

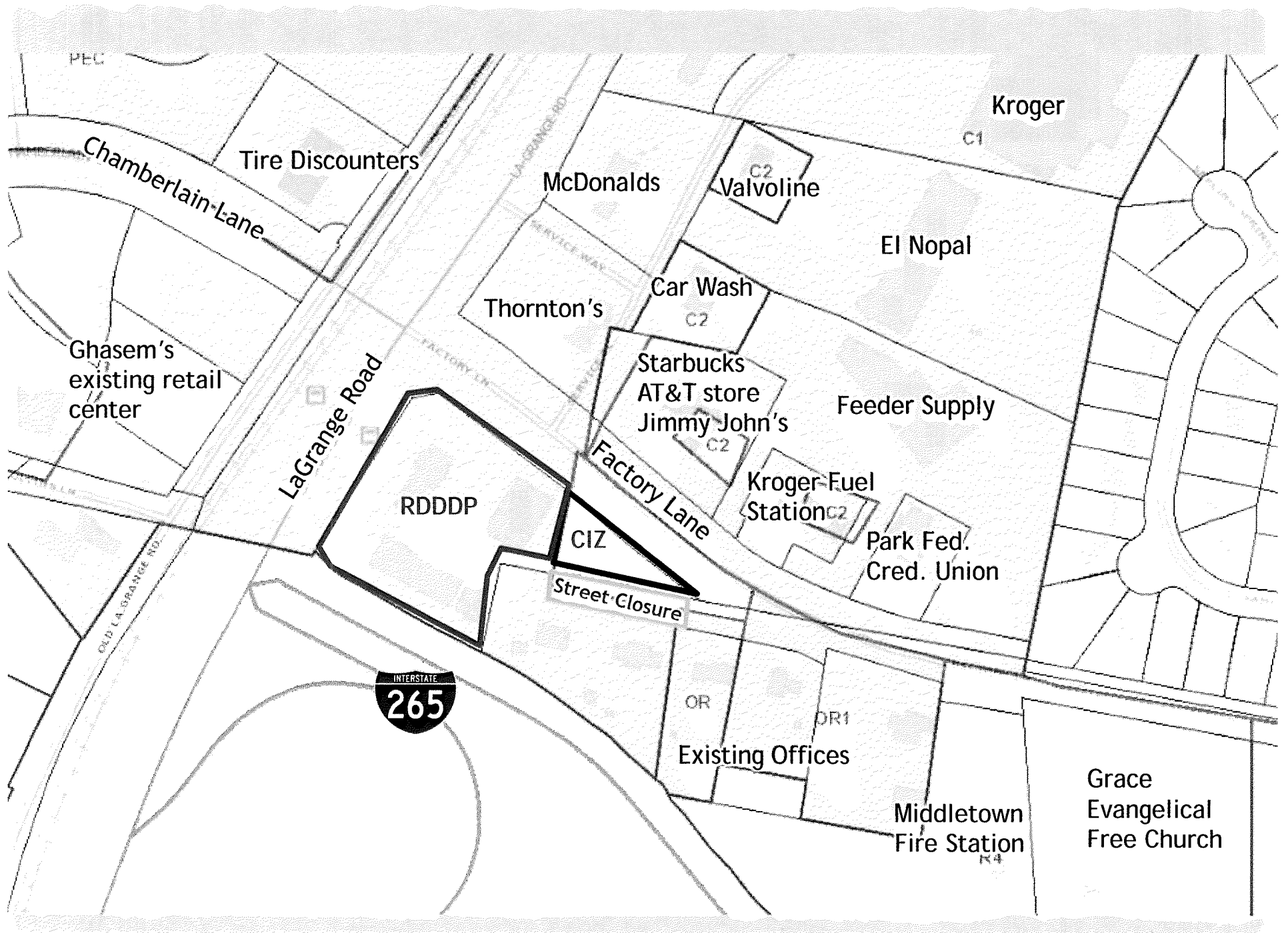
**Docket No. 19-ZONE-0025**

Proposed additional street closure of "Old" Factory Lane, zoning change on remaining small triangle from R-4 to C-1 to allow a 1-story 4,000 sf retail building located adjacent to and east of the existing retail center and north of the recently approved addition to the center at 12908 Factory Lane, and a Revised Development Plan on the adjoining retail center site

c/o Atlantic Development Group, Inc.

**INDEX:**

1. LOJIC Zoning Map
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6. Current development plan
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PEC

Chamberlain Lane

Tire Discounters

McDonalds

Valvoline

Kroger

C1

El Nopal

Car Wash

C2

Thornton's

Ghasem's existing retail center

LaGrange Road

Starbucks  
AT&T store  
Jimmy John's

C2

Feeder Supply

Factory Lane

Kroger Fuel Station

C2

Park Fed. Cred. Union

RDDDP

CIZ

Street Closure

OLD LA GRANGE RD

INTERSTATE  
265

OR

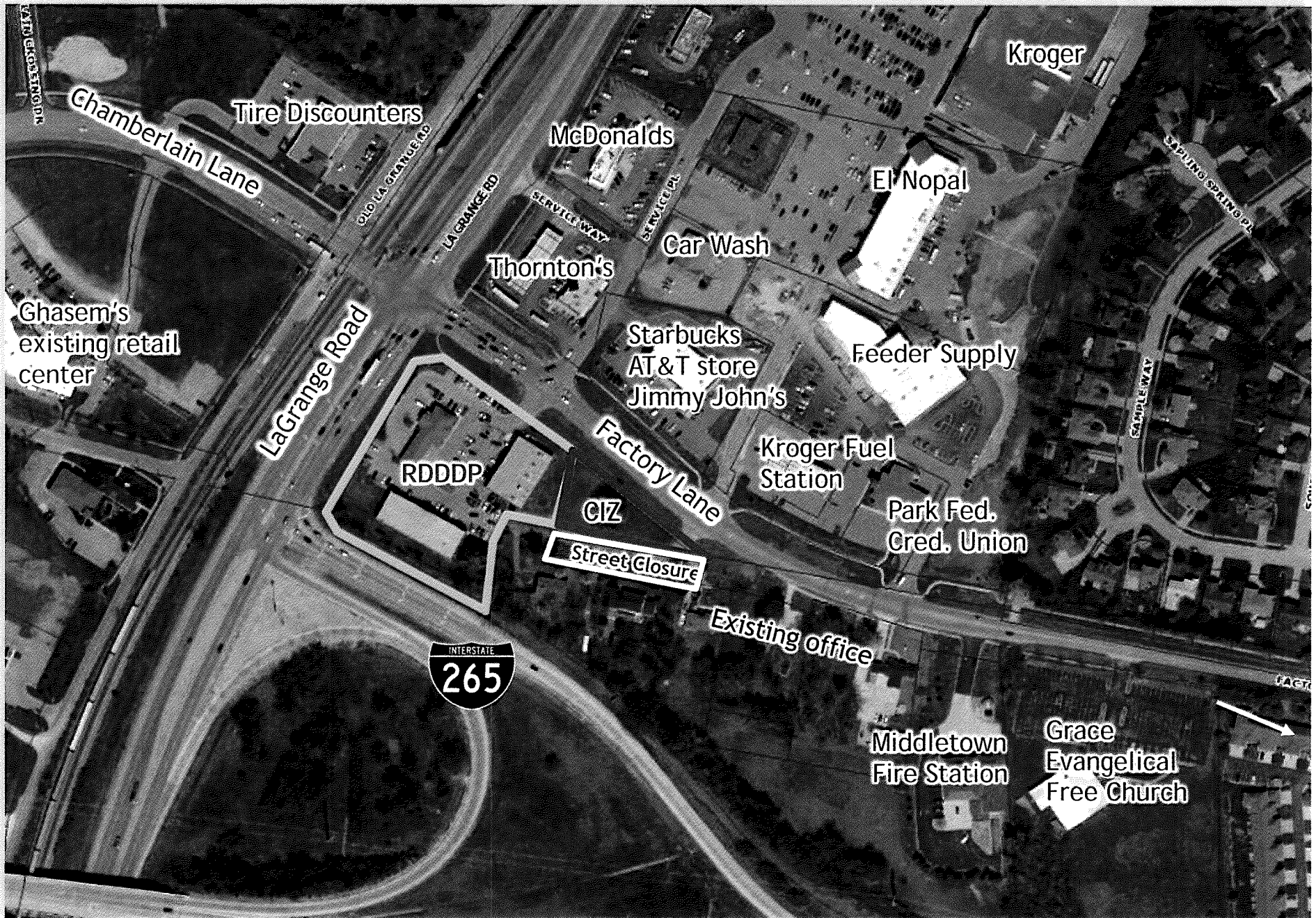
OR1

Existing Offices

Middletown Fire Station

K4

Grace Evangelical Free Church



Chamberlain Lane

Tire Discounters

McDonalds

Kroger

El Nopal

Car Wash

Thornton's

Ghasem's existing retail center

Starbucks

Feeder Supply

AT&T store

Jimmy John's

LaGrange Road

RDDDP

Factory Lane

Kroger Fuel Station

CIZ

Park Fed. Cred. Union

Street Closure

Existing office

INTERSTATE 265

Middletown Fire Station

Grace Evangelical Free Church

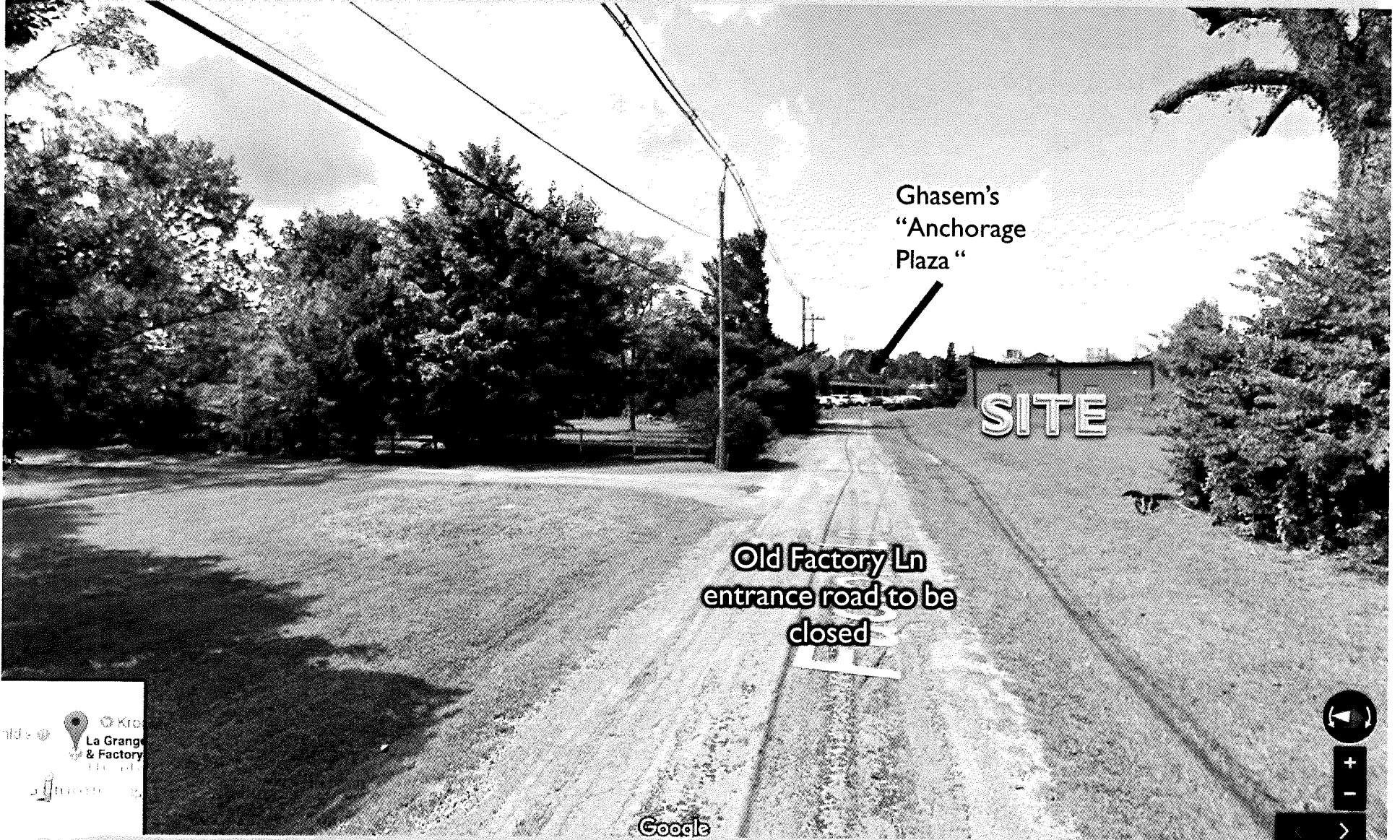




Looking towards LaGrange Road, site on left.



Entrance road to site from Factory Lane.



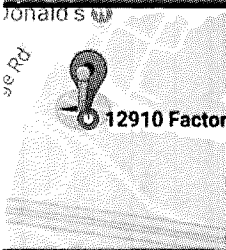
Looking down entrance road to Stock Yards Bank center and LaGrange Rd.  
Zone change site is to the right.



La Grange Rd  
Ghasem's  
"Anchorage  
Plaza"

Old Factory Ln  
entrance road  
previously closed

Google

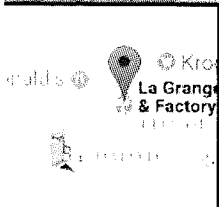


Closed portion of Old Factory Lane entrance.



Factory Ln

Old Factory Ln  
entrance road to be  
closed



Looking down entrance road toward Factory Lane.

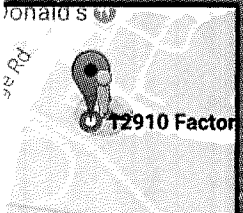




Old Factory Ln  
entrance road to be  
closed

Factory Lane

12919 Factory Ln  
Louisville, Kentucky  
Google, Inc.  
Street View - Sep 2017



Looking further down entrance road toward Factory Lane.



View of existing Anchorage Plaza center of this developer anchored by Stock Yards Bank w/associated retail. Proposed additions to this center is behind this one.



View of existing Anchorage Plaza center.

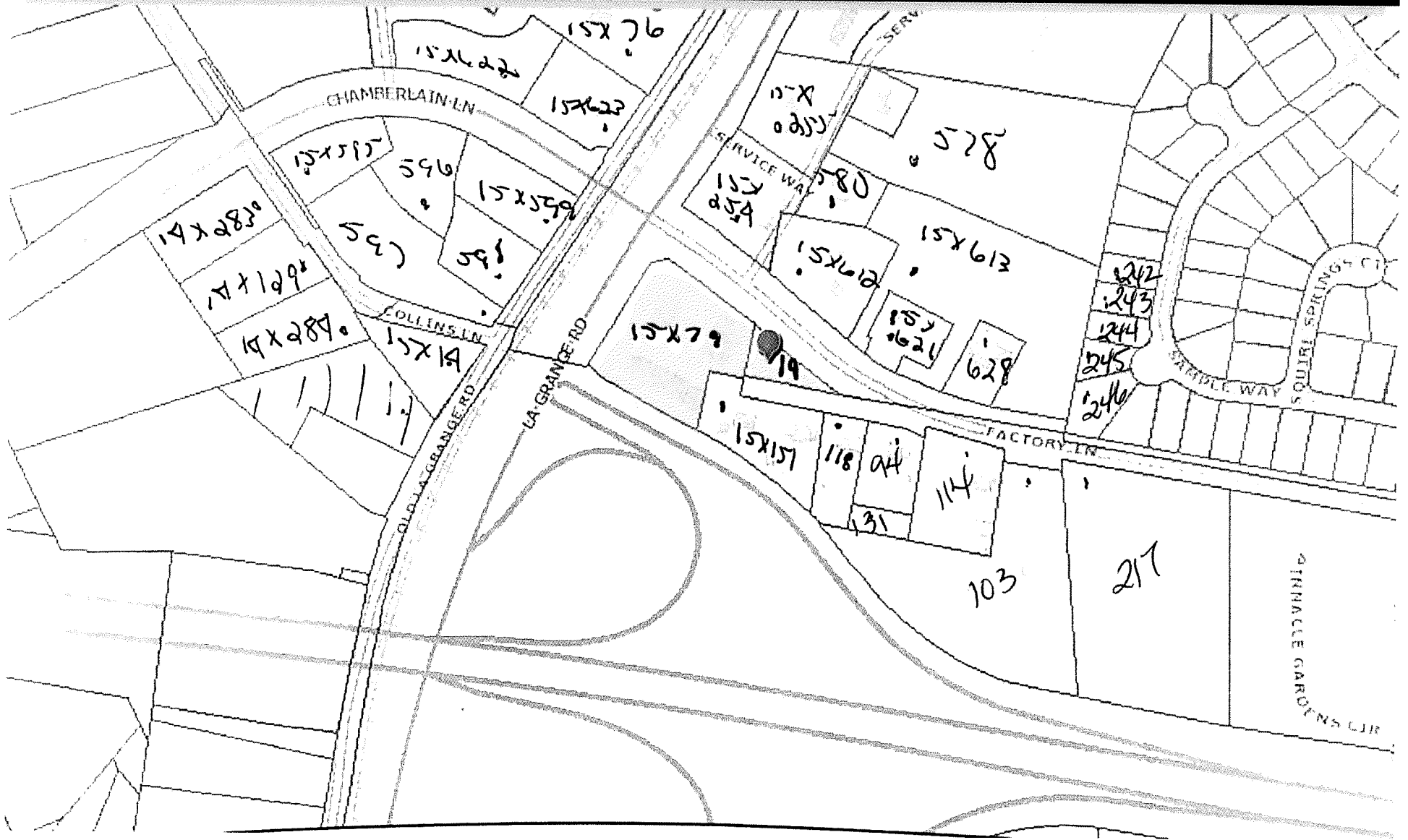


Photograph of existing Anchorage Plaza. New building will be same style and design of the existing buildings.



Photograph of existing Anchorage Plaza. New building will be same style and design of the existing buildings.

ADJOINING PROPERTY OWNER NOTICE LIST MAP WHEREIN 28 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

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Nick Pregliasco  
Cell: 502.777.8831  
Email: [NRP@BARDLAW.NET](mailto:NRP@BARDLAW.NET)

June 6, 2019

Dear Neighbor,

**RE: Proposed street closure of "Old" Factory Lane, zoning change from R-4 to C-1 to allow a 1-story 4,000 sf retail building on about 0.36 acres located adjacent to and east of the existing retail center at the southeast quadrant of LaGrange Road and Factory Lane at 12908 Factory Lane, and a Revised Development Plan on the adjoining retail center site**

We are writing to invite you to a meeting we have scheduled to present neighbors with three applications regarding the above referenced developments.

Accordingly, Monday, June 3<sup>rd</sup> we filed plans for pre-application review with the Division of Planning and Design Services (DPDS) that has been assigned case number **19ZONE1043** and case manager **Joel Dock**.

We would like to show and explain to neighbors these plans so that we might hear what thoughts, issues and perhaps even concerns you may have.

In that regard, a meeting will be held on **Thursday, June 20<sup>th</sup> at 7:00 p.m.** at **Aloft Hotel Louisville East**, in the **Tatic 1 Meeting Room**, located at **10700 Westport Road, Louisville, KY 40241**. (The hotel is located off of Westport Road, in front of Indian Springs subdivision.)

If you cannot attend the meeting but have questions or concerns, please call us at the above numbers or the land planning and engineering firm representative Mark Madison at 327-7073.

We look forward to seeing you.

Sincerely,



William B. Bardenwerper  
Nicholas R. Pregliasco

Cc: Hon. Anthony Piagentini, Metro Councilman, District 19  
Joel Dock, case manager with Division of Planning & Design Services  
J. Mark Madison, President, Milestone Design Group, Inc.

## Neighborhood Meeting Summary

A neighborhood meeting was held on Thursday, June 20th at 7:00 p.m. at Aloft Hotel Louisville East, in a first floor meeting room, located at 10700 Westport Road, Louisville, KY 40241. Those in attendance included the applicant's representatives, Nick Pregliasco, attorney with Bardenwerper, Talbott & Roberts, and Mark Madison, land planner and engineer with Milestone Design Group.

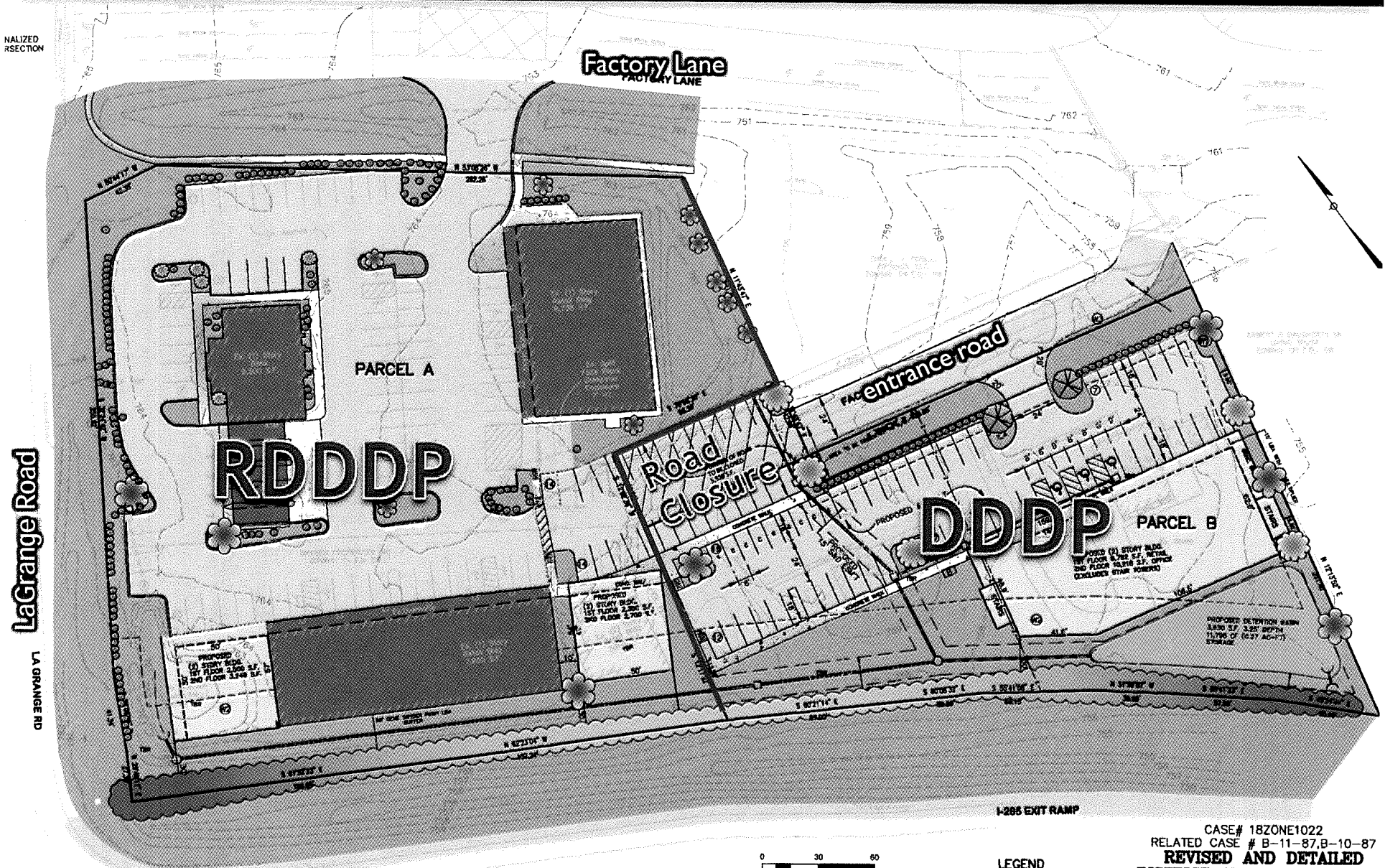
Nick Pregliasco showed a powerpoint presentation explaining the proposed rezoning and its relation to the recent rezoning of the adjoining parcels. Nick explained that this parcel was not included in that rezoning as the developer did not have a right to purchase the property and was only approached about the possibility of acquiring it after the rezoning of the adjoining property was complete. Nick explained the new proposed building and the road closure and showed how this new parcel would fit into the overall development. Nick then explained the rezoning process and steps that will occur along the way. Mark Madison then filled in some gaps as to the more technical aspects of the proposal.

Thereafter Nick and Mark answered questions from the 6 or so persons in attendance. Almost all were the owners of the adjoining properties along Factory Lane and had general questions about what was being proposed. There were a number of questions about drainage with Mark explaining the current drainage improvements being made now as part of the currently approved development and then explaining the detention basin on this property to capture the runoff to avoid increasing same. There were a number of questions about the road closure and the practical implications with no real objections voiced as to the drainage or access point, etc. Mark then explained that the new proposed building would have essentially two front facades with glass, etc. as if the main entrance on both sides.



# Previous approvals at October 18, 2018 PCPH

NORMALIZED  
SECTION



LaGrange Road  
LA GRANGE RD

Factory Lane  
FACTORY LANE

RDDDP

Road  
Closure

DDDP

PARCEL B

I-265 EXIT RAMP

CREATED IMPERVIOUS SURFACE

PRELIMINARY DRAINAGE CALCULATIONS

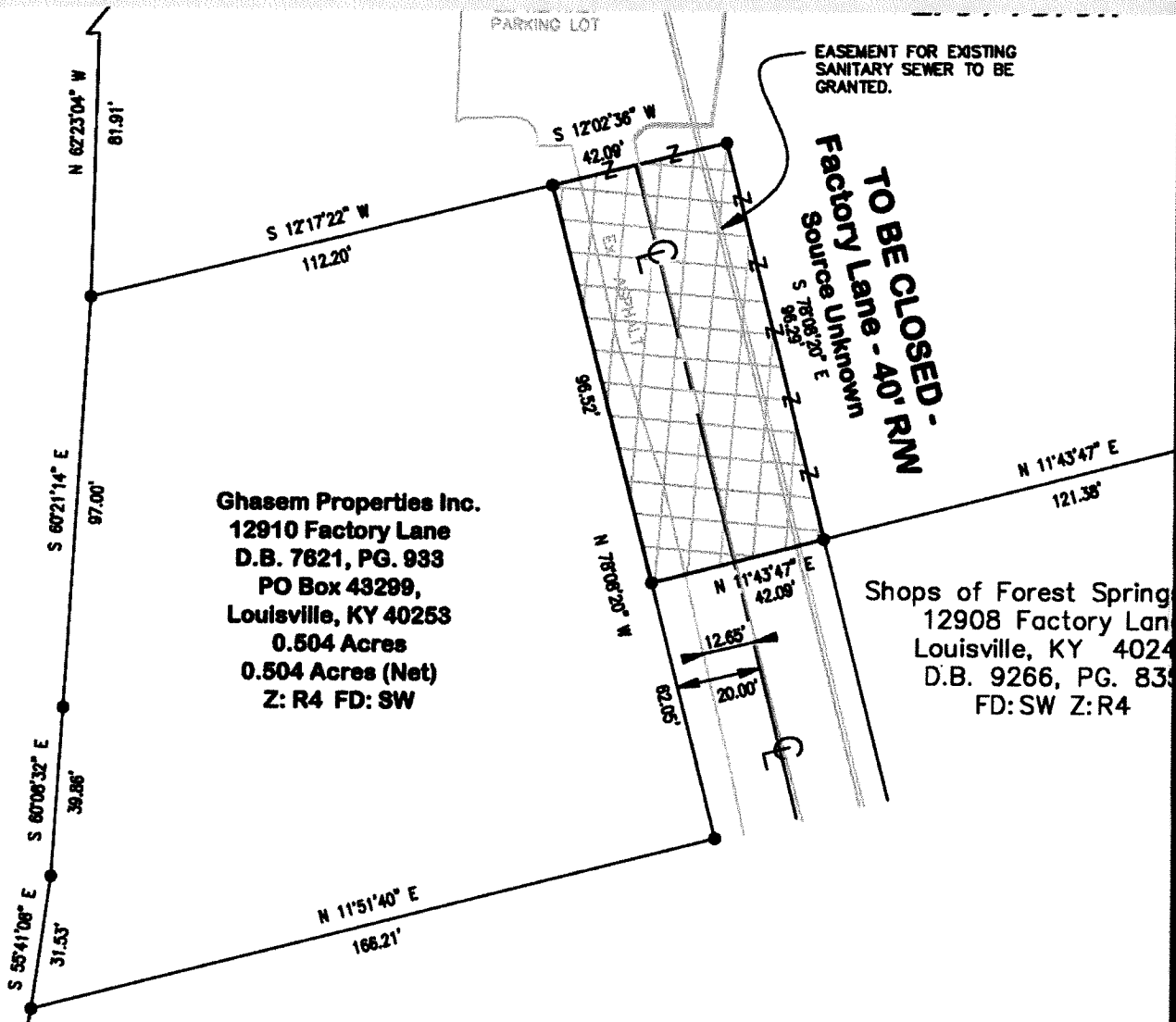
**FLOOD NOTE**

FLOOD PLAN CERTIFICATION IS RESTRICTED TO A REVIEW OF THE FLOOD INSURANCE RATE MAPS (F.I.R.M.) LATEST REVISION AND SHALL NOT BE

**LEGEND**

- EX. UTILITY POLE
- EX. CONTOUR
- EX. FIRE HYDRANT
- EX. OVERHEAD ELECTRIC
- EX. CANTILEVER CURB

CASE# 18ZONE1022  
RELATED CASE # B-11-87,B-10-87  
**REVISED AND DETAILED  
DISTRICT DEVELOPMENT PLAN**  
**GHASEM/FACTORY LANE PROJECT**  
12903, 12910, 12920 FACTORY LN  
LOUISVILLE, KY 40245  
T.B. 0015 LOT(S) 0079, 0157, 0151



Previous road closure approval at October 18, 2018 PCPH

# Current proposals

Chamberlain Lane

RDDDP area

Zone change area

Street Closure area

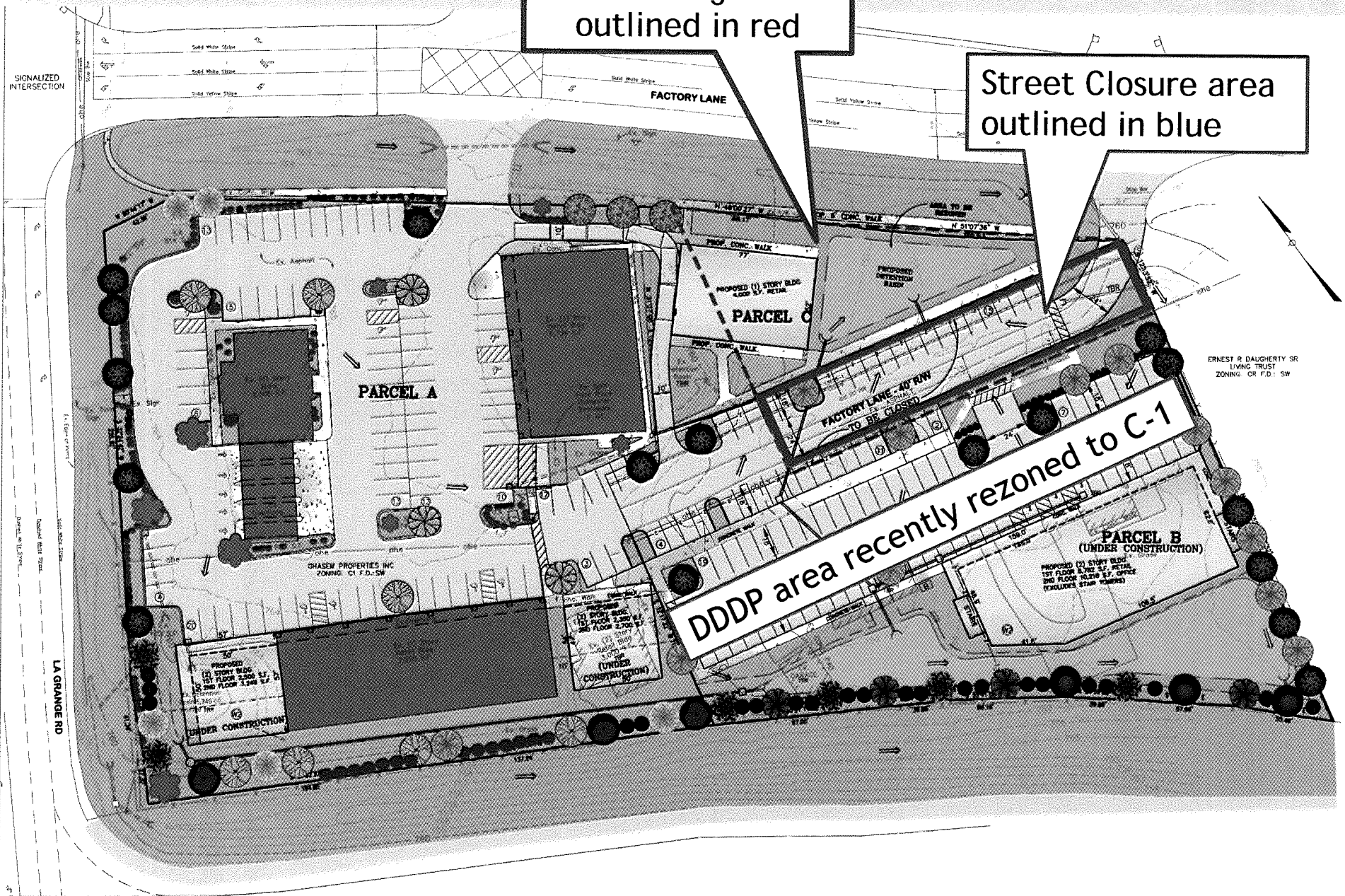
LaGrange Road

Factory Lane



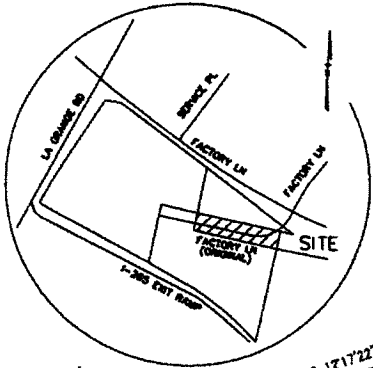
Zone change area outlined in red

Street Closure area outlined in blue



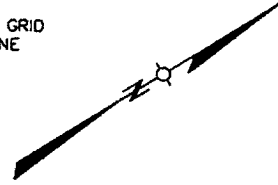
ERNEST R DAUGHERTY SR  
LIVING TRUST  
ZONING: CR F.D.: SW

Current proposal



THE BEARING DATUM FOR THIS SURVEY IS BASED ON GRID NORTH AS IT RELATES TO THE KENTUCKY STATE PLANE COORDINATE SYSTEM, NORTH ZONE (NAD83).

- INDICATES PROPERTY CORNER (DEED)
- ☒ INDICATES PROPOSED ROAD CLOSURE



LOCATION MAP  
NO SCALE

Ghasem Properties Inc.  
12903 Factory Lane  
D.B. 11321, PG. 969  
PO Box 43299,  
Louisville, KY 40253  
Z: C1 FD: SW

Atlantic Development Group, LLC  
12908 Factory Lane  
D.B. 11410, PG. 680  
PO Box 43299,  
Louisville, KY 40253  
0.307 Acres  
0.121 Acres (Net)  
Z:R4 FD:SW

Atlantic Development Group, LLC  
12920 Factory Lane  
D.B. 11321, PG. 253  
PO Box 43299,  
Louisville, KY 40253  
1.358 Acres  
1.461 Acres (Net)  
Z: C1 FD: SW

Daugherty, Management LLC  
13000 Factory Lane  
D.B. 11368, PG. 640  
13010 Factory Lane  
Louisville, KY 40245

Factory Lane - 40' RW  
TO BE CLOSED  
Source Unknown

EASEMENT FOR EXISTING  
SANITARY SEWER TO BE  
GRANTED.

Factory Lane - 100' RW  
D.B. 9286, PG. 835

LAND SURVEYOR'S CERTIFICATE

I, RICHARD C WILLIAMSON, JR, HEREBY CERTIFY THAT THE SURVEY DEPICTED BY THIS PLAT WERE MADE UNDER MY DIRECT SUPERVISION, AND THAT THE DIRECTIONAL AND LINEAR MEASUREMENTS SHOWN

Current Road Closure plat

# 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**

<u>Applicant &amp; Owner:</u>	Atlantic Development Group, LLC
<u>Location:</u>	12908 Factory Lane
<u>Proposed Use:</u>	Commercial/Retail center
<u>Engineers, Land Planners and Landscape Architects:</u>	Milestone Design Group
<u>Request:</u>	Zone change from R-4 to C-1

### **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, 3.1.8, 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-1 complies with Goal 1 in several ways. First, small retail center is proposed as an add-on to the both the existing retail center along LaGrange Road and Factory Lane and the recently rezoned parcel that was rezoned last year and is under development. All three parcels has similar ownership and are proposed and designed to be operated as one cohesive development allowing for the property to function better as a whole. Together this site and the other one mentioned that was previously approved and developed/under development are appropriate for this location, among other reasons, because they are at the intersection of LaGrange Rd. and Factory Lane just outside the Snyder Freeway where a large retail activity center already exists. This small retail center addition is located across Factory Lane from a very large Kroger anchored retail center and across LaGrange Rd. from yet another small retail center developed by the principal of this same applicant. With the new residential growth outside of the Gene Snyder, commercial retail locations like this have an increased demand, particularly at the best locations for such retail, being in close proximity to the Gene Snyder.

The new retail center will continue to drive retail traffic to support the existing retail stores in the center and position the overall development to adapt readily now and in the future to new market demands. The rezoning will allow the center to survive and continue to serve the suburban area in a robust and healthy commercial manner fulfilling the Suburban Workplace goals. The property will continue to have connected and shared parking along with sidewalks promoting pedestrian and bicycle use consistent with the Suburban Workplace goals.

The development and proposed zone change will remain compatible with the scale and site design of nearby existing developments as the property to the south is the Gene Snyder expressway, the property to the east is the adjoining development for which this parcel will become a part, the property to the north across Factory Lane is the large Kroger anchored retail center, and the property to the east is zoned OR-1. Factory Lane further to the east has already been developed making this truly an infill rezoning development. This undeveloped property is too small to be functionally developed on its own as a separate stand-alone development such that this proposal is the highest and best use from a land use perspective to allow the development in the area wherein it makes sense to do so and in a way that works best. The property will continue to allow a mixture of densities through the development of this small parcel is the best way possible. Appropriate buffers are already in place such that this rezoning will not cause the expansion of the Suburban Workplace into residential areas. The proposed rezoning will continue to locate the higher density and intensity uses near the major arterial and primary collector of La Grange Road, Chamberlain Lane and Factory Lane, and it will place the employment uses near existing infrastructure and public transportation which already exists. The potential adverse impacts, such as noise, lighting and traffic will continue to be mitigated through the use of buffers, setbacks and compliance with the Land Development Code.

*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, 12 13, 14, 15, 16, & 17 as follows:

The proposed change in zoning from R-4 to C-1 to allow the additional retail uses will encourage sustainable growth and avoid potential decline and will continue to provide density around a mixed-use center and along commercial corridors by placing density compatible with the Suburban Workplace and existing infrastructure. The design and density are appropriate with adjacent uses that will serve the needs of the surrounding community as they will not change from what exists at the site other than the potential use. The development will be compact in an activity center resulting in efficient land use and it will take advantage of and compliment cost-effective infrastructure investment. The mixture of compatible uses will reduce traffic and limit trips for customers and users of the site, along with providing “capture trips” by providing additional retail services to those already traveling La Grange Road, Chamberlain Lane and Factory Lane avoiding more lengthy trips. This site is within an existing activity center of the adjoining developments already mentioned, and also exists along corridors where major support population exists. As an add-on to an existing small retail center, the two together are compact and will contain a mixture of acceptable/desirable retail and office uses, complimentary to what exists in the growing area. There is no other practical use of this property than what is proposed due to the small size of the property as any development would need many waivers and variances from the LDC to have even a very small building located thereon. The users in these, essentially combined centers will share parking so that there will be no change in traffic and no change to the number of curb cuts currently serving the site, all of which will also continue to be accessible by pedestrian and bicycle traffic. Utilities already exist for extension into this site and with the adjoining property under development provision for utilities can be easily made. They will also share points of access, such that traffic can better enter and exit utilizing both Lagrange Rd. and Factory Lane.

*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 neighborhoods by not diminishing any open space or natural resources. The zoning change will not impact any flood prone areas, nor will it impact any wet or permeable soils or steep slopes, and by providing an additional detention basin in a location where one could not be previously located (due to being an unrelated property), 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. Moreover, the stormwater drainage improvements already under construction as part of the proposed combined developments will continue to limit any issues with flooding or standing water with no new impervious surface proposed, while respecting the natural features of the property and protecting the health, safety and welfare of the adjacent properties and future uses of the development.

*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 infill activity center 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 served by public transportation through TARC service along LaGrange Road, which is directly adjacent to the retail development this property will become a part of. The retail uses are located on a minor arterial of La Grange Road and a secondary collector of Factory Lane, encouraging efficient access and minimizing distances of travel, along with the capture of trips by providing goods and services along routes already traveled. It also continues to place higher density and intensity near existing commercial corridors and along the minor arterial and secondary collector with TARC service available.

*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 connected lots and accessible rights-of-way between the lots which are already part of the development. This portion of the development will also tie these other developments together. 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 and shared access, 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 mix of complimentary neighborhood serving businesses, services and 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 but will allow the site to continue to be consistent with the purpose of the Suburban Workplace. 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 and access to sewers 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 use of an otherwise undevelopable parcel in an infill context. It locates these new potential uses in an area with existing infrastructure in an efficient manner increasing economic opportunities

in the area. It will also provide opportunities to small businesses by providing another location for same.

*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 new 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 residential uses.

*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.

*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 services to an area needing such services. It also provides needed entertainment and retail services in and along high capacity transit corridors of La Grange Road and Factory Lane, supporting public transportation with the medium and high intensity uses.

## **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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**BARDENWERPER, TALBOTT & ROBERTS, PLLC**  
Bardenwerper Talbott & Roberts, PLLC  
1000 N. Hurstbourne Parkway, Second Floor  
Louisville, KY 40223  
(502) 426-6688

### **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:

1. The variance will not adversely affect the public health, safety or welfare because the request is limited to five feet to provide the building and drive through required by the user of the building. Due to the terrain and drop from Factory Lane, and the excess right of way in this section, the reduced front yard setback will not affect the ability to extend the existing sidewalk and will not cause issues with the ability to make the sidewalk and driveway section ADA compliant. The very small variance request is offset by the excess right of way beyond the roadway pavement.
2. The variance will not alter the essential character of the general vicinity because the setback is allows the proposed building to be in line with the existing retail building along Factory Lane.
3. The variance will not cause a hazard or a nuisance to the public because this is an aesthetic regulation, and the impacts of this encroachment, if any, are not ones identified with hazards or nuisances, but rather with visual considerations. This is particularly true in this case where sidewalks are still being provided.
4. The variance will not allow an unreasonable circumvention of the requirements of the zoning regulations because only a 5 foot variance is requested, which is the minimum to allow the proposed use and is consistent with the already existing retail building along Factory Lane.

Additional consideration:

1. The Variance arises from special circumstances, which do not generally apply to land in the general vicinity because this is an effort to locate the retail/commercial building where one would logically be located and where it is best situated for purposes of good access, circulation, limiting walking distances and addressing existing grade conditions.
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 applicant would be forced to squeeze this site, losing building depth and/or parking that would make it difficult if not impossible, to accommodate the anticipated tenants.

3. The circumstances are not the result of actions of the applicant taken subsequent to the adoption of the regulation but rather the applicant is attempting to develop in accordance with the pattern created by the unique shape and location of the property and the surrounding development.

# BARDENWERPER, TALBOTT & ROBERTS, PLLC

ATTORNEYS AT LAW

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

Applicant & Owner: Atlantic Development Group, LLC

Location: 12908 Factory Lane

Proposed Use: Commercial/Retail center

Engineers, Land Planners and  
Landscape Architects: Milestone Design Group

Request: Zone change from R-4 to C-1

The Louisville Metro Planning Commission, having heard testimony before its Land Development & Transportation Committee, in the Public Hearing held on October 17, 2019 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, 3.1.8, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 17, 18, 19, 20, 23, 27 & 28 because the small retail center proposed as an addition to the both the existing retail center along LaGrange Road and Factory Lane and the recently rezoned parcel under development; all three parcels have similar ownership and are proposed and designed to be operated as one cohesive development allowing the property to function better as a whole; together this site and the other one mentioned that was previously approved and developed/under development are appropriate for this location, among other reasons, because they are at the intersection of LaGrange Rd. and Factory Lane just outside the Snyder Freeway where a large retail activity center already exists; this small retail center addition is located across Factory Lane from a very large Kroger anchored retail center and across LaGrange Rd. from yet another small retail center developed by the principal of this same applicant; and with the new residential growth outside of the Gene Snyder, commercial retail locations like this have an increased demand, particularly at the best locations for such retail, being in close proximity to the Gene Snyder; and

**WHEREAS**, the new retail center will continue to drive retail traffic to support the existing retail stores in the center and position the overall development to adapt readily now and in the future to new market demands; the rezoning will allow the center to survive and continue to

serve the suburban area in a robust and healthy commercial manner fulfilling the Suburban Workplace goals; and the property will continue to have connected and shared parking along with sidewalks promoting pedestrian and bicycle use consistent with the Suburban Workplace goals; and

**WHEREAS**, the development and proposed zone change will remain compatible with the scale and site design of nearby existing developments as the property to the south is the Gene Snyder expressway, the property to the east is the adjoining development for which this parcel will become a part, the property to the north across Factory Lane is the large Kroger anchored retail center, and the property to the east is zoned OR-1; Factory Lane further to the east has already been developed making this truly an infill rezoning development; this undeveloped property is too small to be functionally developed on its own as a separate stand-alone development such that this proposal is the highest and best use from a land use perspective to allow the development in the area wherein it makes sense to do so and in a way that works best; the property will continue to allow a mixture of intensities through the development of this small parcel is the best way possible; appropriate buffers are already in place such that this rezoning will not cause the expansion of the Suburban Workplace into residential areas; the proposed rezoning will continue to locate the higher density and intensity uses near the major arterial and primary collector of La Grange Road, Chamberlain Lane and Factory Lane, and it will place the employment uses near existing infrastructure and public transportation; and the potential adverse impacts, such as noise, lighting and traffic will continue to be mitigated through the use of buffers, setbacks and compliance with the Land Development Code; 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, 12 13, 14, 15, 16, & 17 because the additional retail uses will encourage sustainable growth and avoid potential decline and will continue to provide intensity around a mixed-use center and along commercial corridors by placing intensity compatible with the Suburban Workplace and existing infrastructure; the design and density are appropriate with adjacent uses that will serve the needs of the surrounding community as they will not change from what exists at the site other than the potential use; the development will be compact in an activity center resulting in efficient land use and will take advantage of and complement cost-effective infrastructure investment; the mixture of compatible uses will reduce traffic and limit trips for customers and users of the site, along with providing “capture trips” by providing additional retail services to those already traveling La Grange Road, Chamberlain Lane and Factory Lane thus avoiding more lengthy trips; this site is within an existing activity center of the adjoining developments already mentioned, and also exists along corridors where major support population exists; as an addition to an existing small retail center, the combination are compact and will contain a mixture of acceptable/desirable retail and office uses, complementary to what exists in the growing area; there is no other practical use of this property other than what is proposed due to the small size of the property as any other solitary development would need many waivers and variances from the LDC to have even a very small building located thereon; the users in these, essentially combined centers will share parking so that there will be no change in traffic and no change to the number of curb cuts currently serving the site, all of which will also continue to be accessible by pedestrian and bicycle traffic; utilities already exist for extension into this site and with the adjoining property under development provision for utilities

can be easily made; and they will also share points of access, such that traffic can better enter and exit utilizing both Lagrange Rd. and Factory Lane; 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 will enhance the surrounding neighborhoods by not diminishing any open space or natural resources; the zoning change will not cause any impact to flood prone areas, nor will it impact any wet or permeable soils or steep slopes, and by providing an additional detention basin in a location where one could not be previously located (due to being an unrelated property), 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; and the stormwater drainage improvements already under construction as part of the proposed combined developments will continue to limit any issues with flooding or standing water with no new impervious surface proposed, while respecting the natural features of the property and protecting the health, safety and welfare of the adjacent properties and future uses of the development; 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 infill activity center location where a large support population exists; and 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 served by public transportation through TARC service along LaGrange Road, which is directly adjacent to the retail development to which this property will become a part; the retail uses are located on a minor arterial of La Grange Road and a secondary collector of Factory Lane, encouraging efficient access and minimizing vehicle miles travelled, along with the capture of pass-bytrips by providing goods and services along routes already traveled; and it also continues to place higher density and intensity near existing commercial corridors and along the minor arterial and secondary collector with TARC service available; 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 connected lots and accessible rights-of-way between the lots which are already part of the development; this portion of the development will also tie these other developments together; 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 and shared access, parking, etc.; and 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 by providing walking and bicycling opportunities with the sidewalks and interconnected walkways and by providing a mix of complementary neighborhood serving businesses, services and 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 but will allow the site to continue to be consistent with the purpose of the Suburban Workplace; 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 intensity 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 transportation, with additional 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 it is not a community facilities plan, but it does locate development in areas currently served by existing infrastructure, it has adequate water supply and access to sewers 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 provides an economic climate that improves growth, innovation, and investment opportunity for all by providing for the use of an otherwise undevelopable parcel in an infill context; it locates these new potential uses in an area with existing infrastructure in an efficient manner increasing economic opportunities in the area; and it will also provide opportunities to small businesses by providing another location for same; 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 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

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**WHEREAS**, for all the reasons explained at LD&T and the Planning Commission public hearing testimony and 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 R-4 to C-1 and approves the Detailed District Development Plan.

### Variance Findings of Fact

**WHEREAS**, the variance will not adversely affect the public health, safety or welfare because the request is limited to five feet to provide the building and drive through required by the user of the building; due to the terrain and drop from Factory Lane, and the excess right of way at this location, the reduced front yard setback will not affect the ability to extend the existing sidewalk and will not cause issues with the ability to make the sidewalk and driveway section ADA compliant; and the very small variance request is offset by the excess right of way beyond the roadway pavement; and

**WHEREAS**, the variance will not alter the essential character of the general vicinity because the setback allows the proposed building to be in line with the existing retail building along Factory Lane; and

**WHEREAS**, the variance will not cause a hazard or a nuisance to the public because this is an aesthetic regulation, and the impacts of this encroachment, if any, are not ones identified with hazards or nuisances, but rather with visual considerations; this is particularly true in this case where sidewalks are still being provided; and

**WHEREAS**, the variance will not allow an unreasonable circumvention of the requirements of the zoning regulations because only a 5 foot variance is requested, which is the minimum to allow the proposed use consistent with the existing retail building along Factory Lane; and

**WHEREAS**, the variance arises from special circumstances, which do not generally apply to land in the general vicinity because this is an effort to locate the retail/commercial building where one would logically be located and where it is best situated for purposes of good access, circulation, limiting walking distances and addressing existing grade conditions; 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 applicant would be forced to squeeze this site, losing building depth and/or parking that would make it difficult if not impossible, to accommodate viable uses for the anticipated tenants; and

**WHEREAS**, the circumstances are not the result of actions of the applicant taken subsequent to the adoption of the regulation but rather the applicant is attempting to develop in accordance with the pattern created by the unique shape and location of the property and surrounding development;

**NOW, THEREFORE**, the Louisville Metro Planning Commission, based upon the testimony and evidence presented, hereby approves this Variance.