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PROPOSED FINDINGS OF FACT REGARDING COMPLIANCE WITH ALL APPLICABLE GUIDELINES AND POLICIES OF THE CORNERSTONE 2020 COMPREHENSIVE PLAN AND JUSTIFYING RELIEF FROM LDC SECTION 4.2.35.G RELATING TO 1-STORY/15 FT HEIGHT

<u>Owner:</u>	Bardstown Road Centre, LLC
<u>Applicant</u>	Storage Development Partners, LLC
<u>Location:</u>	3415 Bardstown Road
<u>Proposed Use:</u>	Multi-story, climate controlled self-storage
<u>Engineering Firm:</u>	Mindel Scott & Associates
<u>Request:</u>	Conditional Use Permit (CUP) in conjunction with existing C-2

The Louisville Metro Planning Commission, having heard testimony before its Board of Zoning Adjustment, in the Public Hearing held on April 17, 2017 and having reviewed evidence presented by the applicant and the staff's analysis of the application, make the following findings:

INTRODUCTORY STATEMENT

WHEREAS, this proposal is for a change in zoning of a 1.78 acre tract located along the east side of Bardstown Road, just south of Watterson Expressway to convert an existing, old office building in to a multi-story climate-controlled, self-storage facility and to add a second such building in a large under-utilized parking lot as well; the close proximity of the subject property to Bardstown Road and Watterson Expressway, plus all the businesses, apartments and neighborhoods that have access off this highly developed area of Bardstown Road, ensures that the proposed self-storage facility will be highly convenient for storage users; and cross-access will ensure safe and more efficient traffic flow to and through this proposed self-storage facility; and

WHEREAS, land uses already existing in this area, such as Costco across Bardstown Road, Bashford Manor nearby, and a mix of adjoining and other nearby apartments, offices and retail uses, will be complemented and supported by the addition of this new self-storage facility; and

GUIDELINE 1 – COMMUNITY FORM

WHEREAS, the application complies with the Suburban Marketplace form district in which this property and proposed self-storage facility are located because the proposed self-storage facility rounds out this existing activity center with a use that both fits and improves what currently is an

old, past its prime office building; and it also better utilizes a mostly under-utilized asphalt parking lot; and

GUIDELINE 2 - CENTERS

WHEREAS, the application complies with the applicable Intents and Policies 1, 2, 3, 4, 5, 7, 10, 11, 13, 14, 15 and 16 of this Guideline because, as an adoptive reuse of an old office building and mostly vacant parking lot, the application promotes an efficient use of land and investment in existing infrastructure, lowers utility costs by reducing the need for extensions, reduces commuting time and transportation-related air pollution, provides an opportunity for neighborhood centers and marketplaces that include a diversity of goods and services and that are designed to be assets to the community, and encourages vitality and a sense of place in the larger neighborhood and community; most of all it does this by virtue of the proposed investment to put to better use a presently under-utilized parking lot and old office building; and the PowerPoint shown at BOZA that accompanies this application illustrates this; and

WHEREAS, the proposed self-storage facility also improves the mix of land uses and diversity of services available at this desirable and highly accessible Suburban Marketplace location by helping to promote shorter commute times for local businesses and residents with storage needs, thereby reducing transportation-related air pollution that might be generated if required to travel a farther distance; and utilities are available along Bardstown Road; and

WHEREAS, part of a compact development pattern with a mixture of land uses, the application ensures efficient traffic flow, fewer trips, and supports alternative modes of travel and multiple services which meet the day-to-day needs of nearby residents; it accomplishes this as a compact re-use that will also serve as a transition between more intense land uses at Costco and Bashford Manor; the central location and improved variety of services that the proposed self-storage facility will offer at this location will serve local business and residents' day-to-day needs, ensures fewer trips, as customers may stop here rather than traveling farther distances for their storage needs; and the applicant will assure connectivity and accommodate alternative modes of transportation; and

WHEREAS, parking areas that are presently way under-utilized will also be better used with a second storage building which connects access drives and uses of existing infrastructure; and

GUIDELINE 3 - COMPATIBILITY

WHEREAS, the application complies with the applicable Intents and Policies 1, 2, 3, 5, 6, 7, 8, 9, 20, 21, 22, 23, 24, 28 and 29 of this Guideline because this application promotes a mixture of land uses and densities near each other which are designed to be compatible with each other and sensitive to adjoining residential properties by assuring that aesthetic and nuisance problems are eliminated or at least significantly diminished, thus preserving the character of existing neighborhoods; and

WHEREAS, compatibility is assured by virtue of these buildings' scale, design and pattern of existing development as well as use of attractive building materials, as shown in the PowerPoint; traffic and parking problems and appropriate transitions between uses and neighborhoods are also addressed on the DDDP accompanying this application; buildings will be oriented toward

Bardstown Road as they should be with parking screened where necessary from adjoining properties; the use provides a nice quiet transition between the more active commercial land uses next door and across Bardstown Road and the residential neighborhoods to the rear of this site; and

WHEREAS, this proposed self-storage facility does not produce noise, lighting or odors, diminish air quality or adversely affect traffic or aesthetics; the proposed self-storage facility, as described above, is oriented towards Bardstown Road and away from adjoining properties and places parking so as to protect adjoining apartment communities; lighting will be directed down and away from adjoining properties and will meet Land Development Code requirements; the location of the proposed self-storage facility along Bardstown Road at the Watterson reduces commuting time for those accessing the self-storage facility, thereby minimizing air quality issues related to longer vehicle trips or traffic delays that might be incurred if the center were located at a less convenient location; the impact of noise from self-storage facility activities is addressed by virtue of the fact that storage activities are by nature quiet and in this case oriented toward the activity center; also parking and entrance/exit activities will be from Bardstown Road or adjoining commercialized streets, thus reducing noise and activity impact on adjoining residential properties; and

GUIDELINE 6 – ECONOMIC GROWTH AND SUSTAINABILITY

WHEREAS, the application complies with the applicable Intents and Policies 1, 2, 3, 5, 6 and 11 of this Guideline because this adaptive re-use of an old office building and large under-utilized asphalt parking lot helps ensure the availability of necessary usable land to facilitate commercial, industrial and residential development, and to reduce public and private costs for land development; and

WHEREAS, re-utilizing available, highly accessible and convenient land that is in an in-fill location along Bardstown Road near the Watterson Expressway assures convenient services to nearby neighborhoods and businesses and reduces commuting time to services located farther away; 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, 6, 10, 11, 13, 14, 15 and 18 of Guideline 7, Policies 8, 9, 10 and 11 of Guideline 8, and Policies 1, 2, 3 and 4 of Guideline 9 because the low traffic impacts of a self-storage facility, such as this one, assure the safe and proper functioning of the Bardstown Road street network whose existing, adequate traffic-carrying capacity is not exceeded; efficient internal and external circulation through this new development and the assurance of transportation facilities that are safe and efficient are demonstrated on the DDDP accompanying this application; and air quality impacts are further minimized because of the alternative modes of transportation that TARC service and sidewalks along Bardstown Road help provide; and

WHEREAS, the proximity of the subject property to area businesses and neighborhoods ensures that travel time will be minimal, further reducing traffic related air quality impacts; handicap parking spaces and safety crosswalks have been provided in accordance with the requirements of

the Land Development Code; moreover, the DDDP accompanying this application received the preliminary stamp of approval from Metro Transportation Planning, thus demonstrating conformance with all standards governing access, site distances, internal circulation, parking and so on; and

GUIDELINES 10 AND 11 – STORMWATER AND WATER QUALITY

WHEREAS, the application complies with the applicable Intents and Policies 1, 6, 7, 10 and 11 of this Guideline because the DDDP accompanying this application assures that there shall be no increase in drainage runoff to Bardstown Road and that all drainage facilities shall conform to MSD requirements, for example that post development peak rates of run-off to not exceed predevelopment conditions; the plan received MSD’s preliminary stamp of approval prior to docketing, thus evidencing this fact; and sanitary sewer service will be provided by connection; and

GUIDELINE 13 – LANDSCAPE CHARACTER

WHEREAS, the application complies with the applicable Intents and Policies 1, 2, 4, 5 and 6 of this Guideline because the Land Development Code includes minimum interior, perimeter and tree canopy requirements that will be met; the landscape plan for the self-storage facility is designed to include interior parking lot landscaping where required and also along Bardstown Road; and the overall appearance of the self-storage facility will improve the landscape and aesthetic character of the site and area; 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 CUP 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 Conditional Use Permit and CUP plan with relief granted from LDC Section 4.2.35.G on the subject property.

Variance Findings of Fact

Variance of Section 5.3.2.C.2.b to omit the 25 ft setback along the north property line where the site is adjacent to a structure with a first floor residential use

WHEREAS, the variance will not adversely affect the public health, safety or welfare because the owner of the existing apartment building didn't appear bothered by this proposal at the neighborhood meeting, as its apartment building overlooks a sea of asphalt today, and the new distance between the shared property line and the proposed storage building will still be 35 ft; and

WHEREAS, the variance will not alter the essential character of the general vicinity because, as said above, the rear of the existing apartment building overlooks a sea of asphalt today, and this proposed self-storage building is 35 ft away from the shared property line and about 60 ft from the existing apartment building; and

WHEREAS, the variance will not cause a hazard or a nuisance to the public because, as said above, the rear of the existing apartment building overlooks a sea of asphalt today, and this proposed self-storage building is 35 ft away from the shared property line and about 60 ft from the existing apartment building; and

WHEREAS, the variance will not allow an unreasonable circumvention of the requirements of the zoning regulations because, as said above, the rear of the existing apartment building overlooks a sea of asphalt today, and this proposed self-storage building is 35 ft away from the shared property line and about 60 ft from the existing apartment building; and

WHEREAS, the Variance arises from special circumstances, which do not generally apply to land in the general vicinity because, as said above, the rear of the existing apartment building overlooks a sea of asphalt today, and this proposed self-storage building is 35 ft away from the shared property line and about 60 ft from the existing apartment building; and

WHEREAS, strict application of the provisions of the regulation would deprive the applicant of the reasonable use of the land or would create unnecessary hardship because the renovated and new building construction plus parking, loading and maneuvering areas are the minimum necessary to cost-effectively develop this old underutilized property; and

WHEREAS, the circumstances are not the result of actions of the applicant taken subsequent to the adoption of the regulation but rather are the result of an old in-fill site that can, and with this CUP plan will, be put to a far more productive and aesthetically better use; and

NOW, THEREFORE, the Louisville Metro Board of Zoning Adjustment hereby approves this Variance.

General Waiver Findings of Fact

Waiver of Section 10.2.4.B to allow more than 50% overlap of the perimeter LBA with 2 existing utility easements along the east property line.

WHEREAS, the waiver will not adversely affect adjacent property owners because half of the overall site is a present condition whereby the old existing office building will be repurposed, and the other half of the overall site is just a large underutilized asphalt parking lot; and this development will result in the entire site being dramatically aesthetically improved; and

WHEREAS, the waiver will not violate the Comprehensive Plan at applicable Guideline 13, where the landscape Policies are found, because the overall site is mostly just pavement now, and it will end up an improved aesthetic condition post-development with only this and one other landscape waiver; and

WHEREAS, the extent of waiver of the regulation is the minimum necessary to afford relief to the applicant because this is on the inside of a proposed screening fence where improved landscaping will be imposed to replace and open un-manicured area next to a large underutilized asphalt parking lot; 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 renovated and new building construction plus parking, loading and maneuvering areas are the minimum necessary to cost effectively develop this old underutilized property; and the rear LBA overlap will actually be improved from its present condition even with this overlap; and

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

General Waiver Findings of Fact

Waiver of: Section 10.2.10 to omit the VUA perimeter along Bardstown Road

WHEREAS, the waiver will not adversely affect adjacent property owners because this a present condition whereby the old existing office building will be repurposed, and in the process the existing building and entire site will be dramatically aesthetically improved; and

WHEREAS, the waiver will not violate the Comprehensive Plan at applicable Guideline 13, where the landscape Policies are found, because the overall site is mostly just pavement now, and it will end up an improved aesthetic condition post-development with only this and one other landscape waiver; and

WHEREAS, the extent of waiver of the regulation is the minimum necessary to afford relief to the applicant because this is an existing Bardstown Road frontage condition, and aesthetics are otherwise vastly improved with this proposed CUP plan; 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 it would have to remove all of the existing parking spaces which are needed to make this repurposed old office building/new self-storage facility project work; and

NOW, THEREFORE, the Louisville Metro Board of Zoning Adjustment hereby approves this Waiver.