

Neighborhood Meeting - October 27, 2015

Louisville Metro Land Development & Transportation Committee – April 14, 2016

Louisville Metro Planning Commission – May 19, 2016

**Docket No. 15ZONE1055**

**Zone change from R-4 to C-1 and from C-1 to C-M to  
allow a self-storage facility located at  
10200 Brookridge Village Blvd.**

c/o Noltemeyer Capital, LLLP

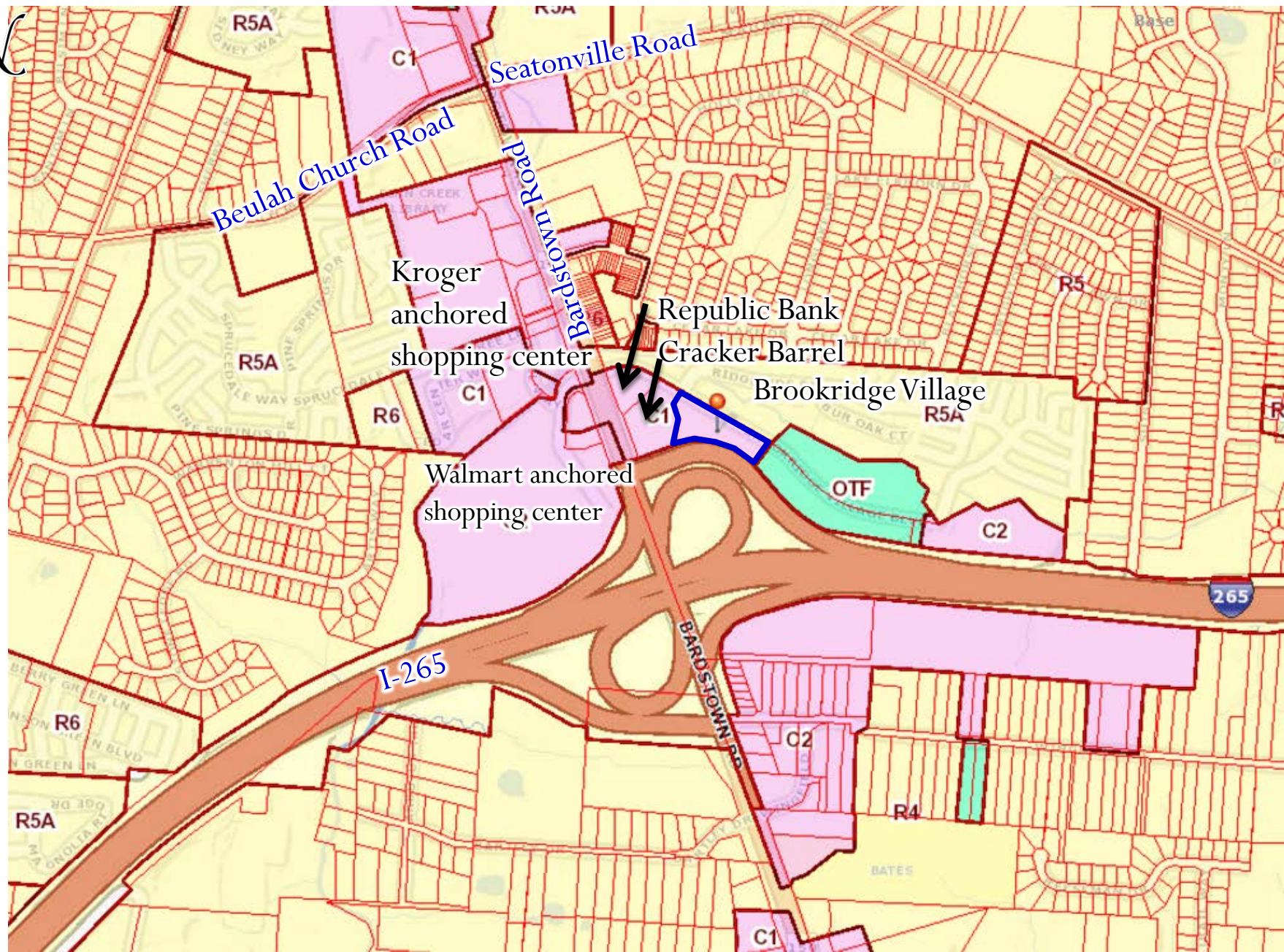
Attorneys: Bardenwerper Talbott & Roberts, PLLC

Land Planners, Landscape Architects & Engineers: Keal & Associates, Inc.

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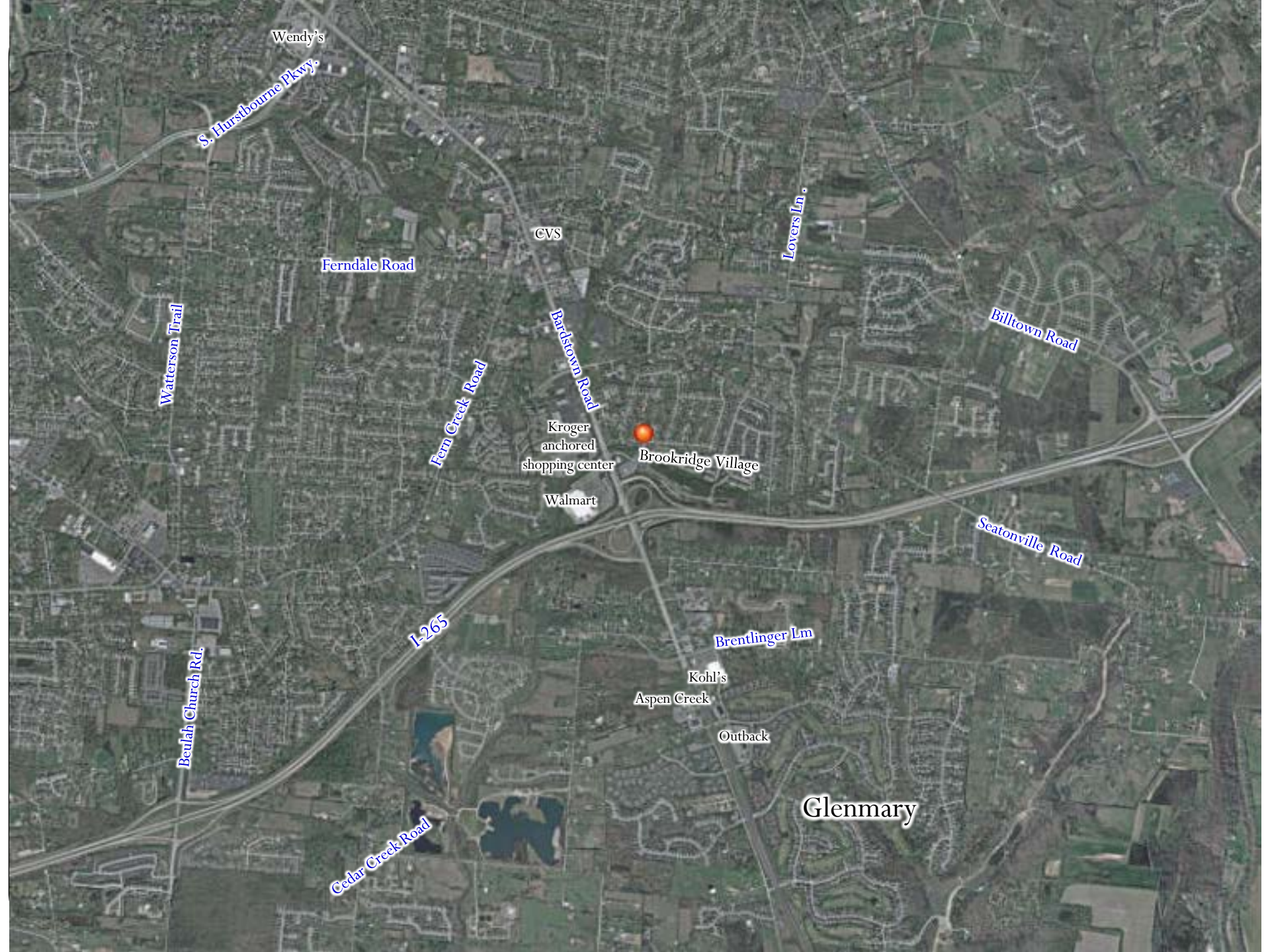
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Tab 1  
LOJIC Zoning Map



Tab 2

Aerial photograph of the site and  
surrounding area



Wendy's

S. Hurstbourne Pkwy

CVS

Ferndale Road

Lovers Ln.

Wattersson Trail

Bardstown Road

Billtown Road

Fern Creek Road

Kroger anchored shopping center



Brookridge Village

Walmart

Seatonville Road

I-265

Brentlinger Ln

Beulah Church Rd.

Kohl's

Aspen Creek

Outback

Cedar Creek Road

Glenmary



Kroger  
anchored  
shopping center

Republic Bank  
Cracker Barrel

Brookridge Village

Walmart

Bardstown Road

I-265

265

C2

R5A

R6

C1

R6

R5A

R4

OTF

C2

RD

WINGFIELD RD

Tab 3

Ground level photographs of the site and surrounding area





View looking east from Bardstown Road into Brookridge Village Blvd.



View looking east towards Brookridge Village office condos. Site is to the right (south).



View of Brookridge Village office condos to the east of site.



SITE

Bardstown Road

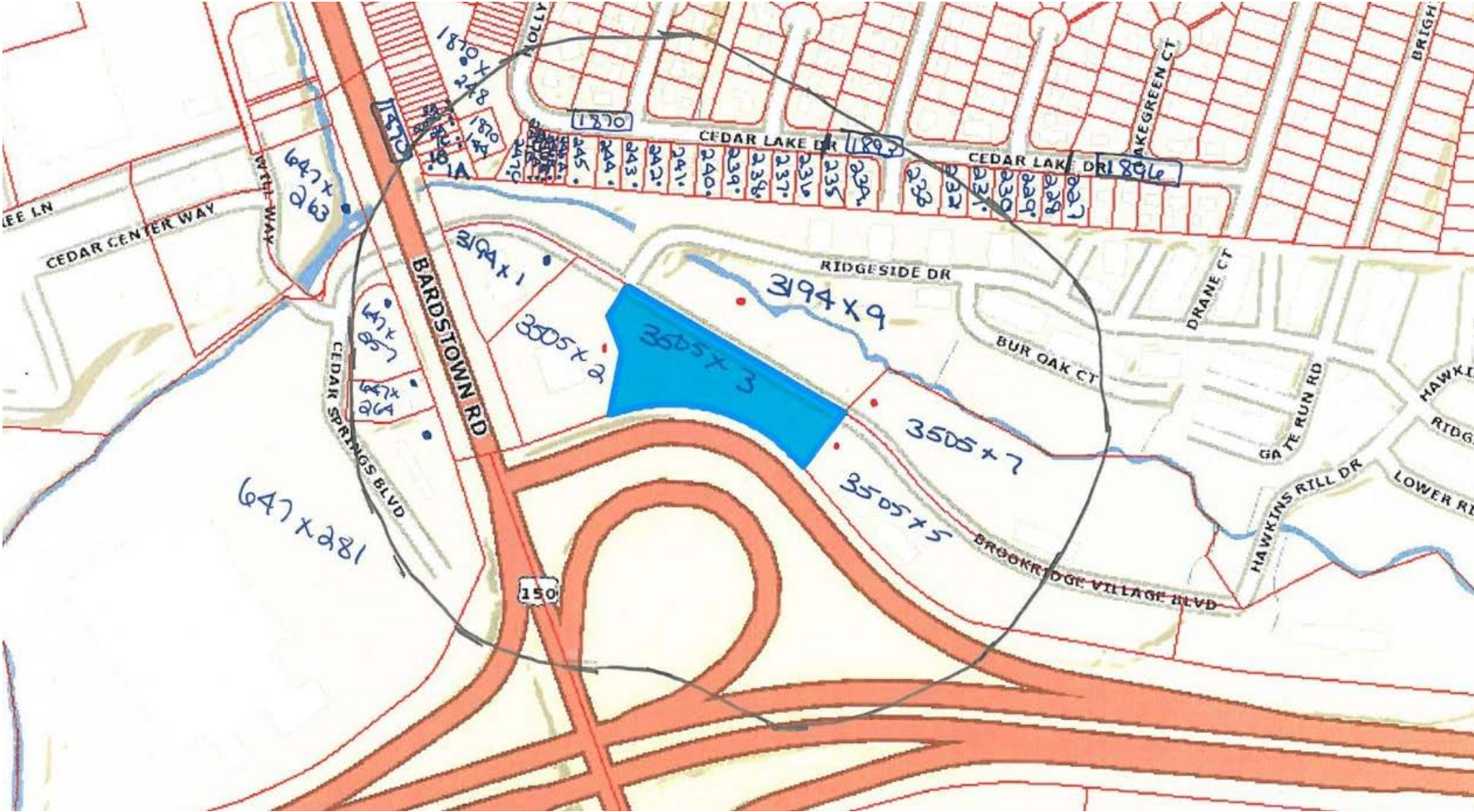
Brookridge Village Blvd.

View looking west towards Bardstown Road along Brookridge Village Blvd. Site is to the left (south).

Tab 4

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

Neighborhood meeting notice list map, wherein 51 neighbors were invited to the neighborhood meeting



# NOLTEMEYER CAPITAL, LLLP

122 N. Peterson  
Louisville, Kentucky 40206

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October 13, 2015

Dear Neighbor,

**RE: Proposed zone change from C-1 commercial to C-2 commercial with a Conditional Use Permit (CUP) to allow a 105,925 sf mini-storage facility on property previously approved for retail on property located between the Brookridge Village Apartments to the north and the Gene Snyder Freeway to the south on approximately 2.43 +/- acres at 10200 Brookridge Village Blvd.**


We are writing to invite you to a meeting we have scheduled to present neighbors with our plan for a mini-storage facility to be located as above.

Accordingly, we have filed a plan for pre-application review with the Division of Planning and Design Services (DPDS) that has been assigned Case No. 15ZONE1055. We would like to show and explain our plan to neighbors so that we might hear what thoughts, issues and perhaps even concerns you may have. In that regard, a meeting will be held on **Tuesday, October 27<sup>th</sup> at 7:00 p.m.** at the **Fern Creek Fire Station** located at the south side of Gene Snyder Freeway at **9409 Old Bardstown Road.**

If you cannot attend the meeting but have questions or concerns, please call our local land use attorney Bill Bardenwerper at 426-6688, or our land planning and engineering firm representatives Mike Keal at 583-1984.

We look forward to seeing you.

Sincerely,



Norman Noltemeyer

cc: Hon. Robin Engel, Metro Councilman, District 22  
Bill Bardenwerper, attorney with Bardenwerper, Talbott & Roberts, PLLC  
Mike Keal, land planners with Keal & Associates, Inc.  
Brian Davis, Planning & Design Services supervisor

## Neighborhood Meeting Summary

The neighborhood meeting was called to order by Bill Bardenwerper at the Fern Creek Fire Station on Old Bardstown Road on Tuesday, October 27<sup>th</sup> at 7:00 PM. Also attending were Mike Keal, land planner with Keal & Associates, and applicant representative Norman Noltemeyer with Noltemeyer Capital, LLLP.

Mr. Bardenwerper showed a PowerPoint presentation, which included aerial photographs of the area, close up and farther out, the site plan superimposed on aerial views, LOJIC zoning map the previous approved general development plan and photographs of a similar mini-warehouse complex.

Mike Keal next explained how this particular zoning came to pass, as part of a C-1 rezoning effort that never developed according to initial plan. It is right behind the Cracker Barrel and thus not visible enough for another retail or restaurant out-lot. On the east side of it is an office condominium community which is presently partly vacant because office condominiums have not proved to be very marketable in this area. Mr. Noltemeyer, in fact, explained that the office condominiums that he sold were sold at a steep discount. Therefore, to build more office condominiums at this location, or even on the property that remains part of the office condominium project, he said would result in probably either more economic loss and/or worse, sales at such low prices that existing office condominium owners would never receive a decent return on the investments they made. In other words, there is no good reason to create an office condominium glut in an area where there is such low office condominium demand.

In this respect, there was some confusion about whether this property is actually part of the office condominium project. Mike Keal assured the two neighbors who attended this meeting that this property was not part of that condominium regime.

Mr. Bardenwerper, in particular, spent considerable time explaining how a mini-storage facility like this, if properly designed as proposed, would be a lower traffic generator and as low an impact use as any other use. That is one reason, he explained, why south on Old Bardstown Road a previously approved residential patio home condominium site was, in the end, supported for minor warehouse rezoning by existing patio home owners. When showed the mini-storage plan in place of the patio home plan on that site, the residential neighbors concluded, as the developer proposed, that their view of a well-landscaped, red brick-colored masonry wall was very similar to what they would see if they were able to have a screening wall in that location no matter the use. That particular developer, Mr. Bardenwerper explained, like this one, proposed a high-quality masonry wall with high-quality landscaping, such that the aesthetics, together with other low or no impacts, created a net positive result for adjoining and other nearby residential property owners.

Mr. Bardenwerper, Mr. Keal and Mr. Noltemeyer all showed photographs of a recently developed/constructed mini-storage facility at Taylorsville Road and the Snyder Freeway which, in some respects, (notably red-colored, possibly brick, building materials with



black brushed aluminum or wrought iron gate) was a model for the development and look of this particular mini-storage project.

Other impact questions were briefly asked and answered, such as storm water management. But the main issue at this meeting appeared to be the use and its look, focusing on whether this would be a problem for the adjoining office condominiums, such as attracting people who might cause security problems, such as break-ins at the office condominium development. Mr. Bardenwerper said that there would be rules and regulations as to use of these mini-storage facilities, such that no one could operate a business out of them, store hazardous chemicals in them, and so forth. Mr. Keal explained the secure access system that is planned.

Mr. Bardenwerper then explained the rezoning process, including development plan review, and likely timing for decision making on this proposed project.

Respectfully submitted,

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William B. Bardenwerper  
Bardenwerper, Talbott & Roberts, PLLC  
Building Industry Association of Greater Louisville Building  
1000 N. Hurstbourne Parkway, 2<sup>nd</sup> Floor  
Louisville, KY 40223  
(502) 426-6688

Tab 5

Previously approved development plan



Tab 6

Proposed Development Plan



150

BARDSTOWN RD

Republic Bank

Cracker Barrel

Brookridge Village

RIDGESIDE DR

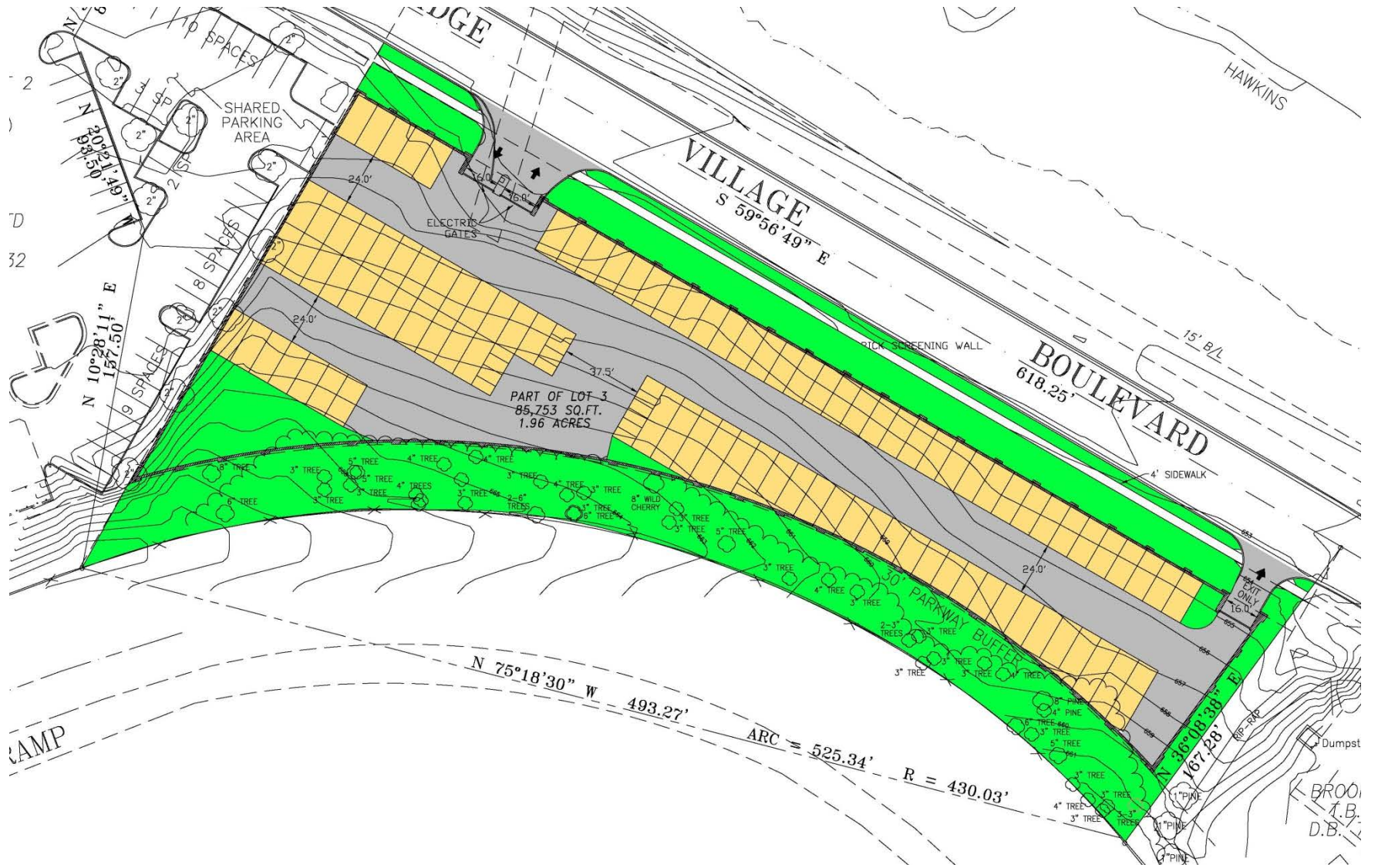
BROOKRIDGE VILLAGE BLVD

Bardstown Road

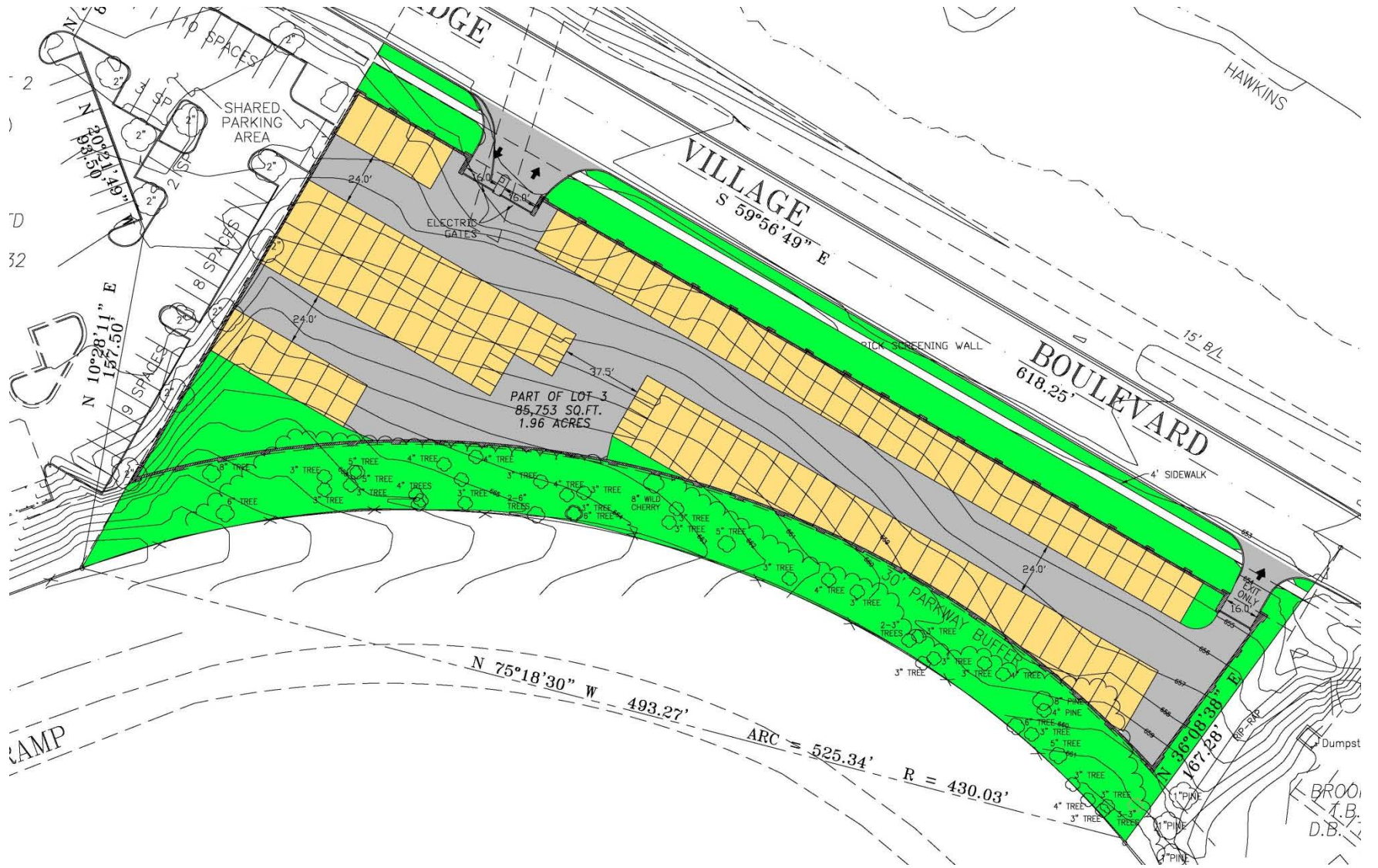
CEDAR SPRINGS BLVD

Walmart





2  
D  
32



BROOK  
T.B.  
D.B.

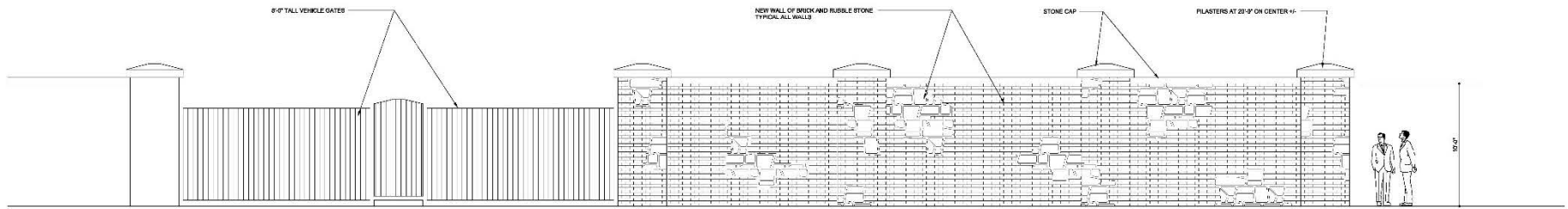
Tab 7

Building Elevations

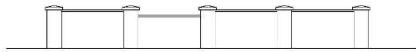


Representative photograph of the mini-warehouse facility

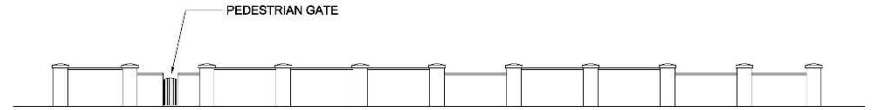




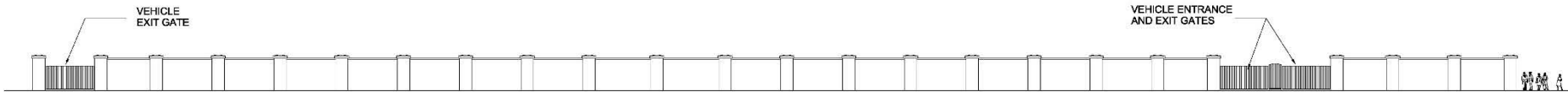
**ENLARGED DETAIL OF NORTH WALL**  
SCALE: 1/4" = 1'-0"



**EAST WALL ADJACENT TO OFFICE BUILDING**  
SCALE: 1/16" = 1'-0"



**WEST WALL ADJACENT TO CRACKER BARREL RESTAURANT**  
SCALE: 1/16" = 1'-0"



**NORTH WALL ALONG BROOKRIDGE VILLAGE BOULEVARD**  
SCALE: 1/16" = 1'-0"  
SOUTH WALL ALONG I-265 EXIT RAMP SIMILAR WITHOUT GATES

## Tab 9

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

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

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

Applicant/Owner: Noltemeyer Capital, LLLP

Location: 10200 Brookridge Village Blvd.

Proposed Rezoning/Use: R-5A to C-1 (Brookridge Village Blvd) and C-1 to C-M for mini-storage facility

Engineers, Land Planners and  
Landscape Architects: Mike Keal & Associates

### **INTRODUCTION**

The proposed Brookridge Village mini-storage facility is located along the northeast side of a Snyder Freeway off-ramp onto Bardstown Road and otherwise adjoins a Cracker Barrel Restaurant to the northwest, office condominium buildings to the southeast and apartment buildings across Brookridge Village Blvd. Consequently, the proposed use has no adverse impacts on a mix of uses with which it is compatible and which will utilize its facilities and services.

This site was previously contemplated as an addition to the office condominium complex to the southeast. But those office condominium buildings proved to be a very difficult sell for this applicant, which also developed the balance of this mixed-use project, known as Brookridge Village, including the office condo site. The design of the site will be typical of most mini-storage facilities, probably a split-face block on the rear of the buildings to give the effect of a screening wall. The interior will also be constructed, like most mini-storage facilities, of metal buildings. But they will not be visible from the outside, except perhaps in a very limited way through the entry gate, which will utilize what is typically utilized, that being a brushed aluminum, wrought iron style architectural gate.

### **GUIDELINE 1: COMMUNITY FORM: TOWN CENTER**

The proposed Brookridge Village mini-storage facility is located in a Town Center. Town Centers contain significant amounts of diverse uses, largely in square footage quantities greater than the activity centers found in neighborhoods. These uses are typically compact and designed to serve the needs of the Town Center.

This application complies with this Guideline because this particular Town Center includes a variety of businesses, which are traditional users of mini-storage facilities. Residents are as well, which is a reason

that mini-storage facilities like to locate along arterial roadways in order to conveniently serve both the nearby commercial businesses and residential populations. Mini-storage facilities are located in Town Centers elsewhere around Metro Louisville.

### **GUIDELINE 2: ACTIVITY CENTERS**

The Intents and applicable Policies 1, 2, 4, 5, 7, 11, 14 and 15 all relate to the fact that activity centers are intensely developed areas, whether in a neighborhood or a Town Center like this, where infrastructure already exists, where commuting times can be reduced because of the intensity of mixed uses within a defined area, the desirability being that uses within an activity center be mixed and compactly developed.

This application complies with Intents and applicable Policies of this Guideline because, as stated in the introductory section of this Compliance Statement, the subject property is surrounded by a diversity of uses, in close proximity to one another. The site is located just off an arterial highway, easily accessible from both residential areas and nearby businesses which will utilize the proposed Brookridge Village mini-storage facility. Town Centers are typically thought of as activity centers in and of themselves, and this is one where the development is already mixed, compact and with available infrastructure already at the site.

### **GUIDELINE 3: COMPATIBILITY**

The Intents and applicable Policies 1, 2, 4, 5, 6, 7, 8, 9, 12, 19, 20, 21, 22, 23 and 28 all pertain to how potentially incompatible uses can be made compatible through design.

This application complies with these Intents and applicable Policies of this Guideline as follows. Potentially incompatible uses can be made compatible through design, and that is accomplished at this location because there is no consistent design theme in this immediate area other than that Brookridge Village is a new, nicer designed development. Therefore, finding a design that perfectly fits with something already constructed is a bit of a challenge. But high quality design will be a critical factor to assure acceptance by Brookridge Village businesses and residents already located here. Design will incorporate split-face block material along the rear of the metal buildings, such that the look from the exteriors will be one of a masonry wall, which is typical of other mini-storage facilities around Metro Louisville. This is a pleasant look, assuring that the interior of the site, which is constructed of metal, will not be visible except through an attractive wrought iron style, black brushed aluminum gate.

Hazardous materials and noxious uses will be prohibited from this facility. No odors or noises are associated with it. Lighting will not extend above the roof line, so it will not be visible from off site. It will be directed down and away from nearby properties. Access will be controlled from one location. Parking will be minimized. Peak hour traffic is nonexistent and is generally distributed throughout the day. This use fits with the centers concept.

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

The Intents and applicable Policies 3, 5, 6 and 11 of this Guideline all apply to assuring the availability of necessary usable land to facilitate various types of commercial and other development, including the desire to develop within activity centers where redevelopment is possible.

This application complies with the Intents and applicable Policies of this Guideline because the subject use is not out of character with the rather intense variety of uses mostly surrounding it. Because there is a market for a mini-storage facility of this kind to support the demands of commercial activities and residences along this stretch of Bardstown Road, it makes sense to utilize this property in a productive manner. After all, it is, as said above, an activity center surrounded with a variety of different uses. Further development of this property as previously proposed for more office condominiums will simply lead to a diminution in value of the existing office condominiums because of a lack of a current demand.

**GUIDELINE 7: CIRCULATION; GUIDELINE 8: TRANSPORTATION FACILITY  
DESIGN; AND GUIDELINE 9: ALTERNATIVE FORMS OF ACCESS**

The Intents and applicable Policies 1, 2, 9, 10, 11, 12, 13, 14 and 16 of Guideline 7, plus applicable Policies 5, 9, 10 and 11 of Guideline 8, plus applicable Policy 1 of Guideline 9 all pertain to the issues that are thoroughly reviewed and determined by Metro Transportation Planning and Public Works officials. They have their standards for design of all of the Policies referenced hereinabove.

This application complies with the Intents and applicable Policies of these Guidelines as follows. First, as stated, in order to be docketed for review by the Planning Commission's Land Development and Transportation (LD&T) Committee and set for public hearing, the referenced government agencies need to "stamp" the plan for preliminary review, thus indicating those technical reviewing agencies' determination that the issues raised by these applicable Policies have been addressed on the detailed district development plan (DDDP) filed with this application. Mike Keal & Associates is a professional land planning and engineering firm that takes into account all of these factors. Consequently, it has shown on the DDDP that access to the site, as determined by government agencies, is located where it will not have a negative impact on the local street system. Thus, access is appropriately shown on the DDDP, as well as circulation throughout the development, including necessary parking. Stub connections to adjoining properties are not included because this is a secure facility, thus access through the development to other properties would not make sense because security would be lost. It is believed that adequate right-of-way already exists along Brookridge Village Blvd. Pedestrian access will be provided along the property's frontage. However, bicycles and transit are not likely to have need for access to this facility because it is for residents and businesses who want to deliver and pick up stored items which are usually not done on a bicycle or transit.

**GUIDELINE 10: FLOODING AND STORMWATER**

The Intents and applicable Policies 1, 3, 6, 7, 10 and 11 of this Guideline all pertain to the issues of stormwater management, which is the review focus of MSD.

This application complies with the Intents and applicable Policies of this Guideline as follows. The overall development plan originally prepared for the Brookridge Village development includes detention. That system has adequate stormwater carrying capacity. Detention facilities are designed to assure that post-development rates of runoff do not exceed pre-development rates.

**GUIDELINE 11: WATER QUALITY**

The Intents and applicable Policies 3, 4, 5 and 9 of this Guideline are intended to assure water quality through application to new development of standards developed by MSD.

This application complies with the Intents and applicable Policies of this Guideline as follows. MSD has established both soil erosion and sedimentation control standards as well as water quality standards. The applicant must demonstrate compliance with these through construction design, which it will do.

**GUIDELINE 12: AIR QUALITY**

This Intents and applicable Policies 1, 2, 4, 6, 7, 8 and 9 of this Guideline all pertain to finding ways to assure that local air quality problems are not exacerbated and, to the extent possible, that air quality might even be improved.

This application complies with the Intents and applicable Policies of this Guideline as follows. Because, as stated, there is a demonstrated need for a facility of this kind to serve the local population and nearby businesses, vehicle miles traveled can be reduced, given that customers will be able to utilize a facility close by.

**GUIDELINE 13: LANDSCAPE CHARACTER**

The Intents and applicable Policies of this Guideline all pertain to assuring that all facilities are adequately treed and landscaped.

This application complies with the Intents and applicable Policies of this Guideline as follows. This facility will include all the required landscaping, notably along the perimeter where, in accordance with landscape requirements of the local Land Development Code.

\* \* \* \*

For all the reasons set forth herein and in accordance with testimony at the LD&T committee meeting and public hearing, the 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  
Building Industry Association of Greater Louisville Bldg.  
1000 N. Hurstbourne Parkway, Second Floor  
Louisville, KY 40223

Tab 10

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

# BARDENWERPER, TALBOTT & ROBERTS, PLLC

ATTORNEYS AT LAW

BUILDING INDUSTRY ASSOCIATION OF GREATER LOUISVILLE BLDG • 1000 N. HURSTBOURNE PARKWAY • 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

Applicant/Owner: Noltemeyer Capital, LLLP

Location: 10200 Brookridge Village Blvd.

Proposed Rezoning/Use: R-5A to C-1 (Brookridge Village Blvd) and C-1 to C-M for mini-storage facility

Engineers, Land Planners and Landscape Architects: Mike Keal & Associates

The Louisville Metro Planning Commission, having heard testimony before its Land Development & Transportation Committee, in the Public Hearing held on May 19, 2016 and having reviewed evidence presented by the applicant and the staff's analysis of the application, make the following findings:

### **INTRODUCTION**

**WHEREAS**, the proposed Brookridge Village mini-storage facility is located along the northeast side of a Snyder Freeway off-ramp onto Bardstown Road and otherwise adjoins a Cracker Barrel Restaurant to the northwest, office condominium buildings to the southeast and apartment buildings across Brookridge Village Blvd; consequently, the proposed use has no adverse impacts on a mix of uses with which it is compatible and which will utilize its facilities and services; and

**WHEREAS**, this site was previously contemplated as an addition to the office condominium complex to the southeast; but those office condominium buildings proved to be a very difficult sell for this applicant, which also developed the balance of this mixed-use project, known as Brookridge Village, including the office condo site; also mini-storage was once contemplated on another part of this larger development site such that this change in use is not new; the design of the site will be typical of most mini-storage facilities, a colored split-face block look on the rear of the buildings to give the effect of an attractive screening wall; the interior will also be constructed, like most mini-storage facilities, of metal buildings; but they will not be visible from the outside, except perhaps in a very limited way through the entry gate, which will utilize what is typically utilized, that being a brushed aluminum, wrought iron style architectural gate; and

### **GUIDELINE 1: COMMUNITY FORM: TOWN CENTER**

**WHEREAS**, the proposed Brookridge Village mini-storage facility is located in a Town Center; Town Centers contain significant amounts of diverse uses, largely in square footage quantities



greater than the activity centers found in neighborhoods; and these uses are typically compact and designed to serve the needs of the Town Center; and

**WHEREAS**, this application complies with this Guideline because this particular Town Center includes a variety of businesses, which are traditional users of mini-storage facilities; residents are users as well, which is a reason that mini-storage facilities like to locate along arterial roadways in order to conveniently serve both the nearby commercial businesses and residential populations; and mini-storage facilities are located in Town Centers elsewhere around Metro Louisville; and

### **GUIDELINE 2: ACTIVITY CENTERS**

**WHEREAS**, the Intents and applicable Policies 1, 2, 4, 5, 7, 11, 14 and 15 all relate to the fact that activity centers are intensely developed areas, whether in a neighborhood or a Town Center like this, where infrastructure already exists, where commuting times can be reduced because of the intensity of mixed uses within a defined area, the desirability being that uses within an activity center be mixed and compactly developed; and

**WHEREAS**, this application complies with the Intents and applicable Policies of this Guideline because, as stated above, the subject property is surrounded by a diversity of uses, in close proximity to one another; the site is located just off an arterial highway, easily accessible from both residential areas and nearby businesses which will utilize the proposed Brookridge Village mini-storage facility; and Town Centers are typically thought of as activity centers in and of themselves, and this is one where the development is already mixed, compact and with available infrastructure already at the site; and

### **GUIDELINE 3: COMPATIBILITY**

**WHEREAS**, the Intents and applicable Policies 1, 2, 4, 5, 6, 7, 8, 9, 12, 19, 20, 21, 22, 23 and 28 all pertain to how potentially incompatible uses can be made compatible through design; and

**WHEREAS**, this application complies with these Intents and applicable Policies of this Guideline as follows; potentially incompatible uses can be made compatible through design, and that is accomplished at this location because there is no consistent design theme in this immediate area other than that Brookridge Village is a new, nicer designed development; therefore, finding a design that perfectly fits with something already constructed is a bit of a challenge; but high quality design will be a critical factor to assure acceptance by Brookridge Village businesses and residents already located here; design will incorporate a colored split-face block type of material along the rear of the metal buildings, such that the look from the exteriors will be one of a masonry wall, which is typical of other mini-storage facilities around Metro Louisville; and this is a pleasant look, assuring that the interior of the site, which is constructed of metal, will not be visible except through an attractive wrought iron style, black brushed aluminum gate; and

**WHEREAS**, hazardous materials and noxious uses will be prohibited from this facility; no odors or noises are associated with it; lighting will not extend above the roof line, so it will not be visible from off site; it will be directed down and away from nearby properties; access will be controlled from one location; parking will be minimized; peak hour traffic is nonexistent and is generally distributed throughout the day and this use fits with the centers concept; and

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

**WHEREAS**, the Intents and applicable Policies 3, 5, 6 and 11 of this Guideline all apply to assuring the availability of necessary usable land to facilitate various types of commercial and other development, including the desire to develop within activity centers where redevelopment is possible; and

**WHEREAS**, this application complies with the Intents and applicable Policies of this Guideline because the subject use is not out of character with the rather intense variety of uses mostly surrounding it; there is a market for a mini-storage facility of this kind to support the demands of commercial activities and residences along this stretch of Bardstown Road; it makes sense to utilize this property in a productive manner; after all, it is, as said above, an activity center surrounded with a variety of different uses; further development of this property as previously proposed for more office condominiums will simply lead to a diminution in value of the existing office condominiums because of a lack of a current demand; and

## **GUIDELINE 7: CIRCULATION; GUIDELINE 8: TRANSPORTATION FACILITY DESIGN; AND GUIDELINE 9: ALTERNATIVE FORMS OF ACCESS**

**WHEREAS**, the Intents and applicable Policies 1, 2, 9, 10, 11, 12, 13, 14 and 16 of Guideline 7, plus applicable Policies 5, 9, 10 and 11 of Guideline 8, plus applicable Policy 1 of Guideline 9 all pertain to the issues that are thoroughly reviewed and determined by Metro Transportation Planning and Public Works officials; and they have their standards for design of all of the Policies referenced hereinabove; and

**WHEREAS**, this application complies with the Intents and applicable Policies of these Guidelines as follows; the referenced government agencies have stamped the plan for preliminary review, thus indicating those technical reviewing agencies' determination that the issues raised by these applicable Policies have been addressed on the detailed district development plan (DDDP); Mike Keal & Associates is a professional land planning and engineering firm that takes into account all of these factors; it has shown on the DDDP that access to the site, as determined by government agencies, is located where it will not have a negative impact on the local street system; access is appropriately shown on the DDDP, as well as circulation throughout the development, including necessary parking; stub connections to adjoining properties are not included because this is a secure facility, thus access through the development to other properties would not make sense because security would be lost; it is believed that adequate right-of-way already exists along Brookridge Village Blvd.; pedestrian access will be provided along the property's frontage; and bicycles and transit are not likely to have need for access to this facility because it is for residents and businesses who want to deliver and pick up stored items which are usually not done on a bicycle or transit; and

## **GUIDELINE 10: FLOODING AND STORMWATER**

**WHEREAS**, the Intents and applicable Policies 1, 3, 6, 7, 10 and 11 of this Guideline all pertain to the issues of stormwater management, which is the review focus of MSD; and

**WHEREAS**, this application complies with the Intents and applicable Policies of this Guideline as follows; the overall development plan originally prepared for the Brookridge Village

development includes detention; that system has adequate stormwater carrying capacity; and detention facilities are designed to assure that post-development rates of runoff do not exceed pre-development rates; and

**GUIDELINE 11: WATER QUALITY**

**WHEREAS**, the Intents and applicable Policies 3, 4, 5 and 9 of this Guideline are intended to assure water quality through application to new development of standards developed by MSD; and

**WHEREAS**, this application complies with the Intents and applicable Policies of this Guideline as follows; MSD has established both soil erosion and sedimentation control standards as well as water quality standards; and the applicant must demonstrate compliance with these through construction design, which it will do; and

**GUIDELINE 12: AIR QUALITY**

**WHEREAS**, this Intents and applicable Policies 1, 2, 4, 6, 7, 8 and 9 of this Guideline all pertain to finding ways to assure that local air quality problems are not exacerbated and, to the extent possible, that air quality might even be improved; and

**WHEREAS**, this application complies with the Intents and applicable Policies of this Guideline as follows; because there is a demonstrated need for a facility of this kind to serve the local population and nearby businesses, vehicle miles traveled can be reduced, given that customers will be able to utilize a facility close by; and

**GUIDELINE 13: LANDSCAPE CHARACTER**

**WHEREAS**, the Intents and applicable Policies of this Guideline all pertain to assuring that all facilities are adequately treed and landscaped; and

**WHEREAS**, this application complies with the Intents and applicable Policies of this Guideline as follows; this facility will include all the required landscaping in accordance with the landscape requirements of the Land Development Code; 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-5A to C-1 and C-1 to CM and approves the Detailed District Development Plan.

### **Waiver Findings of Fact**

Waiver of: Section 10.2.4 to eliminate the required LBA between the R5-A and C-1 zoning districts

**WHEREAS**, the waiver will not adversely affect adjacent property owners because the Waiver request only arose once it was determined that the applicant needed to increase the area of the rezoning request from just the subject property to also include the second half of the 60 foot private access road Brookridge Village Boulevard; half of the private access road is already zoned C-1; this results from the need for the full access to the proposed C-M property to be zoned C-1 rather than R-5A; and there will be a 60 foot private road between the actual subject property and the adjoining R-5A zoned property as well as a proposed 8 foot brick screening wall on the subject property, both providing buffering; 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 this application and with the application filed at time of the original overall development plan approval; and

**WHEREAS**, the extent of waiver of the regulation is the minimum necessary to afford relief to the applicant because in essence it would be impossible to provide an LBA at the proposed zoning line as this line will be located in the 60 foot private access road such that the applicant would be prohibited from providing an LBA in the private access road; and no LBA exists currently for the half of the private access road currently zoned C-1; 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 in essence the terms of the private access easement would prohibit the applicant from installing an LBA in the road between the proposed different zoning districts; and this would be an impossibility of performance;

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

**Waiver Finding of Fact**

Waiver of: Section 10.3.7.A.1 to reduce the 50 ft Gene Snyder setback to 30 ft.

**WHEREAS**, the waiver will not adversely affect adjacent property owners because when the original development plan for the larger site was approved, the 30 ft setback was observed, as can be seen on the approved Detailed District Development Plans (DDDPs) and aerial photographs of already constructed buildings along this same line; the only affected people by this diminished setback might be those traveling the off-ramp from the Snyder Freeway onto Bardstown Road; and those people would also have the benefit of the rear screen wall that protects views of the interior of this mini-warehouse site; 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 this application and with the application filed at time of the original overall development plan approval; and

**WHEREAS**, the extent of waiver of the regulation is the minimum necessary to afford relief to the applicant because only so much of the Snyder Freeway buffer setback is proposed for reduction as necessary to accommodate the proposed mini-warehouse building at the same setback line as the already existing adjoining Cracker Barrel restaurant and adjoining office condo buildings approved as part of the original overall development plan for this larger site; 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 proposed mini-warehouse building would be held to a greater setback standard than the referenced Cracker Barrel or office condo buildings, thereby diminishing the utility of this narrow tract of land;

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