

# BARDENWERPER, TALBOTT & ROBERTS, PLLC

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## **STATEMENT OF COMPLIANCE WITH ALL APPLICABLE GOALS, GUIDELINES AND POLICIES OF PLAN 2040 A COMPREHENSIVE PLAN FOR LOUISVILLE METRO**

Applicant: Adams Property Group

Chi Mein Lee, Chi Fein Wang, Mei Kwan Kuo,  
Monica Chia-Ti Wang, Jessica Chia-Ying Wang,  
Ken & Sook Yu Living Trust dated October 20,  
1998

Owner:

15900, 15910 Shelbyville Road, 15908 R  
Shelbyville Road, Block 33, Lots 83, 58, 84;  
Block 438, Lots 53 and 32

Location:

Multi-story, climate controlled, self-storage mini-  
warehouse

Proposed Use:

Engineers, Land Planners and  
Landscape Architects: Bowman Engineering

Request: Zone Change from R-4 to C-2 with a Conditional  
Use Permit

### **INTRODUCTORY STATEMENT**

This proposal is for a change in zoning of a 13.38 acre tract located along the south side of Shelbyville Road, east of Waterstone Way and west of Gilliland Road, to convert a long mostly vacant site which is zoned R-4, to C-2 with a Conditional Use Permit for self-storage. The close proximity of this subject property to Shelbyville Road and the Gene Snyder Freeway, plus all the businesses, apartments and neighborhoods that have access off this highly developed and continuing-to-develop area of Shelbyville Road ensures that the proposed self-storage facility will be highly convenient for storage users. It is also a more desirable zoning for the area because the use is one that will not add much if anything to traffic, particularly at the morning and afternoon peak traffic times. Also, the use is ecologically beneficial, as more than 70 percent of the site will be preserved and undeveloped, and more than 70 percent of the existing tree canopy will be preserved.

Land uses already in this area, such as the thousands of existing and soon-to-be constructed residential units, will be complemented and supported by the addition of this new self-storage facility.

## COMMUNITY FORM

As Plan 2040 notes, the Community Form plan element is meant to guide the shape, scale, and character of development so as to promote a connected, healthy, authentic, sustainable, and equitable built environment. This plan element is achieved in part through the hybrid form of zoning utilized, where zoning district usage requirements combine with form district design requirements to achieve the requisite-built environment.

This proposed zone change conforms with the Policies in the Community Form as shown below.

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

The proposed zone change complies with all of the applicable, Objectives and Policies 3.1.3, 4, 5, 6, 7, 9, 10, 11, 12, 13, 14, 17, 18, 19, 20, and 23 of Goal 1, for these reasons.

As stated in the Goal 1, Policy 3.1.3, the Neighborhood Form District:

The Neighborhood Form is characterized by predominately residential uses that vary from low to high density and that blend compatibly into the existing landscape and neighborhood areas. High-density uses will be limited in scope to minor or major arterials and to areas that have limited impact on the low to moderate density residential areas.

The proposed use complies with Goal 1 in several ways. First, this development provides a service, self storage, that is almost predominately utilized by neighboring residential properties. The proposed development is located with direct access to a major arterial in Shelbyville Road, and its use as a self-storage facility has a low impact on the surrounding area by virtue of the minimal traffic generation that such a facility creates. Additionally, this proposed development leaves largely untouched the rear half of the property, substantially limiting any negative ecological impacts and potentially increasing the positive ecological impacts through the design of new detention basins and stormwater capture and filtration systems. The proposed development will be of a scale and site design that it captures the rural nature of the surrounding residentially-used properties in this Neighborhood Form District. Quality materials will be utilized on the exterior of the property to enhance the building's character and maintain a consistent streetscape along Shelbyville Road. Appropriate buffers, landscaping, and vegetation will be provided to transition between this property and the adjacent properties. The subject property's location off of a major arterial makes it a prime candidate for this use as a service for the surrounding residentially-used properties in this Neighborhood Form District and a better use than the two existing single-family residences on this 13+ acres of land. Any potential impacts caused by this development being located near residentially-used properties are mitigated by the substantial tree canopy that is preserved, the more than 10 acres of land that will be left undisturbed and undeveloped, the high-quality exterior materials used to simulate a residential feel, the substantial vegetation to buffer this development from surrounding developments, and the choice of lighting that will minimize impacts on the surrounding properties and the nightscape. Additionally, there are no anticipated noxious smells, dust, dirt, litter, or outdoor

storage or visual nuisances anticipated by this development where all of the entrances to the storage facilities are internal and the buildings and privacy fencing block views from outside the facility. The applicant will conform, and in many cases, exceed all setbacks and lot dimensions, anticipating only a waiver for the building height, which effects will be mitigated by the unique topography and the high-quality materials utilized. Parking areas will be largely internal to the site where they will not create adverse impacts on noise, lights, and other impacts. The parking area exterior to the structure will have substantial landscaping to create a neat and friendly streetscape along Shelbyville Road. All signage will be in conformity with the surrounding properties and the Land Development Code (“LDC”) requirements for the Neighborhood Form District. Finally, the use of the self-storage facility promotes mixed use development and utilization and density with a long, irregular lot located in the Neighborhood Form District responding to the distinctive physical, historic, and cultural qualities.

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

The proposed zone change complies with all of the applicable, Objectives and Policies 2, 4, 5, 8, and 9 of Goal 2, for these reasons.

The proposed use will encourage sustainable growth and density by supplying a needed service for residentially-used properties in the Neighborhood Form District at a location with appropriate access and connectivity to a major arterial roadway in Shelbyville Road. There is sufficient population to support this use; indeed, though there are myriad residential units surrounding this site, and there is no identified self-storage unit for more than a mile. This use, by providing a necessary and compatible use for residential properties, promotes and encourages residential land uses in this Neighborhood Form District. The design and density are appropriate with adjacent uses that will serve the needs of the surrounding community. The plan will provide campus and neighborhood serving self-storage use. The site will be easily accessible by, and more importantly, facilitate pedestrian and bicycle traffic by its development of additional paved surface for the Louisville Loop.

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

The proposed zone change complies with all of the applicable, Objectives and Policies 2, 3, 6, 7, 8, 9, 10 & 12 of Goal 3, for these reasons.

The proposed development plan will enhance the surrounding neighborhoods by protecting the open space and natural resources by preserving more than 70 percent of the existing tree canopy and land area and creating a detention basin and landscaping buffers. Appropriately-sized detention basins will be provided to fully mitigate any issues with standing water or water runoff, while respecting the natural features of the property, and there subject site is not located within a floodplain. The plan is designed to protect natural resources by adhering to best practices regarding stormwater runoff. The open space is compatible with the Neighborhood Form District in that it provides open space that can be visually enjoyed by the community and ensures transitions between the various surrounding properties. The development plan respects the natural features of the site, including the steep slopes on the rear half of the property, and seeks to cause only minimal disruption to the landscape and natural features on the front portion of the property. These changes will protect the health, safety and welfare of future uses of the development.

## MOBILITY

As Plan 2040 notes, the Mobility element seeks to create a multi-modal transportation system that is safe and accessible to citizens throughout Louisville. It contains three Goals with multiple Policies, and this proposed rezoning conforms with those Policies as shown below.

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

The proposed zone change complies with all of the applicable, Objectives and Policies 1 and 3 of Goal 1, for these reasons.

The development plan implements an accessible system of alternative transportation modes by providing sidewalks and walkway connections between the uses for bicycles and pedestrian traffic, in addition to vehicles. The site also proposes to create an additional paved section of the Louisville Loop, thus increasing mobility space for recreational activity. The self-storage use is located close to the roadway to minimize distances of travel. The plan places higher density and intensity near existing corridors and along the major arterial of Shelbyville Road.

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

The proposed zone change complies with all of the applicable, Objectives and Policies 1, 2, 4, 5, 7, and 8 of Goal 2, for these reasons.

The development plan complies with the objectives and policies of Goal 2 by promoting a safe, accessible and efficient transportation system by utilizing the currently existing access from the major arterial of Shelbyville Road. It accommodates pedestrian, bicycle and vehicular access through the addition of paved surface for the Louisville Loop and also through the addition of accessible rights of way. The site distances for the curb cut are adequate for the area. The internal circulation of pedestrian and vehicular traffic is appropriate for this internal-access self-storage facility. The entrance is 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 complies with all of the applicable, Objectives and Policies 2, 5, 6, 7, 8, 11, 14, 19, and 21 of Goal 3, for these reasons.

The development plan complies with the objectives and policies of Goal 3 by providing walking and bicycling opportunities with the sidewalks and additional paved surface for the Louisville Loop. The plan will not burden the transportation network and will enhance it with developing the lot in a way that is closer to the purpose for the Neighborhood Form District than the site currently provides and by introducing uses that will not create significant traffic at all, and certainly not a lot of peak travel traffic. The plan is consistent with long-range transportation plans. The parking requirements of the site consider the density of the use and the character and pattern of the Neighborhood Form District and utilize largely internal parking areas. And the access to and from this site will remove direct residential access to a high-speed roadway, thus preventing safety hazards that such a situation creates.

## COMMUNITY FACILITIES

As Plan 2040 notes, Community Facilities seeks to integrate variegated public and private facilities across Louisville Metro for the purpose of meeting the long-range needs of the community through engaging and sustainable means. This plan element contains three Goals with multiple Policies. This proposed rezoning conforms to those Policies as follows.

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

The proposed zone change complies with all of the applicable, Objectives and Policies 1, 2, & 3 of Goal 2, for these reasons.

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

As Plan 2040 notes, the Economic Development plan element has as its goal the development of a healthy, equitable, sustainable, and innovative economic climate that strengthens the community's ability to attract and retain a strong and diverse workforce. This plan element contains two Goals with multiple Policies. This proposed rezoning conforms to these Policies as follows.

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

The proposed zone change complies with all of the applicable, Objectives and Policy 3 of Goal 1, for these reasons.

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 developing an underutilized property in eastern Louisville. It locates the self-storage in an area with existing infrastructure in an efficient manner increasing economic opportunities in the area. It will provide opportunities to underserved small businesses and residences in the area increasing economic opportunity to business owners and employment. While the development will not create high traffic, the traffic will be directed towards a major arterial.

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

The proposed zone change complies with all of the applicable, Objectives and Policies 1 and 3 of Goal 2, for these reasons.

This development plan complies with Goal 2 of Economic Development as it enhances the quality of life in the area by utilizing an underused property, while at the same time protecting and improving the economic value of the surrounding areas. It satisfies the goal and policy of infill development to take advantage of the existing infrastructure. The design elements being used will mitigate the impact of the site through the use of landscape buffering along Shelbyville

Road, as well as along the adjacent properties, providing greater setbacks than are required by the LDC. Additionally, with almost 70 percent of the tree canopy being preserved, the design of this development addresses the urban heat island effect.

## **LIVABILITY**

As Plan 2040 notes, the Livability plan element seeks to guide and direct the available resources to promote the health and well-being of citizens of Louisville Metro. This element has as its focus the public health through promotion of access to fresh food, health care, and places of health and safety. This element is interested in preserving the tree canopy, reducing waste, and conserving energy. It has four Goals and multiple Policies. This proposed rezoning conforms to the Policies as follows.

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

The proposed zone change complies with all of the applicable, Objectives and Policies 2, 4, 5, 7, 12, 23, 25, 26, 27, 28, 31 & 35 of Goal 1, for these reasons.

The development plan complies with the objectives and policies of Goal 1 of Livability element in that it creates little if any new traffic for the area. It also will not burden the current drainage through the use of appropriately-sized and placed detention basins. Over 70 percent of the existing tree canopy will be preserved, with almost the same area of the property being undeveloped, and landscaping will be added to reduce the impacts of the site to the adjacent residential properties.

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

The proposed zone change complies with all of the applicable, Objectives and Policy 8 of Goal 2, for these reasons.

The development plan complies with the objectives and policies of Goal 2 of Livability element by developing the portion of a site fronting Shelbyville Road, which will be a benefit to the residences and businesses in the immediate vicinity, while being ecologically-conscious about the natural features of the Floyds Fork by preserving over 70 percent of the tree canopy and land area in this site.

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

The proposed zone change complies with all of the applicable, Objectives and Policies 1, 2, & 4 of Goal 3, for these reasons.

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, notice of all public meetings and by providing two neighborhood meetings, encouraging and providing multiple opportunities for area involvement in the plan design.

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

The proposed zone change complies with all of the applicable, Objectives and Policies 1 and 2 of Goal 4.

The development plan complies with the objectives and policies of Goal 4 of Livability element by providing and enhancing choices for mobility choices, encouraging clean air by reducing miles driven by providing needed services to an underserved area. It also provides needed self-storage services in and along the high-capacity transit corridor of Shelbyville Road.

## **HOUSING**

As Plan 2040 notes, the Housing plan element, as its name suggests, seeks to enhance this “necessity of life” known as housing. It seeks to promote equitable, diverse, physically accessible, and affordable housing choices. Importantly, this element seeks to provide equitable access to opportunities, services, and amenities. This element contains three Goals with multiple Policies. This proposed rezoning conforms to the Policies as follows.

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

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For all of these and other reasons set forth on the Detailed District Development Plan accompanying this application and in accordance with evidence presented at Planning Commission public hearings, this application will comply with all other applicable Guidelines and Policies of Plan 2040 a Comprehensive Plan for Louisville Metro.

Respectfully submitted,

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