

CAT PB, LLC

6605 W. ORELL ROAD

CASE NO. 17ZONE1019

STATEMENT OF COMPLIANCE

The subject property consists of 12.9 acres bounded by commercially zoned property to the north and east (adjacent to Dixie Highway) and residentially zoned property to the south and west. The residential property to the west is owned by Louisville Metro and is largely undevelopable and wooded. There are several residences to the south, along W. Orell Road. The subject property is open and flat and was a former golf driving range and go cart track. The proposed development is for a warehouse with access to both Dixie Highway and W. Orell Road.

Guideline 1-Community Form

The proposed development complies with the intent of Guideline 1. The subject property is in the Neighborhood Form District, which can accommodate workplaces, such as offices or commercial centers. Here, where the site is located adjacent to C-2 commercial property and has been used for commercial uses in the past, the reuse of the subject property as a warehouse is appropriate.

The applicant proposes to change the form district applicable to the subject property from Neighborhood to Suburban Marketplace Corridor. The subject property has been commercial for many years, operated as a go cart track and driving range and should have been mapped as part of the Suburban Marketplace Corridor some time ago. The property is adjacent to the commercial uses fronting the west side of Dixie Highway and has access to Dixie Highway via a private access easement. The proposed use will not fit on other properties in the corridor, necessitating the expansion of the corridor in this case. The applicant, as detailed below, will address the surrounding land uses with appropriate transitions.

Guideline 2-Centers

The proposed development complies with the intent and applicable policies of Guideline 2. The subject property is part of an activity center along Dixie Highway north of W. Orell Road and was a former amusement use including a go cart track and driving range. The proposed development includes access to Dixie Highway and W. Orell Road and will contain buffering where there are adjacent, residentially used and zoned properties. The proposed development will be one of only a few workplaces in this section of Dixie Highway, giving those who reside in nearby neighborhoods the opportunity to work close to home.

Guideline 3-Compatibility

The proposed development complies with the intent and applicable policies of Guideline 3. The proposed development has been designed with access on Dixie Highway and W. Orell Road near the

commercial properties along Dixie Highway. The applicant has also agreed to examine buffering along the residentially used and zoned properties to the south of the subject property and along the rear of the commercial properties along Dixie Highway. The applicant will comply with all Land Development Code requirements on lighting and noise and will examine the impact of traffic on W. Orell Road and its intersection with Dixie Highway. The subject property is adjacent to Dixie Highway and will have access to the transit improvements planned along the corridor. The applicant has further modified its proposal to rezone the property to C-M to allow for more commercial development on the subject property should the proposed development not come to fruition.

Guidelines 4-Open Space and 5-Natural Areas and Scenic and Historic Resources

The proposed development complies with the intent and applicable policies of Guidelines 4 and 5. The proposed development will include the required amount of outdoor amenity space. There are no known scenic or historic resources on the subject property.

Guideline 6-Economic Growth

The proposed development complies with the intent and applicable policies of Guideline 6. The subject property is located adjacent to Dixie Highway near its intersection with I-265. The subject property formerly was part of an amusement-type use, including a go cart track and golf driving range, and this reinvestment in previously developed property will help to spur other investments in the area.

Guidelines 7-Circulation and 9-Bicycle, Pedestrian and Transit

The proposed development complies with the intent and applicable policies of Guidelines 7 and 9. The applicant will work with Louisville Metro Public Works and the Kentucky Transportation Cabinet to evaluate the impact the proposed development will have on the area street network. Further, the applicant is locating near existing transit that is proposed for improvement. The proposed development will also provide bicycle parking and sidewalks where required.

Guidelines 10-Flooding and Storm water and 11-Water Quality

The proposed development complies with the intent and applicable policies of Guidelines 10 and 11. The proposed development will comply with MSD requirements regarding the regional drainage system. These compliance measures will address both quantity and quality of storm water leaving the site.

Guideline 12-Air Quality

The proposed development complies with the intent and applicable policies of Guideline 12. The proposed development is located near a major arterial and close to I-265, which will connect it with area interstate highways. The proposed development includes bicycle parking. The proposed development is a workplace investment in an area with few but a growing number of workplaces. Locating workplaces near neighborhoods is one way to cut down on transportation-related air pollution.

Guideline 13-Landscape Character

The proposed development complies with the intent and applicable policies of Guideline 13. The proposed development will be designed to meet both the tree canopy and landscape buffer area requirements where they will do the most good. The applicant will design the landscape buffers for the proposed development to be sensitive to the impacts that the proposed use will have on the adjacent residences and commercial properties along Dixie Highway.

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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.

1. Explain how the variance will not adversely affect the public health, safety or welfare.

The variance will allow the applicant to push the warehouse toward the rear of the property, away from the residences along W. Orell Road, allowing for more buffering in the area of the residences. This should have no negative impact on the public health, safety or welfare.

2. Explain how the variance will not alter the essential character of the general vicinity.

The variance will not alter the character of the general vicinity. The variance will, if anything, preserve the character of the area by protecting the residences on W. Orell Road.

3. Explain how the variance will not cause a hazard or a nuisance to the public.

The variance will not cause a hazard to the public as it will allow for a longer entrance drive and more buffering between the building and the residences on W. Orell Road.

4. Explain how the variance will not allow an unreasonable circumvention of the requirements of the zoning regulations.

The variance will allow the site to be developed in a way that protects both the residences on W. Orell and the commercial corridor along Dixie Highway. The LDC cannot contemplate every site and every set of surrounding sites, hence the need for variances like the proposed setback variance here.

Additional consideration:

5. Explain how the variance arises from special circumstances, which do not generally apply to land in the general vicinity (please specify/identify).

The special circumstances present in this case are that the subject property has no true "front" yard. The applicant proposes two access points, one on Orell Rd. and one on Dixie Highway. In both cases, the better design is to push the building back from the right of way.

6. Explain how the strict application of the provisions of the regulation would deprive the applicant of the reasonable use of the land or would create unnecessary hardship.

The strict application of the LDC to this property would result in much greater potential conflict between the subject property and the adjacent residences on Orell Rd.

7. Are the circumstances the result of actions of the applicant taken subsequent to the adoption of the regulation from which relief is sought?

The circumstances are the result of the applicant seeking to design the site in a way that protects the properties along Orell Road.

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.

1. Explain how the variance will not adversely affect the public health, safety or welfare.

The variance will not adversely affect the public health, safety or welfare because it is adjacent to undevelopable land owned by Louisville Metro and it will allow the applicant to provide buffering in other areas of the site that are more visible to the public where it will have a greater impact.

2. Explain how the variance will not alter the essential character of the general vicinity.

The variance will not alter the essential character of the general vicinity because the area of the variance is in the rear of the property adjacent to land that cannot be developed, eliminating possible impacts on adjacent owners.

3. Explain how the variance will not cause a hazard or a nuisance to the public.

The variance will not cause a hazard or nuisance to the public because it is located in an area of the site that is not open or visible to the public. The applicant will enhance buffering on other parts of the site where nearby property owners will be affected.

4. Explain how the variance will not allow an unreasonable circumvention of the requirements of the zoning regulations.

The variance will allow for a site design that reflects more accurately where impacts exist and allow the applicant to mitigate these actual impacts by shifting buildings and parking into this largely unnecessary yard area.

Additional consideration:

1. Explain how the variance arises from special circumstances, which do not generally apply to land in the general vicinity (please specify/identify).

The special circumstance in this case is the adjacent Louisville Metro parcel, which cannot be developed, rendering the yard adjacent to it largely unnecessary.

2. Explain how the strict application of the provisions of the regulation would deprive the applicant of the reasonable use of the land or would create unnecessary hardship.

The strict application of the provisions of the regulation will create an unnecessary hardship in that it would require the applicant to keep open a yard that serves no buffering purpose.

3. Are the circumstances the result of actions of the applicant taken subsequent to the adoption of the regulation from which relief is sought?

The circumstances are the result of the applicant seeking to provide yards and buffers where they are necessary but not where they are not, allowing for greater buffering adjacent to the residents along W. Orell Road.