

Board of Zoning Adjustment
Staff Report Addendum
January 22, 2019



Case No.	18CUP1113
Project Name	Bardstown Road Mini-Storage
Location	4401 Bardstown Road
Owner	Salt River Investment LLC
Applicant	Sterling Development LLC
Representative	Dinsmore & Shohl LLP
Jurisdiction	Louisville Metro
Council District	2 – Barbara Shanklin
Case Manager	Beth Jones, AICP, Planner II

REQUESTS

Conditional Use Permit (CUP) for mini-warehouses (LDC 4.2.35)

- **Relief 1:** from CUP standard that no building, structure or pavement shall be located closer than 30 feet to side property lines; this area is reserved as a landscape buffer area (LDC 4.2.35.B.)
- **Relief 2:** from CUP standard that loading doors and vehicle maneuvering areas shall be located away from the exterior of the property. (LDC 4.2.35.F.)
- **Relief 3:** from CUP standard that no structure on the site shall be taller than one story and shall not exceed 15 feet in height (LDC 4.2.35.G.)

Waiver of requirement that all abutting non-residential uses shall provide for vehicular and pedestrian circulation between their sites, through parking lot or alley connections, hard surface walkways, and similar measures (LDC 5.9.2.A.1.b.ii.)

SUMMARY OF DRC ACTIONS 1/9/2019

The development plan as presented at the BOZA hearing on 1/7/2019 was presented to the DRC for review on 1/9/2019.

The DRC determined that Waiver 2. was not pertinent to this case; that waiver request has been deleted from the requests stated above. No action was taken on the remaining waiver request, which remains to be considered by BOZA at this time.

The development plan was approved by the DRC with a right-in/right-out direct access point to Bardstown Road as presented. The applicant agreed to design the access point to include a non-mountable median that will provide a physical barrier to left-hand turns both in and out of the subject site. As Bardstown Road is a state road, however, the final determination on this design detail will be made by KYTC.

The DRC made final approval of the development plan contingent on the development of a detailed binding element regarding (1) the final configuration of the access point; (2) the execution of any necessary cross-access agreements with adjoining properties and (3) the construction of the frontage street across the subject site. As of the publication of this report, that binding element has not been finalized.

STANDARD OF REVIEW AND STAFF ANALYSIS FOR WAIVER of the requirement that all abutting non-residential uses shall provide for vehicular and pedestrian circulation between their sites, through parking lot or alley connections, hard surface walkways, and similar measures (LDC 5.9.2.A.1.b.ii.)

- (a) The waiver will not adversely affect adjacent property owners; and

STAFF: The DRC determined that a binding element is required to address cross-access issues with adjacent property owners.

- (b) The waiver will not violate specific guidelines of Cornerstone 2020; and

STAFF: The DRC determined that a binding element is required to address specific requirements regarding connectivity and vehicular circulation.

- (c) The extent of the waiver of the regulation is the minimum necessary to afford relief to the applicant; and

STAFF: The DRC approved direct access for the subject site but determined that connectivity issues must be addressed through a binding element.

- (d) Either:

- (i) The applicant has 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**
- (ii) The strict application of the provisions of the regulation would deprive the applicant of the reasonable use of the land or would create an unnecessary hardship on the applicant.

STAFF: The applicant is setting aside a portion of the site sufficient to accommodate a frontage street in the form of an easement, but specific details regarding its construction and its connection to adjoining properties have not been finalized as of the publication of this report.

ATTACHMENTS

Proposed Conditions of Approval

1. All development shall be in accordance with the approved revised district development plan, including all notes thereon, and with all applicable sections of the Land Development Code (LDC). No further development shall occur on the site without prior review of and approval by the BOZA and the Planning Commission or its representative.
2. The Conditional Use Permit shall be exercised as prescribed by KRS 100.237 within two years of BOZA approval. If it is not so exercised, the site shall not be used for mini-warehouses without further review and approval by the BOZA.

3. All LBA plantings which would be required along the east and west side property lines will be relocated to the rear buffer LBA where they will provide additional screening and buffering for the adjacent residential uses. All buffering and landscaping requirements will be met along the Bardstown Road frontage of the site as per LDC Chapter 10.