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STATEMENT OF COMPLIANCE/LETTER OF EXPLANATION FOR MIXED RESIDENTIAL DEVELOPMENT INCENTIVE AND FLOYDS FORK OVERLAY DISTRICT GUIDELINES

Applicant: Adams Property Group

Owner: 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

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

Proposed Use: Multi-story, climate controlled, self-storage mini-
warehouse

Engineers, Land Planners and
Landscape Architects: Bowman Engineering

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

INTRODUCTION

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. This largely treed site is proposed to remain in its current state for all of the site except for the portion along Shelbyville Road (with 72% of the existing trees to remain and be permanently protected). Very large buffers are provided to adjoining and the development is proposed far away from the steep slopes adjoining the protected pond to the west.

I. COMPLIANCE WITH THE FLOYDS FORK OVERLAY GUIDELINES

The development complies with the applicable guidelines as follows:

The entire site is within the Floyds Fork Development Review Overlay but has no wetlands, or hydric soils. While the site does have steep slopes, all of the proposed development is on the northern portion of the site near Shelbyville Road, away from the steepest slopes. This proposed layout allows for the preservation of 72% of the existing trees on the site (with the site currently having over 91% existing tree canopy coverage). This tree preservation is three or four times what is required by the new LDC tree canopy regulation.

The Floyds Fork Development Review Overlay (FFDRO) is an overlay area shown on Louisville Metro’s zoning district maps, which “constitutes a second level of development standards in addition to those specified by the underlying zoning district”, the “purpose” of which “is to protect the quality of the natural environment . . . by promoting compatible development of land and structures” from “blighting influences” . . . , “unsafe buildings” . . . , “significant damage or destruction of prominent hillsides or valleys caused by improper development” . . . , “significant damage to the economic value of existing properties and/or new developments” . . . , “soil erosion and stream siltation” . . . , “destruction of mature and/or valuable trees and other vegetation and wildlife habitat” . . . , and “loss of high quality visual character.” LCD 3.1.A.1.

The FFRDO Regulations attempt to accomplish these purposes by reviewing development applications against certain “guidelines” which contain such word choices as “desirable”, “preferred”, “recommended”, “discouraged”, “encouraged”, “intended”, “where possible”, “may” and “would”. Indeed, there are 62 different times the word “should” is used in the FFDRO Guidelines, with only a single use of the word “shall”. This is why the FFDRO review is conducted against mere “guidelines”, not detailed, objective “standards”, like the rest of the LDC.

As such, in each case a FFDRO review is conducted by the Planning Commission to determine a proposed development’s “impact on environmental characteristics.” To aid the Planning Commission in doing so, the FFDRO Regulations state that the applicant must “provide adequate information to allow the Commission to determine impacts of the proposal and compliance with the [established] guidelines.” LDC 3.1.B.3. If the Planning Commission determines there to be negative impacts, the next question for the Planning Commission is to determine if those impacts “can be overcome” and “mitigated to a substantial degree” through “incorporation of any necessary mitigation measure” — defined by the FFDRO as Conditions of Approval (COA). In such case, “approval of the development . . . will be given”, contingent of course upon compliance with other LDC regulations. LDC 3.1.B.8.

These are the FFDRO Guidelines and how this development application does not cause negative impacts or at least ones that cannot be mitigated through a Condition of Approval.

1. Stream Corridors: Floyds Fork is located approximately 1,500 feet to the west of the subject site, being separated by property owned by Louisville Metro. The detention basin on the property to the west is shown as a protected “Pond”, rather than a protected “Stream”. Irrespective, a buffer strip well in excess of 100 feet from top of bank for grading and infrastructure and well in excess of 200 feet for structures is retained and being provided. The buffer strip being provided is over 1,000 feet from the protected “Pond” top of stream Existing riparian and other native vegetation, including root systems, in this large setback area will be maintained and permanently preserved to maintain the stream banks and protect water quality. No development in flood plains and along slopes adjacent to the referenced stream or pond is being proposed.

2. Trees and Vegetation: Existing “wooded areas” have been avoided in all areas other than adjacent to the Shelbyville Road frontage, taking into account that certain trees, notably non-native species and smaller sized ones, will have to be removed along the Shelbyville Road

frontage in order to allow development to occur. Development activities within the drip lines of retained trees in the Shelbyville Road frontage section will be avoided, and limits of disturbance will be shown on development-related plans. The development will preserve 72% of the existing trees on the site (with the site having over 91% existing tree canopy coverage), and will have 421,376 square feet of tree canopy coverage, or approximately twice what is required by the LDC, along with the regulatorily required plantings at the front of the property.

3. Drainage and Water Quality: Septic tanks and other on-site sanitary disposal systems will NOT be utilized; rather sanitary flows will be collected within MSD approved sewer lines and related infrastructure. Although there does not appear to be any identified wetlands on this site any that may be subsequently identified will be preserved and or mitigated. An MSD compliant soil erosion and sediment control plan will be prepared prior to construction plan approval. Storm water will be addressed in manners approved by MSD, currently anticipated to be via the detention basin shown on the development plan. Other water quality measures will also be undertaken pursuant to MSD regulations governing same.

4. Hillsides: The proposed development takes into account the natural character of the land avoiding all but the portion of the property closest to Shelbyville Road, with the building being revised to a multi-story building (from the original single story layout) in order to preserve additional tree canopy and avoid additional development on the hillside. Development on slopes greater than 20%, if any, will be avoided.

5. Clustering of Residential Use: Not applicable.

6. Historic Elements: There is an existing home on the site that is over 50 years old, but no designated historic structures are on the site, and no historic walls, fences, or cemeteries, are located on the site.

7. Vistas and Appearance: Shelbyville Road is a mapped “Scenic Parkway”, and as such will have to be treated in the manner mandated by the LDC in order to preserve the scenic, landscaped character of such roads. A 50-foot scenic buffer is provided and the entrance to the site off Shelbyville Road, which along with the drop in elevation from Shelbyville Road will assist in maintaining the rural character of the Scenic Parkway. Parking lots are being provided to the side and rear of the proposed buildings and screened by the min-storage buildings and/or fencing/landscaping. The total impervious surface on this development covers far less than the proposed 75% of the site, with only 12% of the site proposed as impervious surface and 88% being retained in its natural state. Newly installed utility lines are proposed to be underground. All signage will be fully LDC compliant.

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For all of the above-stated reasons, those shown on the detailed district development plan and those to be explained at the LD&T meeting and Planning Commission public hearing, this application complies with the Floyds Fork Development Review Overlay Guidelines.

Respectfully submitted,

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