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

<u>Applicant:</u>	FW Owens Company, LLC
<u>Owner:</u>	The Williams Group, LLC
<u>Location:</u>	4011 Shepherdsville Road
<u>Proposed Form and Zoning Districts and Use:</u>	Zone change from PRO to PEC for use as a contractor's shop
<u>Engineers, Land Planners and Landscape Architects:</u>	Garber-Chilton Engineers

### **INTRODUCTORY STATEMENT**

**WHEREAS**, the subject property adjoins other PEC to the west and similarly used M-1 zoned properties to the east and is otherwise surrounded by other PRO, M-1, M-2, C-1, C-2, CM and OTF used and zoned properties; in other words there is no consistent zoning for this suburban workplace area, although the uses are consistently relatively intense industrial/commercial/office uses; and the PowerPoint presentation accompanying this application as presented at the Planning Commission Public Hearing includes LOJIC mapping and aerial and ground photographs demonstrating exactly this; and

### **GUIDELINE 1: COMMUNITY FORM**

**WHEREAS**, the application complies with the Suburban Workplace Form District which is a form characterized by predominately industrial and office uses where the buildings are set back from the street in a landscaped setting; this application and the Detailed District Development Plan (DDDP) accompanying this application demonstrate compliance with the Suburban Workplace Form District given how the site will be utilized and will satisfy the Land Development Code (LDC) requirements of the PEC zoning and the Suburban Workplace Form District requirements; and

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

**WHEREAS**, the application complies with the applicable Intents and Policies 1, 2, 4, 5, 14, 15 and 16 of this Guideline because the Intents and applicable Policies of this Guideline seem to pertain more to commercial and mixed uses, the concepts of planned, efficient and compact development along or near transit routes all pertain to this site and area; it matters not so much what the specific zoning is for a given property in this area as matters the relationship of uses on

properties and their proximities to uses of similar and compatible kinds; and the application complies with this Guideline because of the fact that, as stated above, this and all of the nearby properties are similarly intense workplaces dependent upon good transportation systems for the kinds of truck traffic that utilize them and employees that generally work during the peak traffic hours; and

### **GUIDELINE 3: COMPATIBILITY**

**WHEREAS**, the application complies with the applicable Intents and Policies 1, 2, 5, 6, 7, 8, 9, 12, 17, 21, 22, 23, 24, and 29 of this Guideline because the Intents and applicable Policies all pertain to the issues of impact mitigation; sometimes this can be through building design and materials; given that the adjoining and nearby properties as referenced above encompass a wide variety of relatively intense industrial, commercial and office users, the land and building design for this site is, compatible with all these others; as a contractor's shop, its main impact will be occasional, not continuous, traffic in and out of the site; and apart from that it should not have any negative odor, noise, lighting or visual impacts on nearby like kind users; and

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

**WHEREAS**, the application complies with the applicable Intents and Policies 1, 2, 4, 6, 8, 10 and 11 of this Guideline because the Intents and applicable Policies of this Guideline all pertain to the issues of assuring availability of adequate usable land for such uses as these, to reduce public and private costs for land development, to preserve workplaces, to provide for appropriate access, to invest in developing and redeveloping industrial areas, to locate industries where other industries already exist and in the activity centers in and around those industrial areas, to assure that transportation is adequate in and out of industrial areas and properties such as this, and to continue to redevelop and adaptively reuse vacant properties like this; and

**WHEREAS**, this property is available to accommodate an essential use to a community that needs contractors to continue to build and develop in order to grow; and the applicant plans to redevelop and utilize this property in a manner compatible with adjoining and surrounding uses; and

### **GUIDELINES 7, 8 and 9: CIRCULATION, TRANSPORTATION FACILITIES AND ALTERNATIVE TRANSPORTATION MODES**

**WHEREAS**, the application complies with the applicable Intents and Policies 1, 2, 3, 4, 10, 11, 12 and 15 of Guideline 7, Policies 5, 7, 9, 10, and 11 of Guideline 8, and Policies 1, 2, 3 and 4 of Guideline 9 of these Guidelines because this application will comply with the multiplicity of issues that are typically reviewed by Metro Transportation Planning and Public Works in connection with those agencies' reviews of DDDPs such as the one submitted with this application; in that regard, Garber-Chilton Engineers, a professional land planning and engineering firm that has worked on this DDDP, has already taken into account in its design such issues as appropriate access, internal circulation, adequate parking, adequacy of street access, appropriate site distances and even whether sidewalks and bicycles need to be provided/accommodated; all of these things have been addressed on the DDDP accompanying this application, which has received the preliminary stamp of approval, prior to docketing for Planning Commission consideration; and

**GUIDELINES 10 & 11: FLOODING, 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 of these Guidelines because the Intents and applicable Policies of these Guidelines raise issues that are already regulated by MSD; it received the preliminary stamp of approval from MSD demonstrating compliance with all of these Policies; that is to say that storm water will be accommodated at the nearby regional detention basin; further, at construction stage, work done on this property must be performed in compliance with the soil erosion and sediment control regulations of MSD; and provisions for water quality must also be addressed on construction plans, pursuant to MSD regulations; and

**GUIDELINE 12: AIR QUALITY**

**WHEREAS**, the application complies with the applicable Intents and Policies 1, 2, 3, 4, 6, 8 and 9 of this Guideline because this is a Suburban Workplace Form District to and from which employees and truck traffic already commute for employment and business purposes and because nearby road systems are adequate to accommodate all of this traffic, this proposal has a positive impact on air quality by not increasing vehicle miles traveled or further congesting already congested roads; and

**GUIDELINE 13: LANDSCAPE CHARACTER**

**WHEREAS**, the application complies with the applicable Intents and Policies 1, 2, 4, and 6 of this Guideline because the landscape plan discussed at LD&T and at the Public Hearing and eventually to be filed post DDDP approval, will comply with the LDC subject to the waivers requested; and

**GUIDELINES 14 & 15 : INFRASTRUCTURE AND COMMUNITY FACILITIES**

**WHEREAS**, the application complies with the applicable Intents and Policies 2, 3, 4, 6 and 7 of Guideline 14 and Policies 3, 4, and 9 of Guideline 15 of these Guidelines because adequate water supply, sewage treatment, other utility services and public services are available to serve this site; 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 PRO to PEC and approves the Detailed District Development Plan.

Waiver Findings of Fact

Waiver of: Sections 5.5.2 and 5.6.1.B.1a to omit the requirement to provide animating features on the building façade along Shepherdsville Road

**WHEREAS**, the waiver will not adversely affect adjacent property owners because the new building will sit back 40' further from Shepherdsville Road than the existing building with metal siding, but with a better appearance; due to the amount of right of way, the setback of the new building, as well the new landscaping, the waiver will not affect adjacent properties; 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 this rezoning application and as shown on the detailed district development plan; and

**WHEREAS**, the extent of waiver of the regulation is the minimum necessary to afford relief to the applicant because the new building is set back further than the existing building because of detention and parking, and room for landscaping should exist to mitigate any potential adverse impacts along this 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 contractor shops, this one would be required to animate its frontage façade in an industrial/office area in a way that is impractical and, as explained above, aesthetically unnecessary;

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

Waiver Findings of Fact

Waiver of Section 10.2.12 to allow the ILAs to be less than 290 sq ft. and to count square footage falling in the LBA.

**WHEREAS**, the waiver will not adversely affect adjacent property owners because, this property is largely a pre-existing and as-built site where the current building will remain where it is in large part and a warehouse building will be added in the center of the property away from neighbors, with the new Vehicular Use Area Interior Landscape Areas (the “ILA’s”) being added and new landscaping being provided an improvement over what current exists; there appears to be only one small ILA with a total of 133 being added; the proposed plan provides 999 square feet of total ILA, in excess of the LDC required 949 square feet; it will not adversely affect the adjacent property, but the overall landscaping is in fact a major improvement over what exists today; the new plan significantly adds to the LBA and significantly adds to the ILA; the non-compliance with the 290 square feet of each ILA is caused by a very recent LDC amendment increasing the minimum square footage from 133 square feet to 290 square feet, and if this were reviewed prior to the LDC change all ILAs would be sufficient with no waiver requested; as a consequence of the largely pre-existing, as-built conditions, the minimum size of the ILA’s may not be feasibly added, although there is significant landscaped area otherwise surrounding this site where it does not exist today; and in spite of the waiver, the landscaping will be greatly enhanced and increased from what is currently on the 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 original rezoning application; and

**WHEREAS**, the extent of waiver of the regulation is the minimum necessary to afford relief to the applicant because of the presently existing as-built conditions; the overall landscaping buffers are significantly increased on the east side of the property abutting Shepherdsville Road; and the actual ILA square footage would have met the LDC requirement prior to the recent change increasing the minimum size; 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 the as-built condition and effect this would have on the parking which is necessary for the site, in large part because of parking being removed to account for the greatly enhanced and increased landscaping which is currently on the site;

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