

1997 – Original Innovative Subdivision approved
March 27, 2006 – Planning Commission approved rezoning
August 6, 2007 – Subsequent BOZA hearings
June 27, 2007 & March 10, 2010 – Subsequent DRC hearings
September 5, 2013 – latest neighborhood meeting
January 23, 2014 - Land Development & Transportation Committee
May 9, 2014 – Plans and drawings shown to interested parties
May 15, 2014 - Planning Commission
June 16, 2014 - Board of Zoning Adjustment

Docket No. 14 Variance 1002

Proposed Variances to allow the building to exceed the maximum front yard setback in association with a recently approved Revised Development Plan with Waivers (13DEVPLAN1066) for The Shoppes at Gardiner Park on property located at 100 Flat Rock Road

Shoppes at Gardiner Park, LLC
(c/o Blacketer Company)

Attorneys: Bardenwerper Talbott & Roberts, PLLC

Land Planners, Landscape Architects & Engineers: Land Design & Development, Inc.

Architects: Studio Kremer

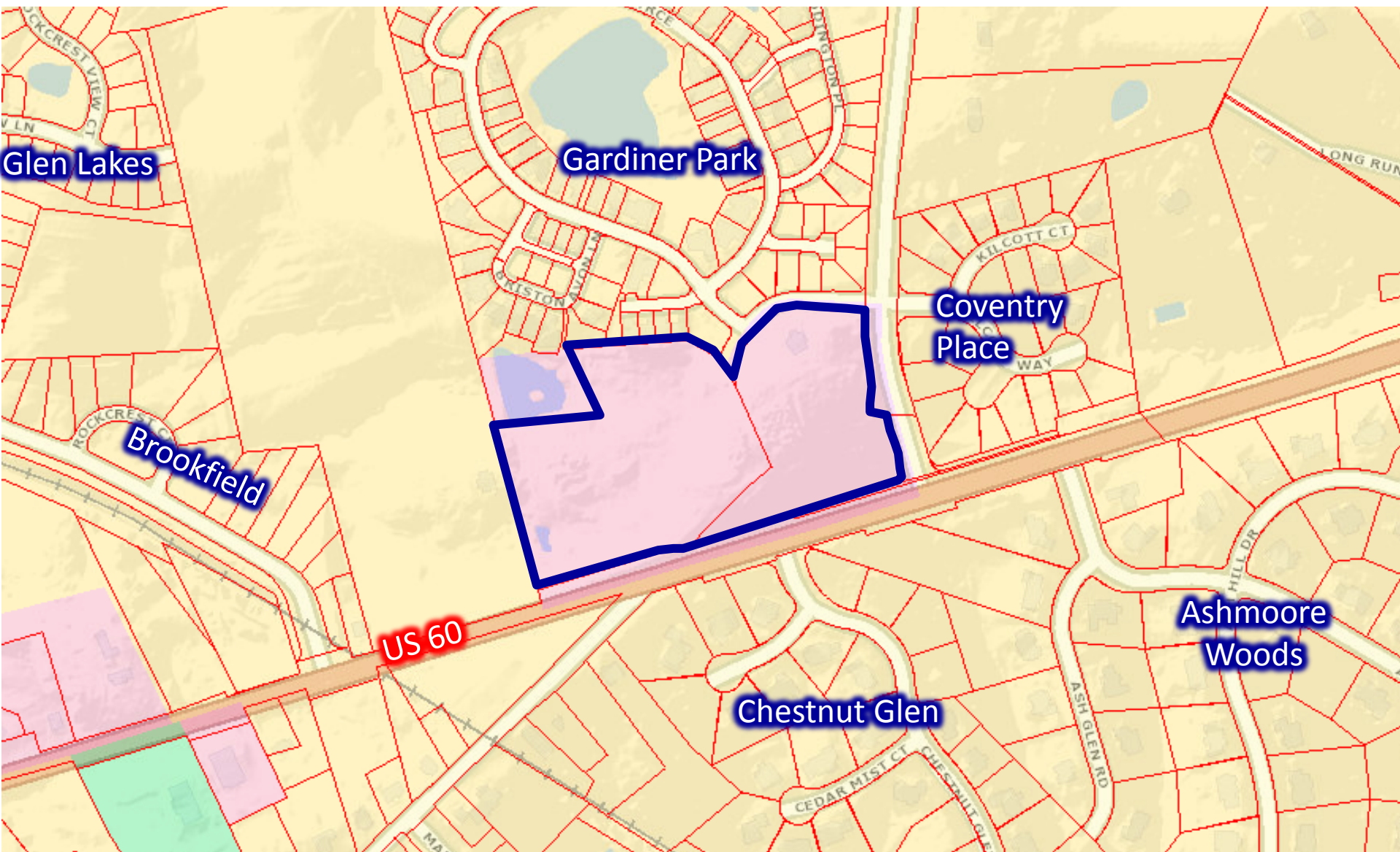
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Tab 1
LOJIC Zoning Map

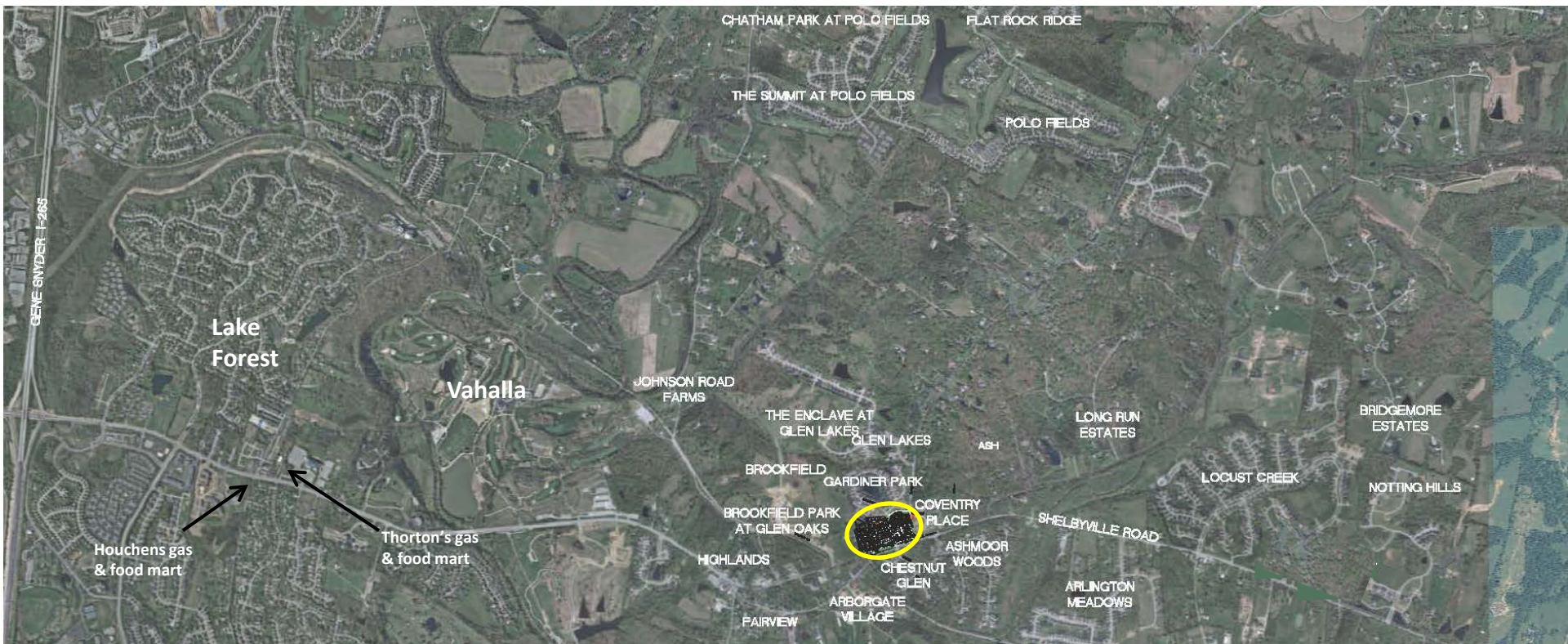


LOJIC zoning map

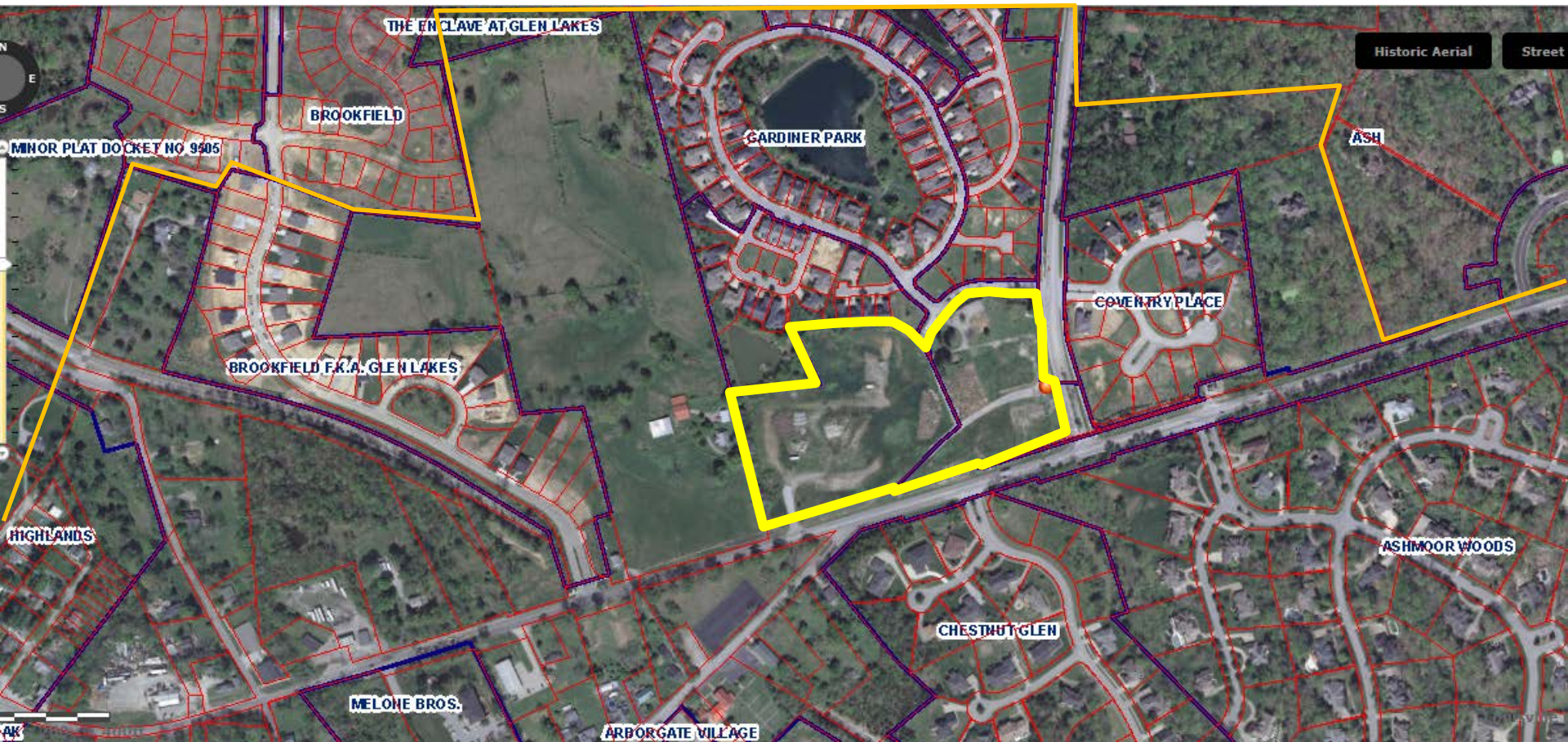


Tab 2

Aerial photograph of the site and surrounding
area



Site outlined in yellow

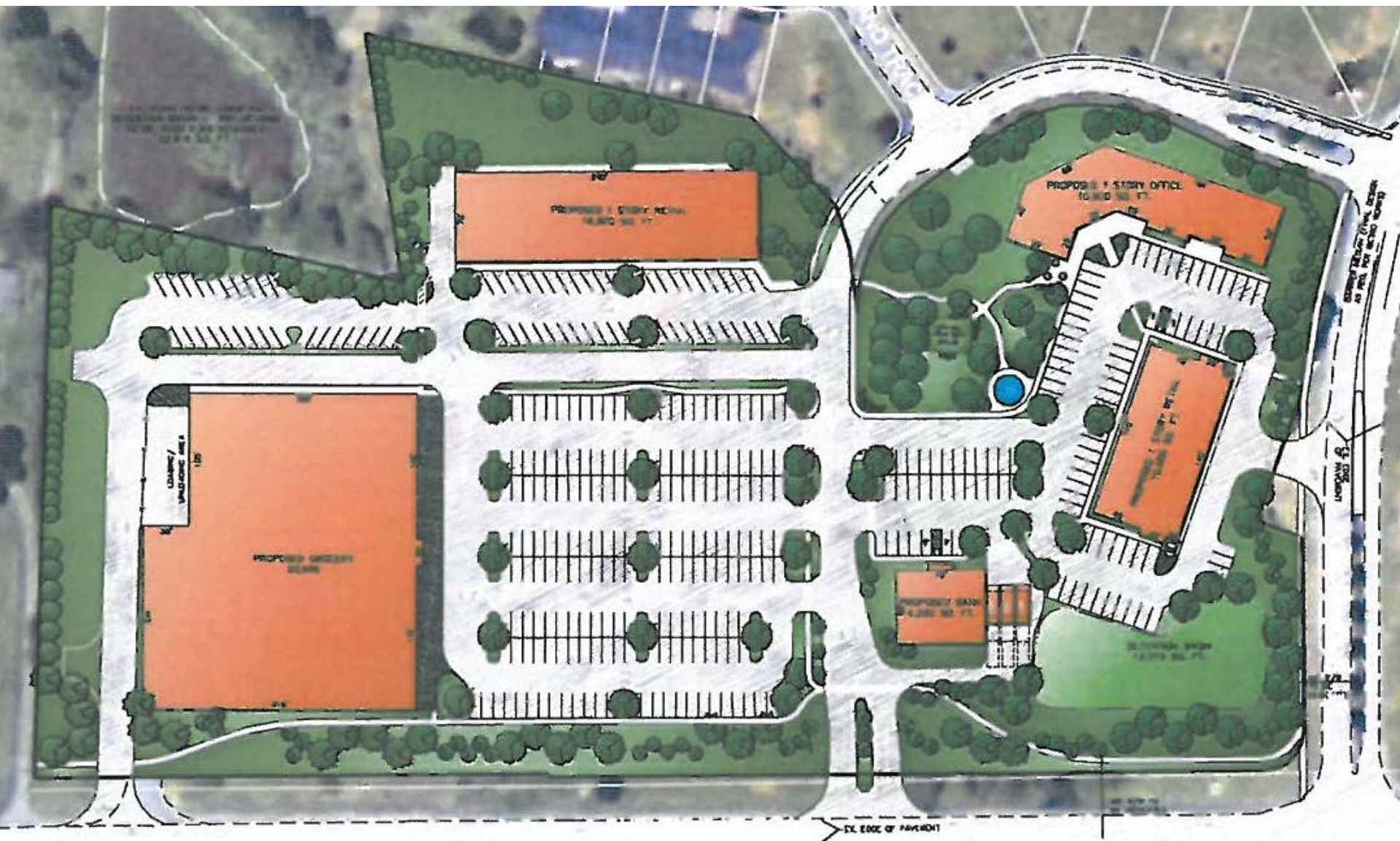


Aerial showing site and surrounding subdivisions.
Orange line indicates area of Eastwood Small Area Study.

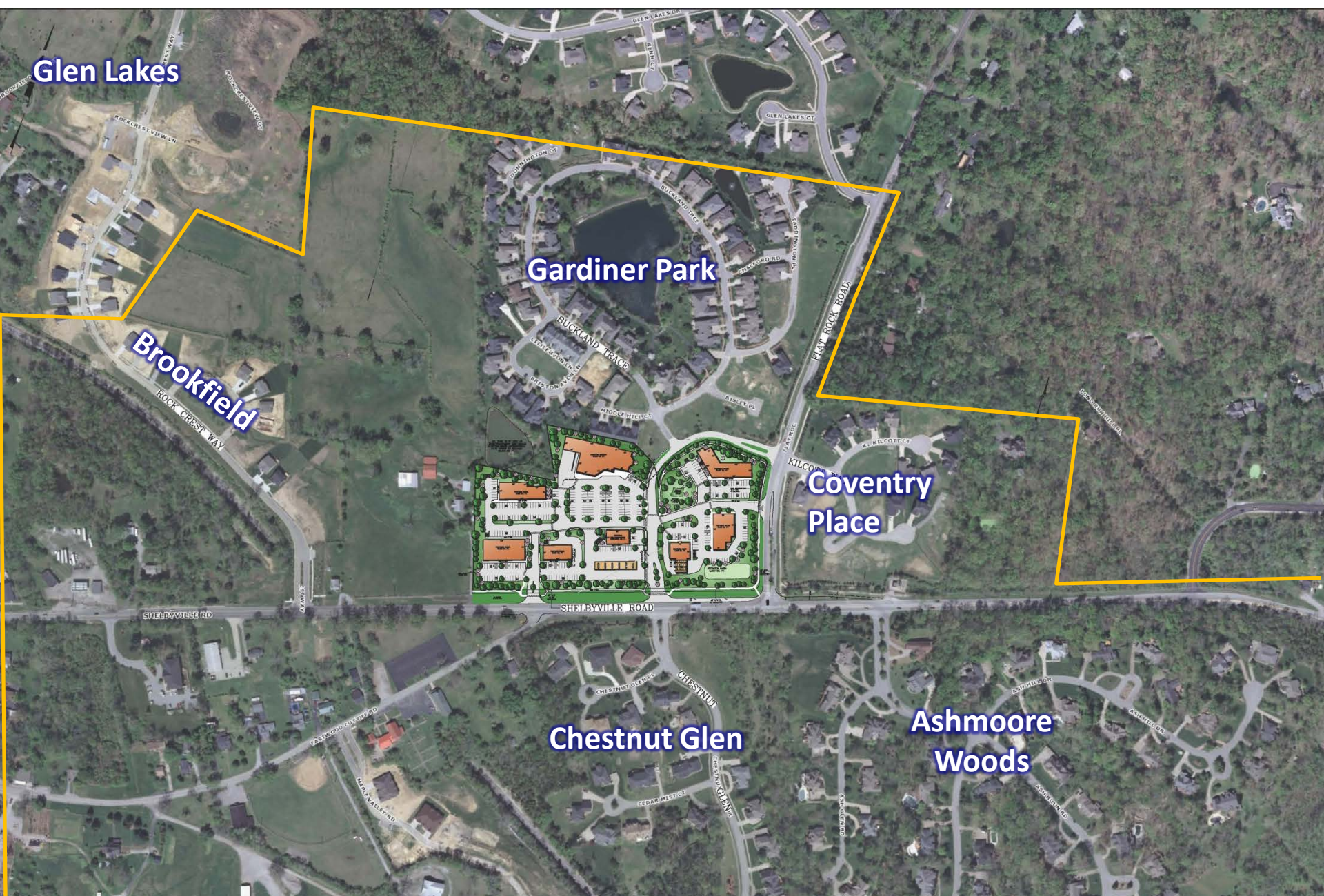


Tab 3

Previous Development Plans



2006 development plan

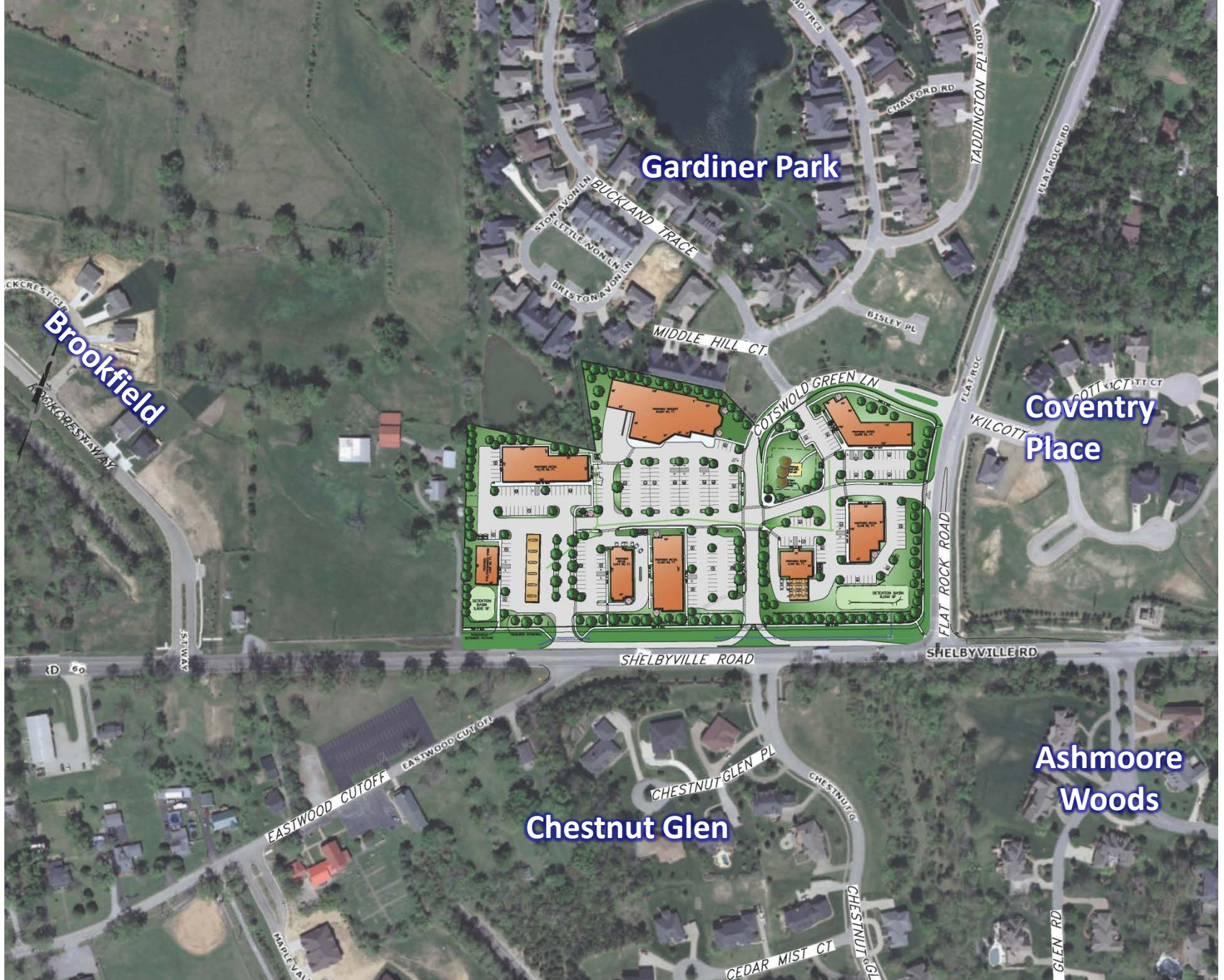


Development Plan shown at the January 23, 2014 LD&T meeting.
Orange line indicates area of Eastwood Small Area Plan.



Tab 4

Current Development Plan



Current Development Plan

Red Arrows highlight
area of Variance





Tab 5

Previous Building Elevations



5,000 sq. ft. RETAIL BUILDING
FRONT ELEVATION

1
PR3

SCALE: 3/16"=1'-0"



8,925 sq. ft. RETAIL BUILDING
FRONT ELEVATION

1
PR4

SCALE: 3/16"=1'-0"

Architectural elevations at January 23, 2014 LD&T meeting.



10,500 sq. ft. RETAIL BUILDING
FRONT ELEVATION



SCALE: 3/16"=1'-0"



10,500 sq. ft. RETAIL BUILDING
SIDE ELEVATION



SCALE: 3/16"=1'-0"

Architectural elevations at January 23, 2014 LD&T meeting.



1
PRI
CONVENIENCE & FUEL
BUILDING FRONT ELEVATION
SCALE: 3/16"=1'-0"



2
PRI
CONVENIENCE & FUEL
CANOPY FRONT ELEVATION
SCALE: 3/16"=1'-0"

Architectural elevations at January 23, 2014 LD&T meeting.



Tab 6

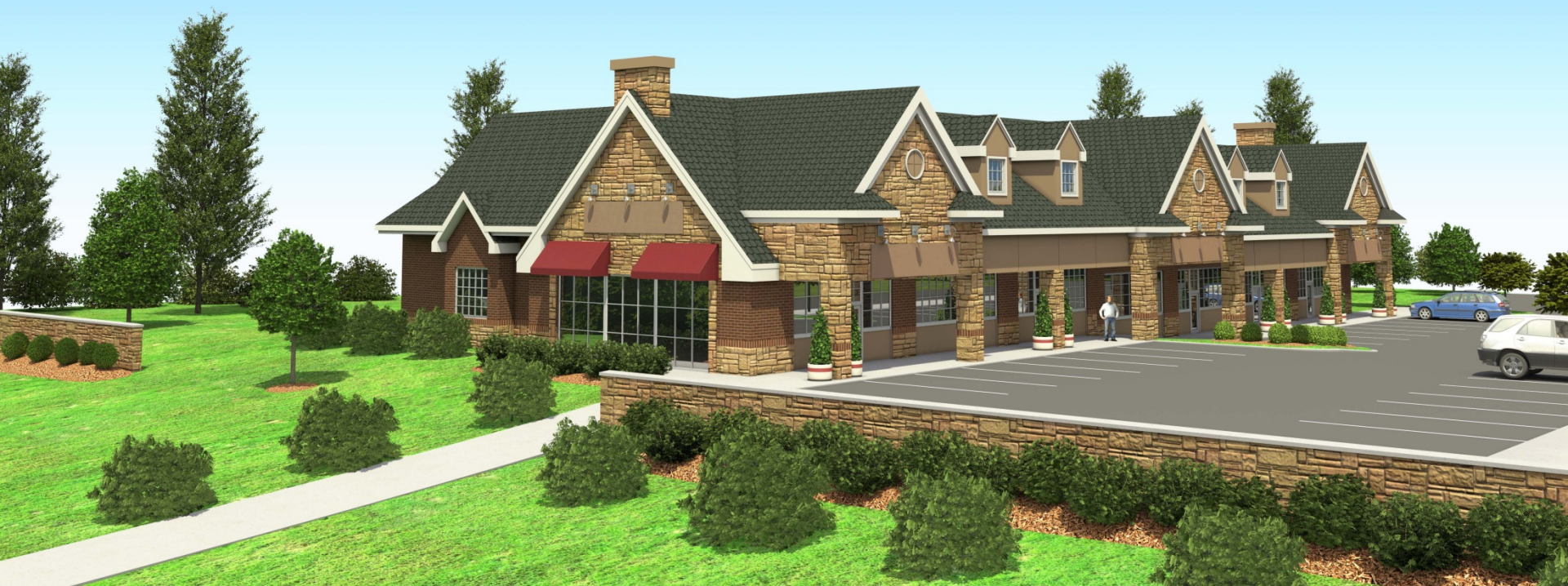
Proposed Building Elevations



Current architectural elevations – Building A



Current architectural elevations – Building B



Current architectural elevations – Building C



Current architectural elevations for Gas and Convenience Store



US 60 wall façade and pedestrian entrance feature at southwest corner



Tab 7

Variance Justification



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VARIANCE SUBMITTAL REQUIREMENTS

SUPPLEMENTAL INFORMATION SHEET

In order to justify approval of any variance, the Board considers four criteria. Please answer all of the following four items. (Use additional sheets, if needed.) **All questions must be answered.** A response of yes, no & N/A is not acceptable.

This is an application for (Section of the Code) 5.2.2 to allow the proposed building location to exceed the 25' maximum front building setback

Reason for request because most of the buildings require either circulation around the buildings because of drive-thrus or circulation and parking in front of the buildings in order to attract tenants. Without this Shelbyville Road side parking, there will be no tenants for this previously approved shopping center, especially given that the grocery store has shrunk in size to what was originally requested by many area interests and neighbors and thus is now better situated at the rear of this site instead of at the southwest corner.

1. Reasons that the granting of the variance:
 - a) Will not adversely affect the public health, safety or welfare because this variance is an aesthetic one, which can be addressed through a high level of Shelbyville Road frontage screening and buffering through landscaping.
 - b) Will not alter the essential character of the general vicinity because there are no other retail sites in the general vicinity or area and indeed no sites that are likely to be developed for retail use, except possibly a small open area immediately to the west of this site. Therefore, this development plan is not out of character with other existing retail development.
 - c) Will not cause a hazard or a nuisance to the public because the requested variance does not propose anything that would constitute a hazard or nuisance. Rather it pertains to aesthetics which can be addressed through Shelbyville Road frontage landscaping, screening and buffering.
 - d) Will not allow an unreasonable circumvention of the requirements of the zoning regulations because this is an attractive overall site plan whose aesthetics are not diminished by the added setback
2. Additional consideration:

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444 South Fifth St.
Louisville, KY 40202
502-574-6230 Fax 502-574-8129



Louisville Metro Planning & Design Services

VARIANCE SUBMITTAL REQUIREMENTS

- a. The variance arises from special circumstances, which do not generally apply to land in the general vicinity because, as stated above, there is no other nearby retail center to which this can be compared.
- b. Strict application of the provisions of the regulation would deprive the applicant of the reasonable use of the land or would create an unnecessary hardship because this Center has been years in the making, Gardiner Park residents in particular are anxious to see something built, and these are the tenants with their building plans that this applicant has.
- c. The circumstances are not the result of actions of the applicant taken subsequent to the adoption of the regulation which relief is sought but rather are a consequence of the mix of tenants and their building designs and circulation requirements.

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Tab 8

Variance Proposed Findings of Fact

VARIANCE PROPOSED FINDINGS OF FACT

Variance from Section 5.2.2 to allow the proposed building location to exceed the 25' maximum front building setback

WHEREAS, most of the buildings require either circulation around the buildings because of drive-thrus or circulation and parking in front of the buildings in order to attract tenants; without this Shelbyville Road side parking, there will be no tenants for this previously approved shopping center, especially given that the grocery store has shrunk in size to what was originally requested by many area interests and neighbors and thus is now better situated at the rear of this site instead of at the southwest corner; and

WHEREAS, the Variance will not adversely affect the public health, safety or welfare because this variance is an aesthetic one, which can be addressed through a high level of Shelbyville Road frontage screening and buffering through landscaping; and

WHEREAS, the Variance will not alter the essential character of the general vicinity because there are no other retail sites in the general vicinity or area and indeed no sites that are likely to be developed for retail use, except possibly a small open area immediately to the west of this site and therefore, this development plan is not out of character with other existing retail development; and

WHEREAS, the Variance will not cause a hazard or a nuisance to the public because the requested variance does not propose anything that would constitute a hazard or nuisance; it pertains to aesthetics which can be addressed through Shelbyville Road frontage landscaping, screening and buffering; and

WHEREAS, the Variance will not allow an unreasonable circumvention of the requirements of the zoning regulations because this is an attractive overall site plan whose aesthetics are not diminished by the added setback; and

WHEREAS, the Variance arises from special circumstances, which do not generally apply to land in the general vicinity because, as stated above, there is no other nearby retail center to which this can be compared; and

WHEREAS, strict application of the provisions of the regulation would deprive the applicant of the reasonable use of the land or would create an unnecessary hardship because this Center has been years in the making, Gardiner Park residents in particular are anxious to see something built, and these are the tenants with their building plans that this applicant has; and

WHEREAS, the circumstances are not the result of actions of the applicant taken subsequent to the adoption of the regulation which relief is sought but rather are a consequence of the mix of tenants and their building designs and circulation requirements; and

* * *

WHEREAS, for all the reasons explained at the Board of Zoning Adjustment 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 Board of Zoning Adjustment hereby approves the Variance.