

Docket No. 16ZONE1070

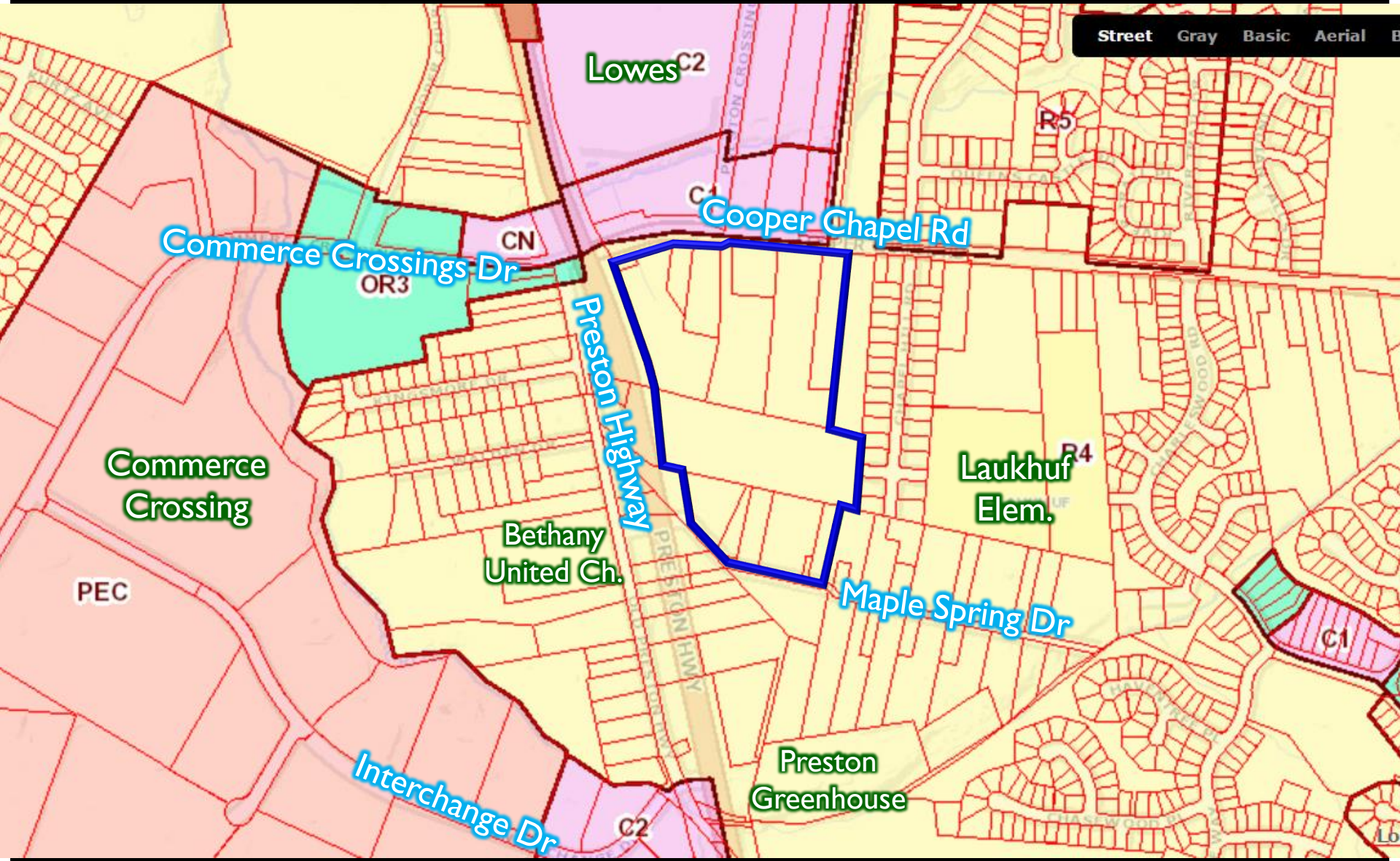
Proposed zone change from R-4 to C-2 with a DDDP for a “Menards” store on 20.06 acres and a GDDP on 13.77 acres and a parking waiver on property located at 4700, 4900, 4902, 4904, 4908 and 5000 Cooper Chapel Road and 10211 Preston Highway and 4915, 4917, 5001, 5003, 5005 & 5007 Maple Spring Drive



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8. Traffic Impact Study (TIS)
9. Parking study, which includes transaction analysis over 24 hrs/364 days at 4 Menards stores (Jeffersonville, IN, Bloomington, IN, Columbus, OH and Owensboro, KY) and parking counts in Jeffersonville, IN at peak transaction hours of 11:00 am to 3:00 pm on a Thursday and a Saturday (Staff copy contains all 550 pages of 34,944 transactions over this period of time at these 4 locations)
10. 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
11. Proposed findings of fact pertaining to compliance with the Comprehensive Plan and Building and Parking Waiver criteria

Tab I LOJIC Zoning Map



Lowes^{C2}

Commerce Crossings Dr
OR3

Cooper Chapel Rd

Commerce Crossing

Bethany United Ch.

Laukhuf^{R4}
Elem.

Maple Spring Dr

PEC

Preston Greenhouse

Interchange Dr

C2

16

Tab 2

Aerial photograph of the site and surrounding area



Meijer
Tire Discounters

I-265

Preston Crossings
(Movie Theater &
Lowes)

Cooper Chapel Rd

SITE

Maple Spring Dr

Commerce
Crossings

Okolona
Christian Church

Mt. Washington Road

Culvers
Zaxby's
Wendy's

Bob Evans
Fazolis

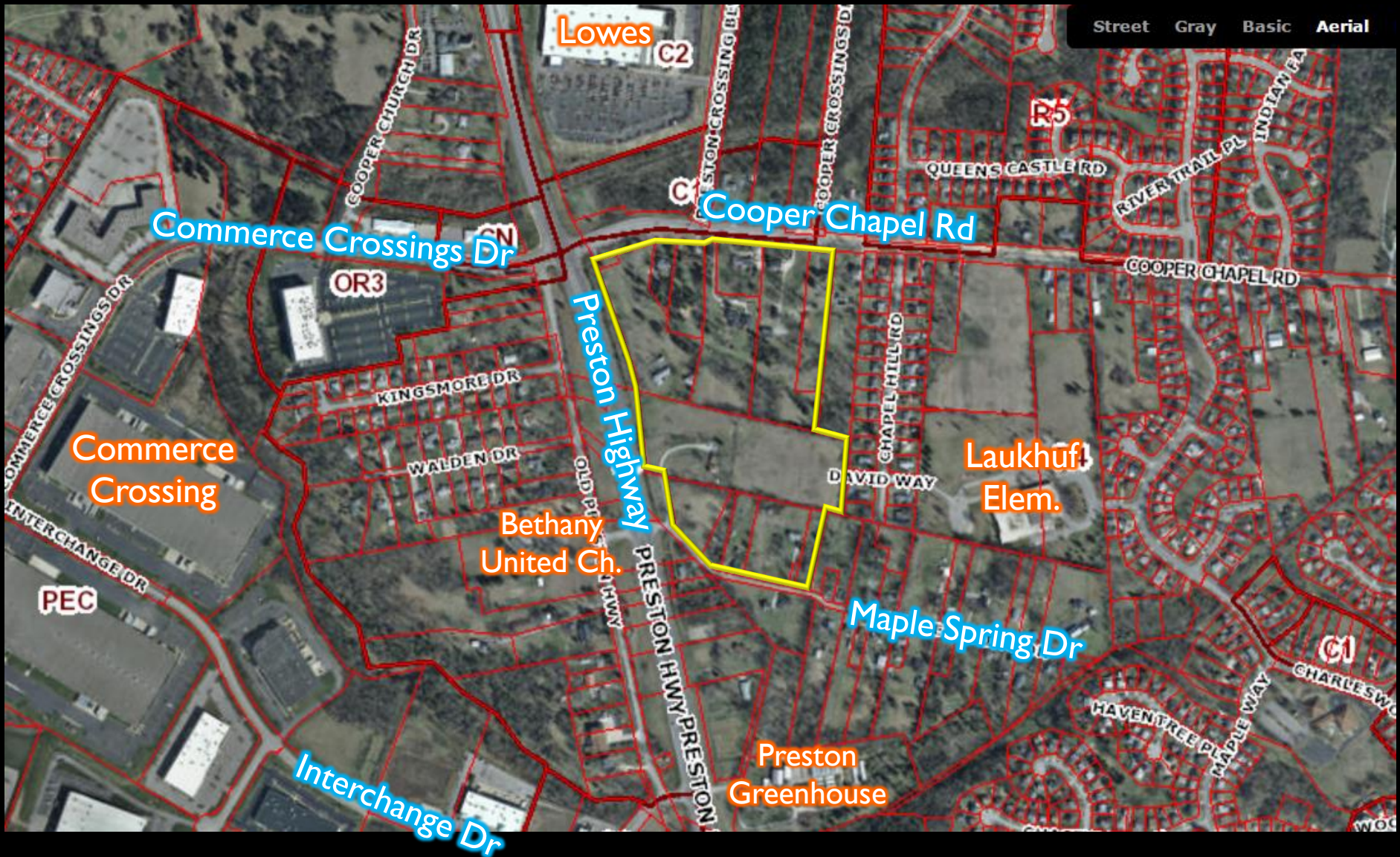
Kroger
CVS

Walgreens
Kohls
Walmart

Mudd Lane

Taco Bell
Moby Dick
Burger King
Ponderosa
Arby's
McDonalds

I-65



Lowe's

C2

Commerce Crossings Dr

Cooper Chapel Rd

R5

QUEENS CASTLE RD

RIVER TRAIL PL
INDIAN FA

OR3

KINGSMORE DR

WALDEN DR

Preston Highway

OLD PRESTON HWY

PRESTON HWY PRESTON

CHAPEL MILL RD

DAVID WAY

Laukhuf Elem.

COOPER CHAPEL RD

Commerce Crossing

Bethany United Ch.

Maple Spring Dr

PEC

Interchange Dr

Preston Greenhouse

C1

HAVENTREE PL

CHARLES W

WOL

Tab 3

Ground level photographs of the site and surrounding area



View looking south toward site from corner of Preston Highway and Cooper Chapel Road



View of Lowes, to the left (north) from Preston Highway and Cooper Chapel Road. Site it to the right (south).



View of site from Cooper Chapel Road looking southeast towards Preston Highway.



View of site from corner of Cooper Chapel Road and Preston Highway.

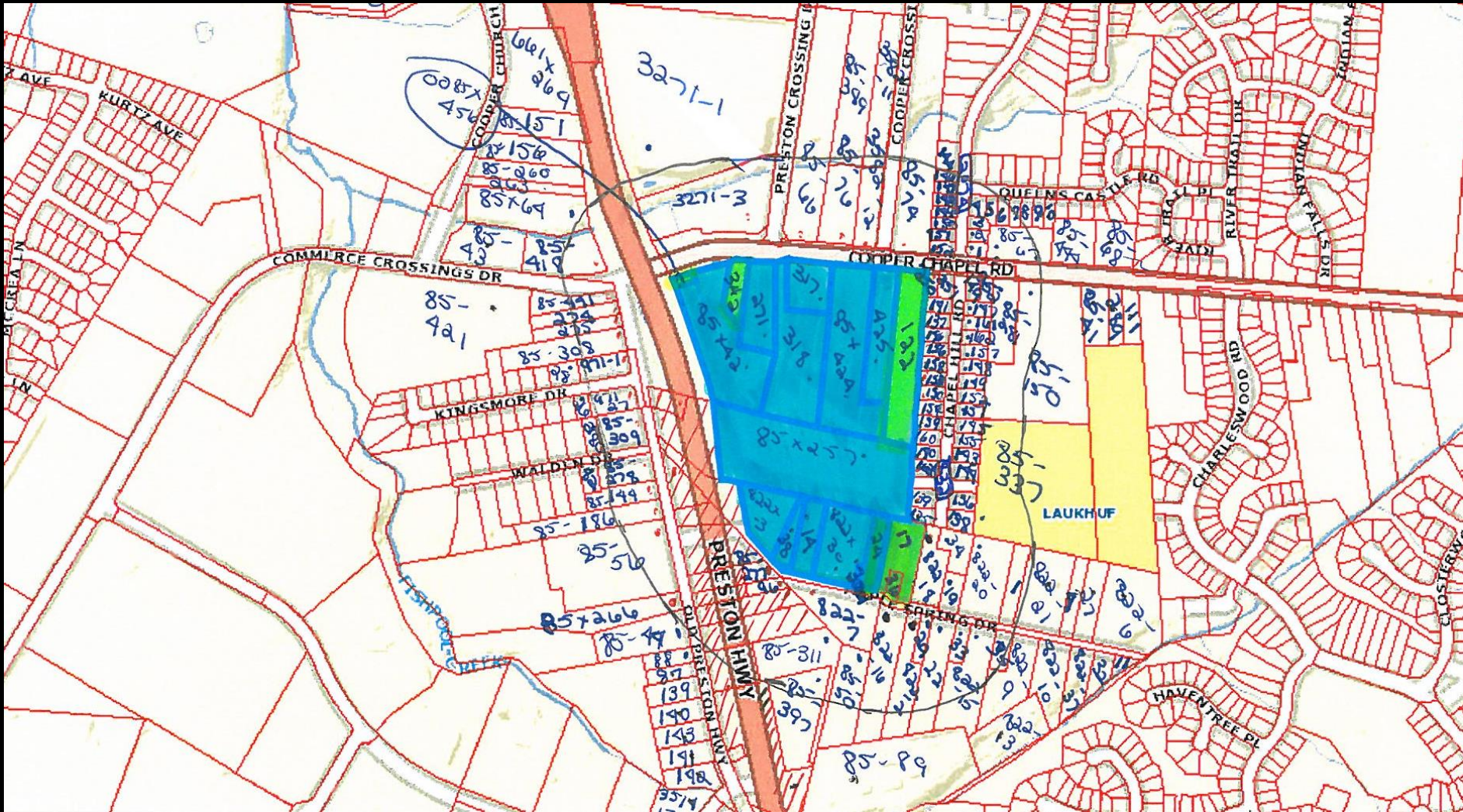


View of site from corner of Preston Highway and Maple Spring Drive, looking northeast.

Tab 4

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

Neighborhood Meeting notice list map, wherein 134 neighbors were notified of the meeting in addition to the interested neighbor groups signed-up through DPDS.



BARDENWERPER, TALBOTT & ROBERTS, PLLC
ATTORNEYS AT LAW

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(502) 426-6688 • (502) 425-0561 [FAX] • WWW.BARDLAW.NET

William B. Bardenwerper
Direct dial: 426-0388, ext. 125
Email: WBB@BARDLAW.NET

October 12, 2016

Dear Neighbor,

RE: Proposed change in zoning from R-4 to C-2 to allow a “Menards” store on approximately 32.50 acres on the property located at the southeast corner of Preston Highway and Cooper Chapel Road at 4700, 4900, 4902, 4904, 4908 and 5000 Cooper Chapel Road and 10211 Preston Highway and 4915, 4917, 5001, 5003, 5005 & 5007 Maple Spring Drive

We are writing to invite you to a meeting we have scheduled to present neighbors with our rezoning plan to allow a 207,922 square foot “Menards” store with outlots and residual tracts to be located as above.

Accordingly, we will soon be filing a plan for pre-application review with the Division of Planning and Design Services (DPDS) that will be assigned a case manager, and case number. We will provide the name of the case manager and the case number at the neighbor meeting. We would like to show and explain to neighbors this plan so that we might hear what thoughts, issues and perhaps even concerns you may have.

In that regard, a meeting will be held on **Thursday, November 3rd at 7:00 p.m. at Bethany United Church of Christ** located at **10400 Old Preston Highway**.

If you cannot attend the meeting but have questions or concerns, please call our attorney Bill Bardenwerper at 426-6688, or our land planning and engineering firm representatives David Mindel or Kathy Linares at 485-1508.

We look forward to seeing you.

Sincerely,



William B. Bardenwerper

cc: Hon. James Peden, Metro Councilman, District 23
Brian Davis, Planning Supervisor with Metro Division of Planning & Design Services
Rodney K. Wekkin, Real Estate Representative, with Menards, Inc.
David Mindel or Kathy Linares, engineer and land planners with Mindel, Scott & Assoc. Inc.
Suzanne Cheek, Horizon Real Estate

Neighborhood Meeting Summary Menard's/Preston

A neighborhood meeting was called to order at 7:00 PM on November 7, 2016 at the Bethany United Church of Christ which was chosen because it is located just off Preston Highway with ease of access to residents from the area who mostly attended this neighborhood meeting.

The meeting began with Bill Bardenwerper showing a PowerPoint presentation of the area and nearby development. He did this so that everyone present was fully familiar with exactly the properties being considered and impacted. He described also the proposed initial site plan for this site, its perimeter buffers and setbacks, the location of parking, the diminished parking from what is usually requested at a large development like this, the fact that there are out-lots proposed that do not yet include, as the Menard's building does, a detailed district development plan, and the proposal for points of access.

Major issues raised by neighbors included traffic and access. This was especially concerning among the residents who still reside within what seems like a very rural area along Maple Springs Drive. That is a dead-end street with a poorly designed connection to Preston Highway south of Cooper Chapel Road.

Mr. Bardenwerper explained that the primary points of access will be off of Cooper Chapel Road where there is a traffic signal at Preston Highway. Indeed, he said that residents who presently have a difficult time accessing Preston Highway from Maple Springs Drive neighborhood, especially those wishing to turn left across several lanes of northbound traffic to enter the southbound lanes will be able to access the signal at Cooper Chapel Road through this development. He said that that will provide for safer travel movements, particularly among those desiring to turn left (south) from the Maple Springs Drive onto Preston Highway. After all, there are lots of jobs located south off Preston Highway in Bullitt County as well as two large shopping centers on either side of Preston Highway where the Wal-Mart, the Kohl's and the Kroger stores are located. There is also a development that will be perhaps more easily accessed north of this development across Cooper Chapel Road where the Lowe's hardware store and theater complex are located. Menard's itself will provide a wide variety of offerings, not just like Lowe's, but greater in number and variety and at highly competitive pricing.

But that didn't seem to satisfy Maple Springs Drive residents who apparently like to have the exact access they have today onto and off of Preston Highway. Mr. Bardenwerper and Mr. Mindel from Mindel Scott & Associates also described this Maple Springs Drive access which they said will be widened and improved. They said that more meetings will be held with KTC (the state highway department), to determine exactly how to design that access point, some of which is located in state right-of-way, and how it will connect both to the portions of the site not presently under a detailed district development plan proposal and the portion of the site where Menards is located which does have a DDDP associated with it. They said that they figured that Maple Springs Drive will either have an easy sweeping left (north) movement from Preston Highway with existing Maple Springs Drive connecting to it at a new stop sign, or they will be creating a four-way stop just off Preston Highway. This will be determined by KTC in consultation with Metro

Public Works. They said that more information on this will be provided to residents once it is decided and designed.

Mr. Bardenwerper, Mr. Mindel and the applicant's corporate representative Rodney Weekin further explained the ways around the Menard's store and site, how customers will access the store through the front of the building facing Preston Highway, make their purchases and return from where they came, or place their larger orders inside and then drive to the rear of the store where their order will be picked up. They explained how that area of the site will be accessed.

They also explained how the site was surrounded with significant buffers because the site is large enough to be able to accommodate those setbacks. The storage yard in the back will be thoroughly fenced in so that materials being loaded and unloaded or stored in the yard will be screened from view. Areas outside of the fenced-in area will be landscaped and screened to improve aesthetics and mitigate potential adverse impacts on neighbors.

Mr. Mindel also explained how stormwater is handled through on-site detention, assuring that post-development peak rates of runoff to will not exceed pre-development conditions.

The applicant's representatives also explained how a Traffic Impact Study (TIS) is being prepared and will be available for public review once filed. While they don't know the results at this TIS the impacts, if any, and any mitigation measures that may be required, they speculated to some, such as a northbound deceleration lane onto the Maple Springs Drive secondary access point to the site. They said that Cooper Chapel Road had recently been improved and that traffic impacts there were not anticipated to require further mitigation measures. But in the end, they explained, KTC and Metro Public Works and Transportation Planning make all the decisions on access and traffic mitigation.

Mr. Bardenwerper also explained how the DPDS "Case Management Review Process" works, how agencies such as those mentioned above, will review the submitted DDDP and how those agencies' preliminary stamps of approval are required prior to this application being docketed for public meetings and hearings. He said that those attending this meeting, and who have received notice thus far, will receive official notice of those meetings so that they can appear to comment on the application finally filed.

Mr. Bardenwerper also provided those present with information relative to contacts at DPDS and Metro Transportation Planning.

Respectfully submitted,
William B. Bardenwerper
Bardenwerper, Talbott & Roberts, PLLC
Building Association of Greater Louisville Building
1000 N. Hurstbourne Parkway, Second Floor
Louisville, KY 40223
(502) 426-6688

Tab 5

**Combination General and Detailed District
Development Plan**

I-265

Preston Crossings
(Movie Theater &
Lowes)

Cooper Chapel Road

Commerce Crossings Dr

Preston Highway

Laukhuf Elem.

Bethany
United Ch.

Maple Spring Drive

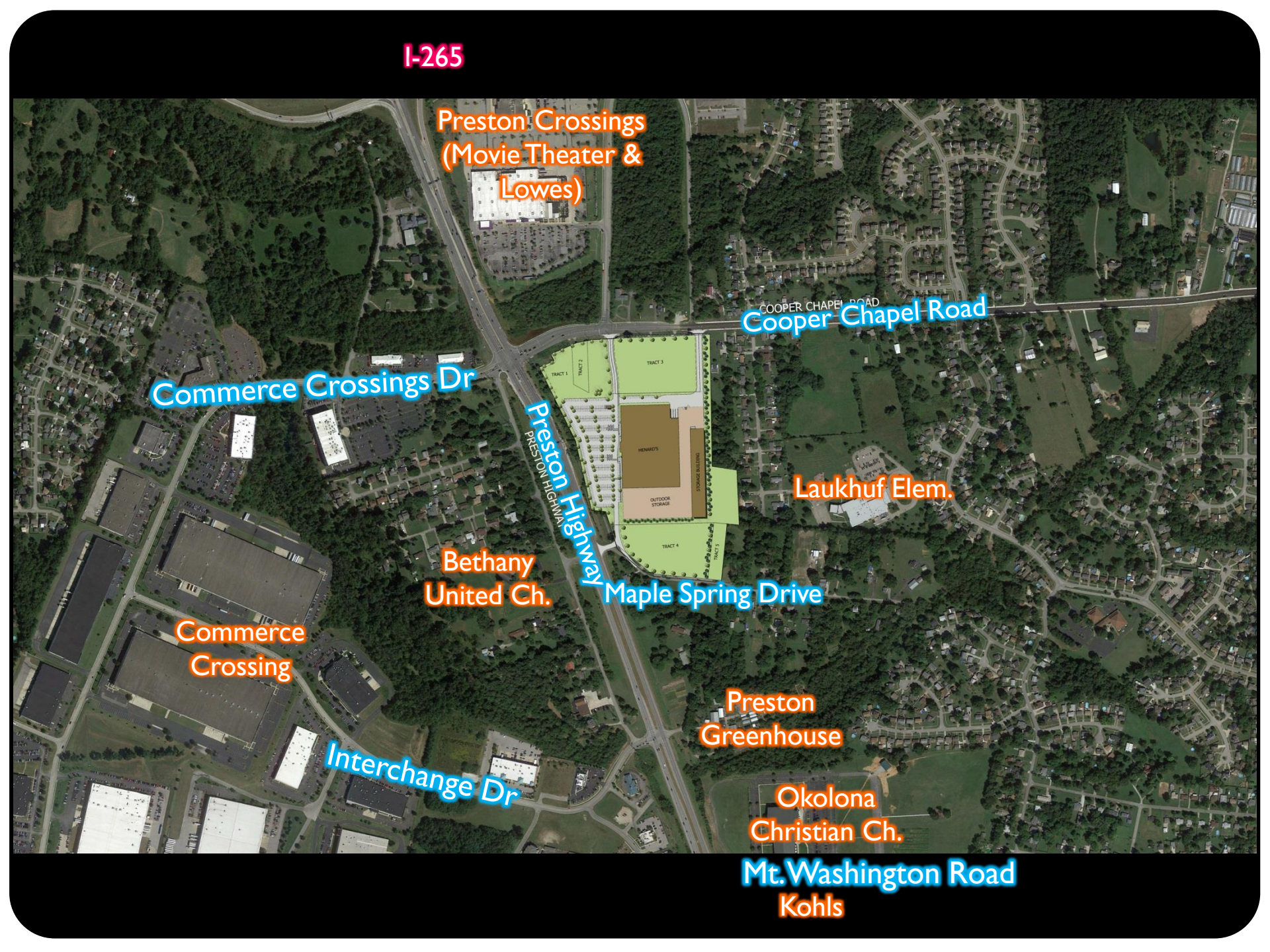
Commerce
Crossing

Preston
Greenhouse

Interchange Dr

Okolona
Christian Ch.

Mt. Washington Road
Kohls





Lowes

Cooper Chapel Road

Commerce Crossings Dr

Preston Highway

Bethany
United Ch.

Maple Spring Drive

Preston
Greenhouse

Laukhuf Elem.

TRACT 1

TRACT 2

TRACT 3

MENARD'S

OUTDOOR
STORAGE

STORAGE BUILDING

TRACT 4

TRACT 5

SECTION A-A

SECTION B-B

CHAPEL HILL ROAD

DAVID WAY

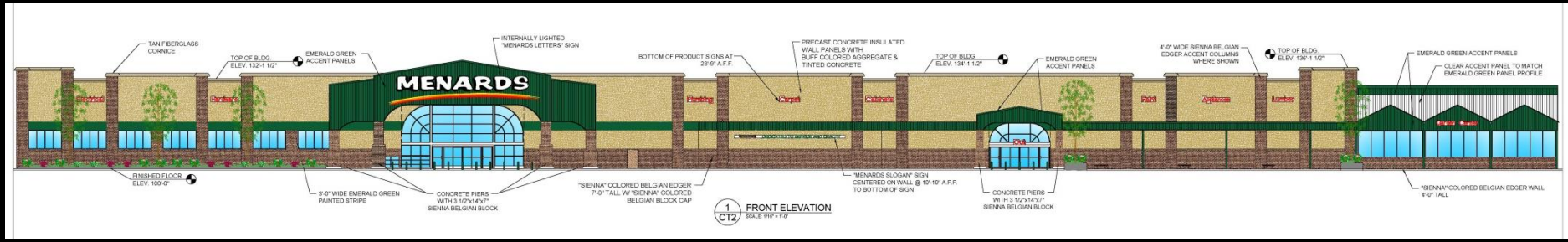
COOPER CHAPEL ROAD



GDDP exhibit showing connectivity from main access road to remaining residential lot to west thereof, and elimination of that residential lot's drive access to Cooper Chapel Road to be provided at public hearing

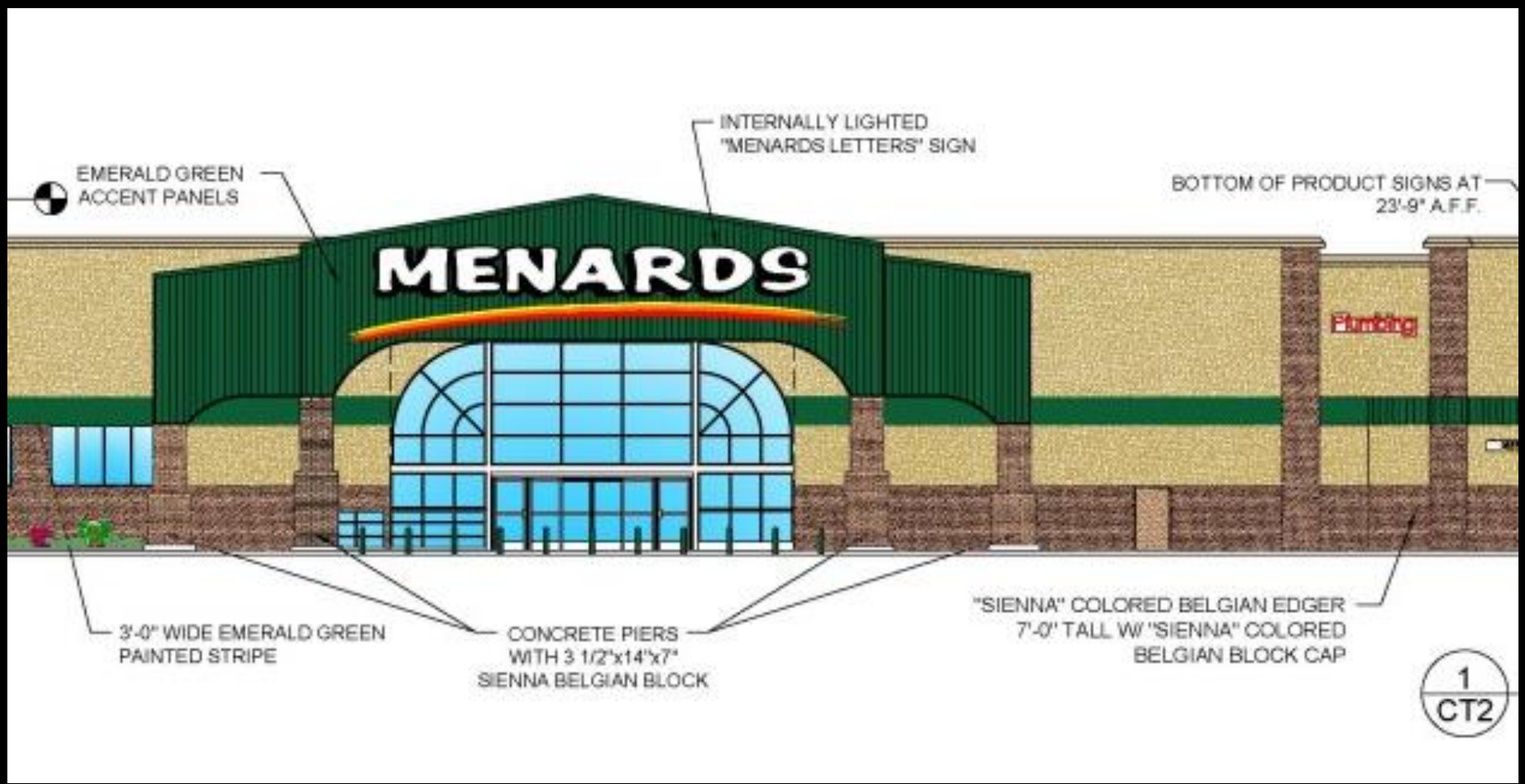
Tab 6

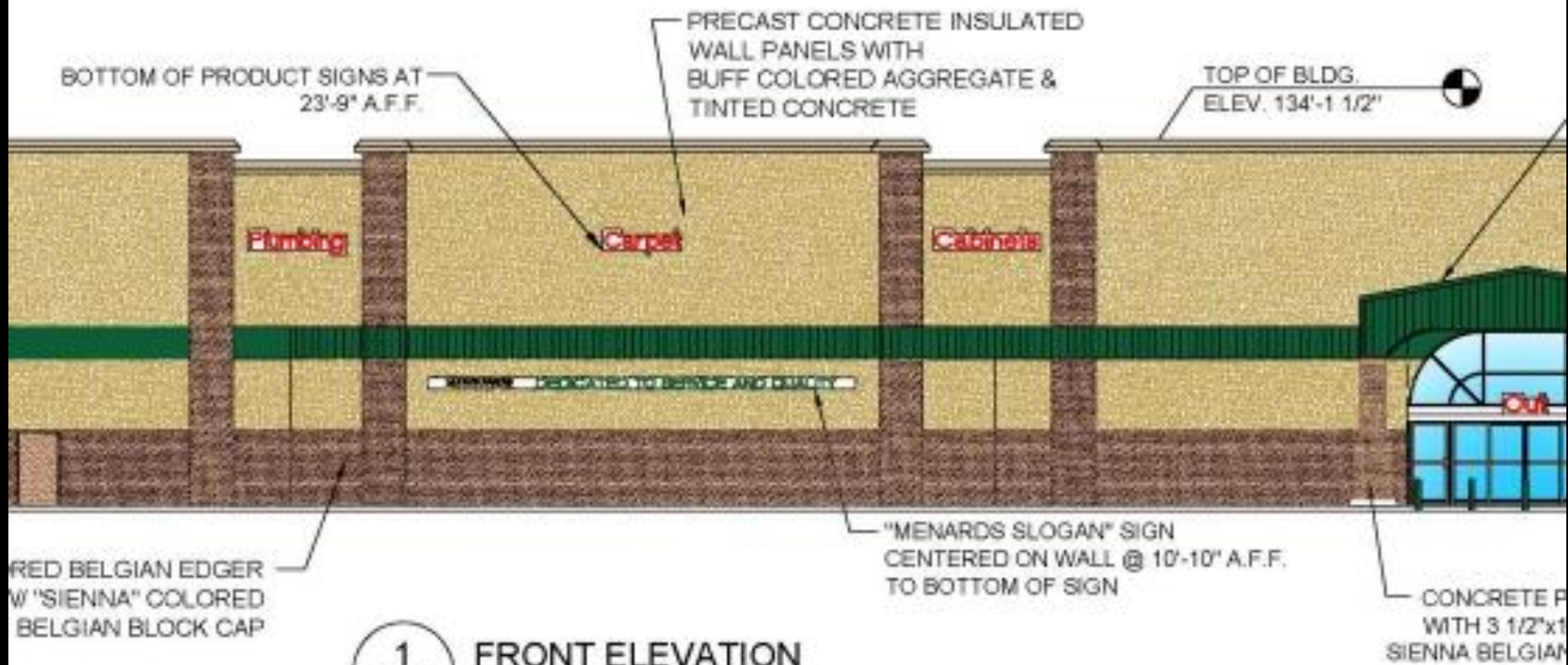
Building Elevations



Front elevation, facing Preston Highway







RED BELGIAN EDGER
W "SIENNA" COLORED
BELGIAN BLOCK CAP

1
CT2 **FRONT ELEVATION**
SCALE: 1/16" = 1'-0"

CONCRETE F
WITH 3 1/2"x1
SIENNA BELGIAN

BLDG.
34'-1 1/2'



EMERALD GREEN
ACCENT PANELS

4'-0" WIDE SIENNA BELGIAN
EDGER ACCENT COLUMNS
WHERE SHOWN



TOP OF BLDG.
ELEV. 136'-1 1/2"



CONCRETE PIERS
WITH 3 1/2"x14"x7"
SIENNA BELGIAN BLOCK





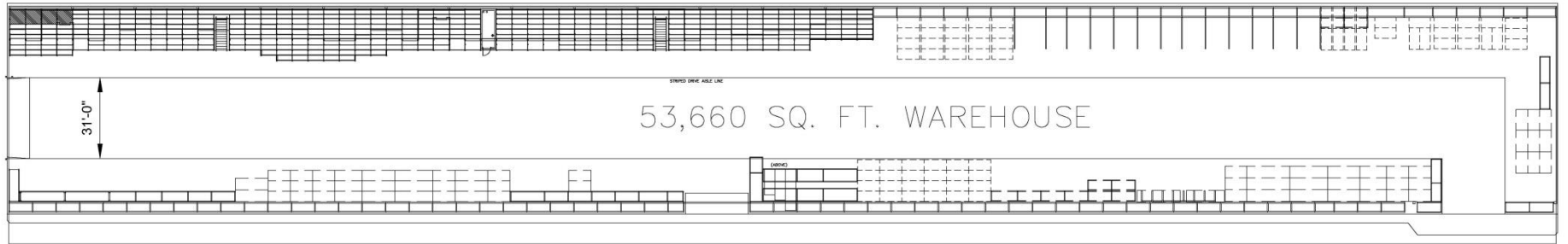
Left elevation, facing Cooper Chapel Road



Rear elevation

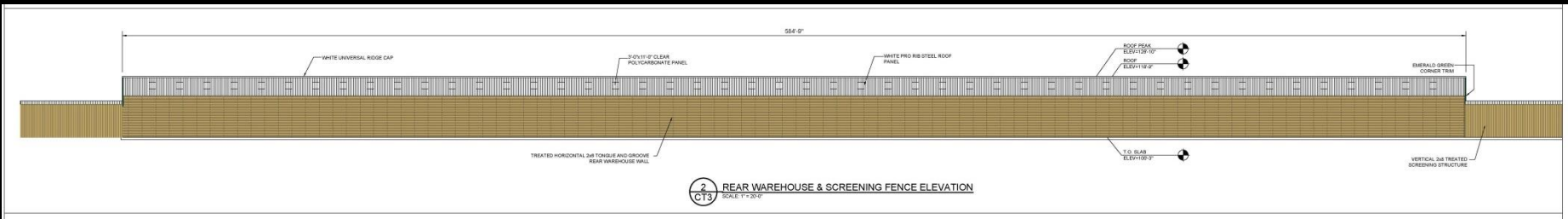


Right elevation, facing Maple Spring Drive

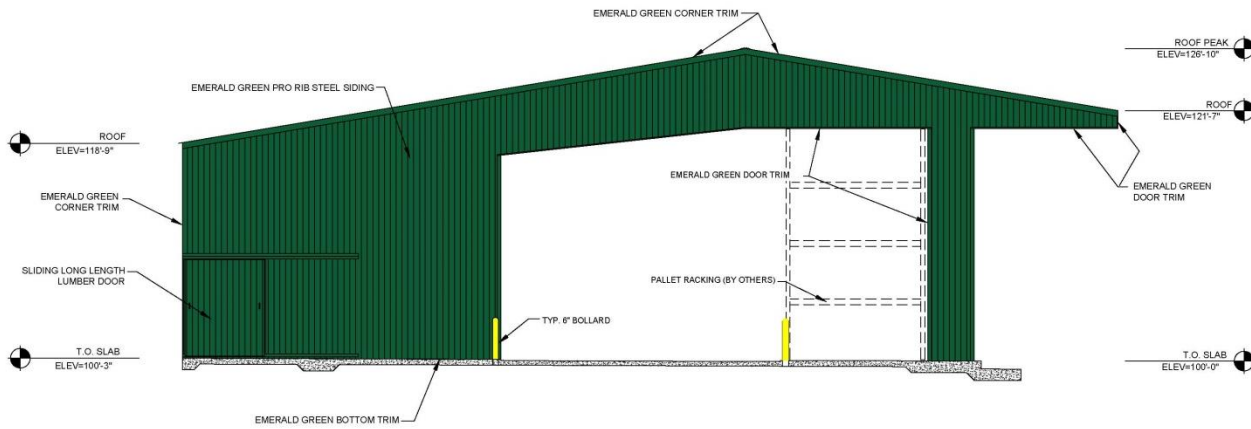


1 WAREHOUSE PLAN VIEW
CT3 SCALE 1/4" = 3'-0"

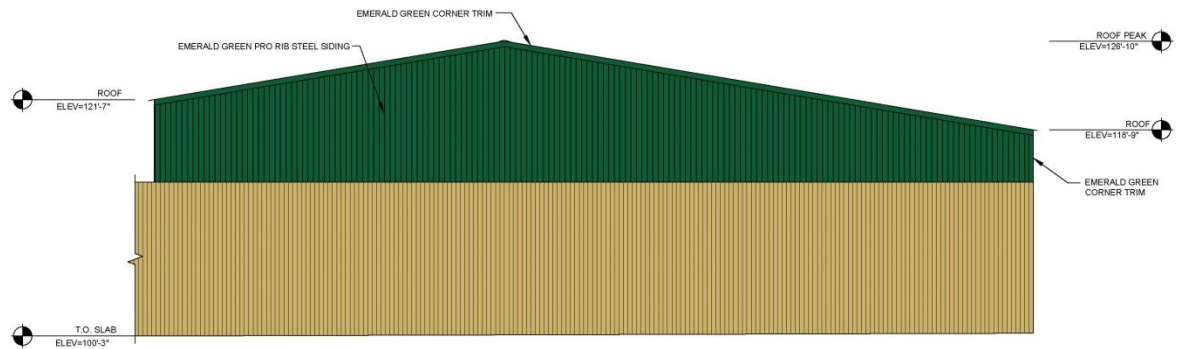
Warehouse plan view



Rear warehouse and screen fence elevation



4 LEFT SIDE WAREHOUSE ELEVATION
 CT3 SCALE: 3/32" = 1'-0"

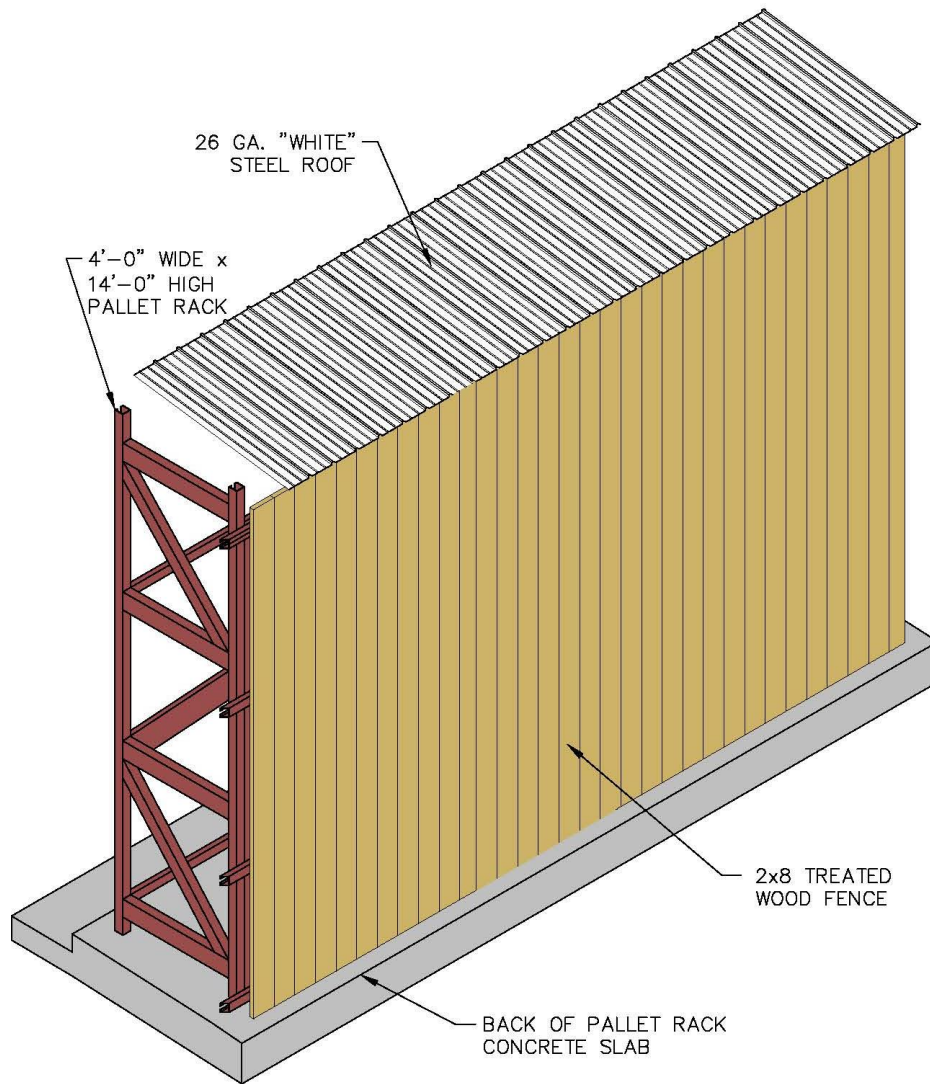


5 RIGHT SIDE WAREHOUSE ELEVATION
 CT3 SCALE: 3/32" = 1'-0"



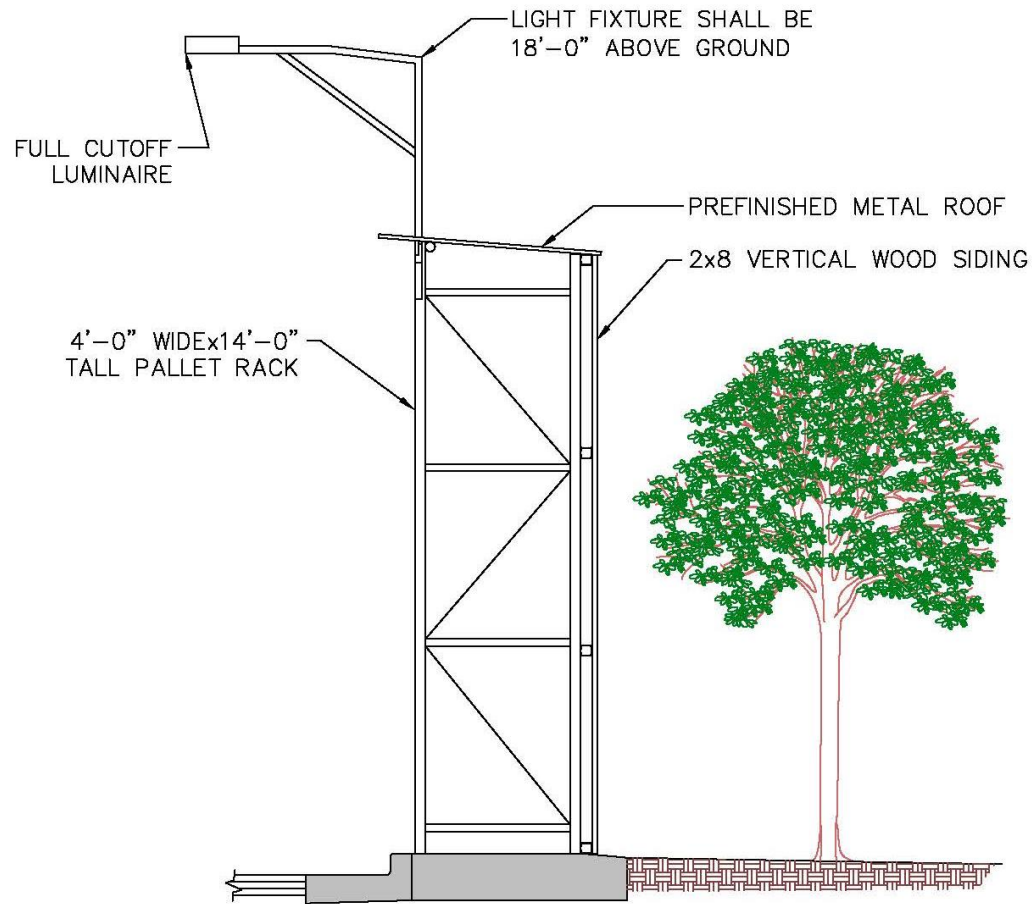
Louisville, Kentucky
 Menards Warehouse Elevations
 October 12, 2016
 Scale: as noted per detail

CT3



8 PALLET RACKING SCREENING FENCE

SCALE: NONE



1 PALLET RACKING SCREENING FENCE SECTION

SCALE: 1/4" = 1'-0"

Tab 7

Site Distances and Cross-Sections



COOPER CHAPEL ROAD

TRACT 1

TRACT 2

TRACT 3

BOSTON HIGHWAY

SECTION A-A

CHAPEL HILL ROAD

MENARD'S

STORAGE BUILDING

SECTION B-B

OUTDOOR STORAGE

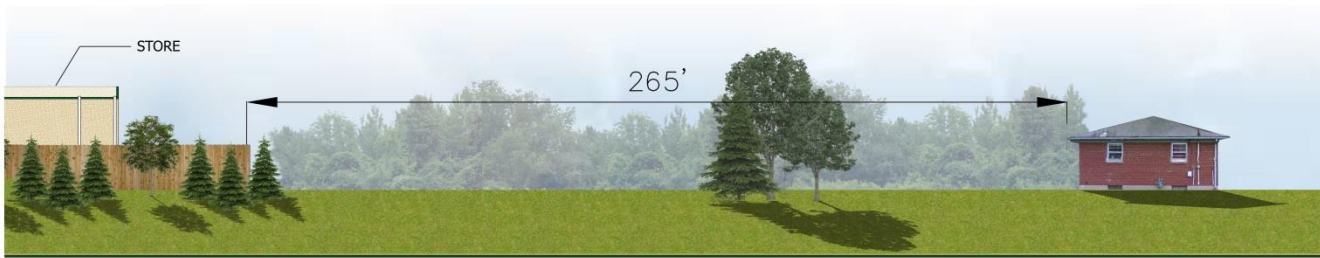
DAVID WAY

TRACT 4

TRACT 5



REAR ELEVATION



CHAPEL HILL ROAD TYPICAL (SECTION A-A)



DAVID WAY TYPICAL (SECTION B-B)

Tab 8

Traffic Impact Study (TIS)



REPORT

**Menard's
Preston Highway
Louisville, KY**

Traffic Impact Study

Metro Planning Commission

July 27, 2016

Revised January 29, 2017



Table 2 - Level of Service Results

	AM Peak Hour			PM Peak Hour		
	2016 Existing	2019 No Build	2019 Build	2016 Existing	2019 No Build	2019 Build
Preston Highway at Cooper Chapel Road	C 29.4	C 30.5	D 35.8	D 40.4	D 41.9	D 44.8
Commerce Crossings Eastbound	E 65.0	E 67.2	E 74.0	E 74.7	E 76.0	E 78.2
Cooper Chapel Road Westbound	D 46.8	D 48.2	D 49.8	E 63.3	E 64.1	E 63.8
Preston Highway Northbound	C 25.2	C 26.3	C 32.1	C 33.1	D 35.3	D 41.5
Preston Highway Southbound	C 23.7	C 24.5	C 29.8	C 31.2	C 32.5	C 33.0
Cooper Chapel Road at Preston Crossing	B 11.4	B 11.6	C 28.9	B 11.6	B 11.8	B 19.1
Cooper Chapel Eastbound	A 5.6	A 5.8	C 28.1	A 7.0	A 7.3	B 14.9
Cooper Chapel Road Westbound	B 10.0	B 10.2	D 38.0	B 13.3	B 13.7	C 22.9
Menards Northbound	NA	NA	C 25.2	NA	NA	B 19.8
Preston Crossing Southbound	B 18.6	B 18.6	B 14.8	B 18.0	B 17.9	C 24.7
Preston Highway at Maple Spring Drive						
Maple Spring Drive Eastbound	C 23.8	C 24.9	D 25.5	F 68.4	F 77.0	F 73.9
Maple Spring Drive Westbound	D 30.0	D 31.7	F 55.6	B 12.9	B 13.2	F 57.2
Preston Highway Northbound (left)	A 9.8	B 10.0	B 10.1	C 18.4	C 19.2	C 18.9
Preston Highway Southbound (left)	B 14.0	B 14.4	C 15.0	B 13.0	B 13.3	B 13.6

Note: Level of Service, delay in seconds

Tab 9

Parking study, which includes transaction analysis over 24 hrs/364 days at 4 Menards stores (Jeffersonville, IN, Bloomington, IN, Columbus, OH and Owensboro, KY) and parking counts in Jeffersonville, IN at peak transaction hours of 11:00 am to 3:00 pm on a Thursday and a Saturday (Staff copy contains all 550 pages of 34,944 transactions over this period of time at these 4 locations)

Hourly Transaction Per Store

City	Period	Total Days	Hourly Ranges*	Hours/Day**	Hourly Average	Parking Spaces
Bloomington, Indiana	2/28/2016 - 2/27/2017	364	1-487	16	135	514
Columbus, Ohio	2/28/2016 - 2/27/2017	364	1-588	16	114	470
Owensboro, Kentucky	2/28/2016 - 2/27/2017	364	1-526	16	99	395
Jeffersonville, Indiana	2/28/2016 - 2/27/2017	364	1-543	16	90	465

* Peak of range in each instance was “Black Friday”, a statistical outlier day.

** 24 hours were actually counted, but only 16 hours/day provided meaningful transactions.

Parking counts on Thursday, March 9 and Saturday, March 11, 2017 at Jeffersonville, IN Menards store (information to be emailed to DPDS on 3/13/17 and to provided at PCPH)

Tab 10

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

1000 N. HURSTBOURNE PARKWAY • BUILDING INDUSTRY ASSOCIATION OF GREATER LOUISVILLE BLDG. • SECOND FLOOR • LOUISVILLE, KENTUCKY 40223
(502) 426-6688 • (502) 425-0561 (FAX) • WWW.BARDLAW.NET

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

Applicant: Menards, Inc.

Owner: Richard & Marcella Brooks; Ernest P. Brooks Properties, LLC; Billy & Helen Riley; James F. Goomey Revocable Trust; Joyce M. Goomey Revocable Trust; Gervis B. Williams; Barbara & Charles E. Davis, Sr.; Larry & Beverly Wyman; Kent Claycomb; Jack & Shirley Wilson; Patricia Shaver; Brooks & Wren, LLC; Paul & Pauline Raisor

Location: 10211 Preston Highway; 4700, 4800, 4900, 4902, 4904, 4908, and 5000 Cooper Chapel Road; 4915, 4917, 5001, 5005 and 5007 Maple Spring Drive

Proposed Use: Menards-anchored center

Engineers, Land Planners and Landscape Architects: Mindel Scott & Associates, Inc.

Request: Change in Zoning from R-4 to C-2 and a Form District Change from Suburban Neighborhood to Suburban Marketplace

INTRODUCTION

This proposal is for a change in zoning from R-4 to C-2 and a Form District Change from Suburban Neighborhood to Suburban Marketplace for construction of a Menards-anchored center that will initially include a 203,000 sf of Menards store. Other portions of the retail center will remain undetermined until retailers are chosen that are complimentary to the Menards store.

The subject property is located in the highly accessible and convenient southeast corner of the intersection of Preston Highway and Cooper Chapel Road, which intersection is approximately three-tenths of a mile south of the Gene Snyder Freeway. Direct access to the proposed Menards-anchored center will be from three points, two from Cooper Chapel Road and the one from Maple Spring Drive. There is an existing traffic signal at Cooper Chapel Road and Preston Highway. The Transportation Impact Study (TIS) will determine other signals, if any. Dual points of access along Cooper Chapel Road and one at Preston Highway will ensure an efficient and controlled flow of traffic into and through the proposed center. The remainder of the subject

property, while part of this development plan, will be reserved as “outlots” for future development.

The subject property is adjoined on the north side by commercially zoned properties, and a significant primary collector road (Cooper Chapel Road) separates them. There will be significant landscaping along this site’s Cooper Chapel Road frontage. The residential properties to the east and south are the most affected by the proposed retail center, but they are significantly screened on the east and partial south side and also separated on the south side by Maple Spring Drive. The applicant has met with the area residents to try to address concerns about the visual and noise impacts of the proposed Menards-anchored center, most of which had to do with the truck loading area behind the Menards store. The applicant’s DDDP proposes fencing around that area and landscaping outside the fenced-in area. With regard to access, the applicant will provide sidewalks where required for better connectivity and accommodation of alternative modes of transportation.

Overall, the central location of the proposed Menards-anchored center will serve to improve the choice of retail shopping opportunities in the southern Jefferson County and Hillview of Bullitt County areas. Its location at a major crossroads within good proximity to the Gene Snyder Freeway, enhanced fence and landscape screening, and good connectivity to nearby neighborhoods, will combine to ensure that area residents receive an attractive, compatible and highly convenient retail center.

GUIDELINE 1 – COMMUNITY FORM

The application complies with this Guideline as follows.

The subject property is currently located in the Neighborhood Form Area, but this proposal includes a request for change to the Suburban Marketplace Form Area which Form Area

...are generally located along major roadways with well-defined beginning and ending points and established depths along the length of the corridor..., [have] a pattern of development [that] is distinguished by a mixture of medium to high intensity uses..., [have] accommodations for transit users, bicyclists and pedestrians..., [where] connectivity to nearby uses should be encouraged, [and] compact groups of buildings use the same curb cut, share parking, [etc.]. ...When considering proposals that result in an extension of suburban marketplace corridors, particular emphasis should be placed on a) use or reuse of land within existing corridors, b) potential for disruption of established residential neighborhoods; and c) compliance with the site and community design standards of the Land Development Code.

The proposed form district change for this Menards-anchored center is correct given this center’s location at the intersection of two major roadways and across from another major shopping center featuring a Lowes and a movie theater complex. The property is in a position where its boundaries and that of the proposed form district change are easily discernable and well-defined. The proposed Menards-anchored center will support and improve the mixture of land use activities at this crossroads with easy transit access, shared parking and access with existing and new sidewalk connectivity to neighborhoods that will encourage and support pedestrian, transit and bicycle modes of transportation. While Menards itself provides a large variety of products and services, there are certain retail businesses that also prefer to locate near Menards to supplement certain goods and services not fully offered by it.

As noted above, the applicant has met with interested area residents to discuss their concerns. Although the applicant has thus far been unable to convince Maple Springs Drive residents, it believes that the proposed improved access from Preston Highway to Maple Spring Drive will enhance these residents safe access to and from Preston Highway where they regularly travel. And by proposing enhanced screening and landscaping along property lines contiguous to residential neighborhoods, Menards will manage to fully mitigate potential impacts. Reduced parking areas also keep activities away from the adjoining residential properties and closer to the existing and major highways and intersection.

The proposed Menards-anchored center will benefit the area with a better variety of lower priced goods and services, and assure fewer and shorter trips for area residents.

GUIDELINE 2 - CENTERS

The application complies with the applicable Intents and Policies 1, 2, 3, 4, 5, 7, 10, 11, 12, 13, 14 and 15 of this Guideline as follows.

The proposed Menards-anchored center promotes an efficient use of land and investment in existing infrastructure, and lowers utility costs by reducing the need for extensions by virtue of its location at a major highway interchange where significant roadway and other public utility infrastructure already exists. By locating in a very business retail area, along a very busy retail corridor and across from another large retail center, Menards serves to reduce commuting time and transportation-related air pollution providing opportunities for easy access to a diversity of goods and services that are designed to be assets to the community, encouraging vitality and a sense of place both in neighborhoods and the larger community.

Also, the Menards-anchored center will greatly improve the mixture of neighborhood-serving businesses and land use in this highly accessible location to improve the diversity and vitality of this activity center. The proposed Menards-anchored center helps define the other existing high intensity land uses at this major intersection as a more cohesive and identifiable activity center.

The Menards-anchored center will promote shorter commute times for those accessing it, thereby reducing transportation-related air pollution that might be generated if required to travel farther distances. Utilities are available along the Preston Highway and Cooper Chapel Road, and the applicant will connect to same, thus reducing public costs for infrastructure.

The proposed Menards-anchored center, located as it is at the intersection of Preston Highway and Cooper Chapel Road is less than a half-mile south of the Gene Snyder Freeway and constitutes part of a large activity center hosting other established retailers, apartments and (across Preston Highway) workplace uses. Large residential neighborhoods are located further east along Cooper Chapel Road and south along Preston Highway contain more than sufficient population to support the proposed addition to this activity center.

The proposed Menards-anchored center rounds out the southern side of this large activity center in a significant-sized, but compact in-fill location that will also add retail inventory and choices in the new retail space within the center, combining to serve a wide variety of residents' day-to-day needs and ensure fewer trips as customers may stop at this large activity center to accomplish multiple tasks rather than traveling farther distances to do so. Menards will provide

strong internal sidewalks and sidewalk connections for shoppers and for neighborhoods to the east.

Parking areas are shared at this Menard-anchored center by virtue of the parking waiver request. And connectivity, shared parking, access and use of existing infrastructure are assured on the accompanying DDDP. Parking areas are located along the Preston Highway frontage of the proposed Menards buildings and well away from nearby residential properties to the south and east in order to screen customer activities from those property owners. The parking design, multiple described entrance/exit access points, internal customer traffic circulation, and truck unloading areas in the rear ensure efficient, safe and controlled traffic flow into and through the Menards-anchored center.

GUIDELINE 3 - COMPATIBILITY

The application complies with the applicable Intents and Policies 1, 2, 4, 5, 6, 7, 8, 9, 20, 21, 22, 23, 24 and 28 of this Guideline as follows.

The Menards-anchored center grows the mix of retail choices at this existing large activity center in a way that assures compatibility each use with each other, not adding a sensitive land use to an area where accepted nuisance standards might be violated or where visual quality might be diminished.

The scale, design and pattern of existing development across Cooper Chapel Road (e.g. Lowes and the theater complex) basically mean that Menards' choice of exterior building materials, together with its planned screening and buffering transitions between uses and neighborhoods within an organized center are appropriate. The subject property is located, as described above, and the main Menards building is a one-story structure, placed to keep parking and most customer activities away from adjoining residential properties. Enhanced screening and landscaping is another good start at addressing compatibility. But that is further addressed through the mitigation of odor, air quality, traffic, noise, lighting, and visual impacts of new development because the proposed Menards store features a building with parking oriented away from/screened from adjoining residential properties. Noise is further mitigated by the screening of truck loading areas. The applicant has agreed to special screening and landscaping enhancements that will also limit the impacts of noise, odors, and visual impacts on adjoining properties. As noted above, Menards also proposes entrance/exit access points which are either along already improved roadways (Cooper Chapel Road) or at points where access will be greatly improved over the present Preston Highway at Maple Spring Drive. The proposed layout is efficient in that it allows, as noted, several ways to access the property, thus reducing congestion and delay in entering or leaving the center. Lighting will be directed down and away from adjoining properties. As described above, the central location and the wide product variety expected at the proposed Menards store and its ancillary retail and/or restaurant shops, will reduce commuting time for area residents seeking to accomplish multiple tasks in one visit, thereby minimizing air quality issues related to longer vehicle trips or traffic delays that might be incurred if customers traveled to services farther way and in various different locations. Odor is further mitigated by virtue of a contract for regular garbage removal.

GUIDELINE 4 – OPEN SPACE

The application complies with the applicable Intents and Policies 1, 2, 5 and 7 of this Guideline as follows.

The proposed Menards-anchored center includes a large open area in the southeast corner of the site adjoining five residential properties where existing trees and new landscaping will be provided. Along Preston Highway, Cooper Chapel Road, Maple Spring Drive and other property perimeters, landscaping will be provided where trees are not preserved. Moreover, the overall internal landscape plan for this Menards-anchored center will ensure a positive aesthetic appearance for the property overall.

GUIDELINE 6 – ECONOMIC GROWTH AND SUSTAINABILITY

The application complies with the applicable Intents and Policies 1, 2 and 6 of this Guideline as follows.

The proposed Menards- anchored center will utilize available, highly accessible and convenient land that is in an in-fill location at the major intersection of Preston Highway and Cooper Chapel Road less than a half-mile from Gene Snyder Freeway. Adding a Menards store, plus a variety of other retail, restaurant and other services to the surrounding neighborhoods at this important intersection area will allow nearby workers, arterial highway travelers and area residents to make one stop for several purposes and to reduce commuting time to services located farther away. Nearby workplaces and neighborhoods will find that an appropriate, attractive and healthy collection of area serving land uses at this intersection and Snyder Freeway location will support and preserve a sense of retail place, support the community's tax base and capture a major retailer in this, not an adjoining county.

GUIDELINES 7, 8, 9 AND 12 – CIRCULATION, TRANSPORTATION FACILITY DESIGN, ALTERNATIVE MODES OF TRANSPORTATION AND AIR QUALITY

The application complies with the applicable Intents and Policies 1, 2, 3, 4, 6, 9, 10, 11, 13, 14, 15, 16 and 18 of Guideline 7, Policies 5, 8, 9, 10 and 11 of Guideline 8, and Policies 1, 2, 3 and 4 of Guideline 9, and Policies 1, 2, 3, 4, 6, 7, 8 and 9 of Guideline 12 as follows.

The applicable Intent and Policies of these Guidelines are to assure a safe and proper functioning street network that does not exceed the carrying-capacity of Preston Highway and Cooper Chapel Road, to promote efficient internal and external circulation of all new development, and to ensure transportation facilities that are safe, efficient with attention to air quality and which minimize impacts upon the community and that accommodate alternative modes of transportation and the needs of the elderly or handicapped.

The proposed Menards-anchored center complies with the applicable Intents and Policies of these Guidelines by virtue of the fact that the proposed center will be located less than a half-mile from the Snyder Freeway off Preston Highway and Cooper Chapel Road that have been adequately improved with sufficient traffic-carrying capacity and with multiple points of ingress

and egress to and from this center. The TIS prepared by CDM Smith Engineers anticipates that these roads and points of access are capable of handling the traffic generated by the proposed Menards and other retailers. Center left turn lanes, right-turn deceleration lanes and entrance improvements will keep traffic flowing safely and efficiently to and through the proposed center. Crossover access between the Menards store and proposed outlots will assure shared access between retail uses. The proximity of the subject property to area neighborhoods, ensures that commuting time will be minimal, further reducing traffic-related air quality impacts. Sidewalks are provided along Cooper Chapel Road to the neighborhood to the east to encourage and accommodate accessibility by all modes of transportation including pedestrian and bicycle. Transit service is available in the area. Handicap parking spaces and safety crosswalks have been provided in accordance with the requirements of the new Land Development Code. Most importantly as to compliance with these Guidelines, the DDDP must and will receive the preliminary stamp of approval from Metro Public Works and Transportation Planning prior to docketing for public review, thus assuring compliance with all traffic safety and transportation infrastructure requirements.

GUIDELINES 10 AND 11 – STORMWATER AND WATER QUALITY

The application complies with the applicable Intents and Policies 3, 6, 7, 10 and 11 of Guideline 10 and Policies 3, 6, 7 and 9 of Guideline 11 as follows.

The applicable Intents and Policies of these Guidelines are to effectively manage stormwater and to prevent the degradation of water quality due to soil erosion.

The proposed Menards-anchored center complies with the applicable Intents and Policies of these Guidelines and with the requirements of MSD and the Land Development Code because on site detention will be provided, including a temporary sediment control basin, as required by MSD. Therefore, post development peak flows of stormwater runoff will not exceed pre-development conditions, and soil erosion and sediment will be controlled during construction.

MSD also now enforces water quality planning which will be incorporated into the construction plans.

GUIDELINE 13 – LANDSCAPE CHARACTER

The application complies with the applicable Intents and Policies 1, 2, 3, 4, 5 and 6 of this Guideline as follows.

The applicable Intents and Policies of this Guideline are to protect and enhance landscape character by protecting woodlands and ensuring appropriate landscape design for different types of land uses. The Land Development Code includes minimum tree canopy requirements that will be met.

Also, as noted above, the proposed Menards-anchored center complies with the applicable Intents of this Guideline because the concept landscape plan for the center was designed to mitigate concerns of adjoining property owners by providing significant setbacks, enhanced fence screening and enhanced landscaping to screen noise and other activities from nearby residential properties.

GUIDELINE 14 INFRASTRUCTURE

The application complies with the applicable Intents and applicable Policies 3, 4, 6 and 7 of this Guideline as follows.

The applicable Intents and Policies of this Guideline seek to ensure that the carrying-capacity of the land is adequate for proposed development, with effective connections between land use patterns, and that those who proposed new development share in costs of public infrastructure.

As noted above, the proposed Menards-anchored center has access off of Preston Highway and Cooper Chapel Road which are already designed to carry traffic safely to and from this proposed development. To the extent that those roads require improvement at the accesses to Maple Spring Drive and off Cooper Chapel Road, those improvements will be made by Menards. Utility and water services are available at the site, and Menards will connect to these existing services.

* * *

For all of these and other reasons set forth on the Detailed District Development Plan accompanying this application and in accordance with evidence presented at Planning Commission public hearings, this application will comply with all other applicable Guidelines and Policies of the Cornerstone 2020 Comprehensive Plan.

Respectfully submitted,



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Tab I I

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

BARDENWERPER, TALBOTT & ROBERTS, PLLC

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PROPOSED FINDINGS OF FACT REGARDING COMPLIANCE WITH ALL APPLICABLE GUIDELINES AND POLICIES OF THE CORNERSTONE2020 COMPREHENSIVE PLAN

Applicant: Menards, Inc.

Owner: Richard & Marcella Brooks; Ernest P. Brooks Properties, LLC; Billy & Helen Riley; James F. Goomey Revocable Trust; Joyce M. Goomey Revocable Trust; Gervis B. Williams; Barbara & Charles E. Davis, Sr.; Larry & Beverly Wyman; Kent Claycomb; Jack & Shirley Wilson; Patricia Shaver; Brooks & Wren, LLC; Paul & Pauline Raisor

Location: 10211 Preston Highway; 4700, 4800, 4900, 4902, 4904, 4908, and 5000 Cooper Chapel Road; 4915, 4917, 5001, 5005 and 5007 Maple Spring Drive

Proposed Use: Menards-anchored center

Engineers, Land Planners and Landscape Architects: Mindel Scott & Associates, Inc.

Request: Change in Zoning from R-4 to C-2 and a Form District Change from Suburban Neighborhood to Suburban Marketplace

The Louisville Metro Planning Commission, having heard testimony before its Land Development & Transportation Committee, in the Public Hearing held on March 16, 2017 and having reviewed evidence presented by the applicant and the staff's analysis of the application, make the following findings:

INTRODUCTION

WHEREAS, this proposal is for a change in zoning from R-4 to C-2 and a Form District Change from Suburban Neighborhood to Suburban Marketplace for construction of a Menards-anchored center that will initially include a 203,000 sf of Menards store; other portions of the retail center will remain undetermined until retailers are chosen that are complimentary to the Menards store; and

WHEREAS, the subject property is located in the highly accessible and convenient southeast corner of the intersection of Preston Highway and Cooper Chapel Road, which intersection is

approximately three-tenths of a mile south of the Gene Snyder Freeway; direct access to the proposed Menards-anchored center will be from three points, two from Cooper Chapel Road and the one from Maple Spring Drive; there is an existing traffic signal at Cooper Chapel Road and Preston Highway; dual points of access along Cooper Chapel Road and one at Preston Highway will ensure an efficient and controlled flow of traffic into and through the proposed center; and the remainder of the subject property, while part of this development plan, will be reserved as “outlots” for future development; and

WHEREAS, the subject property is adjoined on the north side by commercially zoned properties, and a significant primary collector road (Cooper Chapel Road) separates them; there will be significant landscaping along this site’s Cooper Chapel Road frontage; the residential properties to the east and south are the most affected by the proposed retail center, but they are significantly screened on the east and partial south side and also separated on the south side by Maple Spring Drive; the applicant has met with the area residents to try to address concerns about the visual and noise impacts of the proposed Menards-anchored center, most of which had to do with the truck loading area behind the Menards store; the applicant’s DDDP proposes fencing around that area and landscaping outside the fenced-in area; and with regard to access, the applicant will provide sidewalks where required for better connectivity and accommodation of alternative modes of transportation; and

WHEREAS, the central location of the proposed Menards-anchored center will serve to improve the choice of retail shopping opportunities in the southern Jefferson County and Hillview of Bullitt County areas; its location at a major crossroads within good proximity to the Gene Snyder Freeway, enhanced fence and landscape screening, and good connectivity to nearby neighborhoods, will combine to ensure that area residents receive an attractive, compatible and highly convenient retail center; and

GUIDELINE 1 – COMMUNITY FORM

WHEREAS, the application complies with this Guideline because the subject property is currently located in the Neighborhood Form District, but this proposal includes a request for change to the Suburban Marketplace Form District which is correct given this center’s location at the intersection of two major roadways and across from another major shopping center featuring a Lowes and a movie theater complex; the property is in a position where its boundaries and that of the proposed form district change are easily discernable and well-defined; the proposed Menards-anchored center will support and improve the mixture of land use activities at this crossroads with easy transit access, shared parking and access with existing and new sidewalk connectivity to neighborhoods that will encourage and support pedestrian, transit and bicycle modes of transportation; and while Menards itself provides a large variety of products and services, there are certain retail businesses that also prefer to locate near Menards to supplement certain goods and services not fully offered by it; and

WHEREAS, the applicant has met with interested area residents to discuss their concerns; although the applicant may not have convinced Maple Springs Drive residents, it believes that the proposed improved access from Preston Highway to Maple Spring Drive will enhance these residents’ safe access to and from Preston Highway where they regularly travel; and by proposing enhanced screening and landscaping of development contiguous to residential neighborhoods, Menards will manage to fully mitigate potential negative impacts; and reduced

parking areas also keep activities away from the adjoining residential properties and closer to the existing and major highways and intersection; and

WHEREAS, the proposed Menards-anchored center will benefit the area with a better variety of lower priced goods and services, and assure fewer and shorter trips for area residents; and

GUIDELINE 2 - CENTERS

WHEREAS, the application complies with the applicable Intents and Policies 1, 2, 3, 4, 5, 7, 10, 11, 12, 13, 14 and 15 of this Guideline because the proposed Menards-anchored center promotes an efficient use of land and investment in existing infrastructure and lowers utility costs by reducing the need for extensions by virtue of its location at a major highway interchange where significant roadway and other public utility infrastructure already exists; by locating along a very busy retail corridor and across from another large retail center, Menards serves to reduce commuting time and transportation-related air pollution providing opportunities for easy access to a diversity of goods and services that are designed to be assets to the community, encouraging vitality and a sense of place both in neighborhoods and the larger community; and

WHEREAS, the Menards-anchored center will greatly improve the mixture of regional and neighborhood-serving businesses and land use in this highly accessible location to improve the diversity and vitality of this activity center; and the proposed Menards-anchored center helps define the other existing high intensity land uses at this major intersection as a more cohesive and identifiable activity center; and

WHEREAS, the Menards-anchored center will promote shorter commute times for those accessing it, thereby reducing transportation-related air pollution that might be generated if required to travel farther distances; and utilities are available along the Preston Highway and Cooper Chapel Road, which the applicant will connect to, thus reducing public costs for infrastructure; and

WHEREAS, the proposed Menards-anchored center, located as it is at the intersection of Preston Highway and Cooper Chapel Road is less than a half-mile south of the Gene Snyder Freeway and constitutes part of a large activity center hosting other established retailers, apartments and (across Preston Highway) workplace uses; large residential neighborhoods are located further east along Cooper Chapel Road; and areas south along Preston Highway contain more than sufficient population to support the proposed addition to this activity center; and

WHEREAS, the proposed Menards-anchored center rounds out the southern side of this large activity center in a significant-sized, but compact in-fill location that will also add retail inventory and choices in the new retail space within the center, combining to serve a wide variety of residents' day-to-day needs and ensure fewer trips as customers may stop at this large activity center to accomplish multiple tasks rather than traveling farther distances to do so; and Menards will provide strong internal sidewalks and sidewalk connections for shoppers and for neighborhoods to the east; and

WHEREAS, parking areas are reduced at this Menard-anchored center by virtue of the parking waiver request; and connectivity, access and use of existing infrastructure are assured on the accompanying DDDP; parking areas are located along the Preston Highway frontage of the proposed Menards buildings and well away from nearby residential properties to the south and

east in order to screen customer activities from those property owners; and the parking design, multiple described entrance/exit access points, internal customer traffic circulation, and truck unloading areas in the rear ensure efficient, safe and controlled traffic flow into and through the Menards-anchored center; and

GUIDELINE 3 - COMPATIBILITY

WHEREAS, the application complies with the applicable Intents and Policies 1, 2, 4, 5, 6, 7, 8, 9, 20, 21, 22, 23, 24 and 28 of this Guideline because the Menards-anchored center grows the mix of retail choices at this existing large activity center in a way that assures compatibility each use with each other, not adding a sensitive land use to an area where accepted nuisance standards might be violated or where visual quality might be diminished; and

WHEREAS, the scale, design and pattern of existing development across Cooper Chapel Road (e.g. Lowes and the theater complex) basically mean that Menards' choice of exterior building materials, together with its planned screening and buffering transitions between uses and neighborhoods within an organized center are appropriate; the subject property is located, as described above, and the main Menards building is a one-story structure, placed to keep parking and most customer activities away from adjoining residential properties; enhanced screening and landscaping is another good start at addressing compatibility; but that is further addressed through the mitigation of odor, air quality, traffic, noise, lighting, and visual impacts of new development because the proposed Menards store features a building with parking oriented away from/screened from adjoining residential properties; noise is further mitigated by the screening of truck loading areas; Menards has agreed to special screening and landscaping enhancements that will also limit the impacts of noise, odors, and visual impacts on adjoining properties; as noted above, Menards also proposes entrance/exit access points which are either along already improved roadways (Cooper Chapel Road) or at points where access will be greatly improved over the present Preston Highway at Maple Spring Drive; the proposed layout is efficient in that it allows, as noted, several ways to access the property, thus reducing congestion and delay in entering or leaving the center; lighting will be directed down and away from adjoining properties; as described above, the central location and the wide product variety expected at the proposed Menards store and its ancillary retail and/or restaurant shops will reduce commuting time for area residents seeking to accomplish multiple tasks in one visit, thereby minimizing air quality issues related to longer vehicle trips or traffic delays that might be incurred if customers traveled to services farther way and in various different locations; and odor is further mitigated by virtue of a contract for regular garbage removal; and

GUIDELINE 4 – OPEN SPACE

WHEREAS, the application complies with the applicable Intents and Policies 1, 2, 5 and 7 of this Guideline because the proposed Menards-anchored center includes a large open area in the southeast corner of the site adjoining five residential properties where existing trees and new landscaping will be provided; along Preston Highway, Cooper Chapel Road, Maple Spring Drive and other property perimeters, landscaping will be provided where trees are not preserved; and the overall internal landscape plan for this Menards-anchored center will ensure a positive aesthetic appearance for the property overall; and

GUIDELINE 6 – ECONOMIC GROWTH AND SUSTAINABILITY

WHEREAS, the application complies with the applicable Intents and Policies 1, 2 and 6 of this Guideline because the proposed Menards- anchored center will utilize available, highly accessible and convenient land that is in an in-fill location at the major intersection of Preston Highway and Cooper Chapel Road less than a half-mile from Gene Snyder Freeway; adding a Menards store, plus a variety of other retail, restaurant and other services to the surrounding neighborhoods at this important intersection area will allow nearby workers, arterial highway travelers and area residents to make one stop for several purposes and to reduce commuting time to services located farther away; and nearby workplaces and neighborhoods will find that an appropriate, attractive and healthy collection of area serving land uses at this intersection and Snyder Freeway location will support and preserve a sense of retail place, support the community's tax base and capture a major retailer in this, not an adjoining, county; and

GUIDELINES 7, 8, 9 AND 12 – CIRCULATION, TRANSPORTATION FACILITY DESIGN, ALTERNATIVE MODES OF TRANSPORTATION AND AIR QUALITY

WHEREAS, the application complies with the applicable Intents and Policies 1, 2, 3, 4, 6, 9, 10, 11, 13, 14, 15, 16 and 18 of Guideline 7, Policies 5, 8, 9, 10 and 11 of Guideline 8, and Policies 1, 2, 3 and 4 of Guideline 9, and Policies 1, 2, 3, 4, 6, 7, 8 and 9 of Guideline 12 because its overall design assures a safe and proper functioning street network that does not exceed the carrying-capacity of Preston Highway and Cooper Chapel Road; it promotes efficient internal and external circulation of all new development and to ensures transportation facilities that are safe, efficient with attention to air quality and which minimize impacts upon the community; and it accommodates alternative modes of transportation and the needs of the elderly or handicapped; and

WHEREAS, the proposed center will be located less than a half-mile from the Snyder Freeway off Preston Highway and Cooper Chapel Road that have been adequately improved with sufficient traffic-carrying capacity and with multiple points of ingress and egress to and from this center; the TIS prepared by CDM Smith Engineers anticipates that these roads and points of access are capable of handling the traffic generated by the proposed Menards and other retailers; center left turn lanes, right-turn deceleration lanes and entrance improvements will keep traffic flowing safely and efficiently to and through the proposed center; crossover access between the Menards store and proposed outlots will assure shared access between retail uses; the proximity of the subject property to area neighborhoods ensures that commuting time will be minimal, further reducing traffic-related air quality impacts; sidewalks are provided along Cooper Chapel Road to the neighborhood to the east to encourage and accommodate accessibility by all modes of transportation including pedestrian and bicycle; transit service is available in the area; handicap parking spaces and safety crosswalks have been provided in accordance with the requirements of the new Land Development Code; most importantly as to compliance with these Guidelines, the DDDP received the preliminary stamp of approval from Metro Public Works and Transportation Planning prior to docketing for public review, thus assuring compliance with all traffic safety and transportation infrastructure requirements; and

GUIDELINES 10 AND 11 – STORMWATER AND WATER QUALITY

WHEREAS, the application complies with the applicable Intents and Policies 3, 6, 7, 10 and 11 of Guideline 10 and Policies 3, 6, 7 and 9 of Guideline 11 because stormwater is addressed by virtue of Menards’ commitment and requirement to comply with all MSD regulations regarding same, in this case through payment of a regional facility fee to MSD in lieu of on-site detention; and soil erosion and sediment will be controlled during construction; and

WHEREAS, MSD also now enforces water quality planning which will be incorporated into the construction plans; and

GUIDELINE 13 – LANDSCAPE CHARACTER

WHEREAS, the application complies with the applicable Intents and Policies 1, 2, 3, 4, 5 and 6 of this Guideline because the Land Development Code includes minimum tree canopy requirements that will be met; and

WHEREAS, the concept landscape plan for the center was designed to mitigate concerns of adjoining property owners by providing significant setbacks, enhanced fence screening and enhanced landscaping to screen noise and other activities from nearby residential properties; and

GUIDELINE 14 INFRASTRUCTURE

WHEREAS, the application complies with the applicable Intents and applicable Policies 3, 4, 6 and 7 of this Guideline because the carrying-capacity of local streets is demonstrated by the TIS to be adequate for proposed development, with effective connections between land uses; and because the proposed new development will share in costs of public infrastructure; and

WHEREAS, the proposed Menards-anchored center has access off of Preston Highway and Cooper Chapel Road which are already designed to carry traffic safely to and from this proposed development; to the extent that those roads require improvement at the accesses to Maple Spring Drive and off Cooper Chapel Road, those improvements will be made by Menards; and utility and water services are available at the site, and Menards will connect to these existing services; 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-4 to C-2, changes the Form District from Neighborhood to Suburban Marketplace and approves the General and Detailed District Development Plan.

Building Scale Waiver Findings of Fact

Waiver of Section 5.5.5.A.1 to allow the scale of the accessory storage building to exceed the scale of the adjacent residential structures

WHEREAS, the waiver will not adversely affect adjacent property owners because the accessory storage building is located a significant distance from the nearest residential structures, and it is screened with fencing and landscaping; 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 the DDDP otherwise complies with the LDC in all respects, and the screening and buffering that is proposed exceeds LDC requirements; 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 Menards store doesn't work without this standard storage building, which allows the main building to be slightly smaller than otherwise needed to accommodate all of the merchandise; and

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

Parking Waiver Findings of Fact

Waiver under Sections 9.1.16 and 9.1.17.A.2 to allow less parking than required by this regulation.

WHEREAS, the waiver will not adversely affect adjacent property owners because a parking study has been submitted in consultation with the Planning Director plus Metro Public Works and Transportation Planning Agencies; and

WHEREAS, the methodology has been approved by the Planning Director plus Metro Public Works and Transportation Planning; and

WHEREAS, the methodology has involved a store transaction analysis at sites located in Bloomington and Jeffersonville, Indiana, Owensboro, Kentucky and Columbus, Ohio; and

WHEREAS, the methodology involving these four sites occurred over periods of 24 hours over 364 days; and

WHEREAS, this resulted in the examination of 34,944 different numbers, comparing each site to the other to determine peak transaction hours; and

WHEREAS, the peak transaction hours are virtually identical from site to site and day to day, being 11:00 am to 3:00 pm; and

WHEREAS, an applicant representative then counted parked cars at the Jeffersonville store location at the hours of 11:00 am and 12:00, 1:00, 2:00 and 3:00 pm on Thursday, March 9 and Saturday March 11; and

WHEREAS, the results of the combined transaction analysis at four sites and parking counts at one of these four sites determined that parking provided on the DDDP accompanying this application is adequate to meet peak parking demand; and

WHEREAS, the waiver will not otherwise 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;

NOW, THEREFORE, the Louisville Metro Planning Commission hereby approves this parking Waiver to provide fewer spaces than otherwise required by regulation.