

## Docket No. 17ZONE1018

Zone change from R-4 to C-2 with a Conditional Use Permit (CUP) to allow an expansion of an existing self-storage facility on property located at 4910, 4912, 4914, 4916 Mud Ln. & 11212 Preston Hwy.



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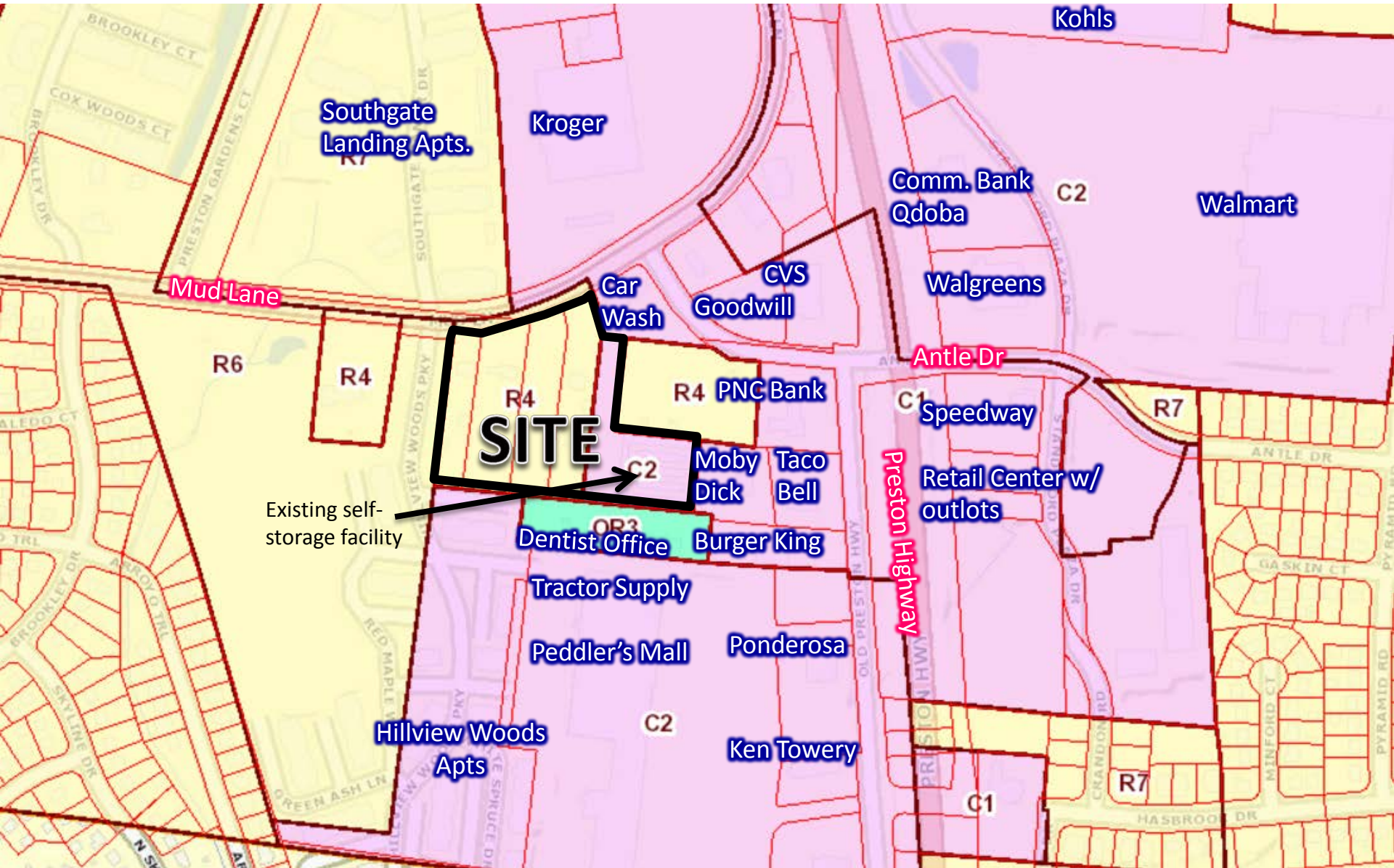
1. LOJIC Zoning Map
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Tab I

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# LOJIC Zoning Map





Southgate  
Landing Apts.

Kroger

Kohls

Comm. Bank  
Qdoba

C2

Walmart

Mud Lane

Car  
Wash

CVS

Goodwill

Walgreens

R6

R4

R4

**SITE**

R4

PNC Bank

Antle Dr

Speedway

R7

Existing self-  
storage facility

C2

Moby  
Dick

Taco  
Bell

Retail Center w/  
outlots

Dentist Office

OR3

Burger King

Tractor Supply

Peddler's Mall

Ponderosa

Hillview Woods  
Apts

C2

Ken Towery

Preston Highway

C1

R7

Tab 2

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Aerial photograph of the site and  
surrounding area





Kohls

Southgate  
Landing Apts.

Kroger

Comm. Bank  
Qdoba

Walmart

Mud Lane

Car  
Wash

CVS  
Goodwill

Walgreens

Antle Dr

PNC Bank

Speedway

Moby Dick  
Taco Bell

Retail Center w/  
outlots

Dentist  
Office

Burger King

Tractor Supply

Hillview Woods Ct

Red Maple Way

White Ash Ct

Peddler's Mall

Ponderosa

Hillview  
Woods Apts.

Ken Towery

PRESTON HWY

61

PRESTON HWY

OLD PRESTON HWY

CRANDON RD

MINFORD CT

PYRAMID RD

GASKIN

HASBROG  
Louisvi

## Tab 3

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Ground level photographs of the site and surrounding area



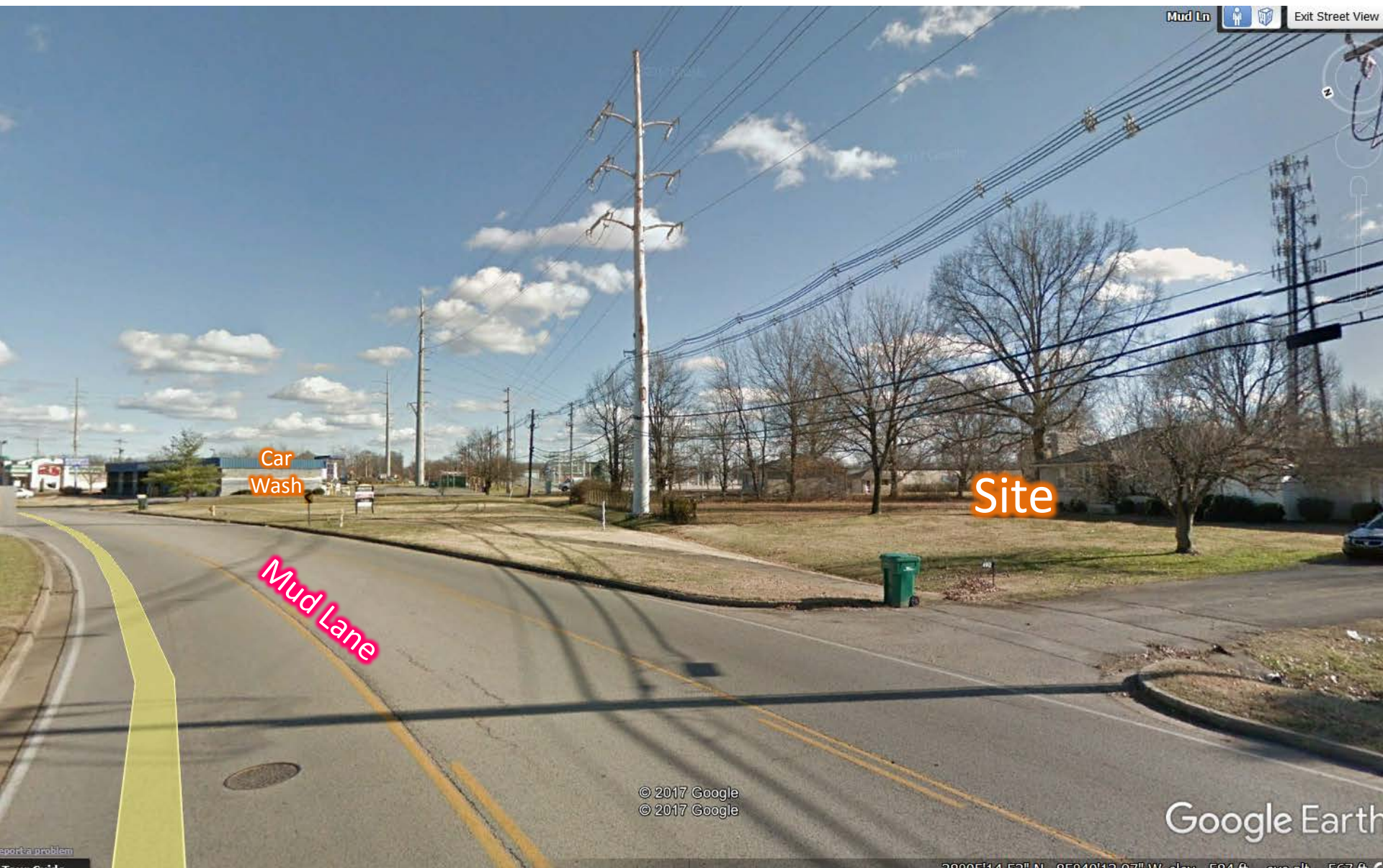


Site

Mud Lane

Hillview Woods Pkwy.

View of site from Mud Lane and Hillview Woods Parkway.



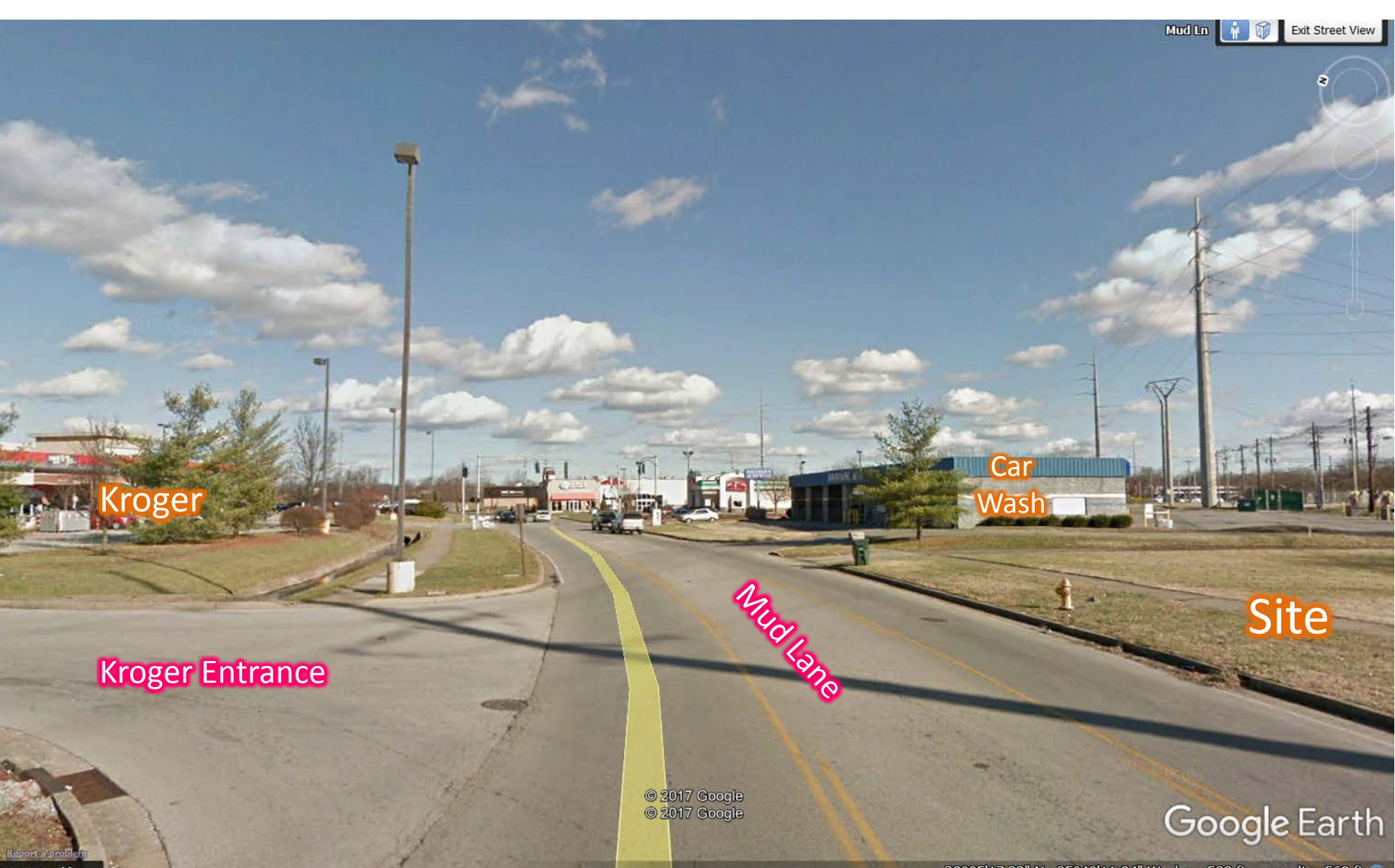
Car Wash

Mud Lane

Site

View of site from Mud Lane looking northeast.





Kroger

Car Wash

Site

Kroger Entrance

Mud Lane

© 2017 Google  
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Google Earth

39°05'17.33" N, 95°10'11.84" W, elev. 538 ft., zoom 15.5

View of Mud Lane from end of site towards Preston Highway looking northeast.



Site

Mud Lane

Kroger Entrance

© 2017 Google  
© 2017 Google

Google Earth

39°05'14.74" N, 95°40'17.12" W, elev: 575 ft, zoom: 15.60 ft

View of site from Mud Lane and entrance to Kroger looking southwest.

Site

Hillview  
Woods Apts.

Hillview  
Woods Pkwy.

© 2017 Google

© 2017 Google

Google Earth

33.995400, -84.111111, 500 ft

View of site from Hillview Woods Parkway looking southeast towards apartments.



Hillview  
Woods Pkwy.

Site

borders and other items in the 3D viewer

© 2017 Google  
© 2017 Google

Google Earth

Report a problem

38°05'12.40" N, 85°04'17.38" W, elev: 579 ft, eye alt: 560 ft

View of site from Hillview Woods Parkway towards the entrance at Mud Lane.

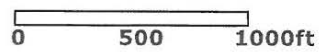
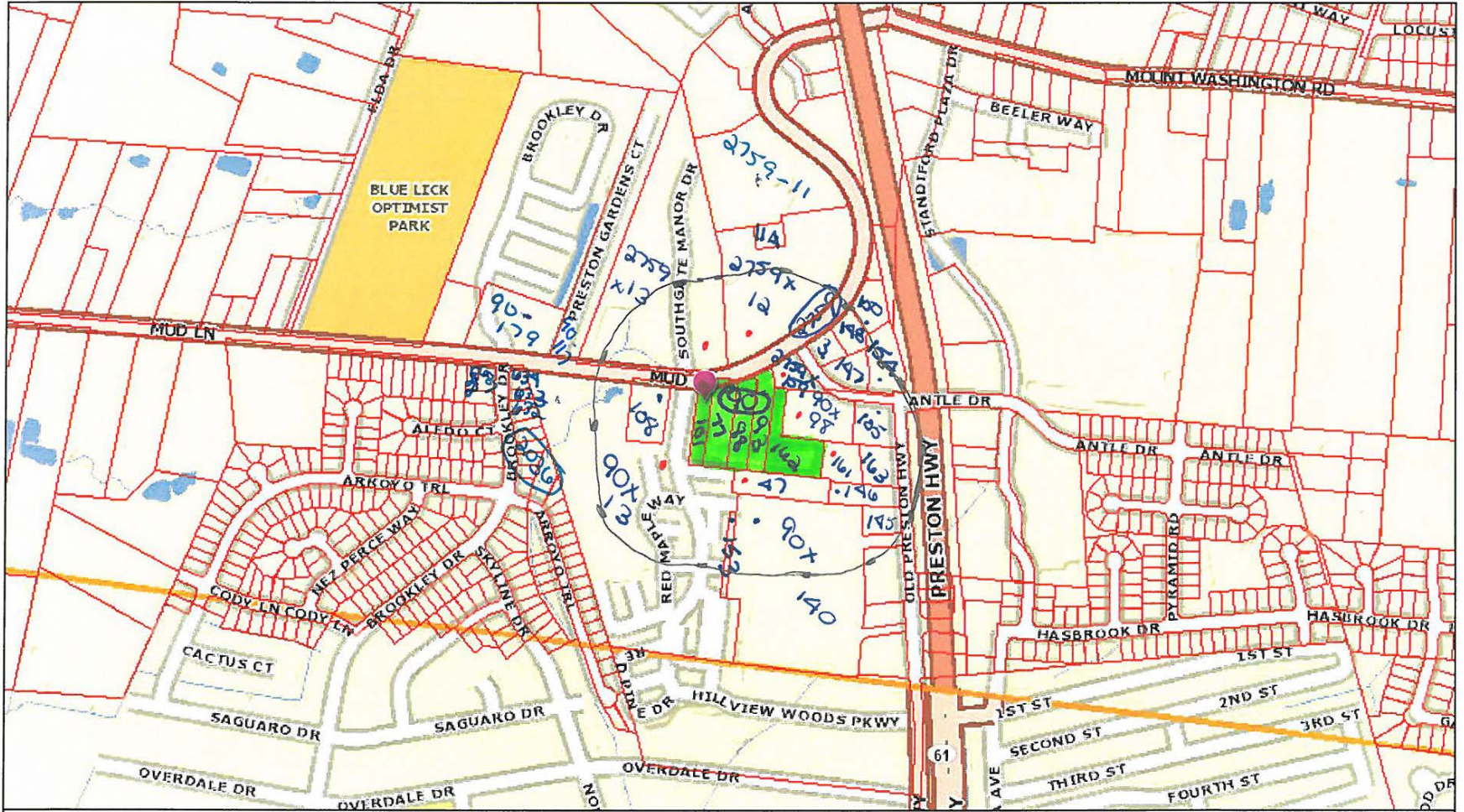
Tab 4

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# Neighborhood Meeting notice list map



Adjoining property owner notice list map wherein 37 neighbors were invited to the various neighborhood meetings and the subsequent LD&T and Planning Commission public hearing.



4/3/2017, 10:02:56 AM



Louisville Metro, MSD, LWC & PVA © 2017  
This map is not a legal document and should only be used for general reference and identification.

Tab 5

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# Development Plan





**BROOKLEY PLACE  
CONDOMINIUMS**

**SOUTHGATE  
APARTMENTS**

**KROGER**

**KOHL'S**

**WALMART  
SUPERCENTER**

**PROJECT  
SITE**

**MUD LANE**

**CAR  
WASH**

**EV5**

**WALGREENS**

**LG&E  
SUBSTATION**

**SPEEDWAY**

**ANYTIME  
FITNESS**

**HILLVIEW  
WOODS  
APARTMENTS**

**HILLVIEW  
PEDDLER'S  
MALL**

**HILLVIEW WOODS PKWY**

**PRESTON HIGHWAY**

**OLD PRESTON HIGHWAY**





**SOUTHGATE APARTMENTS**

**MUD LANE**

**PAPA JOHN'S**

**CAR WASH**

**ANTLEDRIE**

**GOODWILL**

**CVS**

**PRESTON HIGHWAY**

**PROJECT SITE**

**LG&E SUBSTATION**

**PNC BANK**

**EXISTING SOUTHGATE STORAGE**

**MOBY DICK**

**TACO BELL**

**OLD PRESTON HIGHWAY**

**HILLVIEW WOODS APARTMENTS**

**BURGER KING**

**HILLVIEW PEDDLER'S MALL**

# MUD LANE MINI-STORAGE DEVELOPMENT PLAN

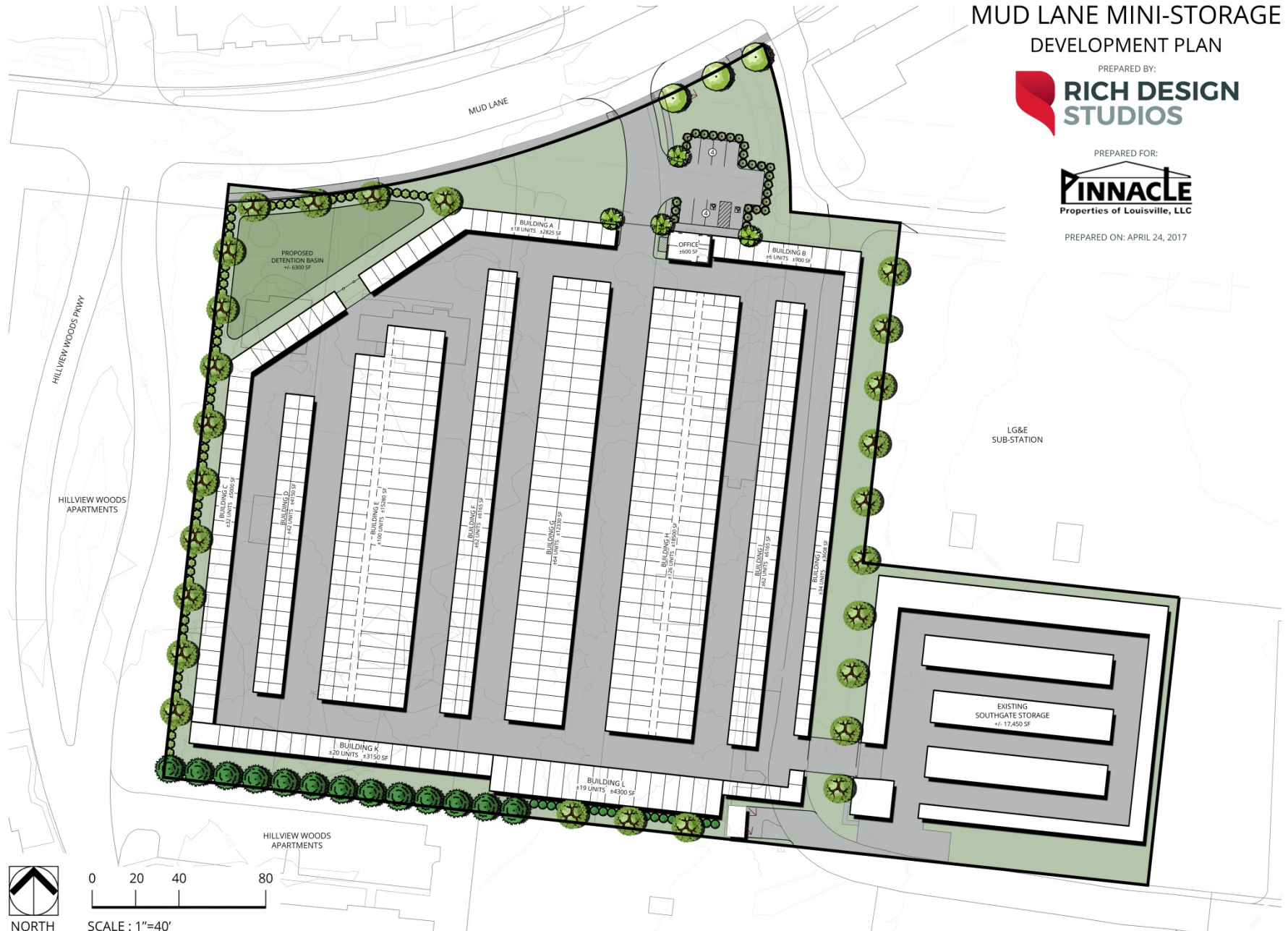


PREPARED BY:

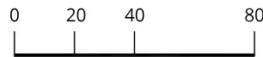


PREPARED FOR:

PREPARED ON: APRIL 24, 2017



NORTH



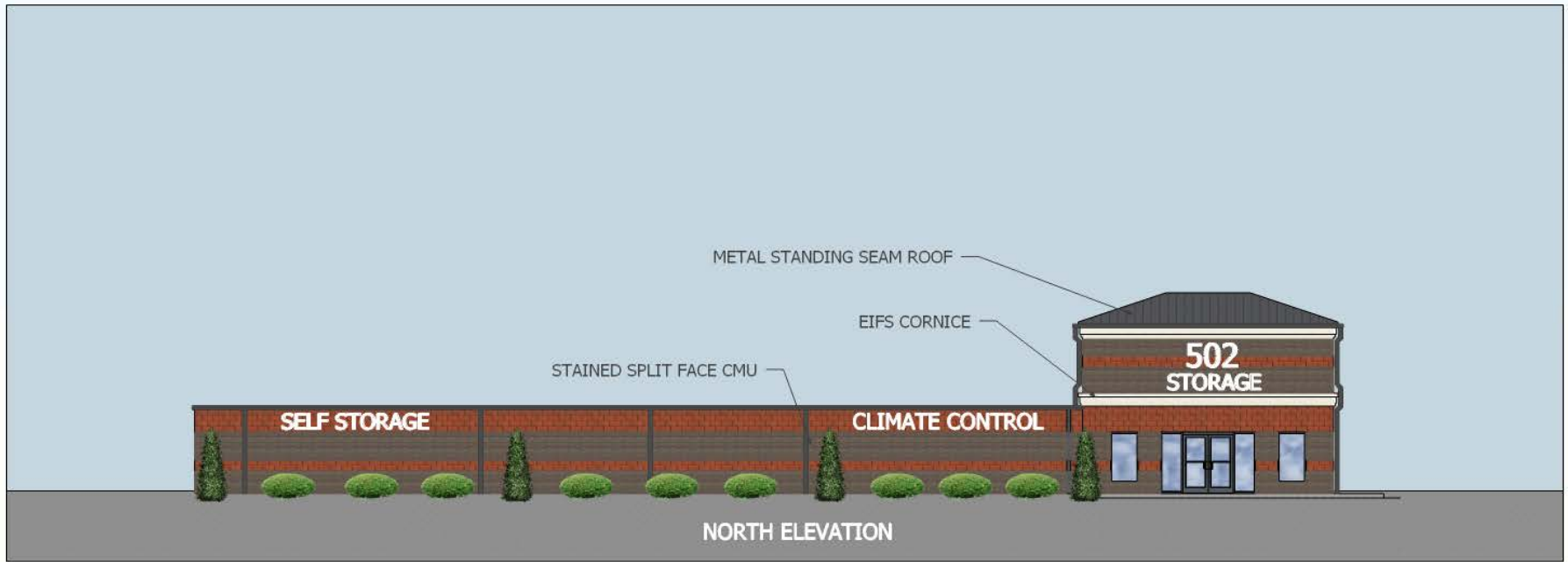
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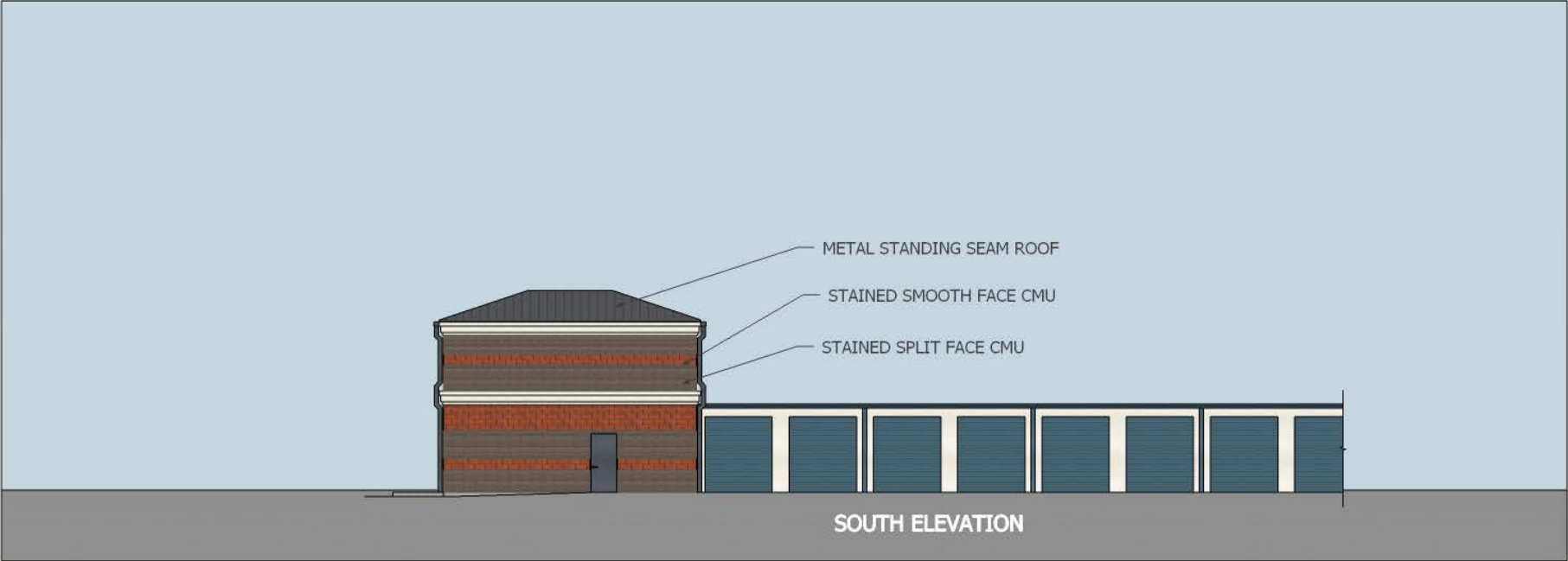
Tab 6

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# Building Elevations





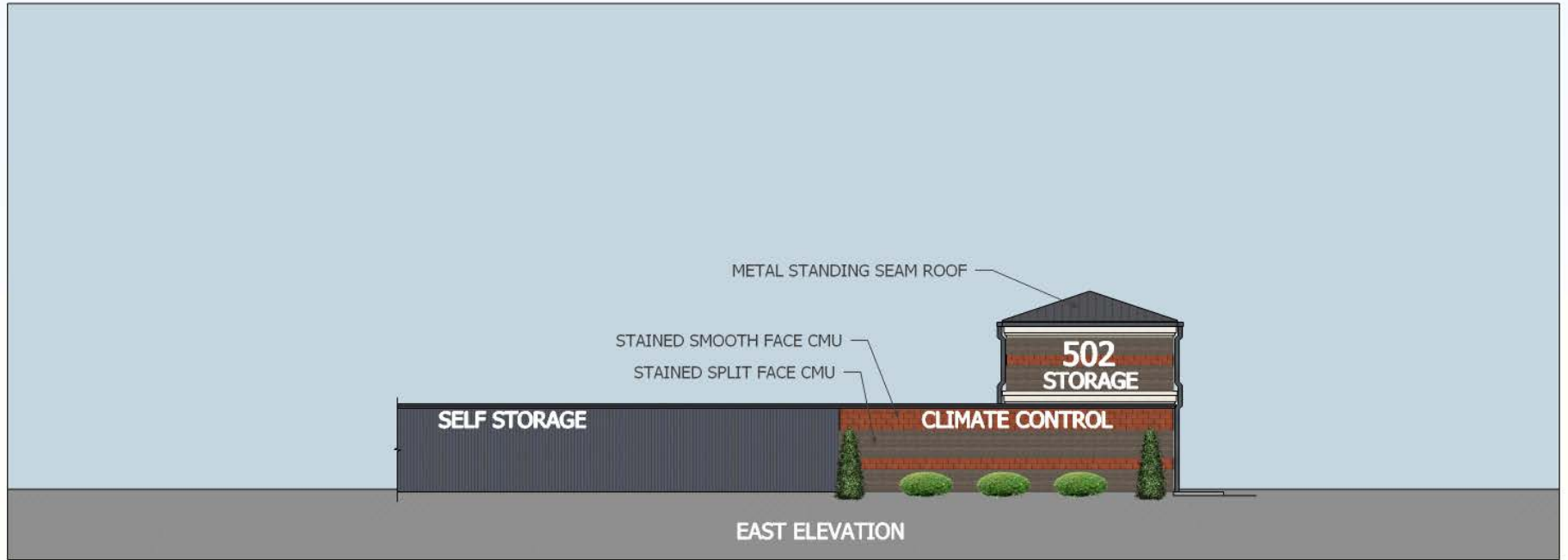


METAL STANDING SEAM ROOF

STAINED SMOOTH FACE CMU

STAINED SPLIT FACE CMU

SOUTH ELEVATION





## Tab 7

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





# BARDENWERPER, TALBOTT & ROBERTS, PLLC

ATTORNEYS AT LAW

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

<u>Owner:</u>	Little Bear, LLC
<u>Applicant</u>	Pinnacle Properties of Louisville, LLC
<u>Location:</u>	4910, 4212, 4914 and 4916 Mud Lane & 11212 Preston Highway
<u>Proposed Use:</u>	Self-storage facility
<u>Engineering Firm:</u>	Rich Design Studios
<u>Request:</u>	Zone change from R-4 to C-2 and a Conditional Use Permit (CUP)

### **INTRODUCTORY STATEMENT**

This proposal is for a change in zoning of a 5.89 acre tract located along the south side of Mud Lane, just west of Preston Highway to enlarge an existing, self-storage facility with additional storage buildings. The close proximity of the subject property to Preston Highway, plus all the businesses, apartments and single family residential neighborhoods that have access off Preston Highway and connecting collector streets ensures that the proposed self-storage facility will be easily accessible and highly convenient for storage users.

### **GUIDELINE 1 – COMMUNITY FORM**

The application complies with the Suburban Marketplace Form District in which this subject property and proposed self-storage facility are located because the pattern of development in this Form District is distinguished by a mixture of medium to high density commercial uses, mostly connected one to the other by a major arterial, such as Preston Highway. Cross connections, such as Mud Lane and Antle Drive help with Suburban Marketplace access and connectivity. Located in close proximity to this proposed self-storage facility are Kroger, Walmart, Kohls, and Tractor Supply stores, plus pharmacy, restaurant and other retail buildings.

### **GUIDELINE 2 - CENTERS**

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

This 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. The PowerPoint shown at the neighborhood meetings that accompanies this application illustrates this by virtue of the location of this proposed self-storage facility in proximity to and connectivity with other medium to high intensity commercial uses.

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 Mud Lane.

Part of a compact development pattern with a mixture of land uses, the application ensures efficient traffic flow and fewer trips by virtue of multiple services located in close proximity one to the other so as to meet the day-to-day needs of nearby businesses and residents.

### **GUIDELINE 3 - COMPATIBILITY**

The application complies with the applicable Intents and Policies 1, 2, 4, 5, 6, 7, 8, 9, 20, 21, 22, 23, 24 and 28 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 nearby residential properties by assuring that aesthetic and nuisance problems are eliminated or at least significantly diminished, thus preserving the character of any existing residential neighborhoods. Screening and buffering will be required as necessary to assure that activities within the self-storage facility are minimally visible from the outside.

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 Detailed District Development Plan (DDDP) accompanying this application. Buildings will be screened where necessary from affected residential properties. The use provides a quiet transition between the more active commercial land uses nearby and any existing nearby residential neighborhoods.

This proposed self-storage facility is not the kind of use that produces noise, lighting or odor impacts, and it tends to diminish air quality and traffic concerns. Customer traffic will be minimal and infrequent. Lighting will be directed down and away from adjoining properties and will meet Land Development Code requirements. No odors are associated with the proposed project. Self-storage is a very low traffic generator, and, when located within an existing center, trips can be combined with others, thus reducing vehicle miles traveled.

### **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 existing self-storage facility with a new addition of more buildings 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/enhancing the viability of available, highly accessible and convenient land that is in an in-fill location along Mud Lane near Preston Highway 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, 4, 6, 9, 10, 11, 13, 14, 15 and 18 of Guideline 7; Policies 5, 7, 8, 9, 10 and 11 of Guideline 8; and Policies 1, 2, 3 and 4 of Guideline 9; and Policies 1, 2, 4, 6, 7, 8, and 9 of Guideline 12 as follows.

First and foremost, the DDDP filed with this application requires the preliminary “stamp” of approval from Metro Public Works and Transportation Planning prior to public review of this application. That assures that those agencies’ standards for access, internal circulation, sight distances, road widths and possible right-of-way dedication parking, etc. are fully addressed. All of them appear to be already at this time on the DDDP filed herewith. Preston Highway and Mud Lane have adequate traffic-carrying capacity. Sidewalks will be provided as necessary. As part of an intense center of many other commercial uses, vehicles miles traveled should be reduced by virtue of shared trips to multiple commercial facilities.

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

The application complies with the applicable Intents and Policies 1, 3, 6, 7, 10 and 11 of Guideline 10; and Policies 3, and 5 of Guideline 11 as follows.

The DDDP accompanying this application must assure that there shall be no increase in drainage runoff to Mud Lane 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 DDDP will receive MSD’s preliminary “stamp” of approval prior to docketing, thus evidencing this fact. Sanitary sewer service will be provided by connection. The development will comply with MSD’s soil erosion and sediment control plus water quality standards, as evidenced on the construction plans at time of construction.

**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 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

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William B. Bardenwerper  
Direct dial: 426-0388, ext. 135  
Email: WBB@BARDLAW.NET

August 9, 2017

Laura Mattingly, Case Manager  
Louisville Metro Planning & Design Services  
444 S. Fifth Street, 3<sup>rd</sup> Floor  
Louisville, Kentucky 40202

Re: "Relief" from CUP requirement for self-storage facility on Mud Lane

Dear Laura:

In addition to the Zone Change, Conditional Use Permit and Waiver applications we are filing for this development, we are also requesting relief from the CUP requirements of Section 4.2.35.B with respect to a 30-foot setback to side and residential property lines. The proposed building, being as it adjoins an apartment community to the west and commercial properties to the south and east, does not negatively impact those properties in terms of setbacks. A 15 ft LBA is provided along the western property line adjacent to an entrance drive lane and existing off-site landscaping, and a variable 25 to 15 ft LBA is provided along the southern property line where existing C-2 buildings and parking are located.

Please let me know if you have any questions regarding these requests or the several other applications we are filing for this development.

Many thanks.

Sincerely,



William B. Bardenwerper

Cc: John Miranda, Pinnacle Properties of Louisville, LLC, applicant  
Kevin Rich, Rich Design Studios, land planner/engineer

e:\client folder\pinnacle-miranda\mud lane\application\cup relief\_4.2.35.b.doc

**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 10.2.2 to reduce the 25 ft LBA along the western property line to 15 ft.

Explanation of Waiver:

1. The waiver will not adversely affect adjacent property owners because there is an entrance drive lane along the west property line, such that the residential uses are unaffected.
2. The waiver will not violate the Comprehensive Plan for all the reasons set forth in the Detailed Statement of Compliance with all applicable Guidelines and Policies of the Cornerstone 2020 Comprehensive Plan filed with the rezoning application accompanying the DDDP and these waiver applications.
3. The extent of waiver of the regulation is the minimum necessary to afford relief to the applicant because the waiver is along the west line which adjoins an entrance drive lane where adequate landscaping already exists.
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 applicant would have to squeeze or reduce the size of its self-storage facility with a result that does not serve to benefit an adjoining property that is only “impacted” in an area where an existing entrance drive with landscaping presently exists.

**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 5.6.1.B.1 to omit the requirement of providing animating features of the building façade along no less than 60% of the façade facing public streets

Explanation of Waiver:

1. The waiver will not adversely affect adjacent property owners because this street view will be enhanced with landscaping and attractive building materials.
2. The waiver will not violate the Comprehensive Plan for all the reasons set forth in the Detailed Statement of Compliance with all applicable Guidelines and Policies of the Cornerstone 2020 Comprehensive Plan filed with the rezoning application accompanying the DDDP and these waiver applications.
3. The extent of waiver of the regulation is the minimum necessary to afford relief to the applicant because none of the building façade along Mud Lane is directly parallel to it, most of it is set back because of detention and utility easement, and room for landscaping should exist to mitigate any potential adverse impacts along this relatively short street frontage.
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, unlike other self-storage facilities, this one would be required to animate its frontage façade in a way that is impractical and, as explained above, aesthetically unnecessary.

**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 5.5.2.B.1.A to omit the vehicular and pedestrian connections between parking lot of abutting developments.

Explanation of Waiver:

1. The waiver will not adversely affect adjacent property owners because it does not object to the elimination of the connection which allows for this storage facility to be fully secured as it must.
2. The waiver will not violate the Comprehensive Plan for all the reasons set forth in the Detailed Statement of Compliance with all applicable Guidelines and Policies of the Cornerstone 2020 Comprehensive Plan filed with the rezoning application accompanying the DDDP and these waiver applications.
3. The extent of waiver of the regulation is the minimum necessary to afford relief to the applicant because the affected connection point is only along the southern property line, and that adjoining property has other viable means of access.
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 not be able to secure its storage facility which needs to have but one point of access, which is at the front secure gate.



## Tab 8

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



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## PROPOSED FINDINGS OF FACT REGARDING COMPLIANCE WITH ALL APPLICABLE GUIDELINES AND POLICIES OF THE CORNERSTONE 2020 COMPREHENSIVE PLAN

<u>Owner:</u>	Little Bear, LLC
<u>Applicant</u>	Pinnacle Properties of Louisville, LLC
<u>Location:</u>	4910, 4212, 4914 and 4916 Mud Lane & 11212 Preston Highway
<u>Proposed Use:</u>	Self-storage facility
<u>Engineering Firm:</u>	Rich Design Studios
<u>Request:</u>	Zone change from R-4 to C-2 and a Conditional Use Permit (CUP)

### **INTRODUCTORY STATEMENT**

**WHEREAS**, this proposal is for a change in zoning of a 5.89 acre tract located along the south side of Mud Lane, just west of Preston Highway to enlarge an existing, self-storage facility with additional storage buildings; the close proximity of the subject property to Preston Highway, plus all the businesses, apartments and single family residential neighborhoods that have access off Preston Highway and connecting collector streets ensure that the proposed self-storage facility is appropriately located and will be easily accessible and highly convenient for all the many apartment and small business storage users who are located in the area; and

### **GUIDELINE 1 – COMMUNITY FORM**

**WHEREAS**, the application complies with the Suburban Marketplace Form District in which this subject property and proposed self-storage facility are located because the pattern of development in this Form District is distinguished by a mixture of medium to high intensity commercial uses, mostly connected one to the other by a major arterial, such as Preston Highway; cross connections, such as Mud Lane and Antle Drive help with Suburban Marketplace access and connectivity; and located in close proximity to this proposed self-storage facility are many small businesses as well as large (e.g., Kroger, Walmart, Kohls, and Tractor Supply) plus apartments; and

### **GUIDELINE 2 - CENTERS**

**WHEREAS**, the application complies with the applicable Intents and Policies 1, 2, 3, 4, 5, 7, 11, 13, and 14 of this Guideline because this 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; the PowerPoint shown at the neighborhood meetings that accompanies this application, as well as the one shown at the public hearing, illustrates this by virtue of the location of this proposed self-storage facility in proximity to and connectivity with other medium to high intensity commercial uses; 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 Mud Lane; and

**WHEREAS**, part of a compact development pattern with a mixture of land uses, the application ensures efficient traffic flow and fewer trips by virtue of multiple services located in close proximity one to the other so as to meet the day-to-day needs of nearby businesses and residents; and

### **GUIDELINE 3 - COMPATIBILITY**

**WHEREAS**, the application complies with the applicable Intents and Policies 1, 2, 4, 5, 6, 7, 8, 9, 20, 21, 22, 23, 24 and 28 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 the adjoining apartment community by assuring that aesthetic and nuisance problems are eliminated or at least significantly diminished, thus preserving the character of any existing residential uses; and screening and buffering will be required as necessary to assure that activities within the self-storage facility are minimally visible from the outside; 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 accompanying PowerPoint; traffic and parking problems and appropriate transitions between uses and neighborhoods are also addressed on the Detailed District Development Plan (DDDP) accompanying this application; buildings will be screened with trees and shrubbery to protect affected residentially zoned properties; and the use provides a quiet transition between the more active commercial land uses nearby and any existing nearby residential use; and

**WHEREAS**, this proposed self-storage facility is not the kind of use that produces noise, lighting or odor impacts, and it tends to diminish air quality and traffic concerns; customer traffic will be minimal and infrequent; lighting will be directed down and away from adjoining properties and will meet Land Development Code requirements; no odors are associated with the proposed project; self-storage is a very low traffic generator, and, when located within an existing center, trips can be combined with others, thus reducing vehicle miles traveled; 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/expansion of an existing self-storage facility with a new addition of more buildings 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/enhancing the viability of available, highly accessible

and convenient land that is in an in-fill location along Mud Lane near Preston Highway 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, 4, 6, 9, 10, 11, 13, 14, 15 and 18 of Guideline 7; Policies 5, 7, 8, 9, 10 and 11 of Guideline 8; and Policies 1, 2, 3 and 4 of Guideline 9; and Policies 1, 2, 4, 6, 7, 8, and 9 of Guideline 12 because, first and foremost, the DDDP filed with this application obtained the preliminary “stamp” of approval from Metro Public Works and Transportation Planning prior to public review of this application; that assures that those agencies’ standards for access, internal circulation, sight distances, road widths and possible right-of-way dedication parking, etc. are fully addressed; Preston Highway and Mud Lane have adequate traffic-carrying capacity; sidewalks will be provided as necessary; and as part of an intense center of many other commercial uses, vehicles miles traveled should be reduced by virtue of shared trips to multiple commercial facilities; and

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

**WHEREAS**, the application complies with the applicable Intents and Policies 1, 3, 6, 7, 10 and 11 of Guideline 10; and Policies 3, and 5 of Guideline 11 because the DDDP accompanying this application must assure that there shall be no increase in drainage runoff to Mud Lane 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 DDDP received MSD’s preliminary “stamp” of approval prior to docketing, thus evidencing this fact; sanitary sewer service will be provided by connection; and the development will comply with MSD’s soil erosion and sediment control plus water quality standards, as evidenced on the construction plans at time of construction; 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 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 LD&T and the Planning Commission public hearing and also in the public hearing exhibit books on the approved detailed district development plan, this application also complies with all other applicable Guidelines and Policies of the Cornerstone 2020 Comprehensive 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-2, approves the Conditional Use Permit and the Detailed District Development Plan.

Relief from the CUP requirements of Section 4.2.35.B

**WHEREAS**, the proposed building, adjoins an apartment community to the west and commercial properties to the south and east, does not negatively impact those properties in terms of setbacks; and

**WHEREAS**, a 15 ft LBA is provided along the western property line adjacent to an entrance drive lane and existing off-site landscaping, and a variable 25 to 15 ft LBA is provided along the southern property line where existing C-2 buildings and parking are located;

**NOW, THEREFORE**, the Louisville Metro Planning Commission hereby grants relief from this Conditional Use Permit requirement.

Waiver Findings of Fact

Waiver of Section 5.5.2.B.1.A to omit the vehicular and pedestrian connections between parking lot of abutting developments.

**WHEREAS**, the waiver will not adversely affect adjacent property owners because it does not object to the elimination of the connection which allows for this storage facility to be fully secured as it must; and

**WHEREAS**, the waiver will not violate the Comprehensive Plan for all the reasons set forth in the Detailed Statement of Compliance with all applicable Guidelines and Policies of the Cornerstone 2020 Comprehensive Plan filed with the rezoning application accompanying the DDDP and these waiver applications; and

**WHEREAS**, the extent of waiver of the regulation is the minimum necessary to afford relief to the applicant because the affected connection point is only along the southern property line, and that adjoining property has other viable means of access; 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 not be able to secure its storage facility which needs to have but one point of access, which is at the front secure gate;

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

Waiver Findings of Fact

Waiver of Section 10.2.2 to reduce the 25 ft LBA along the western property line to 15 ft.

**WHEREAS**, the waiver will not adversely affect adjacent property owners because there is an entrance drive lane along the west property line, such that the residential uses are unaffected; and

**WHEREAS**, the waiver will not violate the Comprehensive Plan for all the reasons set forth in the Detailed Statement of Compliance with all applicable Guidelines and Policies of the Cornerstone 2020 Comprehensive Plan filed with the rezoning application accompanying the DDDP and these waiver applications; and

**WHEREAS**, the extent of waiver of the regulation is the minimum necessary to afford relief to the applicant because the waiver is along the west line which adjoins an entrance drive lane where adequate landscaping already exists; 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 applicant would have to squeeze or reduce the size of its self-storage facility with a result that does not serve to benefit an adjoining property that is only “impacted” in an area where an existing entrance drive with landscaping presently exists;

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

Waiver Findings of Fact

Waiver of Section 5.6.1.B.1 to omit the requirement of providing animating features of the building façade along no less than 60% of the façade facing public streets

**WHEREAS**, the waiver will not adversely affect adjacent property owners because this street view will be enhanced with landscaping and attractive building materials; and

**WHEREAS**, the waiver will not violate the Comprehensive Plan for all the reasons set forth in the Detailed Statement of Compliance with all applicable Guidelines and Policies of the Cornerstone 2020 Comprehensive Plan filed with the rezoning application accompanying the DDDP and these waiver applications; and

**WHEREAS**, the extent of waiver of the regulation is the minimum necessary to afford relief to the applicant because none of the building façade along Mud Lane is directly parallel to it, most of it is set back because of detention and utility easement, and room for landscaping should exist to mitigate any potential adverse impacts along this relatively short street frontage; 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, unlike other self-storage facilities, this one would be required to animate its frontage façade in a way that is impractical and, as explained above, aesthetically unnecessary; and

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