pre-development flows for the 2, 10, 25 storm events or to the capacity of the downstream system, whichever is more restrictive and other water quality measures will also be undertaken pursuant to MSD regulations governing same. The subject site currently has no detention system despite being used as a horse stabling business, with a new detention being added at 1.5 to 1.0 to provide excess capacity, along with the installation of water quality units.

4. Hillsides: The proposed development area takes into account the natural character of the land through the adaptive re-use of the existing horse stable structures. Areas with slopes greater than 20%, if any, will be avoided.

5. Clustering of Residential Use. No residential use is proposed.

6. Historic Elements: There are no structures, including no historic homes, walls, fences, or cemeteries, located on the site.

7. Vistas and Appearance: South English Station Road is a mapped “Scenic Corridor”, with the existing structures only requiring a waiver due to the late request to dedicate additional right of way, as such the existing character of this Scenic Corridor will be maintained and enhanced through the additional tree plantings and façade upgrades. The requirement of new structures providing a substantial setback is maintained by the new structure being located further back than required by the LDC with the applicant requesting a variance, which will address this guideline. A large deciduous tree will be planted every 50 feet along the S. English Station Road frontage as recommended. The new proposed parking has been designed to be predominantly to the side and rear of the existing structures. The majority of the subject site is not requested for rezoning (being approximately 17.5 acres of the 24 overall acres). Utility service currently exists to the subject site and the applicant proposes the use of a monument style sign at the entrance.

* * *

For all of the above-stated reasons, those shown on the detailed district development plan and those explained at the LD&T meeting and Planning Commission public hearing, this application complies with the Floyds Fork Overlay Guidelines.

Respectfully submitted,

Nicholas R. Pregliasco
Bardenwerper, Talbott & Roberts, PLLC
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Louisville, KY 40223

PRIOR HORSE BUSINESS USE

- The density of horse manure is 63 pounds per cubic foot.
- Horse manure currently stored on the subject site is located in two locations at the west end of the existing stable.
- 40' x 40' x 3' high = 4,800 cubic feet x 63 pounds = 302,400 pounds or 151 Tons
- 60' x 80' x 3' high = 14,400 cubic feet x 63 pounds = 907,200 pounds or 454 Tons
- A 1,000-pound horse will produce 2.4 cubic feet of manure per day. If the original stable had one horse in each of the 68 12'x12' stalls, that would calculate into 163 cubic feet of manure per day. The result would be 59,568 cubic feet per year. At 63 pounds per cubic foot, the result of the 68 stalls would be 3,752,784 pounds or 1,876 tons per year.
- The proposed development improves the property from a FFDR0 perspective and reduces the impact to Floyds Fork.

STATEMENT OF
COMPLIANCE FILED
WITH THE ORIGINAL
ZONE CHANGE
APPLICATION WITH
ALL APPLICABLE
GOALS OF THE 2040
PLAN, VARIANCE,
AND WAIVER
JUSTIFICATION

TAB 10



BARDENWERPER, TALBOTT & ROBERTS, PLLC

ATTORNEYS AT LAW

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

Applicant & Owner: 2nds in Building Materials, Inc.

Location: 2612 S. English Station Road

Proposed Use: Commercial/Retail Home Goods Business

Engineers, Land Planners and
Landscape Architects: Sabak Wilson & Lingo

Request: Zone change from RR to C-2

COMMUNITY FORM

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

The proposed zone change and detailed district development plan (DDDP) complies with applicable Objectives a, b, c, & f and applicable Policies 1, 2.1, 2.3, 3.1.3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 17, 18, 19, 20, 23, 27 & 28 as follows:

The proposed change in zoning to C-2 complies with Goal 1 in several ways. First, this is a proposed adaptive reuse of the buildings for the horse riding business, with a retail business that does not propose substantially more traffic, and even less tractor trailer traffic than the prior use. Because this proposal is to re-use the existing buildings, the proposal is not of any greater scale than what was there previously, with the exception of the building addition to the rear and the additional parking. This retail use is a destination retail use such that the business does not need a huge daily traffic count and the applicant will propose binding elements to address potential impact mitigation for the use and only potential impact to neighbors. This property is just north of the M-2 industrial area providing a good transition between the subject property and the M-2 on one side and the PRD residential property to the west, as well as the park on the other side of S. English Station.

The proposal is to rezone approximately 6 acres of the overall 24 acre property leaving the balance as RR zoned open space. With the new residential growth outside of the Gene Snyder, commercial retail locations like this have an increased demand. While located in the Neighborhood Form District, the property, is as said, located adjacent to the heavy industrial district along S. English Station on a property previously used for a horse riding business. As such, this is not truly an expansion of retail into an area where none existed before, but a good transition use for the property between the heavy uses and the PRD development, which, as the Neighborhood Form provides is in an area that have limited impact on low to moderate density residential in the area.

This proposed rezoning and use allows a mixture of densities for the area given the layout, design and the scope are all very similar to the prior horse riding business operated on the property. Further, the 18 acres of the site not proposed for rezoning surround the area of the rezoning on all sides other than the north side, with the park. The building, and thus the building materials, will remain as the buildings currently exist with only the addition of animating features for Land Development Code compliance.

This proposal does not constitute non-residential expansion into residential areas due to the prior business on the site and the industrial zoned property to the south. There will be no displacement of residents with the proposal. The transportation facilities from this location along S. English Station to Taylorsville Road to the south are built to accommodate the traffic and use as that is an industrial area with far greater tractor trailer traffic with the proposed use only to have 2 trailer deliveries per week. Echo Trail to the north is scheduled for additional traffic improvements as far north as US-60 and Eastwood Fisherville Road and the corner of S. English Station and Taylorsville Road to the south. With the existing buildings proposed for reuse, the setbacks will be the same as they exist currently and have existed for some time.

The additional parking added to the site has been minimized through the request for a 40% reduction per the LDC for additional tree plantings over the required minimum and for green infrastructure. The existing sign is proposed for use and any signs will be LDC compliant. As will be demonstrated through the rezoning process, this proposed use will not create substantial additional traffic and can be accommodated through the existing roadway network. The proposed use will not involve any excess noise with the 18 acres surrounding the property for buffering. All lighting added will be fully LDC compliant.

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

The proposed zone change and DDDP complies with applicable Objectives b & d and Policies 1, 2, 5, 6, 7, 9, 10, 13, 14, 15, 16, & 17 as follows:

The proposed change in zoning from R-4 to C-2 will provide a good transition from the business activity center to the south, the PRD development to the west, and the park to the north and as an adaptive reuse will be compatible with the surrounding areas with the buffering and additional land not proposed for rezoning.

To allow the additional destination retail use will encourage sustainable growth and avoid potential decline for a property otherwise needing repurposing. The design and density are appropriate with adjacent uses that will serve the needs of the surrounding community. The development will result in compact development being adjacent to an activity center resulting in efficient land use and it will take advantage of and compliment cost-effective infrastructure investment. The home goods business will also provide an additional retail option for those in the area looking to buy same without having to travel for a similar option. As said, this proposal is for the renovation and adaptive reuse of the existing horse riding business buildings with investment into improving same. The location will be easily accessible by bike and pedestrian traffic with the Louisville Loop on the property.

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

The proposed zone change and DDDP complies with applicable Objectives a, c & d and Policies 9, 10 & 12 as follows:

The proposed development plan will enhance the surrounding properties, the park, and the industrial areas by not diminishing any open space or natural resources, but by protecting same with the additional tree plantings proposed and the 18 acres of buffering around the proposed use. The zoning change and development plan have been designed to take extra precautions to avoid negative impacts to Floyds Fork, including reducing impervious surface, the addition of water quality units and additional detention on site. As such, the result will be an improvement over the site layout today and a vast improvement over the prior horse riding business with manure that inevitably leaked into the drainage system. A karst survey has been performed to address any potential issues wet or permeable soils or steep slopes, etc. By providing an additional detention basin, the stormwater management will be handled more effectively. The proposal avoids any significant change in topography and does not cause any environmental changes or damage. The landscape buffers and setbacks will continue to provide the community transitions between the site and the surrounding properties.

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

The proposed zone change and DDDP complies with applicable Objective b and Policies 1 & 2 as follows:

There are no historic buildings or features on the property. The rezoning and development plan will essentially provide an adaptive reuse of a building in a location where a large support population exists. Thus, it represents a good opportunity for continued economic development for the area.

MOBILITY

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

The proposed zone change and DDDP complies with applicable Objectives a, b, c & e and Policies 1, 3, 4, 7 & 14 as follows:

The site is directly adjacent to the Parklands and has part of the Louisville Loop on the subject property providing great pedestrian and bicycle access. Pedestrian connectivity will also be promoted through the sidewalk addition.

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

The proposed zone change and DDDP complies with applicable Objectives a, b, c & d and Policies 1, 2, 4, 5, 6, 7, & 8 as follows:

The development plan complies with the objectives and policies of Goal 2 by promoting safe, accessible and efficient transportation uses by accommodating pedestrian, bicycle and vehicular access through the Louisville Loop and the access to Taylorsville Road to the south. The site

distances for the curb cuts will not change and are adequate for the area. The internal circulation of pedestrian and vehicular traffic is appropriate with the connected walkways, parking, etc. The entrances are compatible with surrounding development and aesthetically pleasing to adjacent areas.

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

The proposed zone change and DDDP complies with applicable Objectives a, b, c, & d and Policies 1, 2, 3, 4, 5, 7, 10, 12, 14, 17, 18, 20 & 24 as follows:

The development plan complies with the objectives and policies of Goal 3 by providing walking and bicycling opportunities with the sidewalks and interconnected walkways and by providing a new neighborhood serving business reducing miles travelled by car by providing the activity center with additional development in this infill situation. The plan will not burden the transportation network with the low number of additional trips for a retail use. The plan is consistent with long range transportation plans of the community by promoting infill development along established routes. The parking requirements of the site consider the density of the use and the character and pattern of the Form District in that it will continue to serve the community. The plan also satisfies the policy of supporting biking and pedestrian travel by providing for those modes of access, with excess bike parking provided.

COMMUNITY FACILITIES

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

The proposed zone change and DDDP complies with applicable Objective b and Policies 1, 2, & 3 as follows:

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

ECONOMIC DEVELOPMENT

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

The proposed zone change and DDDP complies with applicable Objectives a, c, d, f & h and Policies 3, 7, & 9 as follows:

This development plan complies with Goal 1 of Economic Development as it provides economic climate that improves growth, innovation, and investment opportunity for all by providing for the reuse of a defunct business in an infill context. It locates these new potential use in an area with existing infrastructure in an efficient manner increasing goods and services in the area.

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

The proposed zone change and DDDP complies with applicable Objectives a, b, c, d & f and Policies 1, 3, 4, 5, & 7 as follows:

This development plan complies with Goal 2 of Economic Development as it enhances the quality of life in the area by developing a small infill location, while at the same time protecting and improving the economic value of the surrounding areas by assisting the economic viability of the activity center. It also satisfies the goal and policy of infill development to take advantage of the existing infrastructure.

LIVABILITY

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

The proposed zone change and DDDP complies with applicable Objectives d & e and Policies 7, 12, 17 23, 25, 26, 27, 28, 31, 32, 35, & 39 as follows:

The development plan complies with the objectives and policies of Goal 1 of Livability element in that it provides pedestrian and bicycle connectivity while not creating any substantial increase in traffic for the area. It also will continue to deal with any impacts to drainage associated with the site through the use of detention basins accounting for the impervious surface. Landscaping will be added where necessary and required under the Land Development Code to reduce the impacts of the site to nearby uses. Additional tree plantings are proposed over the LDC minimum and will result in an increase over the existing condition.

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

The proposed zone change and DDDP complies with applicable Objectives a, b, c & d and Policy 8 as follows:

The development plan complies with the objectives and policies of Goal 2 of Livability element by providing additional goods and services in close proximity to the consumers.

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

The proposed zone change and DDDP complies with applicable Objective c and Policies 1, 2, & 4 as follows:

The development plan complies with the objectives and policies of Goal 3 of Livability element providing equitable access to the land use planning and policy resources by providing the surrounding residents and property owners notice of the development changes, notice of all public meetings, by providing the neighborhood meeting, and providing an opportunity for area involvement in the plan design and sought-after zoning changes.

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

The proposed zone change and DDDP complies with applicable Objectives a, b, c, e & f and Policies 1, 2, & 8 as follows:

The development plan complies with the objectives and policies of Goal 4 of Livability element by providing and enhancing choices for mobility and encouraging clean air by reducing miles driven by providing needed goods to an area needing same.

HOUSING

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

* * *

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

Respectfully submitted,

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General Waiver Justification:

In order to justify approval of any waiver, the Planning Commission or Board of Zoning Adjustment considers four criteria. Please answer all of the following questions. Use additional sheets if needed. A response of yes, no, or N/A is not acceptable.

Waiver of LDC 5.6.1.B & C regarding clear windows and doors.

Explanation of Waiver:

1. The waiver will not adversely affect adjacent property owners because this is an adaptive re-use of existing buildings where the existing building exteriors are being revised and enhanced to provide significantly greater animating features and better look at feel than at present. With this additional expense and work, the exteriors of the buildings will be improved from the current condition for the prior horse riding business. Further, due to the curve in S. English Station, more of the building would have street frontage, with all facades being improved.
2. The waiver will not violate the Comprehensive Plan for all the reasons set forth in the Detailed Statement of Compliance with all applicable Guidelines and Policies of the Comp Plan 2040 filed with the rezoning application.
3. The extent of waiver of the regulation is the minimum necessary to afford relief to the applicant because on the north façade facing S. English Station every other window will be clear glass with every other window being spandrel glass creating the appearance for all intents and purposes of being a regular window, but providing the security and interior functionality necessary for a large retail property. On the east façade, additional animating features will be added as well.
4. Strict application of the provisions of the regulation would deprive the applicant of a reasonable use of the land or would create an unnecessary hardship on the applicant because having large glass windows do not work for larger retail properties for internal functionality and hence they generally do not have same other than a front façade, which this one is being upgraded and enhanced.

General Waiver Justification:

In order to justify approval of any waiver, the Planning Commission or Board of Zoning Adjustment considers four criteria. Please answer all of the following questions. Use additional sheets if needed. A response of yes, no, or N/A is not acceptable.

Waiver of Table 10.3.2 to allow the existing building to encroach into the 50 ft scenic corridor buffer

Explanation of Waiver:

1. The waiver will not adversely affect adjacent property owners because only the existing building will encroach and because this is an existing condition which was approved and built prior to the current 50-foot setback requirement of the Land Development Code. Further, the setback is being caused as a direct result of the additional right of way dedication request which causes the existing building to encroach. Otherwise the existing building would not encroach into the setback.
2. The waiver will not violate the Comprehensive Plan for all the reasons set forth in the Detailed Statement of Compliance with all applicable Guidelines and Policies of Plan 2040 filed with the original rezoning application.
3. The extent of waiver of the regulation is the minimum necessary to afford relief to the applicant because this is an adaptive re-use of the existing horse riding business structure and caused by the additional right of way dedication being requested. Because no new structure is being proposed, allowing the existing building to remain is the minimum necessary to afford relief.
4. Strict application of the provisions of the regulation would deprive the applicant of a reasonable use of the land or would create an unnecessary hardship on the applicant because the waiver is a result of the existing conditions. Also, the intent of the parkway setback will be met because the property line is changing for right of way dedication, but the existing roadway is not proposed to change.

Variance Justification:

In order to justify approval of any variance, the Board of Zoning Adjustment considers the following criteria. Please answer all of the following items. Use additional sheets if needed. A response of yes, no, or N/A is not acceptable.

Variance of: Section 5.3.1.C.5 to allow the building to exceed the required 150 ft setback from S. English Station Road

1. The variance will not adversely affect the public health, safety or welfare because this is an aesthetic/nuisance issue related to a new building next to the existing buildings being repurposed, not a public health, safety or welfare one.
2. The variance will not alter the essential character of the general vicinity because, as explained, this is for the new 25,000 square foot building to be constructed to the rear of the existing horse riding stable buildings. The new building is to the rear of the existing buildings from the perspective of the entrance on the north side of the site, but due to the curve in S. English Station Road, it is not entirely behind the existing buildings from the east. However, the setback is a continuation of the existing exterior wall of the current building, thus not affecting the essential character of the general vicinity. If the variance is denied, then the existing building and the existing setback will remain.
3. The variance will not cause a hazard or a nuisance to the public because the issues here involved are not hazard or nuisance ones but rather aesthetic impact ones which are not adverse to this development or the area.
4. The variance will not allow an unreasonable circumvention of the requirements of the zoning regulations because this is an as-built site other than the building addition necessitated for changing the uses from the horse riding business, for which a building addition is planned to provide an area to the rear for loading and unloading.

Additional consideration:

1. The variance arises from special circumstances, which do not generally apply to land in the general vicinity because this is an as-built site, and the proposed new plan will not change anything about the area or even the specific site except accommodate a more functional building for the new retail store.
2. Strict application of the provisions of the regulation would deprive the applicant of the reasonable use of the land or would create unnecessary hardship because the new retail store that will operate a facility at this location needs to have a building that addresses its operations and services.

3. The circumstances are not the result of actions of the applicant taken subsequent to the adoption of the regulation, but rather are a result of this being a replacement of an old equestrian center with a new retail store at a site that is otherwise constrained by the adaptation of the existing building that was long ago was established in this area. Further, due to the Floyds Fork Development Review Overlay, the applicant is trying to change as little as possible about the existing layout to avoid impacts to Floyds Fork.

PROPOSED FINDINGS
OF FACT PERTAINING
TO COMPLIANCE
WITH THE 2040
PLAN, VARIANCE,
AND WAIVER
CRITERIA

TAB 11



BARDENWERPER, TALBOTT & ROBERTS, PLLC

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PROPOSED FINDINGS OF FACT REGARDING COMPLIANCE WITH ALL APPLICABLE GOALS OF THE 2040 PLAN

Applicant & Owner: 2nds in Building Materials, Inc.
Location: 2612 S. English Station Road
Proposed Use: Commercial/Retail Home Goods Business
Engineers, Land Planners and
Landscape Architects: Sabak Wilson & Lingo
Request: Zone change from RR to C-2

The Louisville Metro Planning Commission, having heard testimony before its Land Development & Transportation Committee, in the Public Hearing held on July 7, 2022 and having reviewed evidence presented by the applicant and the staff's analysis of the application, make the following findings:

COMMUNITY FORM

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

WHEREAS, the proposed zone change and detailed district development plan (DDDP) complies with applicable Objectives a, b, c, & f and applicable Policies 1, 2.1, 2.3, 3.1.3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 17, 18, 19, 20, 23, 27 & 28 because this is a proposed adaptive reuse of the buildings for the horse riding business, with a retail business that does not propose substantially more traffic, and even less tractor trailer traffic than the prior use; because this proposal is to re-use the existing buildings, the proposal is not of any greater scale than what was there previously, with the exception of the building addition to the rear and the additional parking; this retail use is a destination retail use such that the business does not need a huge daily traffic count and the applicant has proposed an additional binding element limiting the C-2 uses in order to address potential impact mitigation for the use; and this property is just north of the M-2 industrial area activity center providing a good transition between the subject property and the M-2 on one side and the PRD residential property to the west, as well as the park on the other side of S. English Station; and

WHEREAS, the proposal is to rezone approximately 6 acres of the overall 24 acre property leaving the balance as RR zoned open space; with the new residential growth outside of the Gene Snyder, commercial retail locations like this have an increased demand; while located in the Neighborhood Form District, the property, is as said, located adjacent to the heavy industrial district along S. English Station on a property previously used for a horse-riding business; as

such, this is not truly an expansion of retail into an area where none existed before, but a good transition use for the property between the heavy uses and the PRD development, which, as the Neighborhood Form provides is in an area that have limited impact on low to moderate density residential in the area; and

WHEREAS, this proposed rezoning and use allows a mixture of densities for the area given the layout, design and the scope being similar to the prior horse riding business operated on the property; the 18 acres of the site surrounding the area of the rezoning on all sides other than the north side, with the park are not proposed to be rezoned; the building, and thus the building materials, will remain as the buildings currently exist with only the addition of animating features for Land Development Code compliance; and

WHEREAS, this proposal does not constitute non-residential expansion into residential areas due to the prior business on the site and the industrial zoned property to the south; there will be no displacement of residents with the proposal; the transportation facilities from this location along S. English Station to Taylorsville Road to the south are built to accommodate the traffic and use as that is an industrial area with far greater tractor trailer traffic given the proposed use will only have 2 trailer deliveries per week; Echo Trail to the north is scheduled for additional traffic improvements as far north as US-60 and Eastwood Fisherville Road and the corner of S. English Station and Taylorsville Road to the south; and with the existing buildings proposed for reuse, the setbacks will be the same as they exist currently and have existed for some time; and

WHEREAS, the additional parking added to the site has been minimized through the request for a 40% parking reduction per the LDC for applicant's commitment for additional tree plantings over the required minimum and for green infrastructure; the existing sign is proposed for use and any signs will be LDC compliant; as will be demonstrated through the rezoning process, this proposed use will not create substantial additional traffic and can be accommodated through the existing roadway network; the proposed use will not involve any excess noise with the 18 acres surrounding the property for buffering; and all lighting added will be fully LDC compliant; and

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

WHEREAS, the proposed zone change and DDDP complies with applicable Objectives b & d and Policies 1, 2, 5, 6, 7, 9, 10, 13, 14, 15, 16, & 17 because the proposed change in zoning from RR to C-2 will provide a good transition from the business activity center to the south, the PRD development to the west, and the park to the north and as an adaptive reuse will be compatible with the surrounding areas with the buffering and additional land not proposed for rezoning; and

WHEREAS, to allow the additional destination retail use will encourage sustainable growth and avoid potential decline for a property otherwise needing repurposing; the design and density are appropriate with adjacent uses that will serve the needs of the surrounding community; the development will result in compact development being adjacent to an activity center resulting in efficient land use and it will take advantage of and compliment cost-effective infrastructure investment; the home goods business will also provide an additional retail option for those in the area looking to buy same without having to travel for a similar option; as said, this proposal is for the renovation and adaptive reuse of the existing horse-riding business buildings with investment into improving same; and the location will be easily accessible by bike and pedestrian traffic with the Louisville Loop on the property; and

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

WHEREAS, the proposed zone change and DDDP complies with applicable Objectives a, c & d and Policies 9, 10 & 12 because the proposed development plan will enhance the surrounding properties, the park, and the industrial areas by not diminishing any open space or natural resources, but by protecting same with the additional tree plantings proposed and the 18 acres of buffering around the proposed use; the zoning change and development plan have been designed to take extra precautions to avoid negative impacts to Floyds Fork, including reducing impervious surface, the addition of water quality units and additional detention on site; as such, the result will be an improvement over the site layout today and a vast improvement over the prior horse riding business with manure that inevitably leaked into the drainage system; a karst survey has been performed to address any potential issues wet or permeable soils or steep slopes, etc.; by providing an additional detention basin, the stormwater management will be handled more effectively; the proposal avoids any significant change in topography and does not cause any environmental changes or damage; and the landscape buffers and setbacks will continue to provide the community transitions between the site and the surrounding properties; and

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

WHEREAS, the proposed zone change and DDDP complies with applicable Objective b and Policies 1 & 2 because there are no historic buildings or features on the property; the rezoning and development plan will essentially provide an adaptive reuse of a building in a location where a large support population exists; thus, it represents a good opportunity for continued economic development for the area; and

MOBILITY

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

WHEREAS, the proposed zone change and DDDP complies with applicable Objectives a, b, c & e and Policies 1, 3, 4, 7 & 14 because the site is directly adjacent to the Parklands and has part of the Louisville Loop on the subject property providing great pedestrian and bicycle access; and pedestrian connectivity will also be promoted through the sidewalk addition; further, the proposed eliminates an existing crossing of the Louisville Loop; and

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

WHEREAS, the proposed zone change and DDDP complies with applicable Objectives a, b, c & d and Policies 1, 2, 4, 5, 6, 7, & 8 because the development plan complies with the objectives and policies of Goal 2 by promoting safe, accessible and efficient transportation uses by accommodating pedestrian, bicycle and vehicular access through the Louisville Loop and the access to Taylorsville Road to the south; the site distances for the curb cuts will not change and are adequate for the area; the internal circulation of pedestrian and vehicular traffic is appropriate

with the connected walkways, parking, etc.; the entrances are compatible with surrounding development and aesthetically pleasing to adjacent areas; and

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

WHEREAS, the proposed zone change and DDDP complies with applicable Objectives a, b, c, & d and Policies 1, 2, 3, 4, 5, 7, 10, 12, 14, 17, 18, 20 & 24 because the development plan complies with the objectives and policies of Goal 3 by providing walking and bicycling opportunities with the sidewalks and interconnected walkways and by providing a new neighborhood serving business reducing miles travelled by car by providing the neighboring activity center with additional development in this infill situation; the plan will not burden the transportation network with the low number of additional trips for a retail use; the plan is consistent with long range transportation plans of the community by promoting infill development along established routes; the parking provided on the plan consider the density of the use and the character and pattern of the Form District in that it will continue to serve the community; and the plan also satisfies the policy of supporting biking and pedestrian travel by providing for those modes of access, with excess bike parking provided; and

COMMUNITY FACILITIES

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

WHEREAS, the proposed zone change and DDDP complies with applicable Objective b and Policies 1, 2, & 3 because this development plan is not a community facilities plan, but it does locate development in areas currently served by existing infrastructure, and it has adequate water supply so as to not burden existing or future community facilities; and

ECONOMIC DEVELOPMENT

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

WHEREAS, the proposed zone change and DDDP complies with applicable Objectives a, c, d, f & h and Policies 3, 7, & 9 because this development plan complies with Goal 1 of Economic Development as it provides economic climate that improves growth, innovation, and investment opportunity for all by providing for the reuse of a defunct business in an infill context; it locates this new potential use in an area with existing infrastructure in an efficient manner increasing goods and services in the area; and

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

WHEREAS, the proposed zone change and DDDP complies with applicable Objectives a, b, c, d & f and Policies 1, 3, 4, 5, & 7 because this development plan complies with Goal 2 of Economic Development as it enhances the quality of life in the area by developing a small infill location, while at the same time protecting and improving the economic value of the surrounding

areas by assisting the economic viability of the activity center; and it also satisfies the goal and policy of infill development to take advantage of the existing infrastructure; and

LIVABILITY

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

WHEREAS, the proposed zone change and DDDP complies with applicable Objectives d & e and Policies 7, 12, 17 23, 25, 26, 27, 28, 31, 32, 35, & 39 because the development plan complies with the objectives and policies of Goal 1 of Livability element in that it provides pedestrian and bicycle connectivity while not creating any substantial increase in traffic for the area; it also will continue to deal with any impacts to drainage associated with the site through the use of detention basins accounting for the impervious surface; landscaping will be added where necessary and required under the Land Development Code to reduce the impacts of the site to nearby uses; and additional tree plantings are proposed over the LDC minimum and will result in an increase in tree canopy over the existing condition; and

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

WHEREAS, the proposed zone change and DDDP complies with applicable Objectives a, b, c & d and Policy 8 because the development plan complies with the objectives and policies of Goal 2 of Livability element by providing additional goods and services in close proximity to the consumers; and

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

WHEREAS, the proposed zone change and DDDP complies with applicable Objective c and Policies 1, 2, & 4 because the development plan complies with the objectives and policies of Goal 3 of Livability element providing equitable access to the land use planning and policy resources by providing the surrounding residents and property owners notice of the development changes, notice of all public meetings, by providing the neighborhood meeting, and providing an opportunity for area involvement in the plan design and sought-after zoning changes; and

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

WHEREAS, the proposed zone change and DDDP complies with applicable Objectives a, b, c, e & f and Policies 1, 2, & 8 because the development plan complies with the objectives and policies of Goal 4 of Livability element by providing and enhancing choices for mobility and encouraging clean air by reducing miles driven by providing needed goods to an area needing same; and

HOUSING

WHEREAS, the proposed zone change and DDDP complies with applicable Objectives and applicable Policies of Goal 1, 2, & 3 as it creates and locates necessary services and employment opportunities in an existing activity center near residential areas, thereby strengthening and

supporting the housing in the area; and this use will facilitate connected and mixed-use areas and ensure long term affordability and living options for all in the community; and

* * *

WHEREAS, for all the reasons explained at LD&T and the Planning Commission public hearing and also in the public hearing exhibit books, on the approved detailed district development plan, this application also complies with all other applicable Goals of the 2040 Plan;

NOW, THEREFORE, the Louisville Metro Planning Commission hereby recommends to the Louisville Metro Council that it rezone the subject property from RR to C-2 and approves the Detailed District Development Plan.

Findings of Fact for Waiver of LDC 5.6.1.B & C regarding clear windows and doors.

WHEREAS, the waiver will not adversely affect adjacent property owners because this is an adaptive re-use of existing buildings where the existing building exteriors are being revised and enhanced to provide significantly greater animating features and better look at feel than at present; with this additional expense and work, the exteriors of the buildings will be improved from the current condition for the prior horse-riding business; further, due to the curve in S. English Station, more of the building would have street frontage, with all facades being improved; and

WHEREAS, the waiver will not violate the Comprehensive Plan for all the reasons set forth in the Detailed Statement of Compliance with all applicable Guidelines and Policies of the Comp Plan 2040 filed with the rezoning application; and

WHEREAS, the extent of waiver of the regulation is the minimum necessary to afford relief to the applicant because on the north façade facing S. English Station every other window will be clear glass with every other window being spandrel glass creating the appearance for all intents and purposes of being a regular window, but providing the security and interior functionality necessary for a large retail property; and on the east façade, additional animating features will be added as well; and

WHEREAS, strict application of the provisions of the regulation would deprive the applicant of a reasonable use of the land or would create an unnecessary hardship on the applicant because having large glass windows do not work for larger retail properties for internal functionality and hence they generally do not have same other than a front façade, which this one is being upgraded and enhanced; and

NOW, THEREFORE, the Louisville Metro Planning Commission hereby approves this Waiver.

Findings of Fact for Waiver of Table 10.3.2 to allow the existing building to encroach into the 50 ft scenic corridor buffer

WHEREAS, the waiver will not adversely affect adjacent property owners because only the existing building will encroach and because this is an existing condition which was approved and built prior to the current 50-foot setback requirement of the Land Development Code; further, the setback is being caused as a direct result of the additional right of way dedication request which causes the existing building to encroach (which it would not have otherwise); and

WHEREAS, the waiver will not violate the Comprehensive Plan for all the reasons set forth in the Detailed Statement of Compliance with all applicable Guidelines and Policies of Plan 2040 filed with the original rezoning application; and

WHEREAS, the extent of waiver of the regulation is the minimum necessary to afford relief to the applicant because this is an adaptive re-use of the existing horse riding business structure and caused by the additional right of way dedication being requested; because no new structure is being proposed, allowing the existing building to remain is the minimum necessary to afford relief; and

WHEREAS, strict application of the provisions of the regulation would deprive the applicant of a reasonable use of the land or would create an unnecessary hardship on the applicant because the waiver is a result of the existing conditions; also, the intent of the parkway setback will be met because the property line is changing for right of way dedication, but the existing roadway is not proposed to change; and

NOW, THEREFORE, the Louisville Metro Planning Commission hereby approves this Waiver.

Findings of Fact for Variance of: Section 5.3.1.C.5 to allow the building to exceed the required 150 ft setback from S. English Station Road

WHEREAS, the variance will not adversely affect the public health, safety or welfare because this is an aesthetic/nuisance issue related to a new building next to the existing buildings being repurposed, not a public health, safety or welfare one; and

WHEREAS, the variance will not alter the essential character of the general vicinity because, as explained, this is for the new 25,000 square foot building to be constructed to the rear of the existing horse riding stable buildings; the new building is to the rear of the existing buildings from the perspective of the entrance on the north side of the site, but due to the curve in S. English Station Road, it is not entirely behind the existing buildings from the east; the setback is a continuation of the existing exterior wall of the current building, thus not affecting the essential character of the general vicinity; and if the variance is denied, then the existing building and the existing setback will remain; and

WHEREAS, the variance will not cause a hazard or a nuisance to the public because the issues here involved are not hazard or nuisance ones but rather aesthetic impact ones which are not adverse to this development or the area; and

WHEREAS, the variance will not allow an unreasonable circumvention of the requirements of the zoning regulations because this is an as-built site other than the building addition necessitated for changing the uses from the horse riding business, for which a building addition is planned to provide an area to the rear for loading and unloading; and

WHEREAS, the variance arises from special circumstances, which do not generally apply to land in the general vicinity because this is an as-built site, and the proposed new plan will not change anything about the area or even the specific site except accommodate a more functional building for the new retail store; and

WHEREAS, strict application of the provisions of the regulation would deprive the applicant of the reasonable use of the land or would create unnecessary hardship because the new retail store that will operate a facility at this location needs to have a building that addresses its operations and services; and

WHEREAS, the circumstances are not the result of actions of the applicant taken subsequent to the adoption of the regulation, but rather are a result of this being a replacement of an old equestrian center with a new retail store at a site that is otherwise constrained by the adaptation of the existing building that was long ago was established in this area; further, due to the Floyds Fork Development Review Overlay, the applicant is trying to change as little as possible about the existing layout to avoid impacts to Floyds Fork; and

NOW, THEREFORE, the Louisville Metro Planning Commission hereby approves this Variance.