



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

**Applicant / Developer:** arc c/o Jason Sams VP / Development and Buck Creek Explorations, LLC

**Owner:** Madge H. Chalmers Revocable Trust & Edward Harding, Jr.

**Location:** 7500 Bardstown Road Louisville, KY 40291

**Civil Engineer:** Power of Design

**Request:** Rezoning from R-4 to C-1/C-2 and Conditional Use permit to allow for a Mixed Use Development and Self-Storage Planning and Design Case # 17ZONE1060

**Introduction:**

ARC Development ("Applicant") proposes to rezone the property located at 7500 Bardstown Road from R-4 single family residential to C-2 commercial and to request a Conditional Use Permit for the development of the subject property as retail and self-storage. The subject property is generally located at the Southwest corner of Bardstown Road and the Gene Snyder Freeway. The proposed use includes 4,250 square feet of retail space and approximately 127,000 square feet of self-storage space. The Applicant is also proposing to provide an access easement to provide access to the property to the West through its main entrance on Bartley Drive.

**Guideline 1 - Community Form:**

The subject property is located in the Neighborhood Form District, although it is located at the intersection of a major arterial roadway and an interstate highway. The proposal complies with the intent of Guideline 1 because it is providing a use on an otherwise difficult to develop property and a small scale retail building, which will serve residents to the West of Bardstown Road. The subject property has limited access (right in, right out) and is, therefore, not appropriate for large scale retail development. The Applicant will provide pedestrian connections along Bartley Drive and Bardstown Road and is providing vehicular connections to the property to the West.

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**Guideline 2 - Centers:**

The proposed development complies with the intent and applicable policies of Guideline 2 - Centers. The subject property is located in an area that is rapidly developing with residential and commercial projects. Directly to the North across the Gene Snyder Freeway is the Fern Creek Town Center, which includes a large volume and variety of retail uses. Directly to the East across Bardstown Road is the now-developing Southpoint Commons, another very large retail development. The proposed development is located in an activity center and is of the size and type to fit the subject property, given its access constraints and the desire of adjacent property owners to have a relatively low intensity commercial use acting as a buffer between their residential properties and the Gene Snyder Freeway. The Applicant is providing shared access to the property to the West. The mixture of uses in the proposed development is appropriate in this activity center located within the Neighborhood Form District.

**Guideline 3 - Compatibility:**

The proposed development complies with the intent and applicable policies of Guideline 3 - Compatibility. The proposed development includes relatively low intensity uses in the form of a small retail building and self-storage facility. Self-storage facilities are low traffic generators, generate little noise, and are secure sites. Due to the access limitations that burden the subject property, uses that would generate more traffic than the proposed self-storage facility are unlikely to be viable on the subject property.

**Guideline 4 - Open Space:**

The proposed development complies with the intent and the applicable policies of Guideline 4 - Open Space. The Applicant has designed the proposed development to maintain the stream running through the property and disturb it as little as possible. The Applicant will further provide buffering and open areas on the development plan to handle storm water and to provide an attractive site design.

**Guideline 6 - Economic Growth and Sustainability:**

The proposed development complies with the intent and applicable policies of Guideline 6 - Economic Growth and Sustainability. The subject property is located in the very busy Fern Creek activity center. Although the use will not generate high volumes of traffic, it is appropriate for this particular intersection, given the significant access constraints imposed on the subject property by the design of Bardstown Road and the Gene Snyder Freeway.

**Guideline 7 - Circulation:**

The proposed development complies with the intent and applicable policies of Guideline 7 - Circulation. The proposed development is appropriate for the subject property because, although it is a commercial use, it will generate fewer traffic, noise or lighting impacts than purely retail uses might. The Applicant is providing cross-access to the property to the West, allowing for that property's eventual development.

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**Guideline 9 - Bicycle, Pedestrian and Transit:**

The proposed development complies with the intent and applicable policies of Guideline 9 - Bicycle, Pedestrian and Transit. The subject property will contain pedestrian connections as required by the Land Development Code and will provide cross-access to the property to the West making it easier for all forms of transportation to access both the subject property and the property to the West. The Applicant is also providing sidewalks along Bartley Drive and the Bardstown Road frontage.

**Guideline 10 - Flooding and Storm Water:**

The proposed development complies with the intent and applicable policies of Guideline 10 - Flooding and Storm Water. The proposed plan includes a large buffer area around an existing creek that runs across the subject property. The Applicant will also provide detention for storm water run-off created by the impervious surface added to the subject property due to the development. The Applicant is providing more than sufficient detention to help alleviate downstream flooding concerns.

**Guideline 11 - Water Quality:**

The proposed development complies with the intent and applicable policies of Guideline 11 - Water Quality. In conjunction with the design of the detention basin on the subject property, the Applicant is providing water quality features sufficient to comply with current MSD standards regarding treatment of the "first flush" of water from the site. The Applicant is also providing a significant buffer along the creek that runs through the subject property.

**Guideline 12 - Air Quality:**

The proposed development complies with the intent and applicable policies of Guideline 12 - Air Quality. The subject property is located in a highly developed area. The Applicant is providing sidewalks along its frontage to facilitate pedestrian access to the site. The proposal is also a mixed use proposal which should cut down on destination trips to the subject property reducing the air quality impact from traffic.

**Guideline 13 - Landscape Character:**

The proposed development complies with the intent and applicable policies of Guideline 13 - Landscape Character. The Applicant is providing a significant buffer adjacent to the stream that runs through the subject property and will comply with the Land Development Code's tree canopy regulations through both tree preservation and tree planting. While the Applicant is requesting waiver to allow for the overlap of the landscape buffer area and the certain easements, the Applicant is committed to providing the required landscape buffer material within the buffer area.

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APPLICANT'S PROPOSED FINDINGS OF FACT  
REZONING AND CONDITIONAL USE PERMIT TO ALLOW FOR MIXED USE DEVELOPMENT  
RETAIL AND SELF-STORAGE

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Owner:	Madge H. Chalmers Revocable Trust & Edward Harding, Jr.
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Civil Engineer:	Power of Design
Request:	Rezoning from R-4 to C-1/C-2 and Conditional Use permit to allow for a Mixed Use Development and Self- Storage Planning and Design Case # 17ZONE1060

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The Louisville Metro Planning Commission, having reviewed evidence submitted to its staff and heard in a Public Hearing on June 7, 2018 and having reviewed the staff report and testimony in the same Public Hearing, makes the following findings and takes the following action:

- WHEREAS**, the proposed development complies with the Cornerstone 2020 Comprehensive Plan ("Cornerstone 2020") as set out below;
- WHEREAS**, the subject property is in the Neighborhood Form District, and the proposed development complies with the intent of Guideline 1 because it provides a low-intensity commercial use at the Southwest corner of Bardstown Road and the Gene Snyder Freeway, which site, due to the access limitations imposed by the I-265/Bardstown Road intersection and topographical issues, is not suitable for residential or large-scale commercial development;
- WHEREAS**, the proposed development complies with Guideline 2-Centers because it is located in an activity center, and because the proposed neighborhood-scale retail and mini-warehouse uses are appropriate for the Neighborhood Form District;
- WHEREAS**, the proposed development complies with Guideline 3-Compatibility because the proposed retail and mini-warehouse uses will generate a low volume of traffic and little noise or light impacts;
- WHEREAS**, the proposed development complies with Guideline 4-Open Space because it will maintain the stream running through the subject property and provide buffering and open areas to handle storm water;
- WHEREAS**, the proposed development complies with Guideline 6-Economic Growth and Sustainability because it is located in the Fern Creek activity center, and because the proposed uses are appropriate for the property given the access constraints imposed by Bardstown Road and the Gene Snyder Freeway;

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**WHEREAS**, the proposed development complies with Guideline 7-Circulation because the proposed low-intensity retail and mini-warehouse uses will generate a low volume of traffic, and will provide cross-access to the property to the West;

**WHEREAS**, the proposed development complies with Guideline 9-Bicycle, Pedestrian and Transit because it will contain pedestrian connections as required by the Land Development Code and will provide cross-access to the property to the West, and because the Applicant will provide sidewalks along Bartley Drive and the Bardstown Road frontage;

**WHEREAS**, the proposed development complies with Guideline 10-Flooding and Storm Water because it includes a buffer area around the stream running through the property, and because the Applicant will provide detention for storm water run-off created by the impervious surface added to the subject property;

**WHEREAS**, the proposed development complies with Guideline 11-Water Quality because the Applicant will provide water quality features sufficient to comply with current MSD standards and a buffer area around the stream running through the property;

**WHEREAS**, the proposed development complies with Guideline 12-Air Quality because the Applicant will provide sidewalks along Bartley Drive and the Bardstown Road frontage, and because the proposed uses will generate a low volume of traffic;

**WHEREAS**, the proposed development complies with Guideline 13-Landscape Character because the Applicant will provide a buffer area around the stream running through the property and will comply with the Land Development Code's tree canopy regulations through both tree preservation and tree planting;

**WHEREAS**, the proposed development complies with the applicable portions of the 2001 Fern Creek Small Area Plan (Bardstown Road Corridor/Quadrant III: Southwest) because the proposed use is consistent with the plan's recommendation for low- to medium-density land uses in the Southwest Quadrant;

**WHEREAS**, the proposed development complies with the 2008 Retail Market Study because it is consistent with the study's recommendation to adhere to "smart growth" principles, in the spirit of the guidelines contained in Cornerstone 2020, which states that commercial development (centers) in the Neighborhood Form District should occur at "intersections with at least one of the intersecting streets classified as a collector or above, and one of the corners containing established non-residential uses" and because a significant amount of new retail space has been approved across Bardstown Road from the subject property since the date of the Retail Market Study;

**WHEREAS**, the proposed development complies with the Southeast Regional Center Plan because it is consistent with the plan's land use priorities for centers and the plan's recommendation for a switch from Neighborhood to Regional Center Form District, which calls for increased density and economic opportunities, at the location of the subject site;

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**WHEREAS**, the proposed development complies with the requirements for a Conditional Use Permit ("CUP") to allow the self-storage use in the C-2 zoning district because the Applicant will conform to all of the requirements of Section 4.2.35 of the Land Development Code, with the exception of the building height for one of the storage buildings, which will be contained in a two-story structure as is appropriate for the proposed use; and

**NOW, THEREFORE**, the Louisville Metro Planning Commission hereby approves the Rezoning and Conditional Use Permit in Case No. 17ZONE1060.

Sincerely,

Jason Sams  
VP / Development

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**Variance Justification:**

In order to justify approval of any variance, the Board of Zoning Adjustment considers the following criteria. Please answer all of the following items. Use additional sheets if needed. A response of yes, no, or N/A is not acceptable.

**1. Explain how the variance will not adversely affect the public health, safety or welfare.**

The intent of the variance is to buffer / transition from unlike land uses therefor the property in which is being buffer will most likely be rezoned into a commercial development in the future therefor no impacting public health, safety and welfare.

**2. Explain how the variance will not alter the essential character of the general vicinity.**

The intent of the variance is to buffer / transition from unlike land uses therefor the property in which is being buffer will most likely be rezoned into a commercial development in the future therefor not changing the essential character of the general vicinity.

**3. Explain how the variance will not cause a hazard or a nuisance to the public.**

The 25' area can be landscaped and screened therefor not causing a hazard or nuisance to the adjoining property owner.

**4. Explain how the variance will not allow an unreasonable circumvention of the requirements of the zoning regulations.**

With the environmental constraints on the property the additional square feet is required in order for the development to be financially feasible.

*Additional consideration:*

**1. Explain how the variance arises from special circumstances, which do not generally apply to land in the general vicinity (please specify/identify).**

The intent of the variance is to buffer / transition from unlike land uses therefor the property in which is being buffer will most likely be rezoned into a commercial development in the future therefor not requiring a variance.

**2. Explain how the strict application of the provisions of the regulation would deprive the applicant of the reasonable use of the land or would create unnecessary hardship.**

With the environmental constraints on the property the additional square feet is required in order for the development to be financially feasible.

**3. Are the circumstances the result of actions of the applicant taken subsequent to the adoption of the regulation from which relief is sought?**

None

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**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.**

**1. Will the waiver adversely affect adjacent property owners?**

The waiver will not adversely affect the adjacent property owner's b/c the intent of the setback is to transition from Non-Residential to Residential the current property zoning will be changed due to its close proximity to the interstate and Bardstown Road therefor eliminating the requirement.

**2. Will the waiver violate the Comprehensive Plan?**

The waiver will not violate the Comp Plan b/c the intent of the setback is to transition from Non-Residential to Residential the current property zoning will be changed due to its close proximity to the interstate and Bardstown Road therefor eliminating the requirement.

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**3. Is extent of waiver of the regulation the minimum necessary to afford relief to the applicant?**

Without the waiver there would be less SF on mini-storage warehouse therefor not allowing the property to be developed to its fullest extent however the current property zoning will be changed due to its close proximity to the interstate and Bardstown Road therefor eliminating the requirement.

**4. Has either (a) the applicant incorporated other design measures that exceed the minimums of the district and compensate for non-compliance with the requirements to be waived (net beneficial effect) or would (b) the strict application of the provisions of the regulation deprive the applicant of the reasonable use of the land or would create an unnecessary hardship on the applicant?**

The applicant intends on planting the landscape plantings per the LDC which will provide an screen in the interim until an application is filed for the adjacent property.

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