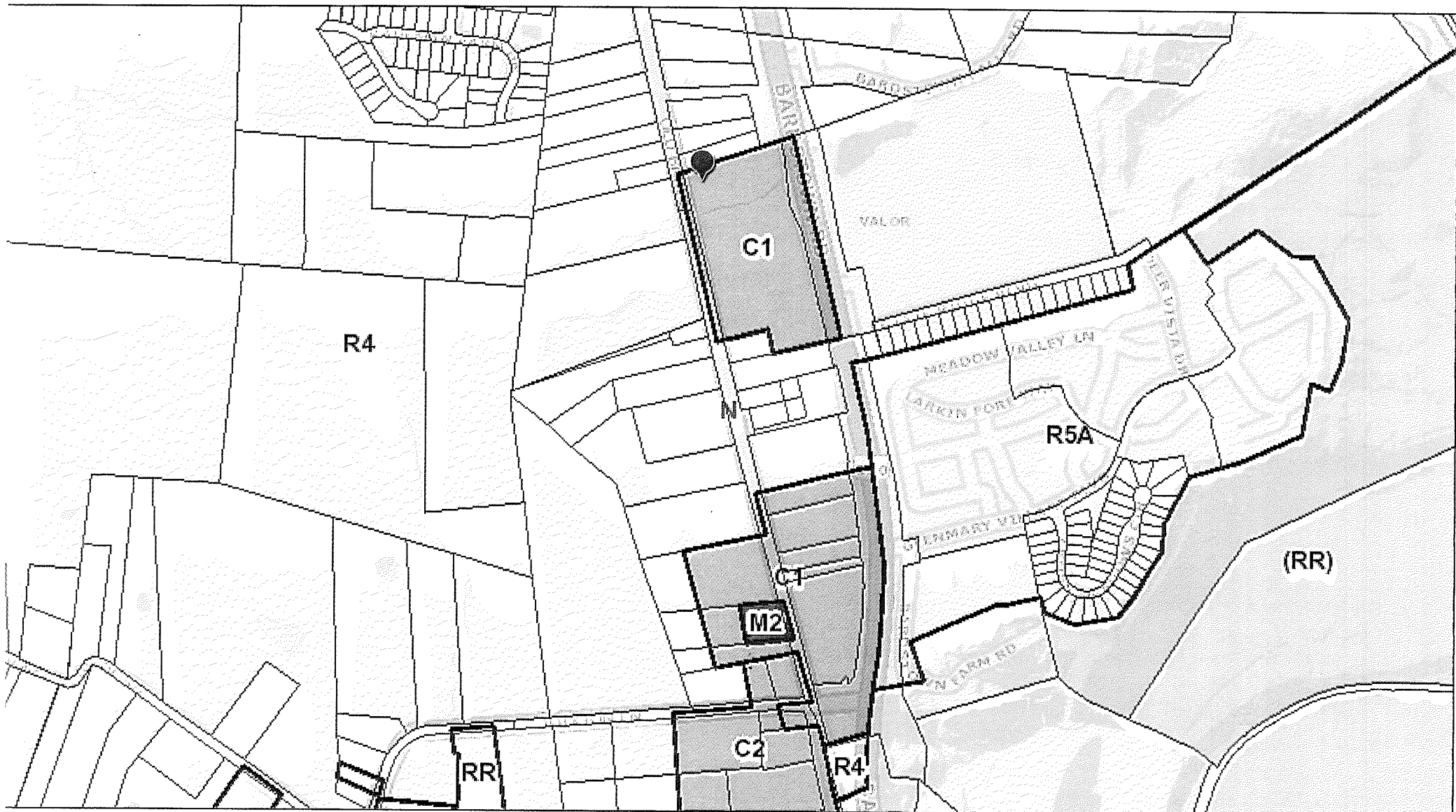


**EXHIBITS FOR APPLICANT  
J&B Louisville, LLC.  
9205 Old Bardstown Road**

**Louisville Metro Board of Zoning Adjustment  
Case No. 16Zone1069**

- 1) Zoning Map
- 2) Site Photography
- 3) Development Plan
- 4) Landscape Plan
- 5) Building Renderings and Elevations
- 6) Proposed Binding Elements
- 7) Waiver Justifications
- 8) Zone Change Demonstration of Appropriateness
- 9) Proposed Finding of Fact

**Tanner Nichols  
Attorney for Applicant  
Frost Brown Todd LLC  
400 West Market Street, 32<sup>nd</sup> Floor  
Louisville, Kentucky 40202  
502/779-8616  
[tnichols@fbtlaw.com](mailto:tnichols@fbtlaw.com)**

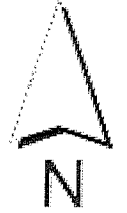


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This map is not a legal document and should only be used for general reference and identification.



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West View





East View



North View





South View



**GENERAL NOTES**

1. SIDEWALKS ARE 5' UNLESS NOTED OTHERWISE.
2. ALL RADII ARE 5' UNLESS NOTED OTHERWISE.
3. RIGHT OF WAY DEDICATION BY DEED OR MINOR PLAT MUST BE RECORDED PRIOR TO CONSTRUCTION APPROVAL BY TRANSPORTATION PLANNING.
4. PRIOR TO CONSTRUCTION PLAN APPROVAL THE DEVELOPER SHALL BE REQUIRED TO OBTAIN THE APPROVAL FROM THE FERN CREEK FIRE DEPARTMENT FOR FIRE HYDRANT AND KNOX BOX LOCATIONS.
5. KTC APPROVAL REQUIRED FOR DRAINAGE OUTLET.
6. MSD SANITARY SEWERS ARE AVAILABLE BY I.E. SUBJECT TO FEES AND CHARGES. SANITARY SEWER FLOW TO BE DIRECTED TO EXISTING SANITARY SEWER LINE RECORD NUMBER 14374 ALONG ESTATE RIDGE BOULEVARD, NEAREST MANHOLE NUMBER 103549.
7. THE SITE MUST BE DESIGNED IN COMPLIANCE WITH ADA REQUIREMENTS.
8. OLD BARDSTOWN ROAD IMPROVEMENTS ALONG PROPERTY FRONTAGE ARE REQUIRED TO PROVIDE 12 FT FROM CENTERLINE PAVEMENT WIDENING (MIN. 2' WIDENING) AND 6-8' SHOULDERS PER METRO PUBLIC WORKS STANDARDS.
9. ALL DUMPSTER ENCLOSURES SHALL MEET OR EXCEED CHAPTER 10, PART 2 OF LDC.
10. CONSTRUCTION PLANS, KTC BOND AND PERMIT REQUIRED PRIOR TO METRO PUBLIC WORKS APPROVAL.
11. COMPATIBLE UTILITIES TO BE PLACED IN A COMMON TRENCH UNLESS OTHERWISE REQUIRED BY APPROPRIATE AGENCIES.
12. MITIGATION MEASURES FOR DUST CONTROL SHALL BE IN PLACE DURING CONSTRUCTION TO PREVENT FUGITIVE PARTICULATE EMISSIONS FROM REACHING EXISTING ROAD AND NEIGHBORING PROPERTIES.
13. UPON DEVELOPMENT OR REDEVELOPMENT OF ADJACENT PROPERTIES, A UNIFIED ACCESS AND CIRCULATION SYSTEM SHALL BE DEVELOPED TO ELIMINATE PREEXISTING CURB CUTS AND PROVIDE FOR VEHICULAR MOVEMENT THROUGHOUT ADJACENT SITES AS DETERMINED APPROPRIATE BY THE DEPARTMENT OF PUBLIC WORKS. A CROSS ACCESS AGREEMENT TO RUN WITH THE LAND AND IN A FORM ACCEPTABLE TO PLANNING COMMISSION LEGAL COUNSEL SHALL BE RECORDED PRIOR TO THE TIME OF CONSTRUCTION APPROVAL FOR THE ADJACENT PROPERTY TO BE DEVELOPED.
14. ONSITE DETENTION WILL BE PROVIDED. POST DEVELOPED PEAK FLOWS WILL BE LIMITED TO PREDEVELOPED PEAK FLOWS FOR THE 2, 10, 25 AND 100-YEAR STORMS OR TO THE CAPACITY OF THE DOWNSTREAM SYSTEM, WHICHEVER IS MORE RESTRICTIVE.
15. THE FINAL DESIGN OF THIS PROJECT MUST MEET ALL MSD WATER QUALITY REGULATIONS ESTABLISHED BY MSD. SITE LAYOUT MAY CHANGE AT THE DESIGN PHASE DUE TO PROPER SIZING OF GREEN BEST MANAGEMENT PRACTICES.
16. MSD DRAINAGE BOND REQUIRED PRIOR TO CONSTRUCTION PLAN APPROVAL.
17. ALL RADII ARE 5' UNLESS OTHERWISE NOTED.
18. ALL DUMPSTERS, PARKING AND LOADING AREAS TO BE SCREENED IN ACCORDANCE WITH CHAPTER 10 OF THE LAND DEVELOPMENT CODE.
19. ALL SIGNAGE AND LIGHTING TO COMPLY WITH LAND DEVELOPMENT CODE.
20. ALL EXISTING STRUCTURES TO BE REMOVED. KENTUCKY HISTORIC PROPERTIES SURVEY FORM TO BE SUBMITTED TO HISTORIC PRESERVATION STAFF PRIOR TO GROUND DISTURBANCE AND DEMOLITION.
21. IF DETERMINED TO BE NECESSARY, ADCO APPROVAL WILL BE REQUIRED PRIOR TO MSD CONSTRUCTION PLAN APPROVAL FOR ANY WORK WITHIN THE BANKS OF THE INTERMITTENT BLUE LINE STREAM.
22. SIDEWALK CONNECTION TO C-1 ZONING TO BE PROVIDED AT TIME OF ITS DEVELOPMENT.
23. ALL PARKING SPACES AND VEHICLE USE AREAS TO BE A HARD AND DURABLE SURFACE.
24. WHEEL STOPS OR CURBING WILL BE PROVIDED TO PROTECT LANDSCAPING AS REQUIRED.
25. NO KARST FEATURES NOTED IN GEOTECHNICAL REPORT PREPARED BY TERRACON DATED AUGUST 15, 2016.
26. NEED FOR SOUTHBOUND RIGHT TURN LANE TO BE EVALUATED WITH DEVELOPMENT OF EXISTING C-1 ZONING AREA.

**VARIANCE GRANTED PER CASE 11946**

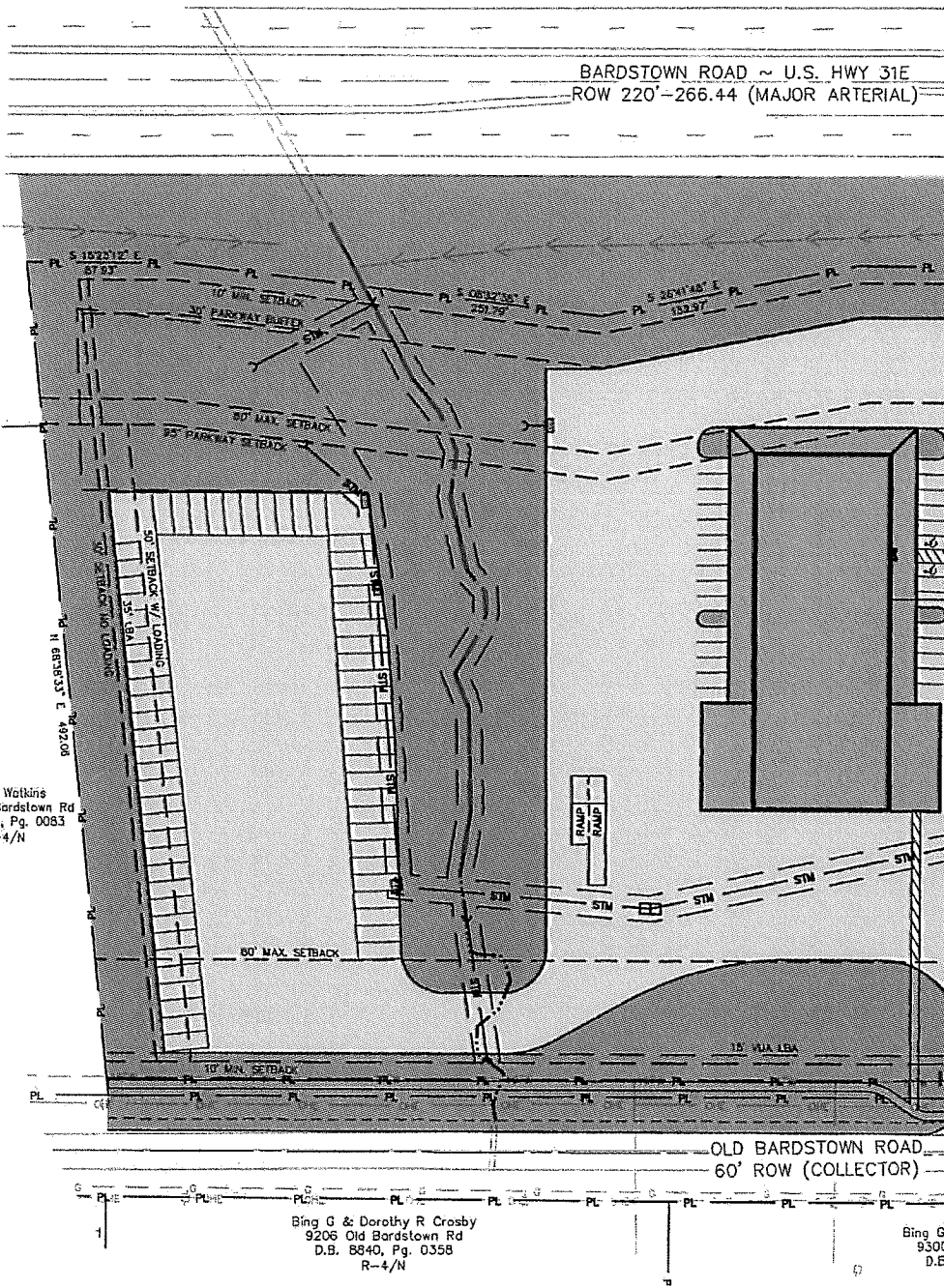
VARIANCE TO ALLOW BUILDING TO SETBACK MORE THAN 80 FEET FROM OLD BARDSTOWN ROADS. CHAPTER 5.3.1.C.5 (TABLE 5.3.2).

**WAVERS REQUESTED**

WAIVER OF LDC 10.2.4.B TO ALLOW VUA LANDSCAPE BUFFER AREA ALONG OLD BARDSTOWN RD TO OVERLAP WITH EASEMENTS FOR MORE THAN 50% OF THE WIDTH OF THE REQUIRED BUFFER AS SHOWN ON THE PLAN.

WAIVER TO ELIMINATE THE REQUIRED 5 FOOT WIDE SIDEWALK PER LDC TABLE 6.2.2 FROM THE BARDSTOWN ROAD PROPERTY FRONTAGE.

William D Mattingly  
Education Center  
11501 Schlatter Rd  
D.B. 7403, Pg. 0883  
R-4/N



**SITE DATA**  
9205 OLD BARDSTOWN ROAD  
DB 9689 PG 788  
TAX BLOCK 51, LOT 116  
11.05 AC./VACANT  
NEIGHBORHOOD FORM DISTRICT  
COUNCIL DISTRICT 20  
FERN CREEK FIRE DISTRICT  
EXISTING USE: VACANT/RESIDENTIAL  
EXISTING ZONING: C-1  
PROPOSED ZONING:  
M-2 ZONING CHANGE  
6.44 AC TOTAL  
6.31 AC NET  
C-1 TO REMAIN  
4.61 TOTAL  
4.53 NET

Watkins  
9117 Old Bardstown Rd  
D.B. 9311, Pg. 0083  
R-4/N

**M-2 ZONING AREA**  
SITE AREA 6.44 AC./280,526 SF TOTAL  
6.31 AC./274,864 SF NET  
30' (MAX.)  
HEIGHT  
BUILDING AREA (M-2) PROP 16,800 S.F.  
EXISTING USE VACANT/RESIDENTIAL  
PROPOSED USE M-2 CONSTRUCTION EQUIPMENT RENTAL/SALES AND STORAGE  
FLOOR AREA RATIO (M-2) 16,800 S.F./6.31 AC. = 0.06  
PROPOSED IMPERVIOUS AREA 190,086 S.F.

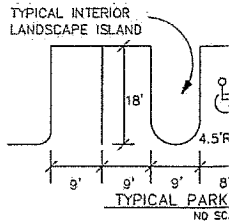
**M-2 ZONING AREA PARKING SUMMARY**  
CONSTRUCTION EQUIPMENT RENTAL/SALES AND STORAGE -  
INTERIOR DISPLAY SPACE ~ 6,000 S.F.  
MINIMUM PARKING SPACES REQUIRED 1 SP/250 S.F. = 24 SPACES  
MAXIMUM PARKING SPACES REQUIRED 1 SP/150 S.F. = 40 SPACES  
OUTDOOR DISPLAY SPACE ~ 100,000 S.F.  
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TOTAL PARKING SPACES PROVIDED 50 SPACES (INCLUDES 2 HANDICAP SPACES)  
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**M-2 ZONING AREA TREE CANOPY CALCULATIONS**  
NET SITE AREA 274,864 SF  
SITE CANOPY CLASS CLASS C  
EXISTING TREE CANOPY COVERAGE 0%-40%  
TREE CANOPY REQUIRED 25%  
TREE CANOPY TO BE PROVIDED 68,716 SF  
EXISTING TREES ON SITE WILL BE PRESERVED AND ADDITIONAL TREE WILL BE PROVIDED AS REQUIRED TO MEET TOTAL TREE CANOPY REQUIREMENTS.

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VEHICULAR USE AREA 91,882 S.F.  
REQUIRED INTERIOR LANDSCAPING 6,891 S.F. (7.5%)  
INTERIOR LANDSCAPING TO BE PROVIDED 6,891 S.F. (7.5%)

**APPROXIMATE DETENTION CALCULATIONS**

PRE-DEVELOPED	POST DEVELOPED
PERVIOUS 10.64/11.05 X .20 = 0.20	PERVIOUS 2.26/11.05 X 0.20 = 0.04
IMPERVIOUS 0.41/11.05 X .95 = 0.02	IMPERVIOUS 4.18/11.05 X 0.95 = 0.36
COMMERCIAL PRE-DEVELOPED C = 0.22	4.61/11.05 X 0.85 = 0.35
POST DEVELOPED C = 0.75	
REQUIRED VOLUME (0.75-0.22) X 2.9/12 X 11.05 = 1.41 AC-FT	
PROVIDED VOLUME = 1.49 AC-FT (ELEV. 658 TO ELEV. 665.5)	



Bing G & Dorothy R Crosby  
9206 Old Bardstown Rd  
D.B. 8840, Pg. 0358  
R-4/N

Bing G  
9300  
D.B.

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**SITE DATA**

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 DB 9689 PG 788  
 TAX BLOCK 61, LOT 116  
 11.05 AC./VACANT  
 NEIGHBORHOOD FORM DISTRICT  
 COUNCIL DISTRICT 20  
 FERN CREEK FIRE DISTRICT  
 EXISTING USE: VACANT/RESIDENTIAL  
 EXISTING ZONING: C-1  
 PROPOSED ZONING:  
 M-2 ZONING CHANGE  
 6.44 AC TOTAL  
 6.31 AC NET  
 C-1 TO REMAIN  
 4.61 TOTAL  
 4.53 NET

**M-2 ZONING AREA**

**SITE AREA** 6.44 AC/280,526 SF TOTAL  
 6.31 AC/274,864 SF NET  
 30' (MAX.)  
**HEIGHT**  
**BUILDING AREA (M-2)** PROP 16,800 S.F.  
**EXISTING USE:** VACANT/RESIDENTIAL  
**PROPOSED USE:** M-2 CONSTRUCTION EQUIPMENT RENTAL/SALES AND STORAGE  
**FLOOR AREA RATIO (M-2)** 16,800 S.F./6.31 AC. = 0.06  
**PROPOSED IMPERVIOUS AREA** 190,086 S.F.

**M-2 ZONING AREA PARKING SUMMARY**

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**MAXIMUM PARKING SPACES REQUIRED** 1 SP/150 S.F. = 40 SPACES  
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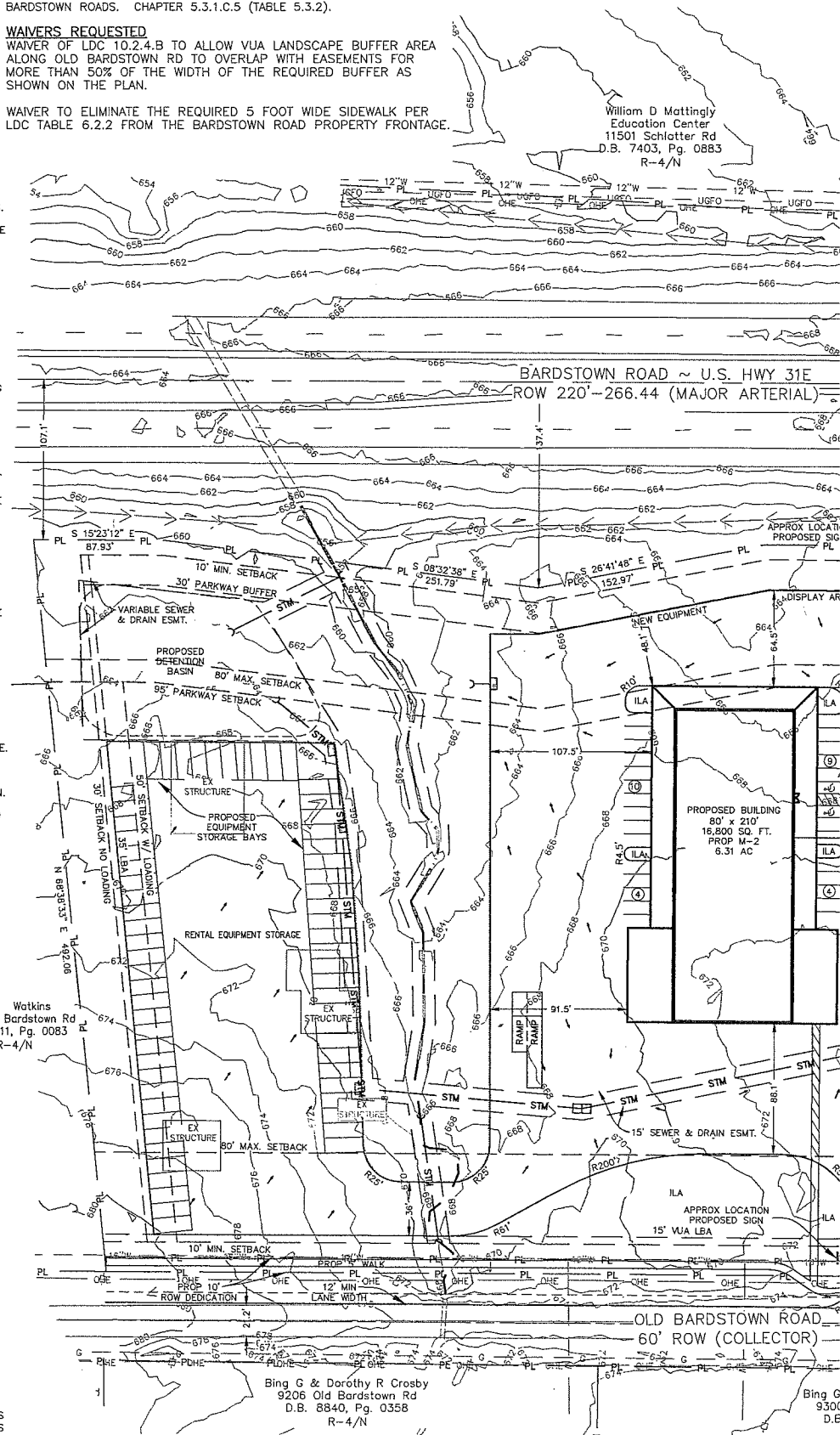
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**WAIVERS REQUESTED**

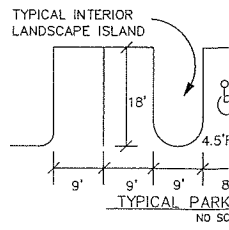
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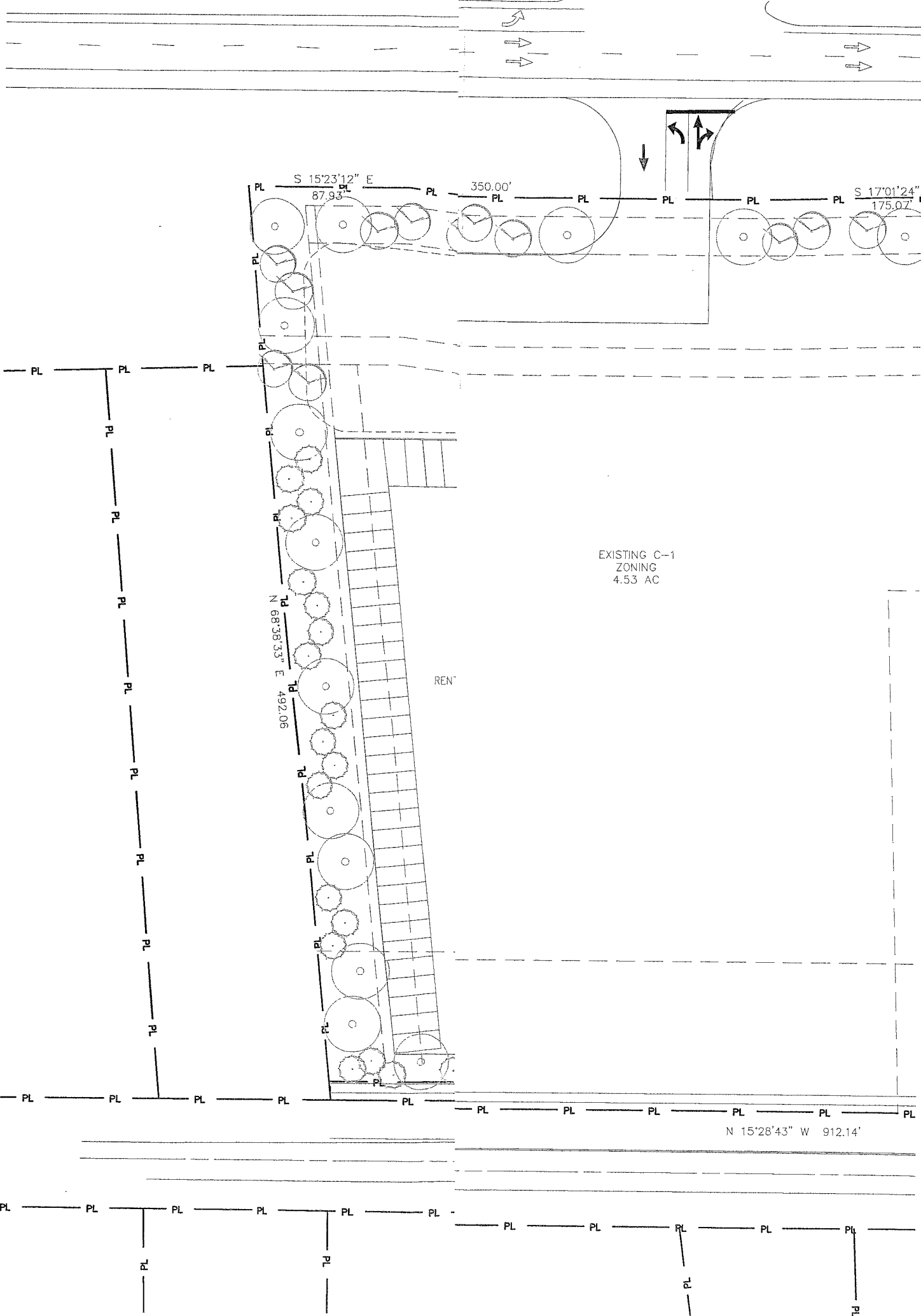
WAIVER TO ELIMINATE THE REQUIRED 5 FOOT WIDE SIDEWALK PER LDC TABLE 6.2.2 FROM THE BARDSTOWN ROAD PROPERTY FRONTAGE.



**APPROXIMATE DETENTION CALCULATIONS**

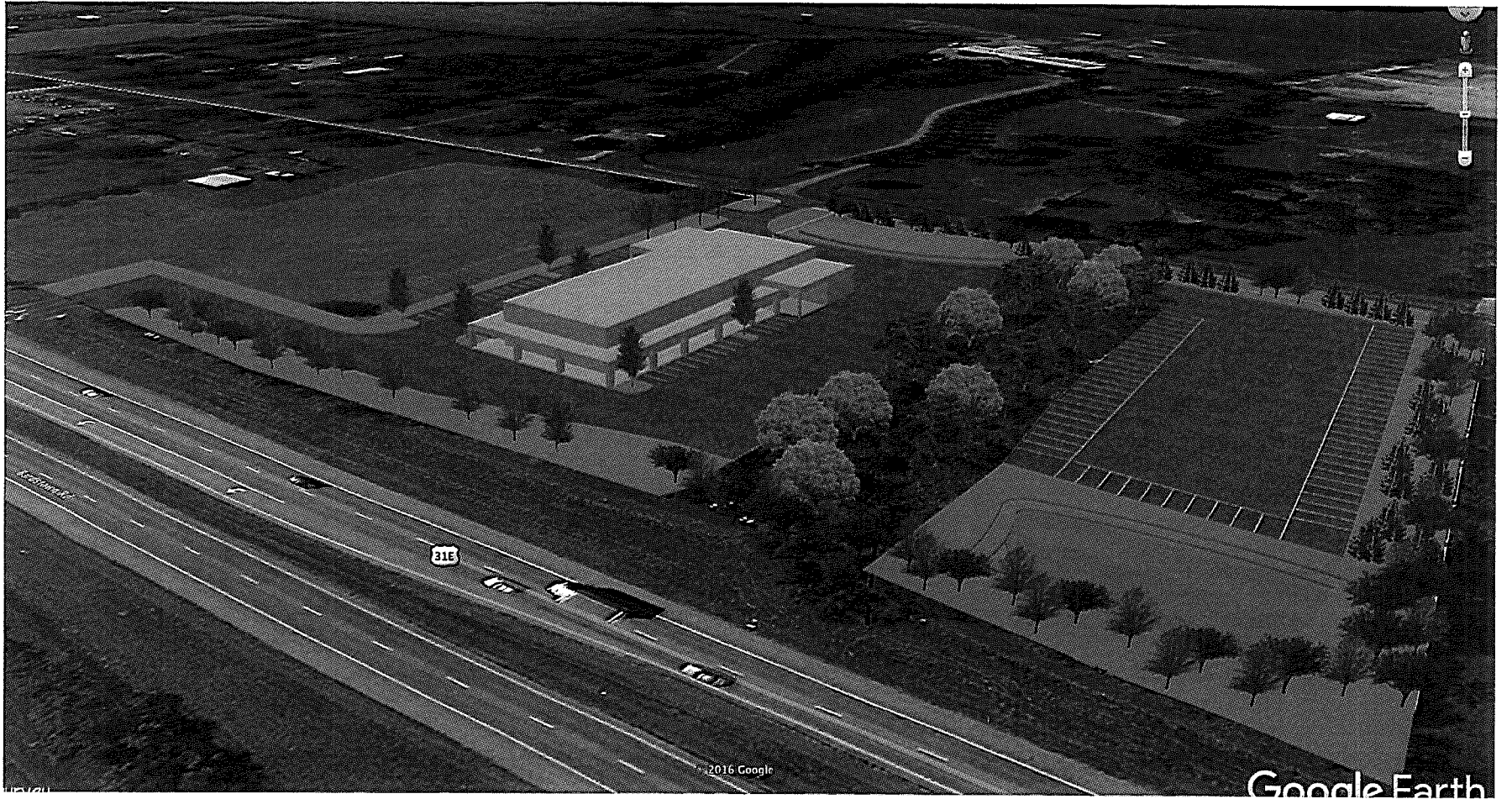
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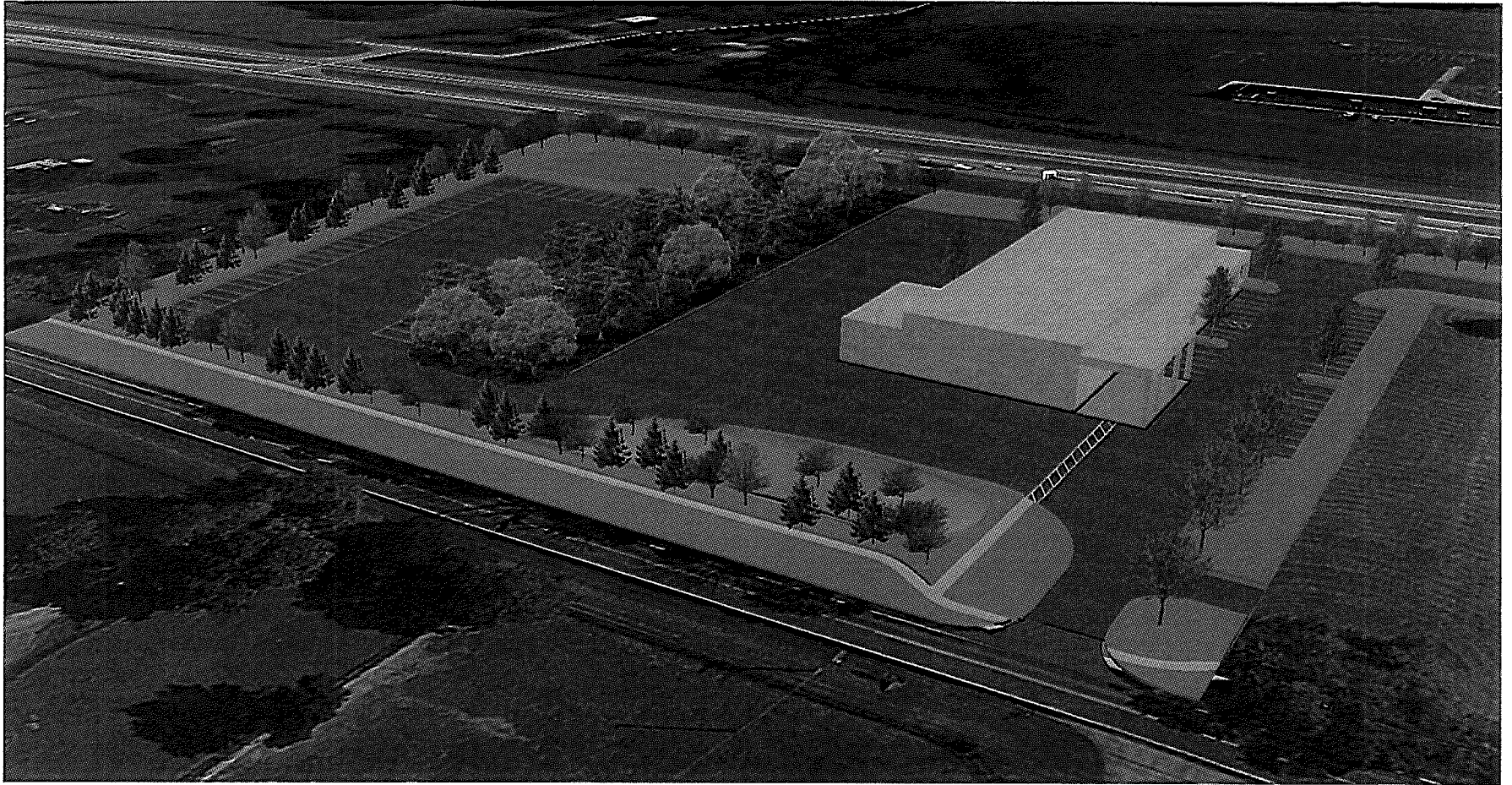








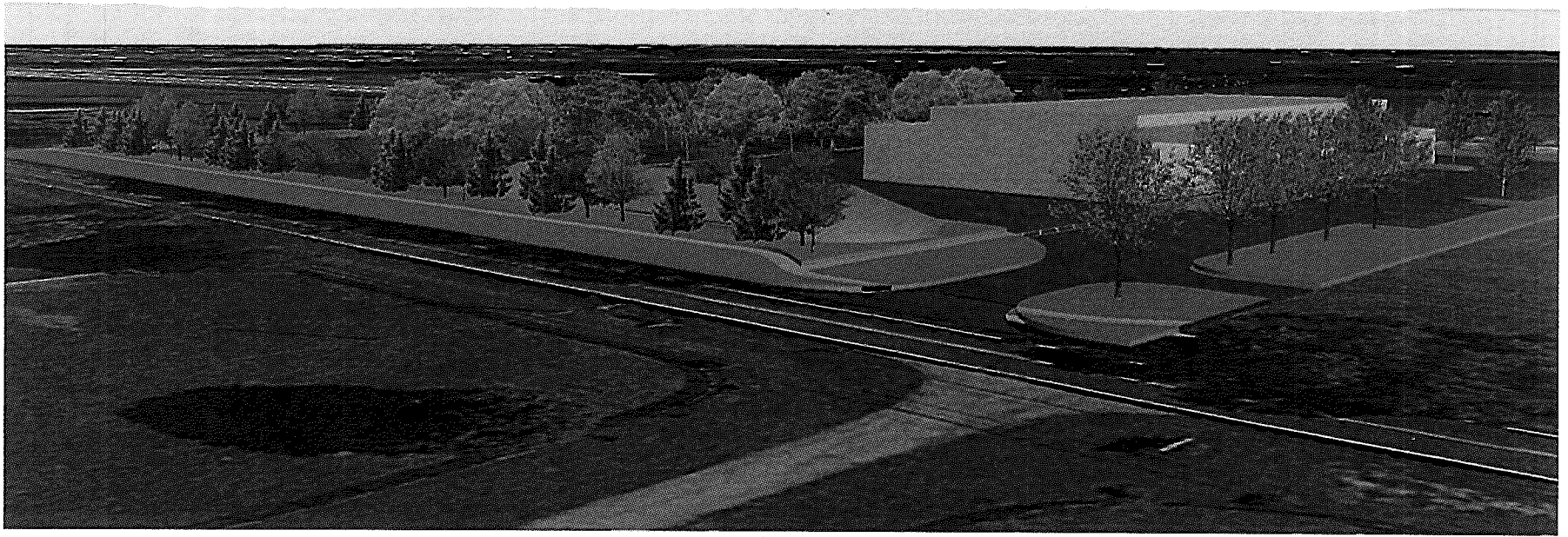






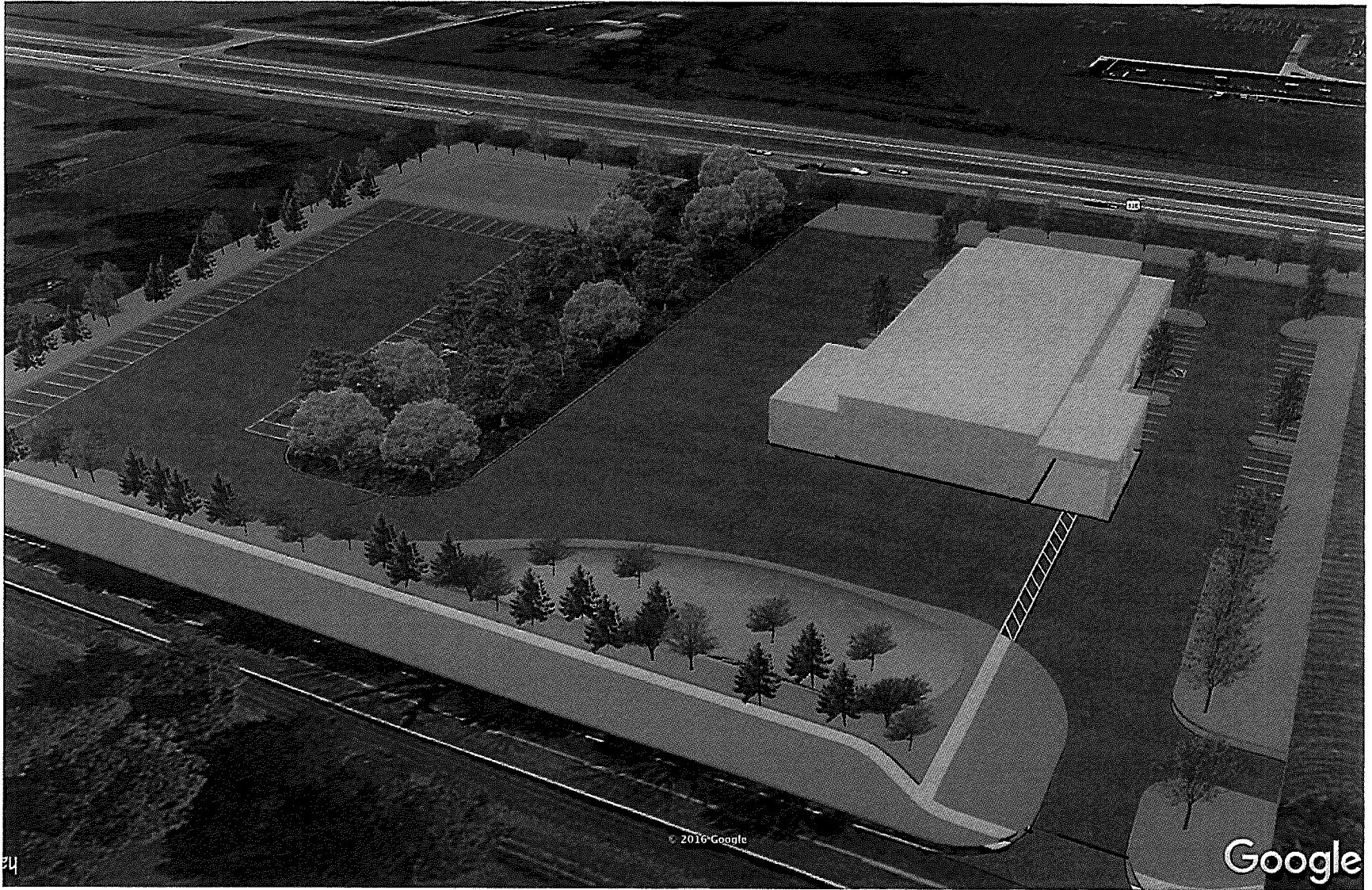








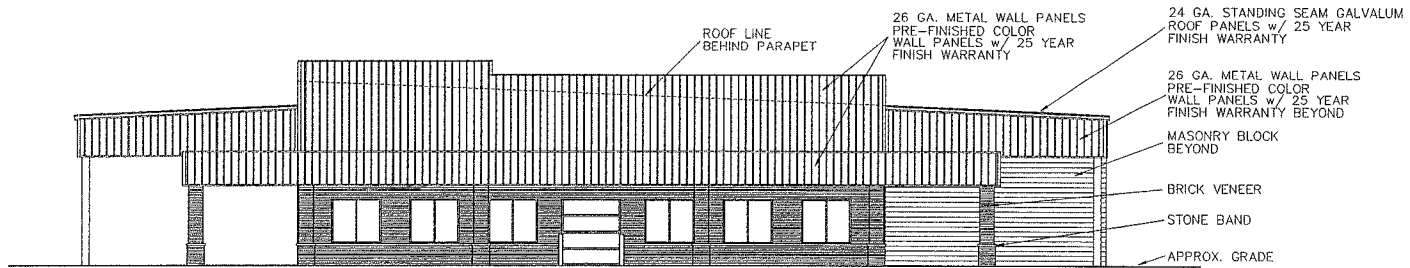








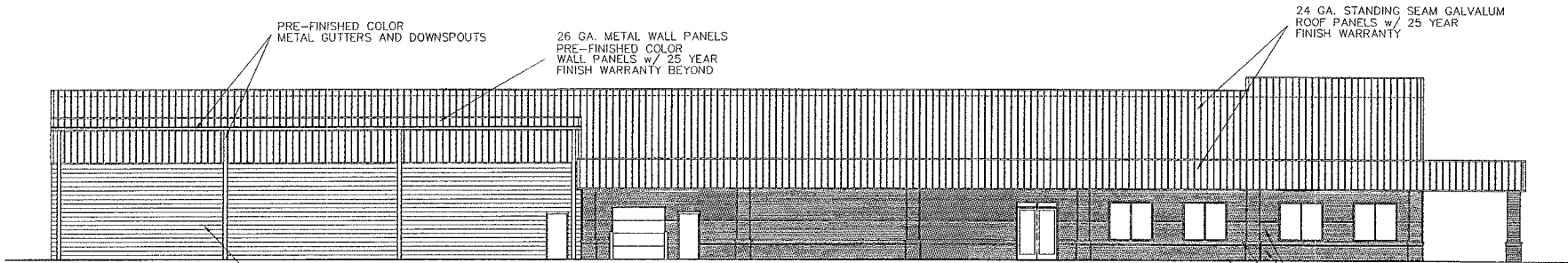
**JACOBI**  
SALES, INC.



EAST ELEVATION

SCALE: 1/8" = 1'-0"

- 26 GA. METAL WALL PANELS  
PRE-FINISHED COLOR  
WALL PANELS w/ 25 YEAR  
FINISH WARRANTY
- 24 GA. STANDING SEAM GALVALUM  
ROOF PANELS w/ 25 YEAR  
FINISH WARRANTY
- 26 GA. METAL WALL PANELS  
PRE-FINISHED COLOR  
WALL PANELS w/ 25 YEAR  
FINISH WARRANTY BEYOND
- MASONRY BLOCK  
BEYOND
- BRICK VENEER
- STONE BAND
- APPROX. GRADE



SOUTH ELEVATION

SCALE: 1/8" = 1'-0"

- PRE-FINISHED COLOR  
METAL GUTTERS AND DOWNSPOUTS
- 26 GA. METAL WALL PANELS  
PRE-FINISHED COLOR  
WALL PANELS w/ 25 YEAR  
FINISH WARRANTY BEYOND
- 24 GA. STANDING SEAM GALVALUM  
ROOF PANELS w/ 25 YEAR  
FINISH WARRANTY
- MASONRY BLOCK  
BEYOND UNDER CANOPY
- BRICK VENEER BEYOND UNDER CANOPY
- STONE BAND BEYOND UNDER CANOPY
- APPROX. GRADE

REVISIONS	BY

NEW FACILITY FOR:  
**JACOBI SALES INC.**  
 BARDSTOWN ROAD LOUISVILLE, KENTUCKY

Drawn	DLS
Checked	DLS
Date	12-22-2016
Scale	
Job No.	
Sheet	A2





**Proposed Binding Elements**  
**16Zone1069**

1. The development shall be in accordance with the approved district development plan, all applicable sections of the Land Development Code (LDC) and agreed upon binding elements unless amended pursuant to the LDC. Any changes/additions/alterations of any binding element(s) shall be submitted to the Planning Commission or the Planning Commission's designee for review and approval; any changes/additions/alterations not so referred shall not be valid.
2. Prior to development (includes clearing and grading) of this project, the applicant, developer, or property owner shall obtain approval of a detailed district development plan in accordance with LDC 11.6. Each plan shall be in adequate detail and subject to additional binding elements.
3. The subject site may not be developed for any manufacture, processing, treatment or storage use, nor as a truck or transfer terminal, freight and motor freight and motor freight stations use, that is permitted by M-2 Industrial zoning.
4. Signs shall be in accordance with LDC Chapter 8 or as presented at the public hearing.
5. No outdoor advertising signs, small freestanding signs, pennants, balloons, or banners shall be permitted on the site.
6. Construction fencing shall be erected when off-site trees or tree canopy exists within 3' of a common property line. Fencing shall be in place prior to any grading or construction to protect the existing root systems from compaction. The fencing shall enclose the entire area beneath the tree canopy and shall remain in place until all construction is completed. No parking, material storage or construction activities are permitted within the protected area.
7. Prior to any site disturbance permit being issued and prior to any clearing, grading or issuance of a site disturbance permit, a site inspection shall be conducted by PDS staff to ensure proper placement of required tree protection fencing in accordance with the approved Tree Preservation Plan.
8. Before any permit is requested, including but not limited to permits for building, parking lot, change of use, site disturbance, alteration or demolition:
  - a. the development plan must receive full construction approval from Louisville Forward, Louisville Metro Public Works and the Metropolitan Sewer District,
  - b. encroachment permits must be obtained from the Kentucky Transportation Cabinet, and

- c. the property owner/developer must obtain approval of a detailed plan for screening/buffering/landscaping as described in LDC Chapter 10 prior to requesting a building permit. Such plan shall be implemented prior to occupancy of the site and shall be maintained thereafter.
9. A certificate of occupancy must be received from the appropriate code enforcement department prior to occupancy of the structure or land for the proposed use. All binding elements requiring action and approval must be implemented prior to requesting issuance of the certificate of occupancy, unless specifically waived by the Planning Commission.
10. The applicant, developer, or property owner shall provide copies of these binding elements to tenants, purchasers, contractors, subcontractors and other parties engaged in development of this site and shall advise them of the content of these binding elements. These binding elements shall run with the land and the owner of the property and occupant of the property shall at all times be responsible for compliance with these binding elements. At all times during development of the site, the applicant and developer, their heirs, successors; and assignees, contractors, subcontractors, and other parties engaged in development of the site, shall be responsible for compliance with these binding elements.
11. The property owner shall provide a cross over access easement if the property to the south is ever developed for a nonresidential use. A copy of the signed easement agreement shall be provided to Planning Commission staff upon request.
12. The materials and design of proposed structures shall be substantially the same as depicted in the rendering as presented at the March 16, 2017 Planning Commission meeting.
13. No overnight idling of trucks shall be permitted on-site.
14. At the time a building permit is requested, the applicant shall submit a certification statement to the permit issuing agency, from an engineer, or other qualified professional stating that the lighting of the proposed development is in compliance with LDC 4.1.3 and shall be maintained thereafter. No building permits shall be issued unless such certification statement is submitted.
15. The business at the development shall restrict the hours of operation from 6 AM to 9 PM.
16. If it is determined by KTC that a traffic signal at the intersection of Thixton Lane and Bardstown Road is warranted in the future, the developer of this site for docket number 16Zone1069 shall contribute up to \$7,500 of the total cost toward the installation of the traffic signal.



17. At such time as sidewalks are constructed along the portion of Old Bardstown Road adjacent to this property, a clearly defined, safe pedestrian access will be provided by the owner of the property from the public sidewalk to building entrances.
18. Developer shall be responsible for any required utility relocations, final surface overlay, signage, and striping associated with required road improvements to Bardstown Road and Old Bardstown Road.

#### **Waiver: Chapter 10.2.4.B**

A waiver is being requested to allow VUA and Parkway buffers to overlap with easements for more than 50% of the width of the required buffer as shown on the plan.

##### ***A. The waiver will not adversely affect adjacent property owners:***

The waiver will not adversely affect adjacent properties since the required screening and plantings will be provided. The Old Bardstown Road frontage has at least a minimum 5-foot outside of the LWC easement where plantings can be placed.

##### ***B. The waiver will not violate the Comprehensive Plan:***

The waiver will not violate the Comprehensive plan in that the development is still providing the required width of the buffers and the required screening the buffers just overlap existing or proposed easements that are required along the roads.

##### ***C. The extent of waiver of the regulation is the minimum necessary to afford relief to the applicant:***

The extent of the waiver is the minimum to afford relief as the development is located between two existing roads that limit the amount of space that can be used for the buffering.

##### ***D. Either:***

##### ***1. 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):***

The development will provide a high quality of building design, internal landscape areas and is providing the required buffer widths, screening and planting required by the code.

## **Waiver: Table 6.2.2 of Land Development Code**

A waiver is being requested to eliminate the required 5' foot wide sidewalk from the Bardstown Road property frontage.

### ***A. The waiver will not adversely affect adjacent property owners; and***

The waiver will not adversely affect adjacent properties since no sidewalks exist along this side of Bardstown Road in this area and sidewalks will be provided along the parallel Old Bardstown Road.

### ***B. The waiver will not violate the Comprehensive Plan; and***

The waiver will not violate the Comprehensive Plan in that the development will still provide a north-south pedestrian way along the property on the Old Bardstown Road frontage which is a much safer pedestrian environment being adjacent to a two-lane road rather than along the higher speed multi-lane Bardstown Road. The development will provide a 5-foot along the Old Bardstown Road frontage to off-set the waiver of the sidewalk on Bardstown Road which will encourage alternative modes of transportation by being wide enough for both pedestrians and bicyclists.

### ***C. The extent of waiver of the regulation is the minimum necessary to afford relief to the applicant; and***

The extent of the waiver is the minimum to afford relief as the development is located between two existing roads which would require double the amount of sidewalks that most developments are required to provide. The Bardstown Road sidewalk would be impractical as it would be located between the pavement of the road and a roadside drainage ditch.

### ***D. Either:***

#### ***1. 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);***

The development will provide a 5-foot wide north-south pedestrian path on the Old Bardstown Road side of the development. The Old Bardstown Road frontage is a quieter, safer location for pedestrian and bicycle traffic.



## DEMONSTRATION OF APPROPRIATENESS

J & B Louisville, LLC  
Case No. 16Zone1069

**I. The proposal conforms to the Comprehensive Plan for Louisville and Jefferson County, Kentucky.**

The proposed zone change of 6.5 acres from Commercial District C-1 to Industrial District M-2 (the "proposal") conforms to KRS 100.213 because it is in agreement with the adopted Comprehensive Plan for Louisville and Jefferson County, Kentucky, within which this property lies. Comprehensive Plan Goals, Objectives, Guidelines and Policies are discussed in this Demonstration of Appropriateness.

**Community Form Guideline 1.** The proposal conforms to Community Form Guideline 1. The property lies within the Neighborhood Form District, is consistent with the Neighborhood Form District and therefore no change in the Form District is proposed. In particular, the proposal is consistent with Guideline 1.B.3 since the scale of the development is appropriate for the location and nearby neighborhoods. Additionally, the proposal provides for accessibility and connectivity between adjacent uses and neighborhoods by automobile, pedestrian, bicycles and public transit.

**Centers Guideline 2.** The proposal conforms with Guideline 2 and many of the applicable Policies adopted thereunder, including Policies 2.3, 2.9, 2.11, 2.13, 2.14 and 2.16. The center will be located off Bardstown Road, a major arterial, which meets the requirements that at least one of the intersecting streets be classified as collector level or above. The new business will reduce commuting times and transportation-related air pollution by allowing residents to shop closer to home, which is one of the overriding objectives of the Cornerstone 2020 Comprehensive Plan. The new business will be bordered on the east by Bardstown Road and on the west by Old Bardstown Road and provide easy access to nearby neighborhoods that are not currently served. Further, non-residential and mixed uses should be developed in designated activity centers. The development plan submitted with this application leaves the existing C-1 portion of the property open for development with cross access. Note 13 of the development plan reads upon development of the adjacent properties, a unified access and circulation system shall be developed and provide for vehicular movement through adjacent sites as determined by Public Works and a cross access agreement shall be recorded prior to construction approval for the adjacent property.

**Compatibility Guideline 3.** The proposal conforms to Compatibility Guideline 3 and all applicable Policies adopted thereunder, including Policies 1, 2, 6, 7, 8, 9, 21, 22, 23, 24 and 28. This proposal is of a scale and site design compatible with nearby existing development and with the pattern of development in the Neighborhood Form District. The type of building materials will be appropriate for the character of the neighborhood, and any adverse impact on adjacent residential uses, including traffic, parking, signs and lighting, will be mitigated through binding elements that have been proposed and agreed to by the developer. Appropriate transitioning from residential to non-residential uses will be provided through the use of natural vegetative buffers and landscaping, landscape buffer yards, the 30-foot parkway buffer along Bardstown Road, the 80-foot setback along Bardstown Road and the 15-foot "Vehicular Use and Landscape Buffer" located along Old Bardstown Road. Additionally, the proposed development is designed to provide accessibility to people with disabilities. The parking, loading and delivery areas are adequate for the proposed uses and are designed to minimize any adverse impact on adjacent residential areas, with parking and circulation areas screened and buffered from any adjacent streets. All signage will be compatible with the Neighborhood Form District and will comply with the requirements of Chapter 8, Part 3, of the Land Development Code.

**Open Space Guideline 4.** The proposal conforms to Open Space Guideline 4. This proposed new business and specifically the northern portion of the development provides greenspace between the new business and the rental equipment storage lot. The greenspace maintains the existing natural features of the location.

**Natural Areas and Scenic and Historic Resources Guideline 5.** The proposal conforms to Natural Areas and Scenic and Historic Resources Guideline 5 and all applicable Policies adopted thereunder, including Policies 5.1, 5.3 and 5.6. Due to the fact that the site is located between a major arterial (Bardstown Road), as well as a collector road (Old Bardstown Road) and given the other characteristics of the site, the proposal respects the natural features of the site by avoiding substantial changes to the topography of the site. In addition, Note 20 of the development plan provides that a Kentucky Historic Properties survey form shall be submitted to historic preservation staff prior to demolishing of existing structures.

**Economic Growth and Stability Guideline 6.** The proposal conforms to Economic Growth and Stability Guideline 6. The intent of this Guideline, among other things, is "to ensure the availability of necessary usable land to facilitate commercial . . . development." This development will address the need for retail services provided by the new business for the already existing and growing population within this area, thereby reducing travel to shopping and work and locating services and facilities near these growing neighborhoods. This

development will also assure the community's continued growth and the competitiveness of the marketplace in this area.

**Circulation Guideline 7.** The proposal conforms to Circulation Guideline 7 and all applicable Policies adopted thereunder. The proposed development provides for future internal circulation, as well as connections to major thoroughfares and adjacent road networks. The proposal will include adequate sidewalks, bicycle racks and pedestrian access. We anticipate approval by Public Works indicating adequate access to, from and through the development. Parking requirements will be met or exceeded. Note 13 of the development plan reads upon development of the adjacent properties, a unified access and circulation system shall be developed and provide for vehicular movement through adjacent sites as determined by Public Works and a cross access agreement shall be recorded prior to construction approval for the adjacent property.

**Transportation Facility Design Guideline 8.** The proposed development complies with applicable policies adopted under the Transportation Facility Guideline, including Policies 8.2, 8.5, 8.10 and 8.11. Primary access to the site is from Bardstown Road and Old Bardstown Road and will not route traffic through areas of lower intensity. These primary access points will have adequate site distance and we anticipate approval of Public Works and the Kentucky Transportation Cabinet. The internal circulation pattern for drives within the development ensures the functioning hierarchy of streets and appropriate linkage between Bardstown Road and Old Bardstown Road.

**Bicycle, Pedestrian and Transit Guideline 9.** The proposal conforms to Bicycle, Pedestrian and Transit Guideline 9 and all applicable Policies adopted thereunder. The proposal will provide for a 5-foot multi-use path along Old Bardstown Road, as well as a 15-foot "Vehicular Use and Landscape Buffer" located along Old Bardstown Road. In addition, bike parking will be provided on the property.

**Flooding and Stormwater Guideline 10.** The proposal conforms to Flooding and Stormwater Guideline 10 and all applicable Policies adopted thereunder. We anticipate approval of the Metropolitan Sewer District and otherwise the proposal complies with all applicable policies set forth in Guideline 10. In the event peak post-development surface water runoff exceeds predevelopment levels, the site will be subject to the payment of facilities management fees pursuant to Metropolitan Sewer District requirements.

**Air Quality Guideline 12.** The proposal conforms to Air Quality Guideline 12 and all applicable Policies adopted thereunder. We anticipate approval of Air Pollution Control District. The proposed development satisfies the applicable Policies of this Guideline since the proposed retail development will not create, but rather capture, traffic from the already significant existing and growing



residential population in this area. This Guideline further encourages development to occur in and around residential populations to reduce vehicle miles traveled, especially along clogged arterials and in clogged intersections, such as Bardstown Road at the Gene Snyder Freeway.

**Landscape Character Guideline 13.** The proposal conforms to Landscape Character Guideline 13 and all applicable Policies adopted thereunder. The proposed development plan is compliant with the tree canopy requirements of the Land Development Code and landscaping features will be provided on site. Best management practices during construction activities will be employed. Construction fencing will be erected prior to any construction or grading activities preventing compaction of root systems of trees to be preserved. This protective fencing will remain in place throughout construction.

**Infrastructure Guideline 14.** The proposal conforms to Infrastructure Guideline 14 and all applicable Policies adopted thereunder. All utilities are available or will be available to the site, including adequate water, electric and sewer service. Adequate water supply of portable water for domestic purposes is available through Louisville Water Company facilities. These facilities will also serve the safety needs of the development for adequate water for firefighting purposes. Sufficient sewage treatment will be provided to the development and all other necessary utility facilities are available.

**Community Facilities Guideline 15.** The proposal conforms to Community Facilities Guideline 15 and all applicable Policies adopted thereunder, including Policy 15.9. Adequate fire fighting services will be provided by the Fern Creek Fire Protection District.

The proposal conforms to all other applicable Goals, Objectives, Guidelines and Policies of the Comprehensive Plan.

- II. Implementation of proposed uses is anticipated to begin within twelve (12) months of final approval.**

**PROPOSED FINDINGS OF FACT**

**Submitted by:**

**J & B Louisville, LLC**

**Case No. 16Zone1069**

**Request for Change in Zone from C-1 to M-2**

**WHEREAS**, The Planning Commission Finds That the proposal conforms to KRS 100.213 because it is in agreement with the Comprehensive Plan for Louisville and Jefferson County, Kentucky as detailed in these Findings; and

**WHEREAS**, The Planning Commission Further Finds That the proposal conforms to Community Form Guideline 1 and all applicable Policies adopted thereunder; the property lies within the Neighborhood Form District, is consistent with the Neighborhood Form District and therefore no change in the Form District is proposed; the proposal is consistent with Guideline 1.B.3 since the scale of the development is appropriate for the location and nearby neighborhoods; the proposal provides for accessibility and connectivity between adjacent uses and neighborhoods by automobile, pedestrian, bicycles and public transit; and

**WHEREAS**, The Planning Commission Further Finds That the proposal conforms to Centers Guideline 2 and all applicable Policies adopted thereunder, including Policies 2, 3, 4, 5, 7, 8 and 15 and 16; the development will be located at an intersection off Bardstown Road, a major arterial, which meets the requirements that at least one of the intersecting streets be classified as collector level or above; the new business will reduce commuting times and transportation-related air pollution by allowing residents to shop closer to home, which is one of the overriding objectives of the Cornerstone 2020 Comprehensive Plan; the new business will be bordered on the east by Bardstown Road and on the west by Old Bardstown Road and provide easy access to nearby neighborhoods that are not currently served; non-residential and mixed uses should be developed in designated activity centers; the development plan submitted with this application leaves the existing C-1 portion of the property open for development with cross access; Note 13 of the development plan reads upon development of the adjacent properties, a unified access and circulation system shall be developed and provide for vehicular movement through adjacent sites as determined by Public Works and a cross access agreement shall be recorded prior to construction approval for the adjacent property; and

**WHEREAS**, The Planning Commission Further Finds That the proposal conforms to Compatibility Guideline 3 and all applicable Policies adopted thereunder, including Policies 1, 2, 6, 7, 8, 9, 21, 22, 23, 24 and 28; the proposal is of a scale and site design compatible with nearby existing development and with the pattern of development in the Neighborhood Form District; the type of building materials will be appropriate for the character of the neighborhood, and any adverse impact on adjacent residential uses, including traffic, parking, signs and lighting, will be mitigated through binding elements that have been proposed and agreed to by the developer; appropriate transitioning from

residential to non-residential uses will be provided through the use of natural vegetative buffers and landscaping, landscape buffer yards, the 30-foot parkway buffer along Bardstown Road, the 80-foot setback along Bardstown Road and the 15-foot "Vehicular Use and Landscape Buffer" located along Old Bardstown Road; the proposed development is designed to provide accessibility to people with disabilities; the parking, loading and delivery areas are adequate for the proposed uses and are designed to minimize any adverse impact on adjacent residential areas, with parking and circulation areas screened and buffered from any adjacent streets; all signage will be compatible with the Neighborhood Form District and will comply with the requirements of Chapter 8, Part 3, of the Land Development Code; and

**WHEREAS,** The Planning Commission Further Finds That the proposal conforms to Open Space Guideline 4 and all applicable Policies adopted thereunder; the proposed new business and specifically the northern portion of the development provides greenspace between the new business and the rental equipment storage lot; the greenspace maintains the existing natural features of the location; and

**WHEREAS,** The Planning Commission Further Finds That the proposal conforms to Natural Areas and Scenic and Historic Resources Guideline 5 and all applicable Policies adopted thereunder, including Policies 1, 3, and 6; the site is located between a major arterial (Bardstown Road), as well as a collector road (Old Bardstown Road) and given the other characteristics of the site, the proposal respects the natural features of the site by avoiding substantial changes to the topography of the site; note 20 of the development plan provides that a Kentucky Historic Properties survey form shall be submitted to historic preservation staff prior to demolishing of existing structures; and

**WHEREAS,** The Planning Commission Further Finds That the proposal conforms to Economic Growth and Stability Guideline 6 and all applicable Policies adopted thereunder; the development will address the need for retail services provided by the new business for the already existing and growing population within this area, thereby reducing travel to shopping and work and locating services and facilities near these growing neighborhoods; the development will also assure the community's continued growth and the competitiveness of the marketplace in this area; and

**WHEREAS,** The Planning Commission Further Finds That the proposal conforms to Circulation Guideline 7 and all applicable Policies adopted thereunder; the proposed development provides for future internal circulation, as well as connections to major thoroughfares and adjacent road networks; the proposal will include adequate sidewalks, bicycle racks and pedestrian access; note 13 of the development plan reads upon development of the adjacent properties, a unified access and circulation system shall be developed and provide for vehicular movement through adjacent sites as determined by Public Works and a cross access agreement shall be recorded prior to construction approval for the adjacent property; and

**WHEREAS,** The Planning Commission Further Finds That the proposal conforms to Transportation Facility Guideline 8 and all applicable Policies adopted thereunder

including Policies 2, 5, 10 and 11; primary access to the site is from Bardstown Road and Old Bardstown Road and will not route traffic through areas of lower intensity; these primary access points will have adequate site distance; the internal circulation pattern for drives within the development ensures the functioning hierarchy of streets and appropriate linkage between Bardstown Road and Old Bardstown Road; and

**WHEREAS**, The Planning Commission Further Finds That the proposal conforms to Bicycle, Pedestrian and Transit Guideline 9 and all applicable Policies adopted thereunder; the proposal will provide for a 5-foot multi-use path along Old Bardstown Road, as well as a 15-foot "Vehicular Use and Landscape Buffer" located along Old Bardstown Road; bike parking will be provided on the property; and

**WHEREAS**, The Planning Commission Further Finds That the proposal conforms to Flooding and Stormwater Guideline 10 and all applicable Policies adopted thereunder, including Policies 1, 2, 3, 4, 7, 10 and 11; because we anticipate approval of the Metropolitan Sewer District and otherwise the proposal complies with all applicable policies set forth in Guideline 10; in the event peak post-development surface water runoff exceeds predevelopment levels, the site will be subject to the payment of facilities management fees pursuant to Metropolitan Sewer District requirements; and

**WHEREAS**, The Planning Commission Further Finds That the proposal conforms to Air Quality Guideline 12 and all applicable Policies adopted thereunder, including Policies 1, 2, 6 and 8; the proposed development will not create, but rather capture, traffic from the already significant existing and growing residential population in this area; the Guideline further encourages development to occur in and around residential populations to reduce vehicle miles traveled, especially along clogged arterials and in clogged intersections, such as Bardstown Road at the Gene Snyder Freeway; and

**WHEREAS**, The Planning Commission Further Finds That the proposal conforms to Landscape Character Guideline 13 and all applicable Policies adopted thereunder; the development plan is compliant with the tree canopy requirements of the Land Development Code and landscaping features will be provided on site; best management practices during construction activities will be employed; construction fencing will be erected prior to any construction or grading activities preventing compaction of root systems of trees to be preserved and the protective fencing will remain in place throughout construction; and

**WHEREAS**, The Planning Commission Further Finds That the proposal conforms to Infrastructure Guideline 14 and all applicable Policies adopted thereunder; all utilities are available or will be available to the site, including adequate water, electric and sewer service; adequate water supply of portable water for domestic purposes is available through Louisville Water Company facilities; these facilities will also serve the safety needs of the development for adequate water for firefighting purposes; sufficient sewage treatment will be provided to the development and all other necessary utility facilities are available; and



**WHEREAS**, The Planning Commission Further Finds That the proposal conforms to Community Facilities Guideline 15 and all applicable Policies adopted thereunder, including Policy 15.9 because adequate fire fighting services will be provided by the Fern Creek Fire Protection District; and

**WHEREAS**, The Planning Commission Further Finds That the proposal conforms to all other applicable Goals, Objectives, Guidelines and Policies of the Comprehensive Plan; and

**WHEREAS**, The Planning Commission Further Finds That all necessary utilities, including gas, electric, water, telephone, cable and telecommunications, are either presently exist on-site or will be constructed and essential public services, including sidewalks, presently exist to serve the site as shown on the development plan; and

**WHEREAS**, The Planning Commission Further Finds that implementation of proposed use is anticipated to begin upon final approval;

**NOW, THEREFORE, BE IT RESOLVED, THAT THE PLANNING COMMISSION DOES HEREBY RECOMMEND APPROVAL OF THE ZONE CHANGE FROM C-1 TO M-2.**

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