

## Docket No. 16CUP1083

Conditional Use Permit (CUP) to convert the existing 4-story, 45,000 sf office building, and to construct a new 3-story, 57,600 sf building, as two climate-controlled self-storage buildings, and thus also to grant relief from LDC Section 4.2.35.G limiting structures to 1-story/15 ft in height, on property located at 3415 Bardstown Road, across from the new Costco

c/o Erb, Walker & Twiford, Applicant

Attorneys: Bardenwerper Talbott & Roberts, PLLC

Land Planners, Landscape Architects & Engineers: Mindel Scott & Associates

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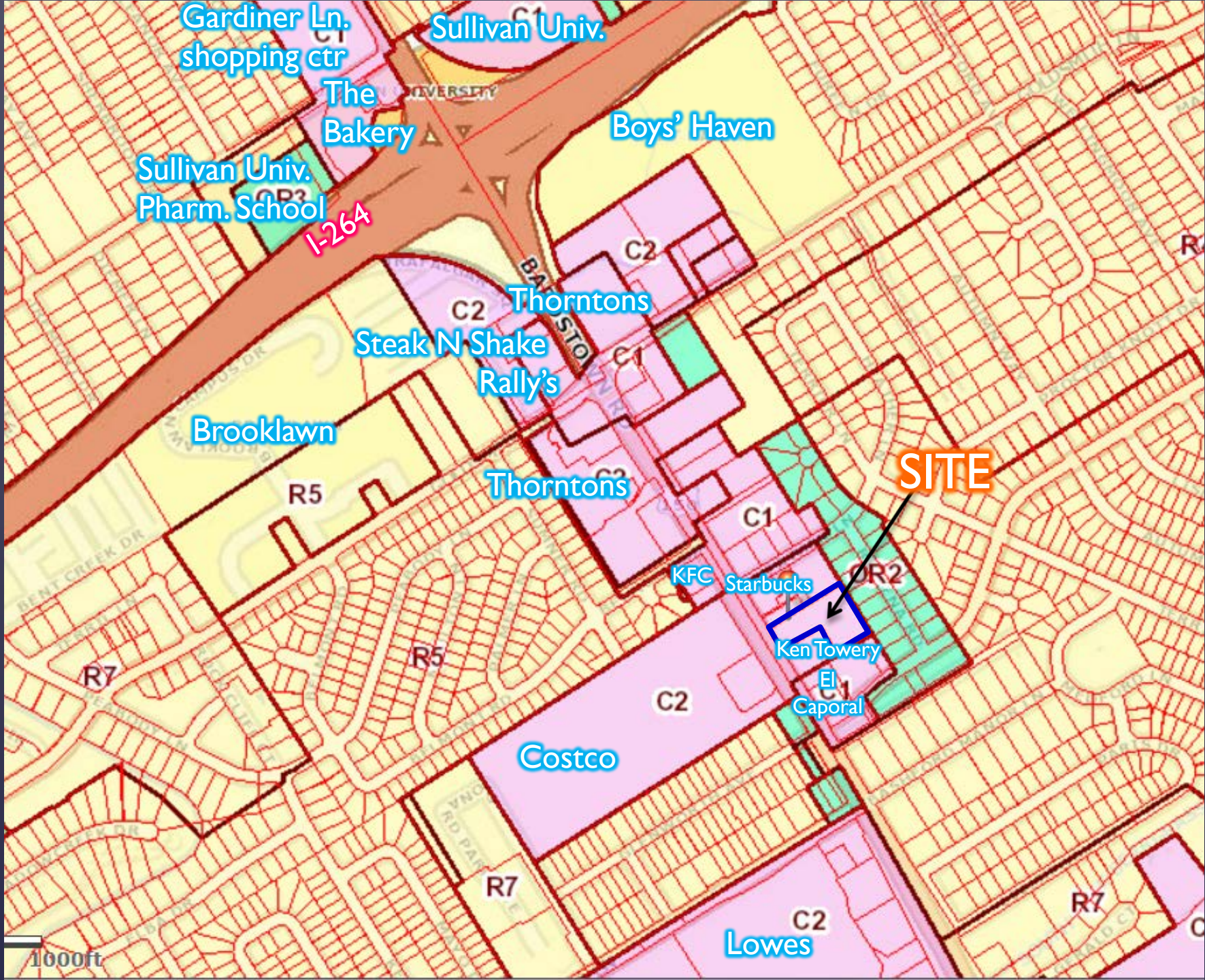


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Tab I  
LOJIC Zoning Map







Gardiner Ln. shopping ctr

Sullivan Univ.

The Bakery

Boys' Haven

Sullivan Univ. Pharm. School

I-264

Steak N Shake Rally's

Thorntons

Brooklawn

Thorntons

SITE

KFC Starbucks

Ken Towery  
EI  
Caporal

Costco

Lowes

1000ft

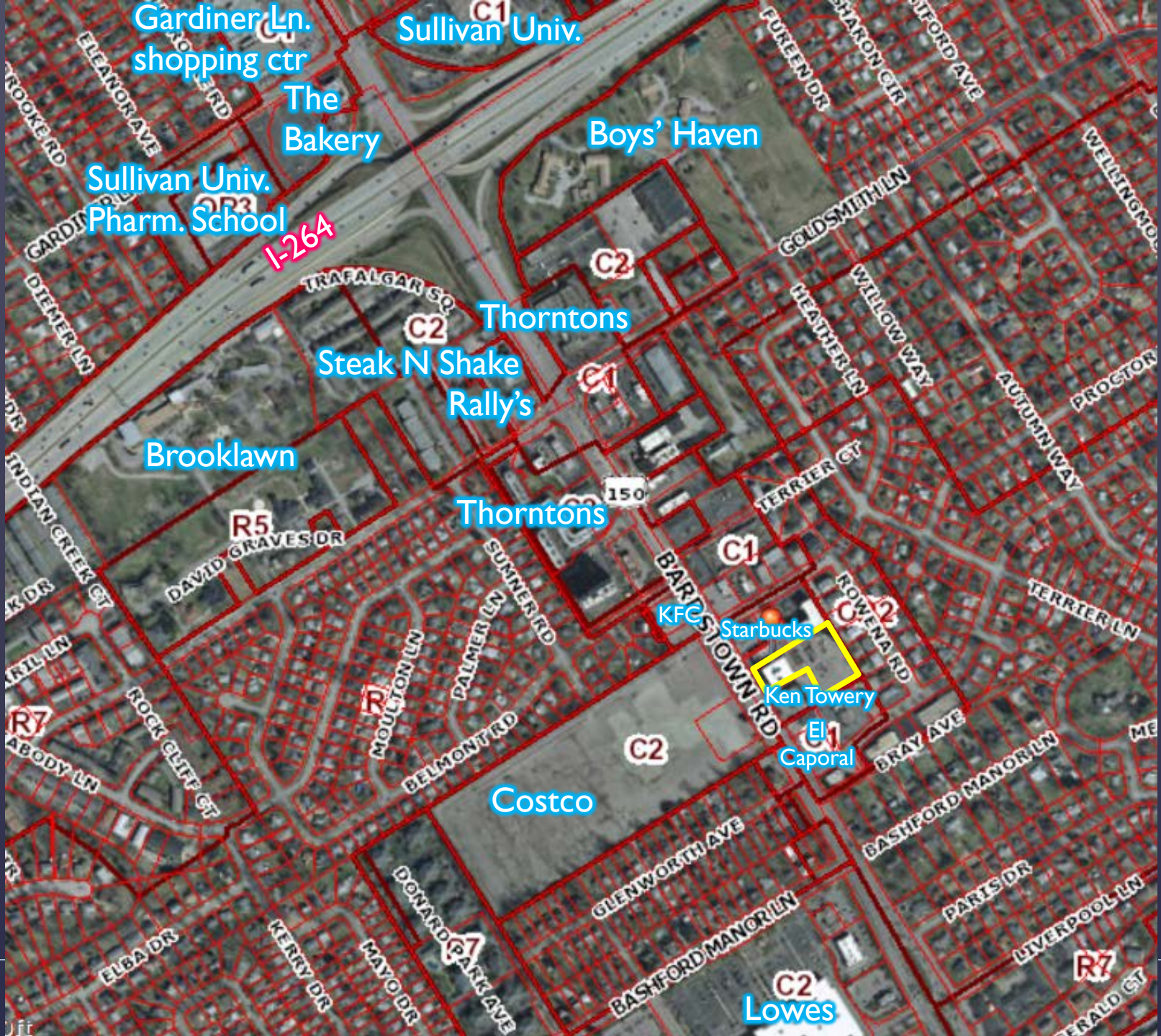
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Tab 2

Aerial photograph of the site and surrounding area







Gardiner Ln.  
shopping ctr

Sullivan Univ.

The Bakery

Boys' Haven

Sullivan Univ.  
Pharm. School

I-264

Thorntons  
Steak N Shake  
Rally's

Brooklawn

Thorntons

150

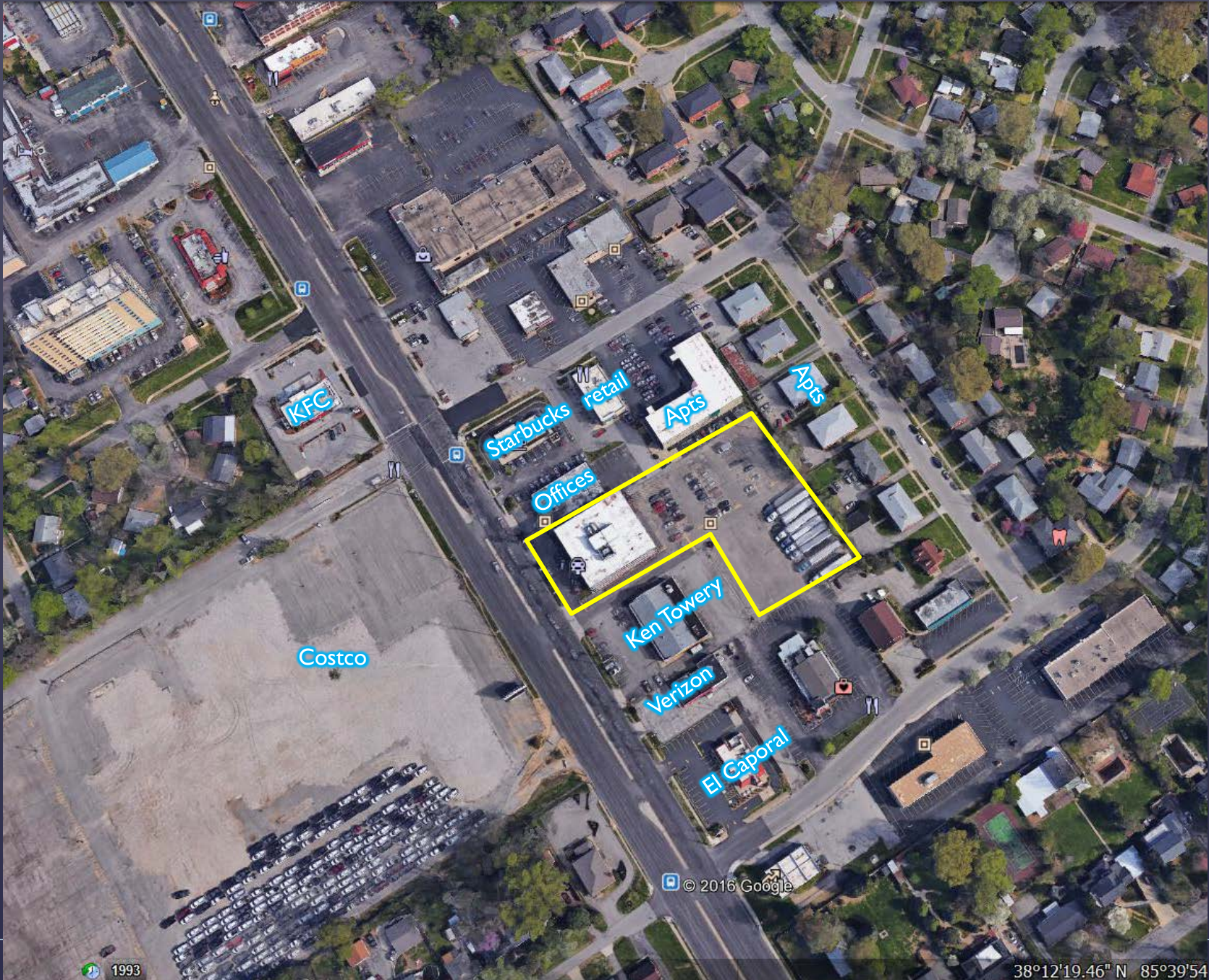
KFC  
Starbucks  
Ken Towery  
El Caporal

Costco

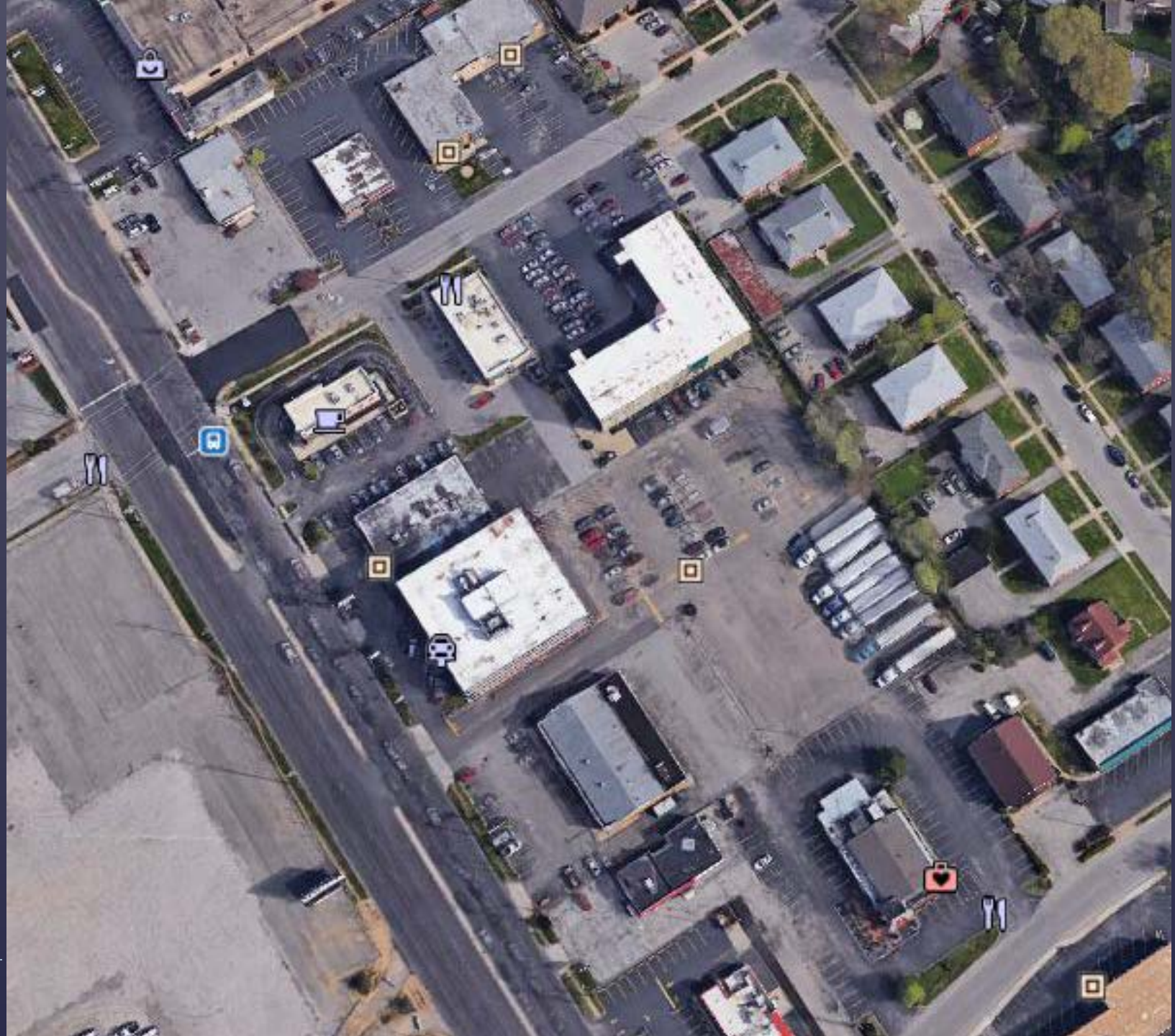
Lowes

R7











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Tab 3

Ground level photographs of the site and surrounding area





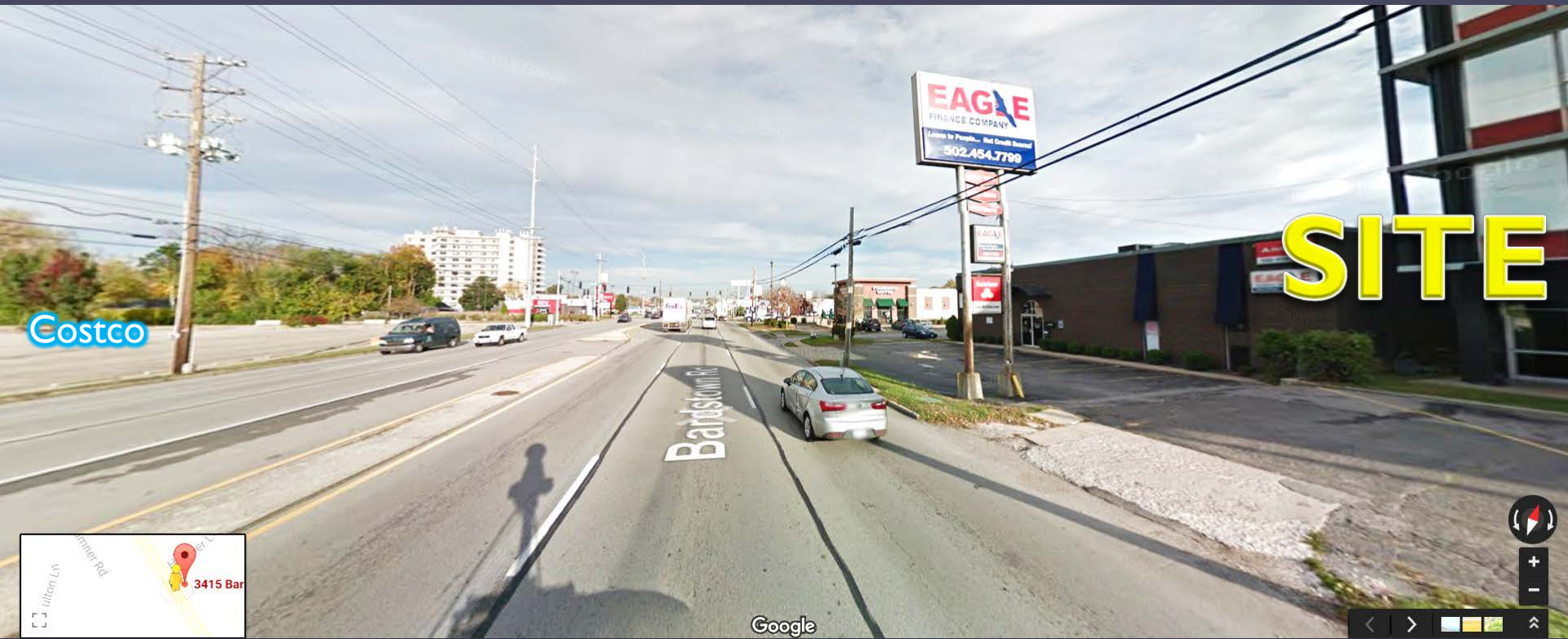
View of existing building on site to be converted to self-storage.





View of Bardstown Road looking south. Site is to the left.





Costco

SITE

3415 Bar

Google



View of Bardstown Road looking north. Site is to the right.







View of Costco site across Bardstown Road to the west.





View of adjoining apartments to the north.







▶ View of large rear parking lot looking northwest towards the existing office building.



Another view of large rear parking lot looking north toward the apartment building, with existing office building to the left.





Rear property line between parking lot and apartment buildings to the east.





Rear property line between parking lot and apartment buildings to the east.





Rear property line between parking lot and apartment buildings to the east.



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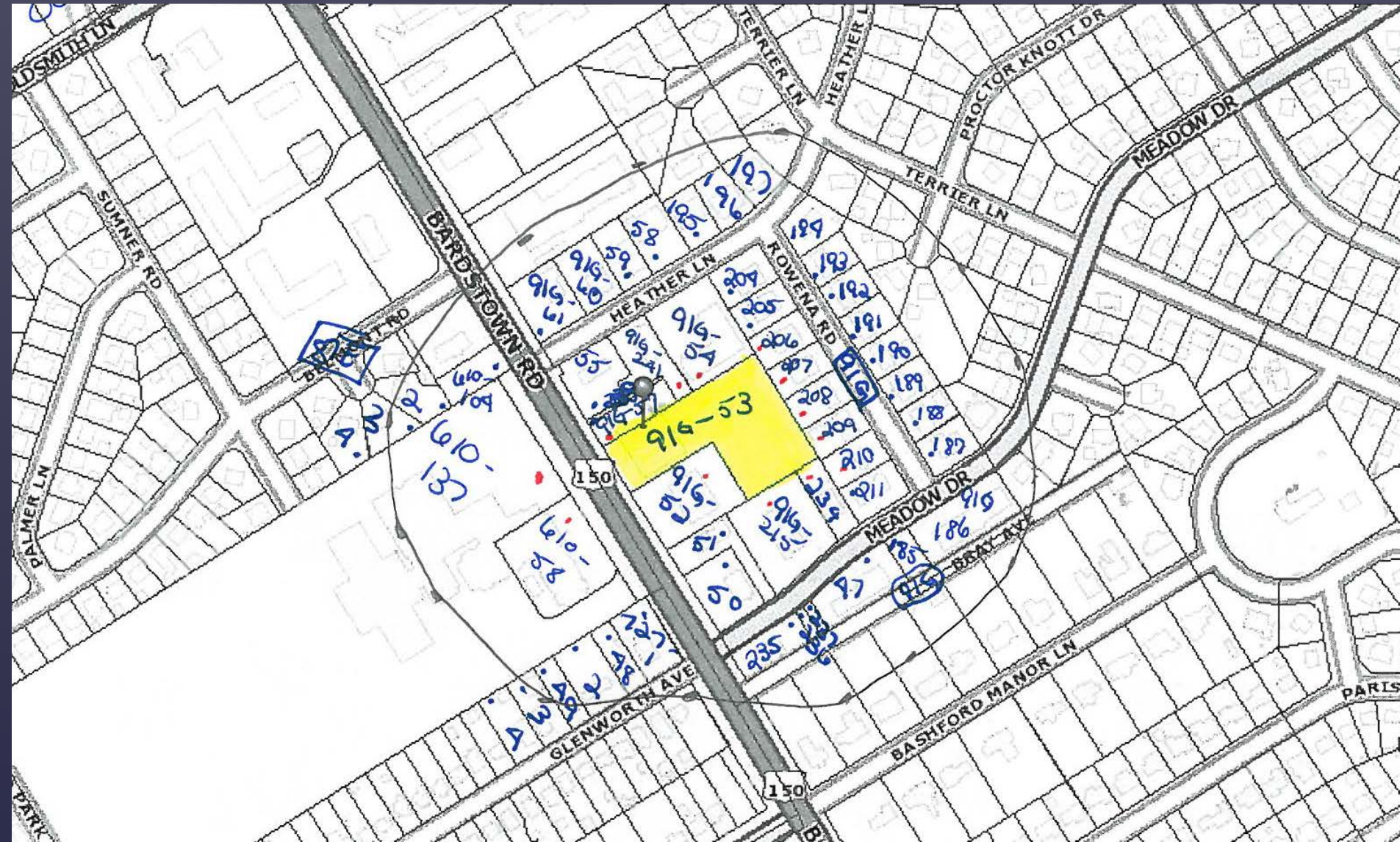
## Tab 4

Neighborhood Meeting notice list map, letter to neighbors inviting them to the meeting and summary of meeting





Adjoining property owner notice list map wherein 53 neighbors were invited to the neighborhood meeting and the subsequent BOZA public hearing.



# BARDENWERPER, TALBOTT & ROBERTS, PLLC

ATTORNEYS AT LAW

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William B. Bardenwerper  
Direct dial: 426-0388, ext. 125  
Email: WBB@BARDLAW.NET

**December 15, 2016**

Dear Neighbor,

**RE: Conditional Use Permit (CUP) to convert the existing 4-story office building and construct a new multi-story climate-controlled self-storage buildings on approximately 1.77 acres at 3415 Bardstown Road**

We are writing to invite you to a meeting we have scheduled to present neighbors with our CUP application and plan at the location above.

Accordingly, we will soon file a plan for pre-application review with the Division of Planning and Design Services (DPDS) that will be assigned a case manager and case number. We will have that information at the neighbor meeting. We would like to show and explain to neighbors this plan 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, December 29<sup>th</sup> at 6:30 p.m.** at **The Bon Air Regional Library** located at **2816 Del Rio Place**.

If you cannot attend the meeting but have questions or concerns, please call me at 426-6688 or the land planning and engineering firm representatives David Mindel or Kathy Linares at 485-1508.

We look forward to seeing you.

Sincerely,



William B. Bardenwerper

cc: Hon. Brent Ackerson, Councilman, District 26  
David Mindel & Kathy Linares, land planners with Mindel, Scott & Associates, Inc.  
Brian Davis, Planning Supervisor with Division of Planning & Design Services  
David Twiford, Storage Development Partners, LLC



## Neighborhood Meeting Summary

A neighborhood meeting was held on Thursday, December 29th at 6:30 p.m. at The Bon Air Regional Library located at 2816 Del Rio Place. Those in attendance included the applicant's representatives, Nick Pregliasco, attorney and Steve Scott, land planner and engineer with Mindel Scott and Associates. Nick Pregliasco presented a PowerPoint presentation explaining the application and development plan, both with regard to the renovation of the existing office building as well as the new proposed mini-storage building to the rear of the property in the underutilized parking lot. The presentation included a colored up site plan on an aerial photograph as well as the proposed building elevations/renderings.

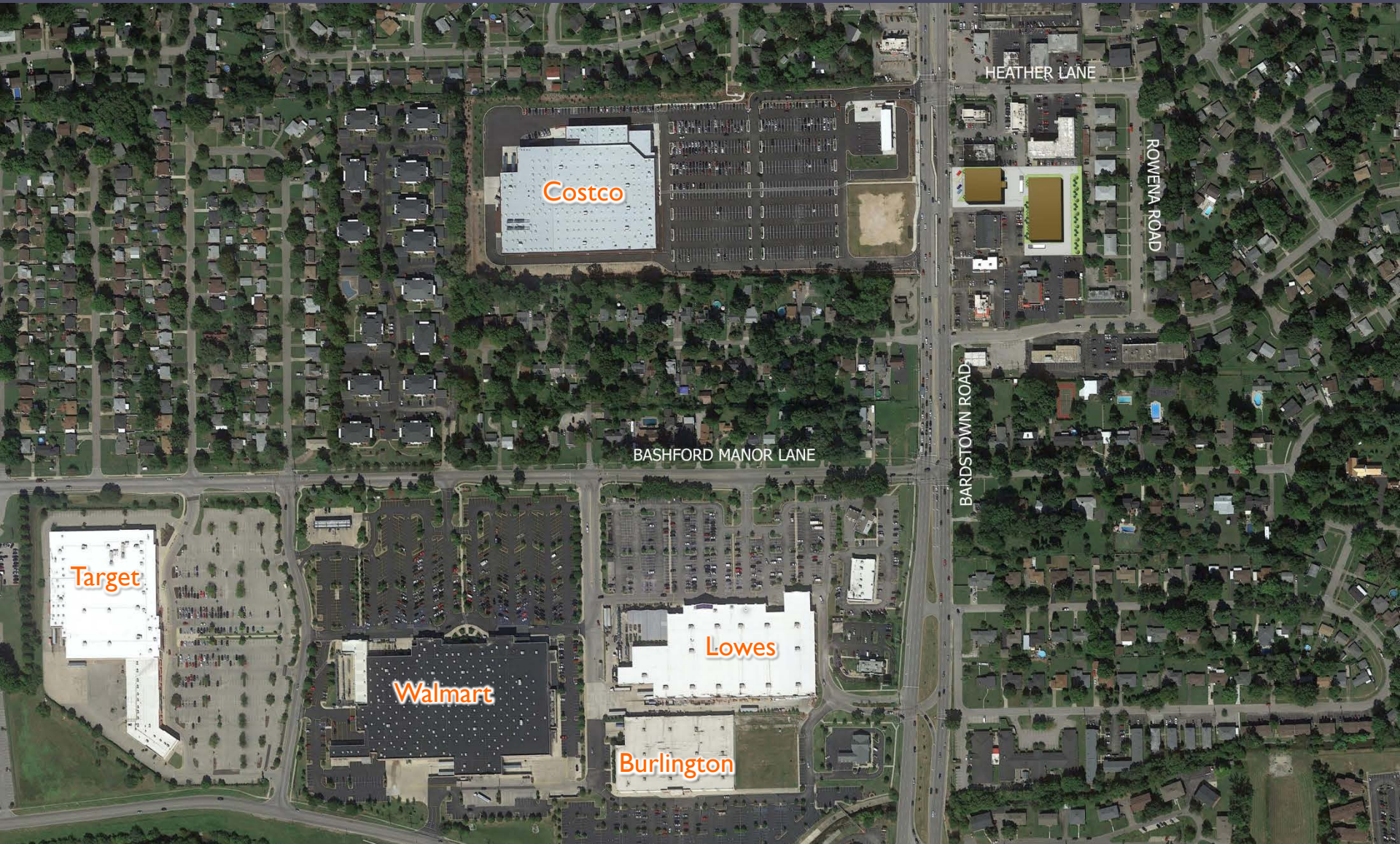
Those in attendance were three adjoining property owners, the owner of the building directly to the North, the owner/operator of the Smoke Shop to the North, as well as an owner of an office building to the South. Most of the questions involved the new proposed building to the rear and the effect this could have on cross-access through the site. No objections to the overall plan or use of the property were noted, other than concerns as to cross access, as their customers/employees have used the parking lot to cut through for access to Bardstown Road. Nick Pregliasco explained that we would continue discussions as to the cross access as the Development Plan, as proposed, would not prohibit cross access. Questions as to the history of the property and its poor condition were answered as well.

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# Tab 5 Development Plan







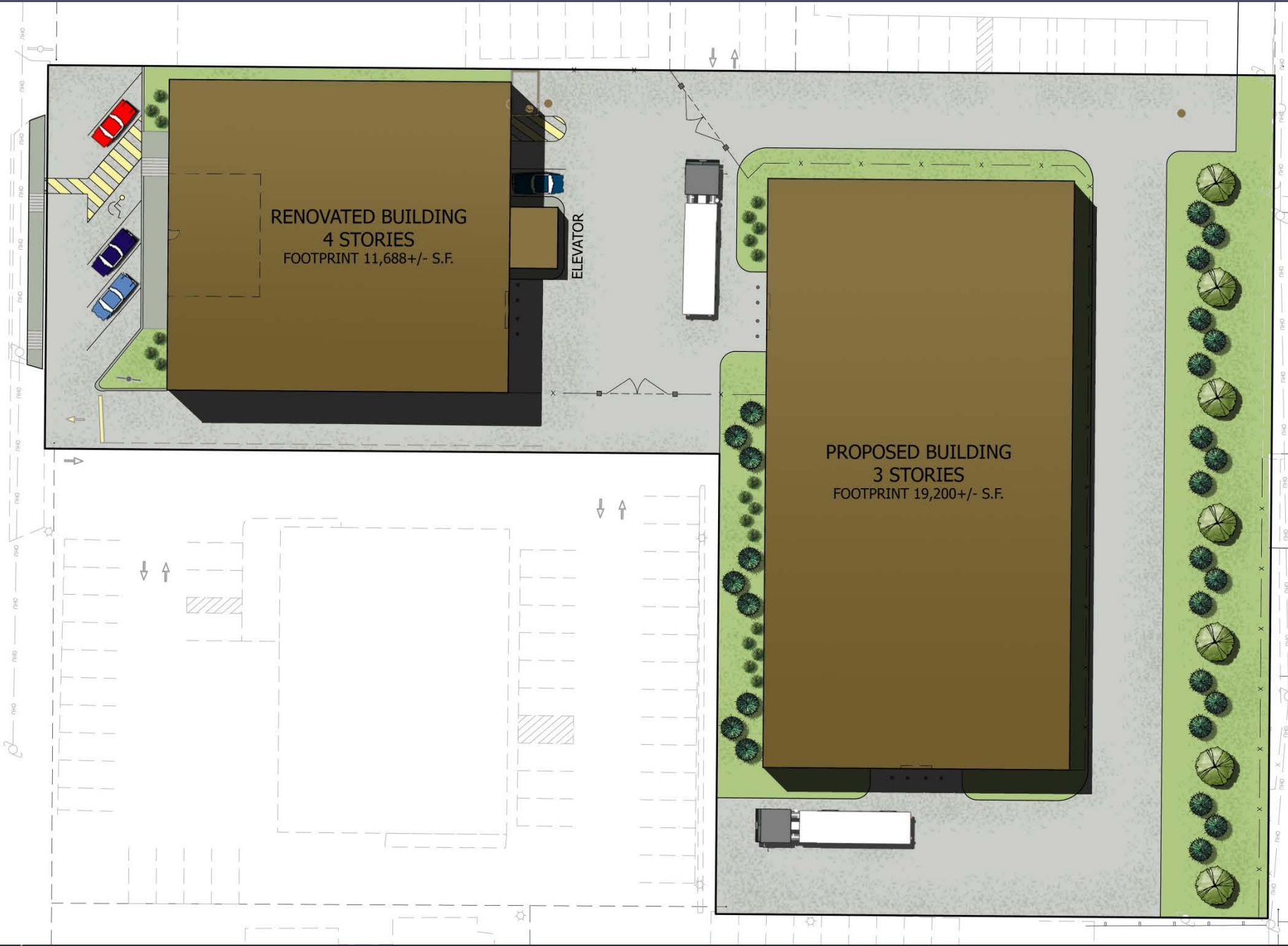
▶ Colored-up site plan with rear (east-side) landscape buffer area; new fence added to help screen site from rear yards of existing apt bldgs.





▶ Colored-up site plan with rear (east-side) landscape buffer area; new fence added to help screen site from rear yards of existing apt bldgs.





RENOVATED BUILDING  
4 STORIES  
FOOTPRINT 11,688+/- S.F.

ELEVATOR

PROPOSED BUILDING  
3 STORIES  
FOOTPRINT 19,200+/- S.F.



Existing wood fence to be repaired

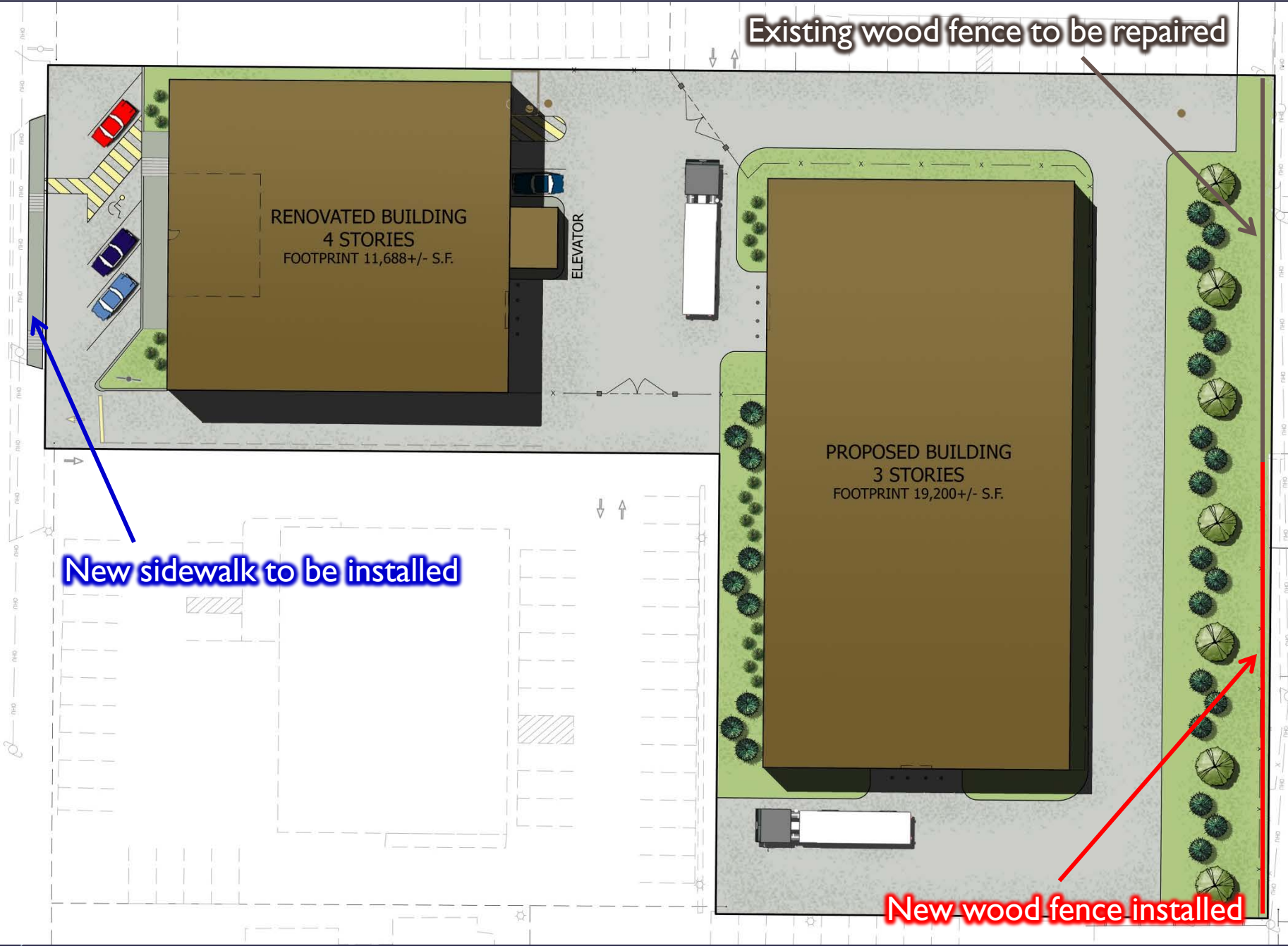
RENOVATED BUILDING  
4 STORIES  
FOOTPRINT 11,688+/- S.F.

ELEVATOR

PROPOSED BUILDING  
3 STORIES  
FOOTPRINT 19,200+/- S.F.

New sidewalk to be installed

New wood fence installed



BARDSTOWN ROAD

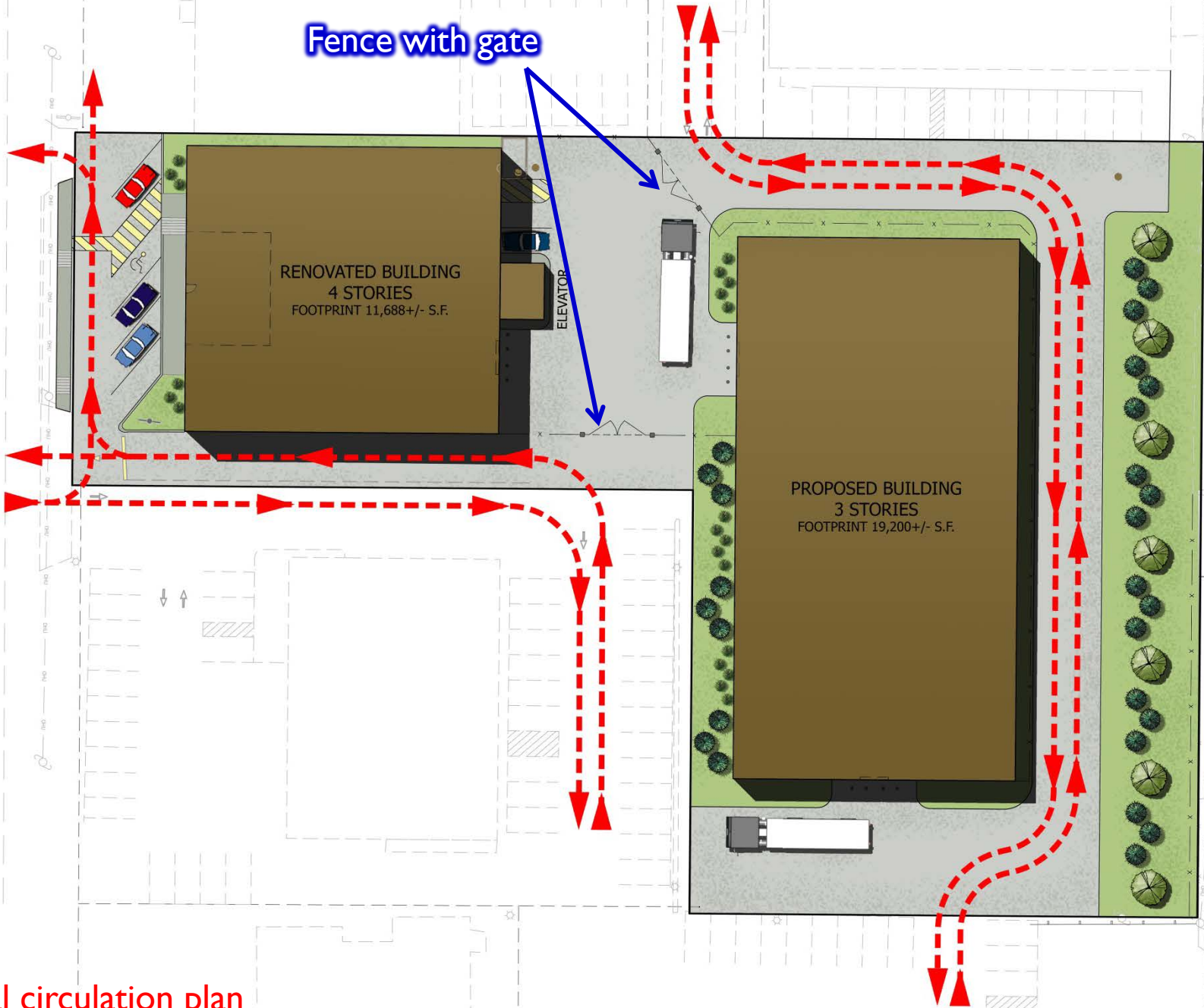
Fence with gate

RENOVATED BUILDING  
4 STORIES  
FOOTPRINT 11,688 +/- S.F.

ELEVATOR

PROPOSED BUILDING  
3 STORIES  
FOOTPRINT 19,200 +/- S.F.

Internal circulation plan



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# Tab 6

## Building Elevations





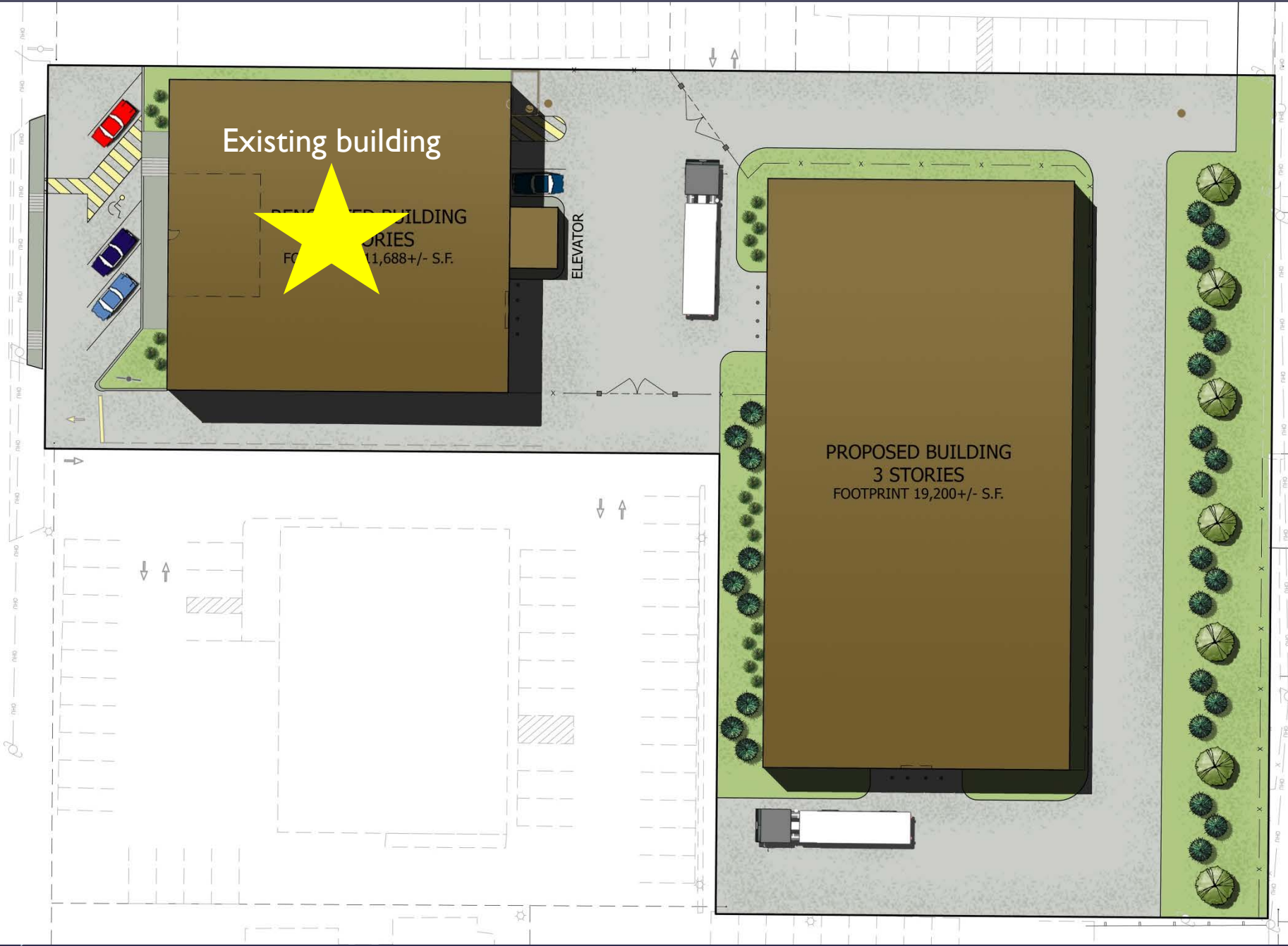
Existing building



EXISTING BUILDING  
3 STORIES  
FOOTPRINT 11,688 +/- S.F.

ELEVATOR

PROPOSED BUILDING  
3 STORIES  
FOOTPRINT 19,200 +/- S.F.

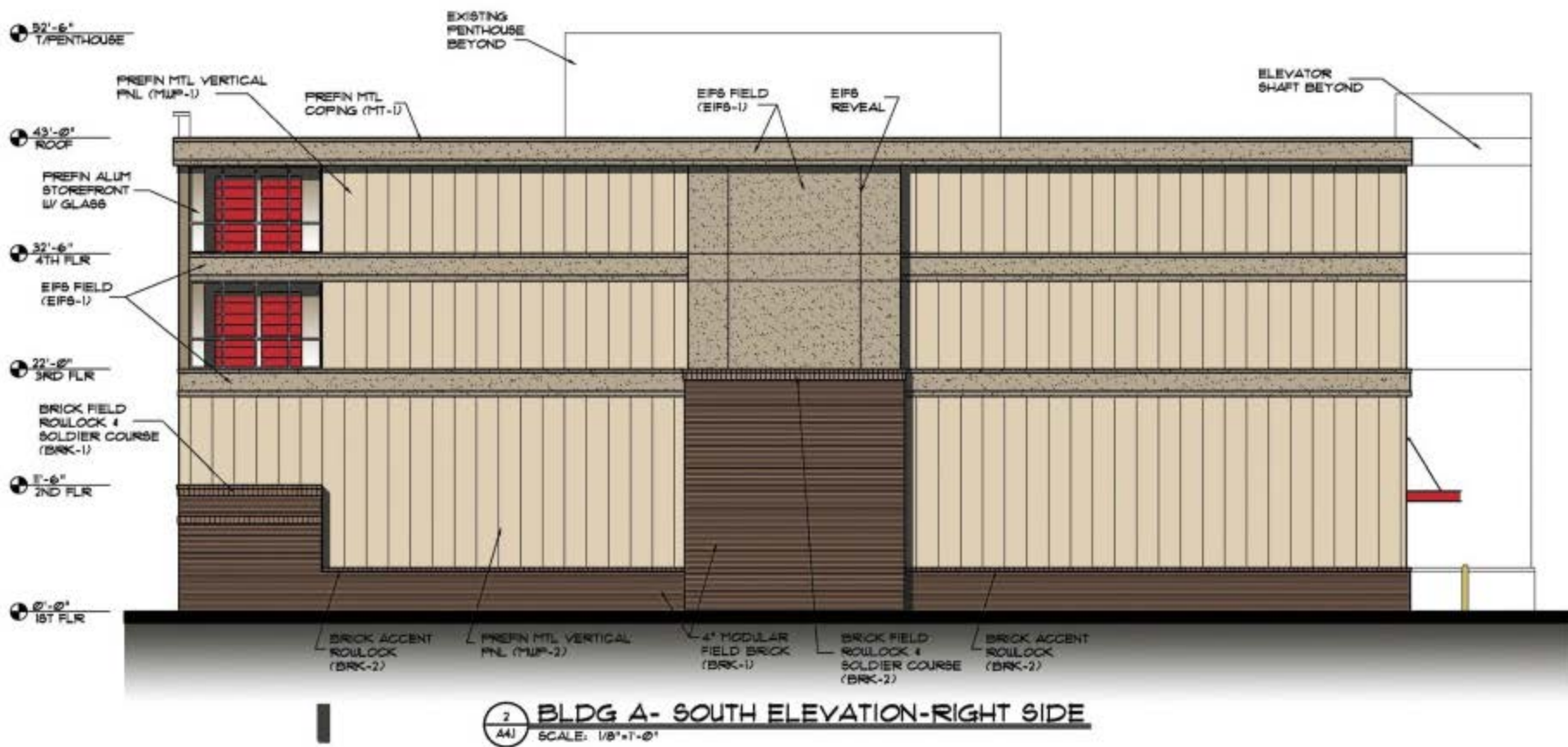




Bardstown Road (west side) street view of front building







Right (south side) view of front building

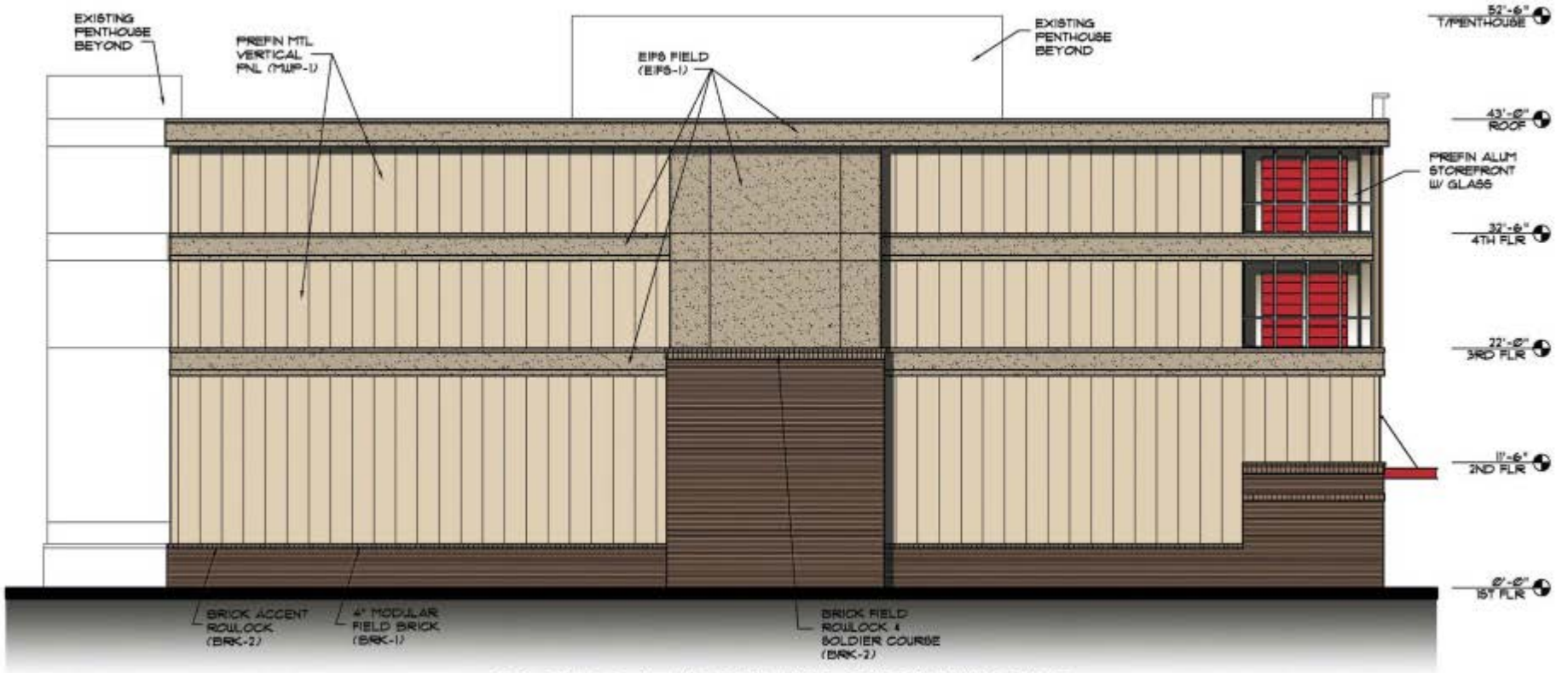




Rear (east side) view of front building



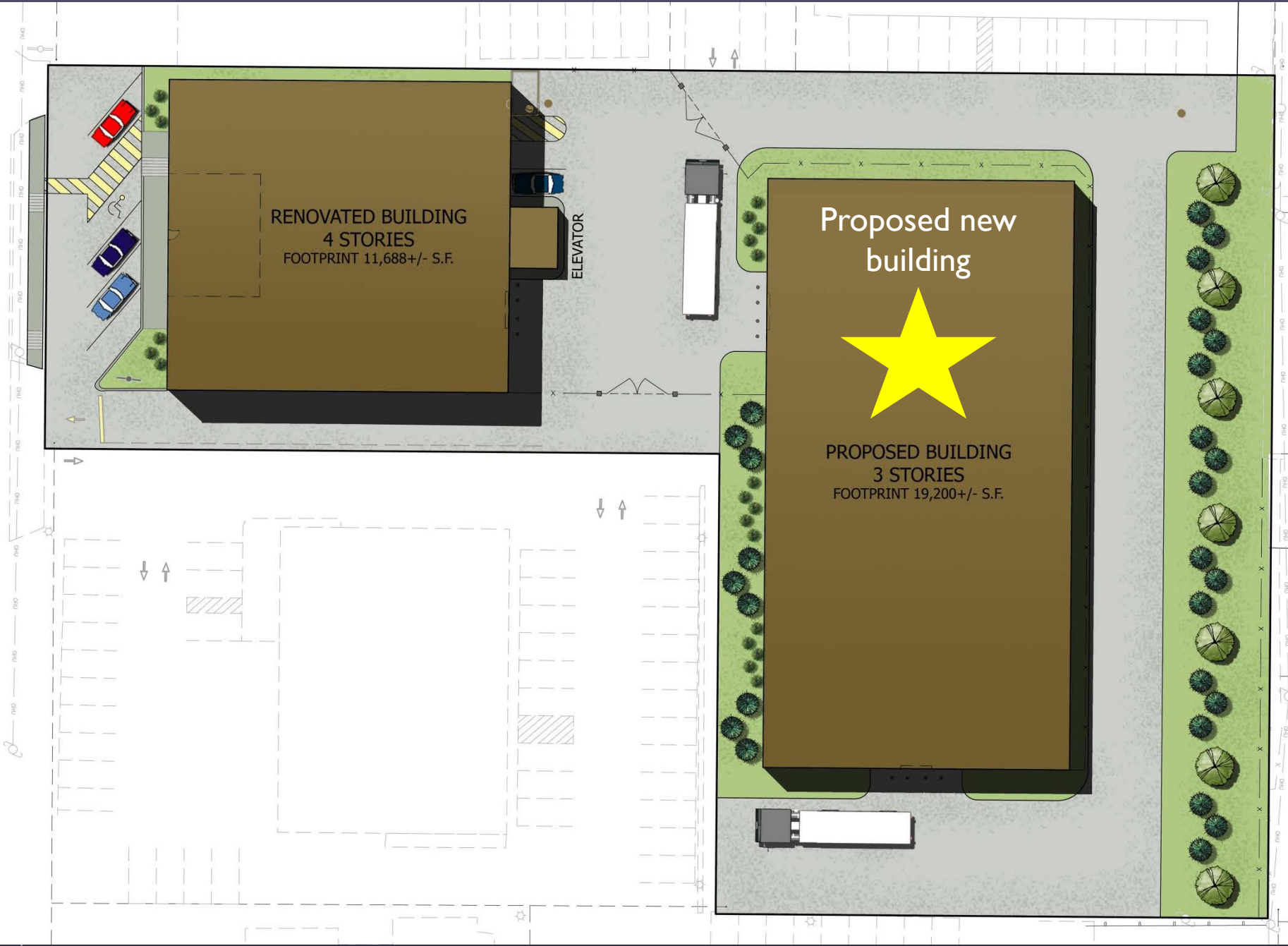




**4** BLDG A- NORTH ELEVATION-LEFT SIDE  
 A41 SCALE: 1/8"=1'-0"

Left (north side) view of front building





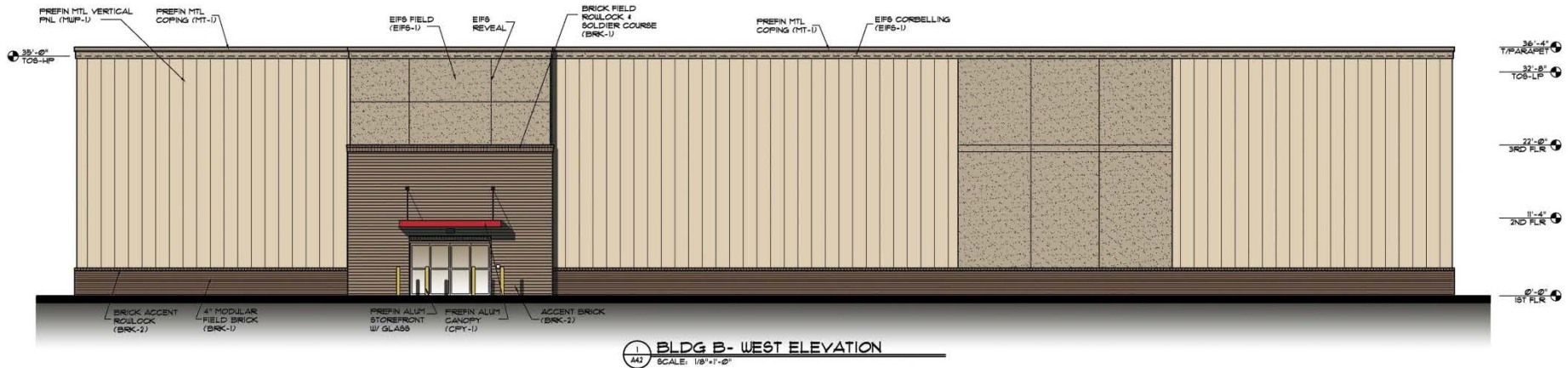
RENOVATED BUILDING  
4 STORIES  
FOOTPRINT 11,688+/- S.F.

ELEVATOR

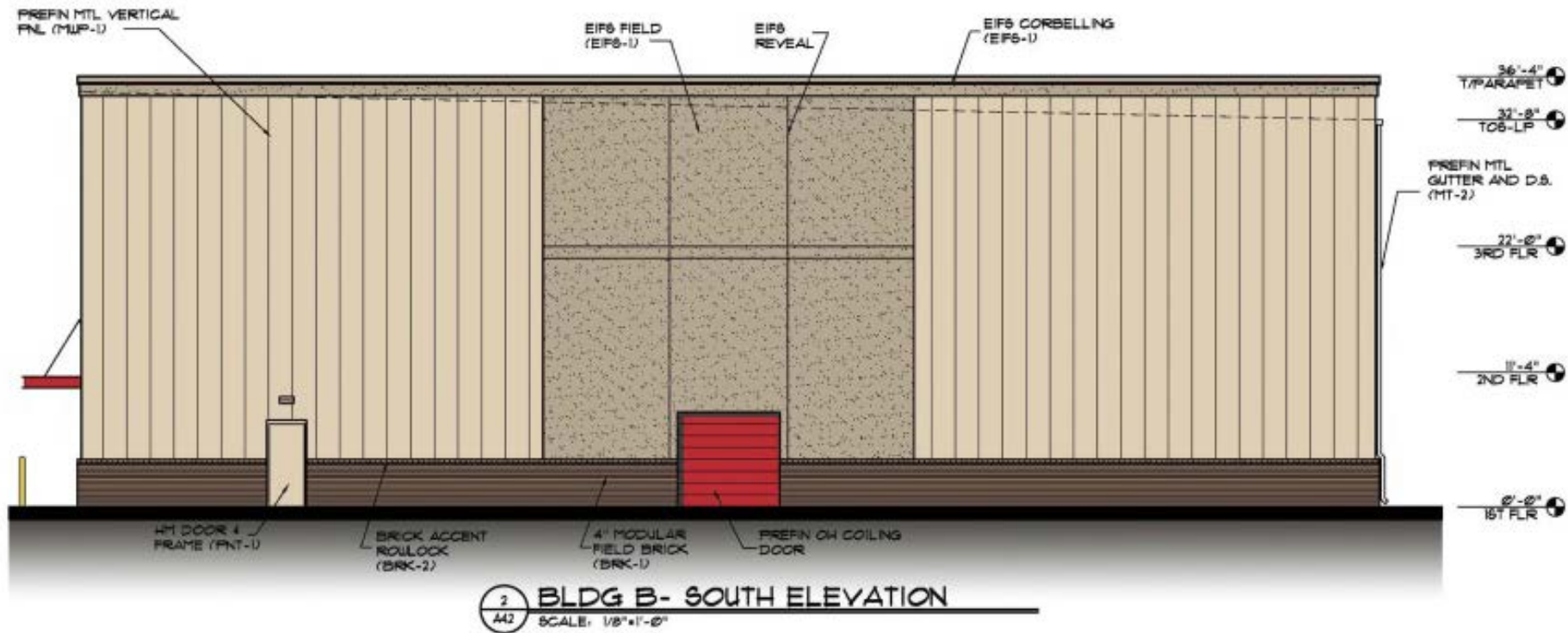
Proposed new  
building

PROPOSED BUILDING  
3 STORIES  
FOOTPRINT 19,200+/- S.F.





Bardstown Road (west side) view of rear building



Right (south side) view of rear building

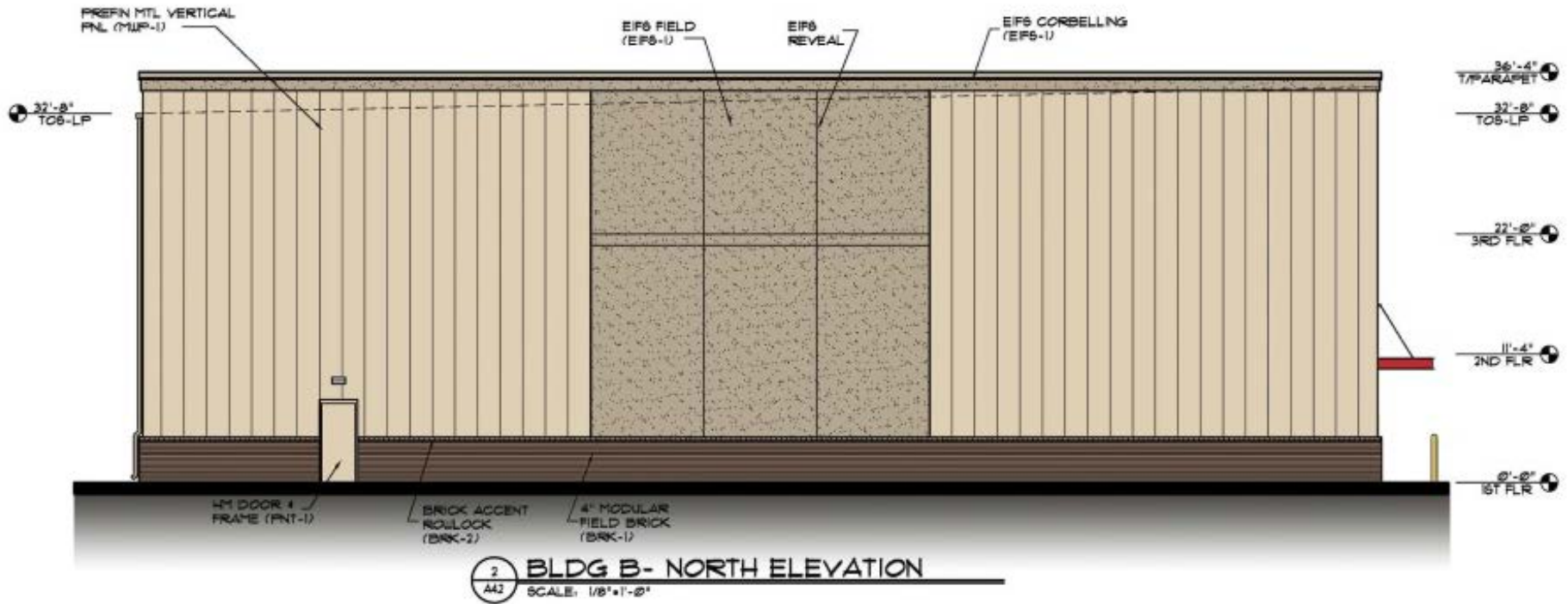




Rear (east side) view of rear building







Left (north side) view of rear building



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## Tab 9

Statement of Compliance filed with the original zone change application with all applicable Guidelines and Policies of the Cornerstone 2020 Comprehensive Plan, Variance and Waiver Justifications



# BARDENWERPER, TALBOTT & ROBERTS, PLLC

ATTORNEYS AT LAW

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(502) 426-6688 • WWW.BARDLAW.NET

## **STATEMENT OF COMPLIANCE WITH APPLICABLE GUIDELINES AND POLICIES OF THE CORNERSTONE 2020 COMPREHENSIVE PLAN**

<u>Owner:</u>	Bardstown Road Centre, LLC
<u>Applicant</u>	Storage Development Partners, LLC
<u>Location:</u>	3415 Bardstown Road
<u>Proposed Use:</u>	Multi-story, climate controlled self-storage
<u>Engineering Firm:</u>	Mindel Scott & Associates
<u>Request:</u>	Conditional Use Permit (CUP) in conjunction with existing C-2

### **INTRODUCTORY STATEMENT**

This proposal is for a change in zoning of a 1.78 acre tract located along the east side of Bardstown Road, just south of Watterson Expressway to convert an existing, old office building in to a multi-story climate-controlled, self-storage facility and to add a second such building in a large under-utilized parking lot as well. The close proximity of the subject property to Bardstown Road and Watterson Expressway, plus all the businesses, apartments and neighborhoods that have access off this highly developed area of Bardstown Road, ensures that the proposed self-storage facility will be highly convenient for storage users. Access agreements, as exists and if obtainable with other adjoining land uses will ensure safe, and more efficient traffic flow to and through this small proposed self-storage facility.

Land uses already existing in this area, such as Costco across Bardstown Road, Bashford Manor nearby, and a mix of adjoining and other nearby apartments, offices and retail uses, will be complemented and supported by the addition of this new self-storage facility.

### **GUIDELINE 1 – COMMUNITY FORM**

The application complies with the Suburban Marketplace form district in which this property and proposed self-storage facility are located and because the proposed self-storage facility rounds out this existing activity center with a use that both fits and improves what currently is an old, past its prime office building. It also better utilizes a mostly under-utilized asphalt parking lot.

### **GUIDELINE 2 - CENTERS**

The application complies with the applicable Intentions and Policies 1, 2, 3, 4, 5, 7, 10, 11, 13, 14, 15 and 16 of this Guideline as follows.



As an adoptive reuse of an old office building and mostly vacant parking lot, the application promotes an efficient use of land and investment in existing infrastructure, lowers utility costs by reducing the need for extensions, reduces commuting time and transportation-related air pollution, provides an opportunity for neighborhood centers and marketplaces that include a diversity of goods and services and that are designed to be assets to the community, and encourages vitality and a sense of place in the larger neighborhood and community. Most of all it does this by virtue of the proposed investment to put to better use a presently under-utilized parking lot and old office building. The PowerPoint shown at the neighborhood meetings that accompanies this application illustrates this.

The proposed self-storage facility also improves the mix of land uses, and diversity of services available at this desirable and highly accessible Suburban Marketplace location by helping to promote shorter commute times for local businesses and residents with storage needs, thereby reducing transportation-related air pollution that might be generated if required to travel a farther distance. Utilities are available along Bardstown Road.

Part of a compact development pattern with a mixture of land uses the application ensures efficient traffic flow, fewer trips, and supports alternative modes of travel and multiple services which meet the day-to-day needs of nearby residents. It accomplishes this as a compact re-use that will also serve as a transition between more intense land uses at Costco and Bashford Manor. The central location and improved variety of services that the proposed self-storage facility will offer at this location will serve local business and residents' day-to-day needs, ensures fewer trips, as customers may stop here rather than traveling farther distances for their storage needs. The applicant will provide sidewalk connections for better connectivity and to accommodate alternative modes of transportation.

Parking areas that are presently way under-utilized will also be better used with a second storage building which connects access drives and uses of existing infrastructure.

### **GUIDELINE 3 - COMPATIBILITY**

The application complies with the applicable Intents and Policies 1, 2, 3, 5, 6, 7, 8, 9, 20, 21, 22, 23, 24, 28 and 29 of this Guideline as follows.

This application promotes a mixture of land uses and densities near each other which are designed to be compatible with each other and sensitive to adjoining residential properties by assuring that aesthetic and nuisance problems are eliminated or at least significantly diminished, thus preserving the character of existing neighborhoods.

Compatibility is assured by virtue of these buildings' scale, design and pattern of existing development as well as use of attractive building materials, as shown in the accompanying PowerPoint. Traffic and parking problems and appropriate transitions between uses and neighborhoods are also addressed on the DDDP accompanying this application. Buildings will be oriented toward Bardstown Road as they should be with parking screened where necessary from adjoining properties. The use provides a nice quiet transition between the more active commercial land uses next door and across Bardstown Road and the residential neighborhoods to the rear of this site.

This proposed self-storage facility does not produce noise, lighting or odors, diminish air quality or adversely affect traffic or aesthetics. The proposed self-storage facility, as described above, is oriented towards Bardstown Road and away from adjoining properties and places parking and so as to protect adjoining apartment communities. Lighting will be directed down and away from adjoining properties and will meet Land Development Code requirements. The location of the proposed self-storage facility along Bardstown Road at the Watterson reduces commuting time for those accessing the self-storage facility, thereby minimizing air quality issues related to longer vehicle trips or traffic delays that might be incurred if the center were located at a less convenient location. The impact of noise from self-storage facility activities is addressed by virtue of the fact that storage activities are by nature quiet and in this case oriented toward the activity center. Also parking and entrance/exit activities will be from Bardstown Road or adjoining commercialized streets, thus reducing noise and activity impact on adjoining residential properties.

### **GUIDELINE 6 – ECONOMIC GROWTH AND SUSTAINABILITY**

The application complies with the applicable Intents and Policies 1, 2, 3, 5, 6 and 11 of this Guideline as follows.

This adaptive re-use of an old office building helps ensure the availability of necessary usable land to facilitate commercial, industrial and residential development, and to reduce public and private costs for land development.

Re-utilizing available, highly accessible and convenient land that is in an in-fill location along Bardstown Road near the Watterson Expressway assures convenient services to nearby neighborhoods and businesses and reduces commuting time to services located farther away.

### **GUIDELINES 7, 8, 9 AND 12 – CIRCULATION, TRANSPORTATION FACILITY DESIGN, ALTERNATIVE MODES OF TRANSPORTATION AND AIR QUALITY**

The application complies with the applicable Intents and Policies 1, 2, 6, 10, 11, 13, 14, 15 and 18 of Guideline 7, Policies 8, 9, 10 and 11 of Guideline 8, and Policies 1, 2, 3 and 4 of Guideline 9 as follows.

The low traffic impacts of a self-storage facility, such as this one, assure the safe and proper functioning of the Bardstown Road street network whose existing, adequate traffic-carrying capacity is not exceeded. Efficient internal and external circulation through this new development and the assurance of transportation facilities that are safe and efficient are demonstrated on the DDDP accompanying this application. Air quality impacts are further minimized because of the alternative modes of transportation that TARC service and sidewalks along Bardstown Road help provide.

The proximity of the subject property to area businesses and neighborhoods ensures that travel time will be minimal, further reducing traffic related air quality impacts. Handicap parking spaces and safety crosswalks have been provided in accordance with the requirements of the

Land Development Code. Moreover, the DDDP accompanying this application must receive the preliminary stamp of approval from Metro Transportation Planning, thus demonstrating conformance with all standards governing access, site distances, internal circulation, parking and so on.

**GUIDELINES 10 AND 11 – STORMWATER AND WATER QUALITY**

The application complies with the applicable Intents and Policies 1, 6, 7, 10 and 11 of this Guideline as follows.

The DDDP accompanying this application must assure that there shall be no increase in drainage runoff to Bardstown Road and that all drainage facilities shall conform to MSD requirements, for example that post development peak rates of run-off to not exceed predevelopment conditions. The overall plan will receive MSD's preliminary stamp of approval prior to docketing, thus evidencing this fact. Sanitary sewer service will be provided by connection.

**GUIDELINE 13 – LANDSCAPE CHARACTER**

The application complies with the applicable Intents and Policies 1, 2, 4, 5 and 6 of this Guideline as follows.

The Land Development Code includes minimum interior, perimeter and tree canopy requirements that will be met. The landscape plan for the self-storage facility is being designed to include interior parking lot landscaping where required and also along Bardstown Road. The overall appearance of the self-storage facility will improve the landscape and aesthetic character of the site and area.

\* \* \* \* \*

For all the reasons set forth hereinabove, on the detailed district development plan accompanying this application and in testimony and other evidence to be presented at LD&T and at the full public hearing, this application complies with all other applicable Guidelines and Policies of the Cornerstone 2020 Comprehensive Plan.

Respectfully submitted,

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William B. Bardenwerper  
**BARDENWERPER, TALBOTT & ROBERTS PLLC**  
Home Builders Association of Louisville Building  
1000 N. Hurstbourne Parkway, Second Floor  
Louisville, KY 40223



### **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 5.3.2.C.2.b to omit the 25 ft setback along the north property line where the site is adjacent to a structure with a first floor residential use

1. The variance will not adversely affect the public health, safety or welfare because the owner of the existing apartment building didn't appear bothered by this proposal at the neighborhood meeting, as its apartment building overlooks a sea of asphalt today, and the new distance between the shared property line and the proposed storage building will still be 35 ft.
2. The variance will not alter the essential character of the general vicinity because, as said above, the rear of the existing apartment building overlooks a sea of asphalt today, and this proposed self-storage building is 35 ft away from the shared property line and about 60 ft from the existing apartment building.
3. The variance will not cause a hazard or a nuisance to the public because, as said above, the rear of the existing apartment building overlooks a sea of asphalt today, and this proposed self-storage building is 35 ft away from the shared property line and about 60 ft from the existing apartment building.
4. The variance will not allow an unreasonable circumvention of the requirements of the zoning regulations because, as said above, the rear of the existing apartment building overlooks a sea of asphalt today, and this proposed self-storage building is 35 ft away from the shared property line and about 60 ft from the existing apartment building.

Additional consideration:

1. The Variance arises from special circumstances, which do not generally apply to land in the general vicinity because, as said above, the rear of the existing apartment building overlooks a sea of asphalt today, and this proposed self-storage building is 35 ft away from the shared property line and about 60 ft from the existing apartment building.

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 renovated and new building construction plus parking, loading and maneuvering areas are the minimum necessary to cost-effectively develop this old underutilized property.

3. The circumstances are not the result of actions of the applicant taken subsequent to the adoption of the regulation but rather are the result of an old in-fill site that can, and with this development plan will, be put to a far more productive and aesthetically better use.

**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: Section 10.2.4.B to allow more than 50% overlap of the perimeter LBA with 2 existing utility easements along the east property line.

Explanation of Waiver:

1. The waiver will not adversely affect adjacent property owners because half of the overall site is a present condition whereby the old existing office building will be repurposed, and the other half of the overall site is just a large underutilized asphalt parking lot. This development will result in the entire site being dramatically aesthetically improved.
2. The waiver will not violate the Comprehensive Plan at applicable Guideline 13, where the landscape Policies are found, because the overall site is mostly just pavement now, and it will end up an improved aesthetic condition post-development with only this and one other landscape waiver.
3. The extent of waiver of the regulation is the minimum necessary to afford relief to the applicant because this is on the inside of a proposed screening fence where improved landscaping will be imposed to replace and open un-manicured area next to a large underutilized asphalt parking lot.
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 renovated and new building construction plus parking, loading and maneuvering areas are the minimum necessary to cost effectively develop this old underutilized property. The rear LBA overlap will actually be improved from its present condition even with this overlap.



**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: Section 10.2.10 to omit the VUA perimeter along Bardstown Road

Explanation of Waiver:

1. The waiver will not adversely affect adjacent property owners because this a present condition whereby the old existing office building will be repurposed, and in the process the existing building and entire site will be dramatically aesthetically improved.
2. The waiver will not violate the Comprehensive Plan at applicable Guideline 13, where the landscape Policies are found, because the overall site is mostly just pavement now, and it will end up an improved aesthetic condition post-development with only this and one other landscape waiver.
3. The extent of waiver of the regulation is the minimum necessary to afford relief to the applicant because this is an existing Bardstown Road frontage condition, and aesthetics are otherwise vastly improved with this proposed CUP plan.
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 it would have to remove all of the existing parking spaces which are needed to make this repurposed old office building/new self-storage facility project work.

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## Tab 10

Proposed findings of fact pertaining to compliance with the Comprehensive Plan, Variance and Waiver criteria



# BARDENWERPER, TALBOTT & ROBERTS, PLLC

ATTORNEYS AT LAW

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

## PROPOSED FINDINGS OF FACT REGARDING COMPLIANCE WITH ALL APPLICABLE GUIDELINES AND POLICIES OF THE CORNERSTONE 2020 COMPREHENSIVE PLAN AND JUSTIFYING RELIEF FROM LDC SECTION 4.2.35.G RELATING TO 1-STORY/15 FT HEIGHT

<u>Owner:</u>	Bardstown Road Centre, LLC
<u>Applicant</u>	Storage Development Partners, LLC
<u>Location:</u>	3415 Bardstown Road
<u>Proposed Use:</u>	Multi-story, climate controlled self-storage
<u>Engineering Firm:</u>	Mindel Scott & Associates
<u>Request:</u>	Conditional Use Permit (CUP) in conjunction with existing C-2

The Louisville Metro Planning Commission, having heard testimony before its Board of Zoning Adjustment, in the Public Hearing held on April 17, 2017 and having reviewed evidence presented by the applicant and the staff's analysis of the application, make the following findings:

### **INTRODUCTORY STATEMENT**

**WHEREAS**, this proposal is for a change in zoning of a 1.78 acre tract located along the east side of Bardstown Road, just south of Watterson Expressway to convert an existing, old office building in to a multi-story climate-controlled, self-storage facility and to add a second such building in a large under-utilized parking lot as well; the close proximity of the subject property to Bardstown Road and Watterson Expressway, plus all the businesses, apartments and neighborhoods that have access off this highly developed area of Bardstown Road, ensures that the proposed self-storage facility will be highly convenient for storage users; and cross-access will ensure safe and more efficient traffic flow to and through this proposed self-storage facility; and

**WHEREAS**, land uses already existing in this area, such as Costco across Bardstown Road, Bashford Manor nearby, and a mix of adjoining and other nearby apartments, offices and retail uses, will be complemented and supported by the addition of this new self-storage facility; and

### **GUIDELINE 1 – COMMUNITY FORM**

**WHEREAS**, the application complies with the Suburban Marketplace form district in which this property and proposed self-storage facility are located because the proposed self-storage facility rounds out this existing activity center with a use that both fits and improves what currently is an



old, past its prime office building; and it also better utilizes a mostly under-utilized asphalt parking lot; and

### **GUIDELINE 2 - CENTERS**

**WHEREAS**, the application complies with the applicable Intents and Policies 1, 2, 3, 4, 5, 7, 10, 11, 13, 14, 15 and 16 of this Guideline because, as an adoptive reuse of an old office building and mostly vacant parking lot, the application promotes an efficient use of land and investment in existing infrastructure, lowers utility costs by reducing the need for extensions, reduces commuting time and transportation-related air pollution, provides an opportunity for neighborhood centers and marketplaces that include a diversity of goods and services and that are designed to be assets to the community, and encourages vitality and a sense of place in the larger neighborhood and community; most of all it does this by virtue of the proposed investment to put to better use a presently under-utilized parking lot and old office building; and the PowerPoint shown at BOZA that accompanies this application illustrates this; and

**WHEREAS**, the proposed self-storage facility also improves the mix of land uses and diversity of services available at this desirable and highly accessible Suburban Marketplace location by helping to promote shorter commute times for local businesses and residents with storage needs, thereby reducing transportation-related air pollution that might be generated if required to travel a farther distance; and utilities are available along Bardstown Road; and

**WHEREAS**, part of a compact development pattern with a mixture of land uses, the application ensures efficient traffic flow, fewer trips, and supports alternative modes of travel and multiple services which meet the day-to-day needs of nearby residents; it accomplishes this as a compact re-use that will also serve as a transition between more intense land uses at Costco and Bashford Manor; the central location and improved variety of services that the proposed self-storage facility will offer at this location will serve local business and residents' day-to-day needs, ensures fewer trips, as customers may stop here rather than traveling farther distances for their storage needs; and the applicant will assure connectivity and accommodate alternative modes of transportation; and

**WHEREAS**, parking areas that are presently way under-utilized will also be better used with a second storage building which connects access drives and uses of existing infrastructure; and

### **GUIDELINE 3 - COMPATIBILITY**

**WHEREAS**, the application complies with the applicable Intents and Policies 1, 2, 3, 5, 6, 7, 8, 9, 20, 21, 22, 23, 24, 28 and 29 of this Guideline because this application promotes a mixture of land uses and densities near each other which are designed to be compatible with each other and sensitive to adjoining residential properties by assuring that aesthetic and nuisance problems are eliminated or at least significantly diminished, thus preserving the character of existing neighborhoods; and

**WHEREAS**, compatibility is assured by virtue of these buildings' scale, design and pattern of existing development as well as use of attractive building materials, as shown in the PowerPoint; traffic and parking problems and appropriate transitions between uses and neighborhoods are also addressed on the DDDP accompanying this application; buildings will be oriented toward

Bardstown Road as they should be with parking screened where necessary from adjoining properties; the use provides a nice quiet transition between the more active commercial land uses next door and across Bardstown Road and the residential neighborhoods to the rear of this site; and

**WHEREAS**, this proposed self-storage facility does not produce noise, lighting or odors, diminish air quality or adversely affect traffic or aesthetics; the proposed self-storage facility, as described above, is oriented towards Bardstown Road and away from adjoining properties and places parking so as to protect adjoining apartment communities; lighting will be directed down and away from adjoining properties and will meet Land Development Code requirements; the location of the proposed self-storage facility along Bardstown Road at the Watterson reduces commuting time for those accessing the self-storage facility, thereby minimizing air quality issues related to longer vehicle trips or traffic delays that might be incurred if the center were located at a less convenient location; the impact of noise from self-storage facility activities is addressed by virtue of the fact that storage activities are by nature quiet and in this case oriented toward the activity center; also parking and entrance/exit activities will be from Bardstown Road or adjoining commercialized streets, thus reducing noise and activity impact on adjoining residential properties; and

#### **GUIDELINE 6 – ECONOMIC GROWTH AND SUSTAINABILITY**

**WHEREAS**, the application complies with the applicable Intents and Policies 1, 2, 3, 5, 6 and 11 of this Guideline because this adaptive re-use of an old office building and large under-utilized asphalt parking lot helps ensure the availability of necessary usable land to facilitate commercial, industrial and residential development, and to reduce public and private costs for land development; and

**WHEREAS**, re-utilizing available, highly accessible and convenient land that is in an in-fill location along Bardstown Road near the Watterson Expressway assures convenient services to nearby neighborhoods and businesses and reduces commuting time to services located farther away; and

#### **GUIDELINES 7, 8, 9 AND 12 – CIRCULATION, TRANSPORTATION FACILITY DESIGN, ALTERNATIVE MODES OF TRANSPORTATION AND AIR QUALITY**

**WHEREAS**, the application complies with the applicable Intents and Policies 1, 2, 6, 10, 11, 13, 14, 15 and 18 of Guideline 7, Policies 8, 9, 10 and 11 of Guideline 8, and Policies 1, 2, 3 and 4 of Guideline 9 because the low traffic impacts of a self-storage facility, such as this one, assure the safe and proper functioning of the Bardstown Road street network whose existing, adequate traffic-carrying capacity is not exceeded; efficient internal and external circulation through this new development and the assurance of transportation facilities that are safe and efficient are demonstrated on the DDDP accompanying this application; and air quality impacts are further minimized because of the alternative modes of transportation that TARC service and sidewalks along Bardstown Road help provide; and

**WHEREAS**, the proximity of the subject property to area businesses and neighborhoods ensures that travel time will be minimal, further reducing traffic related air quality impacts; handicap parking spaces and safety crosswalks have been provided in accordance with the requirements of

the Land Development Code; moreover, the DDDP accompanying this application received the preliminary stamp of approval from Metro Transportation Planning, thus demonstrating conformance with all standards governing access, site distances, internal circulation, parking and so on; and

**GUIDELINES 10 AND 11 – STORMWATER AND WATER QUALITY**

**WHEREAS**, the application complies with the applicable Intents and Policies 1, 6, 7, 10 and 11 of this Guideline because the DDDP accompanying this application assures that there shall be no increase in drainage runoff to Bardstown Road and that all drainage facilities shall conform to MSD requirements, for example that post development peak rates of run-off to not exceed predevelopment conditions; the plan received MSD’s preliminary stamp of approval prior to docketing, thus evidencing this fact; and sanitary sewer service will be provided by connection; and

**GUIDELINE 13 – LANDSCAPE CHARACTER**

**WHEREAS**, the application complies with the applicable Intents and Policies 1, 2, 4, 5 and 6 of this Guideline because the Land Development Code includes minimum interior, perimeter and tree canopy requirements that will be met; the landscape plan for the self-storage facility is designed to include interior parking lot landscaping where required and also along Bardstown Road; and the overall appearance of the self-storage facility will improve the landscape and aesthetic character of the site and area; and

\* \* \* \* \*

**WHEREAS**, for all the reasons explained at the Board of Zoning Adjustment public hearing and also in the public hearing exhibit books on the CUP plan, this application also complies with all other applicable Guidelines and Policies of the Cornerstone 2020 Comprehensive Plan;

**NOW, THEREFORE**, the Louisville Metro Board of Zoning Adjustment hereby approves the Conditional Use Permit and CUP plan with relief granted from LDC Section 4.2.35.G on the subject property.



**Variance Findings of Fact**

Variance of Section 5.3.2.C.2.b to omit the 25 ft setback along the north property line where the site is adjacent to a structure with a first floor residential use

**WHEREAS**, the variance will not adversely affect the public health, safety or welfare because the owner of the existing apartment building didn't appear bothered by this proposal at the neighborhood meeting, as its apartment building overlooks a sea of asphalt today, and the new distance between the shared property line and the proposed storage building will still be 35 ft; and

**WHEREAS**, the variance will not alter the essential character of the general vicinity because, as said above, the rear of the existing apartment building overlooks a sea of asphalt today, and this proposed self-storage building is 35 ft away from the shared property line and about 60 ft from the existing apartment building; and

**WHEREAS**, the variance will not cause a hazard or a nuisance to the public because, as said above, the rear of the existing apartment building overlooks a sea of asphalt today, and this proposed self-storage building is 35 ft away from the shared property line and about 60 ft from the existing apartment building; and

**WHEREAS**, the variance will not allow an unreasonable circumvention of the requirements of the zoning regulations because, as said above, the rear of the existing apartment building overlooks a sea of asphalt today, and this proposed self-storage building is 35 ft away from the shared property line and about 60 ft from the existing apartment building; and

**WHEREAS**, the Variance arises from special circumstances, which do not generally apply to land in the general vicinity because, as said above, the rear of the existing apartment building overlooks a sea of asphalt today, and this proposed self-storage building is 35 ft away from the shared property line and about 60 ft from the existing apartment building; 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 renovated and new building construction plus parking, loading and maneuvering areas are the minimum necessary to cost-effectively develop this old underutilized property; and

**WHEREAS**, the circumstances are not the result of actions of the applicant taken subsequent to the adoption of the regulation but rather are the result of an old in-fill site that can, and with this CUP plan will, be put to a far more productive and aesthetically better use; and

**NOW, THEREFORE**, the Louisville Metro Board of Zoning Adjustment hereby approves this Variance.

**General Waiver Findings of Fact**

Waiver of Section 10.2.4.B to allow more than 50% overlap of the perimeter LBA with 2 existing utility easements along the east property line.

**WHEREAS**, the waiver will not adversely affect adjacent property owners because half of the overall site is a present condition whereby the old existing office building will be repurposed, and the other half of the overall site is just a large underutilized asphalt parking lot; and this development will result in the entire site being dramatically aesthetically improved; and

**WHEREAS**, the waiver will not violate the Comprehensive Plan at applicable Guideline 13, where the landscape Policies are found, because the overall site is mostly just pavement now, and it will end up an improved aesthetic condition post-development with only this and one other landscape waiver; and

**WHEREAS**, the extent of waiver of the regulation is the minimum necessary to afford relief to the applicant because this is on the inside of a proposed screening fence where improved landscaping will be imposed to replace and open un-manicured area next to a large underutilized asphalt parking lot; 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 renovated and new building construction plus parking, loading and maneuvering areas are the minimum necessary to cost effectively develop this old underutilized property; and the rear LBA overlap will actually be improved from its present condition even with this overlap; and

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

**General Waiver Findings of Fact**

Waiver of: Section 10.2.10 to omit the VUA perimeter along Bardstown Road

**WHEREAS**, the waiver will not adversely affect adjacent property owners because this a present condition whereby the old existing office building will be repurposed, and in the process the existing building and entire site will be dramatically aesthetically improved; and

**WHEREAS**, the waiver will not violate the Comprehensive Plan at applicable Guideline 13, where the landscape Policies are found, because the overall site is mostly just pavement now, and it will end up an improved aesthetic condition post-development with only this and one other landscape waiver; and

**WHEREAS**, the extent of waiver of the regulation is the minimum necessary to afford relief to the applicant because this is an existing Bardstown Road frontage condition, and aesthetics are otherwise vastly improved with this proposed CUP plan; 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 it would have to remove all of the existing parking spaces which are needed to make this repurposed old office building/new self-storage facility project work; and

**NOW, THEREFORE**, the Louisville Metro Board of Zoning Adjustment hereby approves this Waiver.