

Louisville Metro Board of Zoning Adjustment – October 17, 2016  
Louisville Metro Development Review Committee – October 19, 2016  
Neighborhood Meeting - July 21, 2016

DOCKET NO. 16CUP1034 AND 16DEVPLAN1161

Conditional Use Permit (CUP) to allow a multi-level, climate-controlled, self-storage facility under LDC Section 4.2.35 (re: “mini-warehouse”, including relief from sub-sections B and G w/re to 30 ft setback and 1-story height) in the existing C-2 zoning district, and related Revised Detailed District Development Plan (RDDDP), Binding Element Amendment, Waivers and Variance to allow a 89,625 sq ft, 3-story (37 ft 4 in high) facility as described on property located at  
2801 Hurstbourne Parkway

c/o Erb, Walker & Twiford, Applicant

Attorneys: Bardenwerper Talbott & Roberts, PLLC

Land Planners, Landscape Architects & Engineers: Mindel Scott & Associates

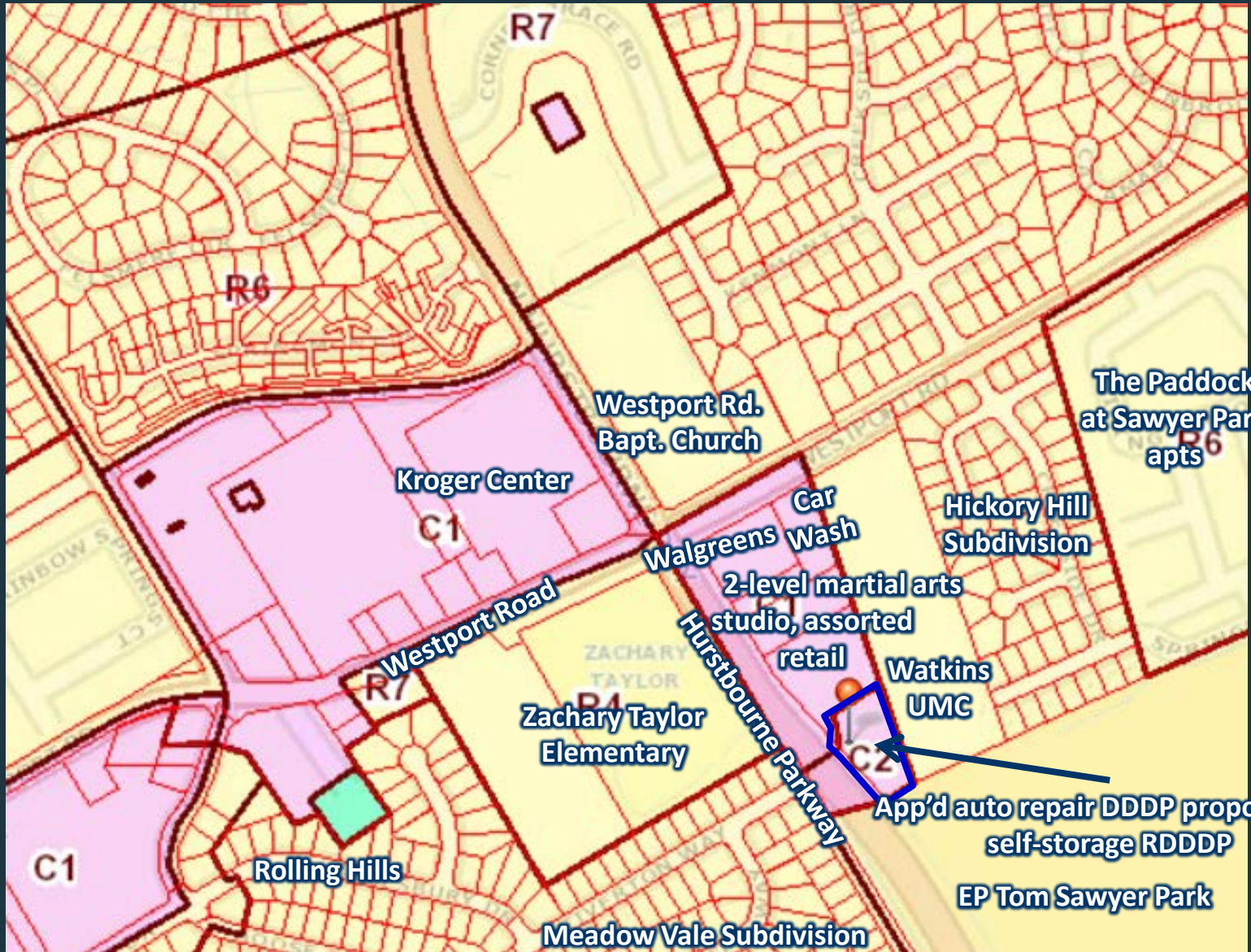
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# Tab 1

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## LOJIC Zoning Map

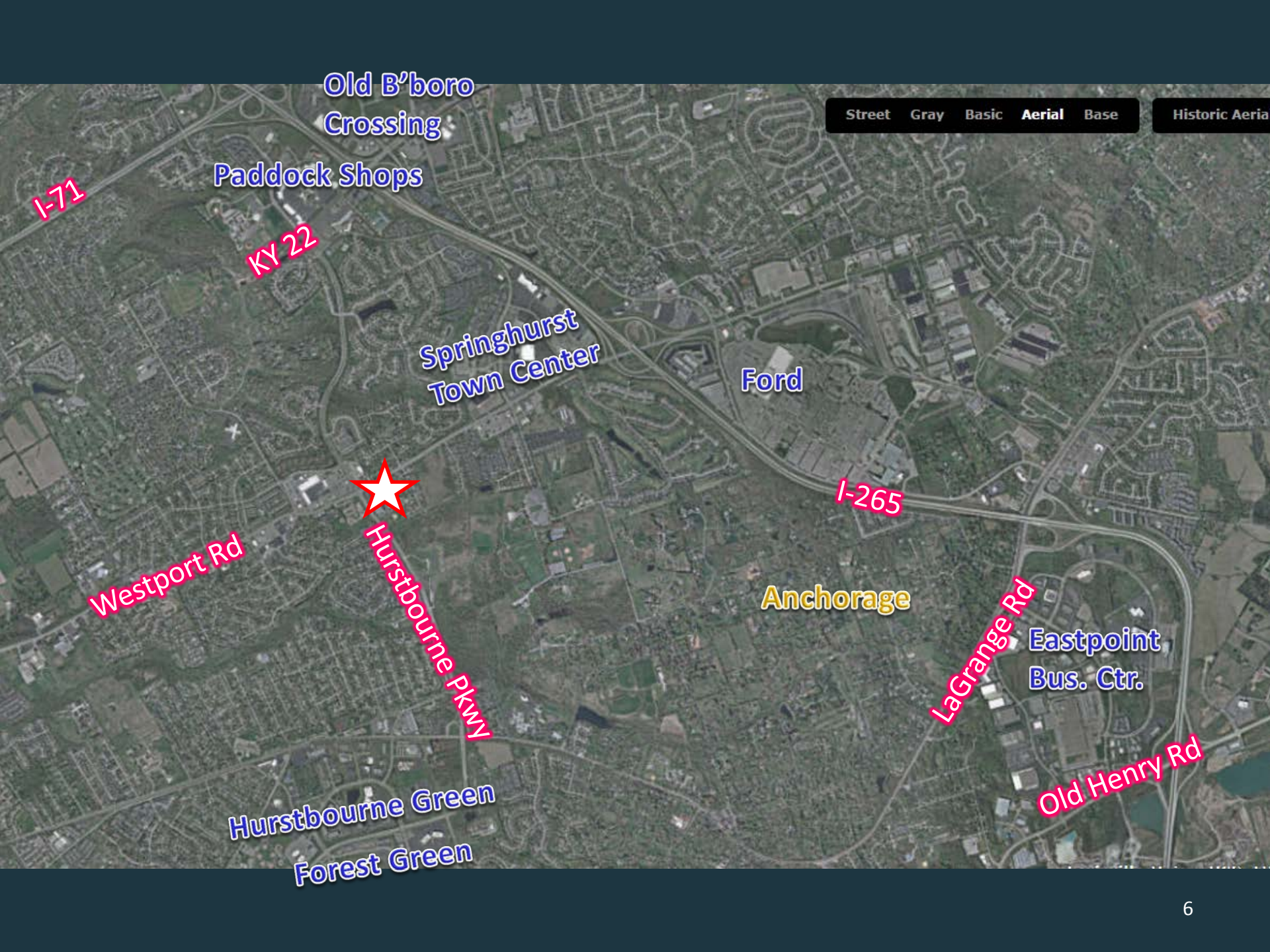


App'd auto repair DDDP proposed for self-storage RDDDP

# Tab 2

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Aerial photograph of the site and surrounding area



Old B'boro  
Crossing

Street Gray Basic **Aerial** Base Historic Aerial

Paddock Shops

I-71

KY 22

Springhurst  
Town Center

Ford

I-265



Westport Rd

Hurstbourne Pkwy

Anchorage

LaGrange Rd

Eastpoint  
Bus. Ctr.

Hurstbourne Green

Forest Green

Old Henry Rd



# Tab 3

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Ground level photographs of the site  
and surrounding area





SITE

Google

View of N. Hurstbourne Parkway looking towards Westport Road. Site is to the right.



View of N. Hurstbourne Parkway looking southwardly. Site is to the left.



View of retail center to the north of site.



**SITE**

View of site from across N. Hurstbourne Parkway.

# Tab 4

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Letter to neighbors inviting them to the  
Neighborhood Meeting and summary  
of meeting

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

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

July 7, 2016

**Re: Proposed change in zoning from C-2 to CM and detailed district development plan to allow a 90,825 sq ft, 3-story climate controlled self-storage facility, on approximately 1.45 acres located just south of Westport Road on the east side of Hurstbourne Parkway at 2801 N. Hurstbourne Parkway**

Dear Neighbor,

We are writing to invite you to a meeting we have scheduled to present neighbors with our rezoning and detailed district development plan to allow a 90,825 sq ft, 3-story climate controlled self-storage facility to be located as above.

Accordingly, we have filed a plan for pre-application review on Monday, June 27<sup>th</sup> with the Division of Planning and Design Services (DPDS) that has been assigned case number **16ZONE1043** and case manager, **Julia Williams**. We would like to show and explain to neighbors the 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, July 21<sup>st</sup> at 7:00 p.m.** at **Watkins United Methodist Church in the conference room** located at **9800 Westport Road**. *(Please enter through the "Church Office" door, turn left down the hall which leads to the "Conference Room".)*

If you cannot attend the meeting but have questions or concerns, please call me at 426-6688 or our client's land planning and engineering firm representative Kathy Linares at 485-1508.

We look forward to seeing you.

Sincerely,



William B. Bardenwerper

Cc: Hon. Glen Stuckel, Councilman, District 17  
Julia Williams, case manager with Division of Planning & Design Services  
David Twiford, c/o Erb, Walker & Twiford, applicant  
Kathy Linares, land planner with Mindel Scott & Associates  
Nick Pregliasco, attorney with Bardenwerper, Talbott & Roberts, PLLC

### Neighborhood Meeting Summary

A neighbor meeting was held pursuant to required notice on Thursday, July 21, 2016, commencing at 7pm at Watkins United Methodist Church on Westport Road just behind this site fronting on Hurstbourne Parkway. Bill Bardenwerper, counsel for the applicant, explained the history of this site and nearby development and presented a PowerPoint presentation showing the prior approved and the proposed new plan, plus aerials of the site, and how everything developed around this site (proposed now to include this multi-story, climate-controlled self-storage facility) will relate one to the other. He showed the site plan, explained it, how drainage will work, how access will work, where parking will be located, what the setbacks will be and so on. He explained the likely waivers that will be required. He also explained that this facility can be built with current C2 zoning and a Conditional Use Permit or with CM zoning. He said that a decision has yet to be made whether the applicant will undertake this project with the current C2 zoning in combination with the CUP or whether the applicant will apply for CM zoning.

Mr. Bardenwerper was assisted in his presentation by Kathy Linares with Mindel Scott and Associates (MSA). Also present was David Twiford, owner/applicant. Mr. Twiford explained the concept of climate-controlled multi-level self-storage, why this property was selected for it, and the design, elevations of which were shown.

Not very many neighbors showed up, but Mr. Bardenwerper seemed to know all or most, in part because of his representation of other nearby projects, notably the apartments along Westport Road that are currently under construction. Because of that, he was able to explain issues relative to traffic and drainage plus the non-impacts of additional height on this facility, which he said will be barely visible, if at all, by neighbors, given its significant distance from residential properties and various kinds of screening and distance buffering in between.

He then opened the floor to questions. Most questions had to do with the added height, which will require a small height variance. People appeared complementary in terms of the limited traffic generation from this site and the general aesthetic appeal of the proposed buildings. They asked about what other uses could locate here if this one was never built. Mr. Bardenwerper reminded them that a fairly intense use has already been approved, that being heavy automobile repair.

The meeting lasted only briefly with the discussion limited as described herein.

Respectfully submitted,

Bill Bardenwerper  
Bardenwerper Talbott & Roberts  
BIA of Greater Louisville Bldg, 2d Fl  
1000 N. Hurstbourne Parkway  
Louisville, KY 40223

e:\client folder\twiford, david\n. hurstbourne pkwy\neighbor mtg\neighborhood meeting summary.doc

# Tab 5

Previously approved development plan for auto repair and retail center and current proposed development plan for self-storage facility

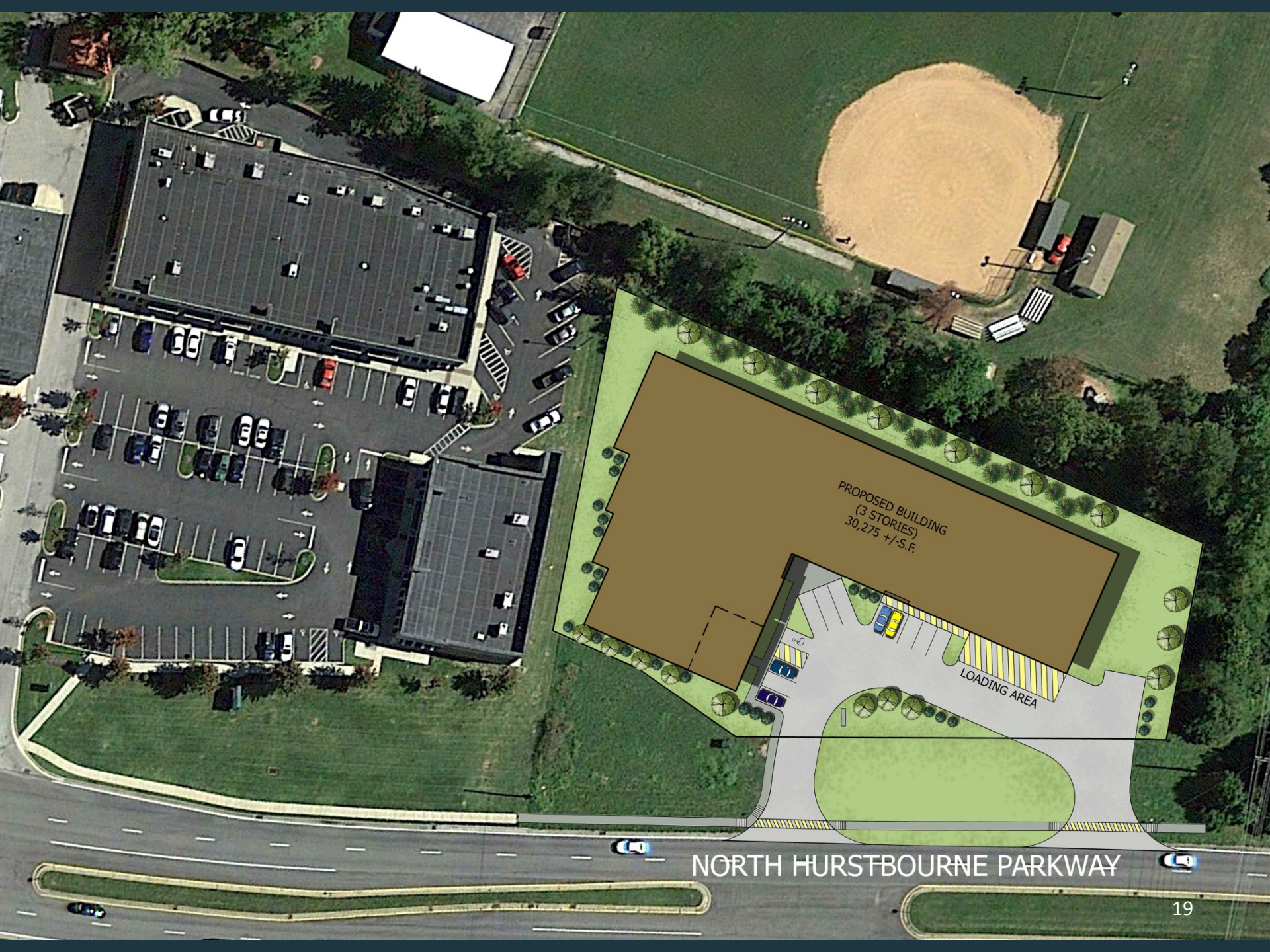




Previously approved development plan for retail and auto care center



Proposed development plan for a 3-story climate controlled self-storage facility



PROPOSED BUILDING  
(3 STORIES)  
30,275 +/- S.F.

LOADING AREA

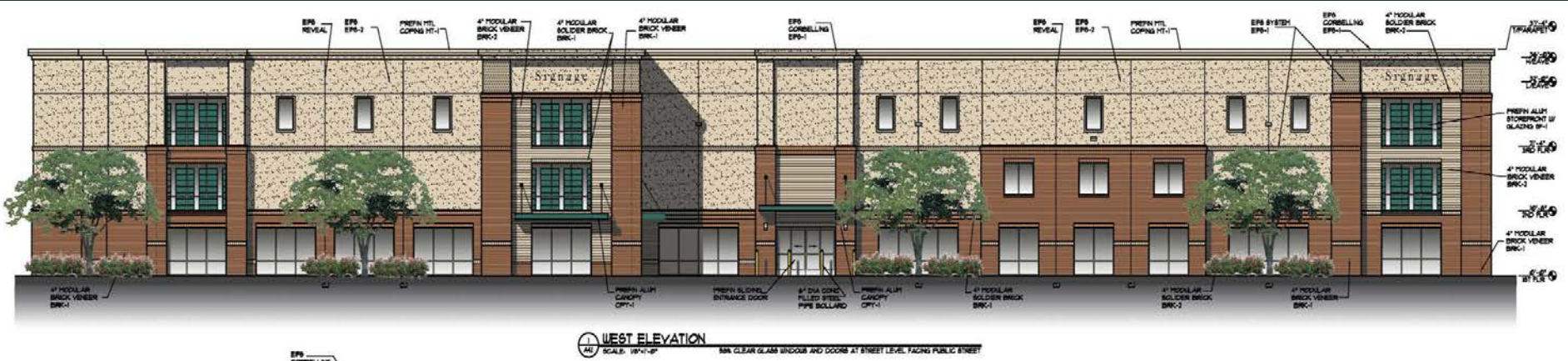
NORTH HURSTBOURNE PARKWAY

# Tab 6

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## Building Elevations

# Hurstbourne Parkway front elevation





# Adjoining retail center side elevation





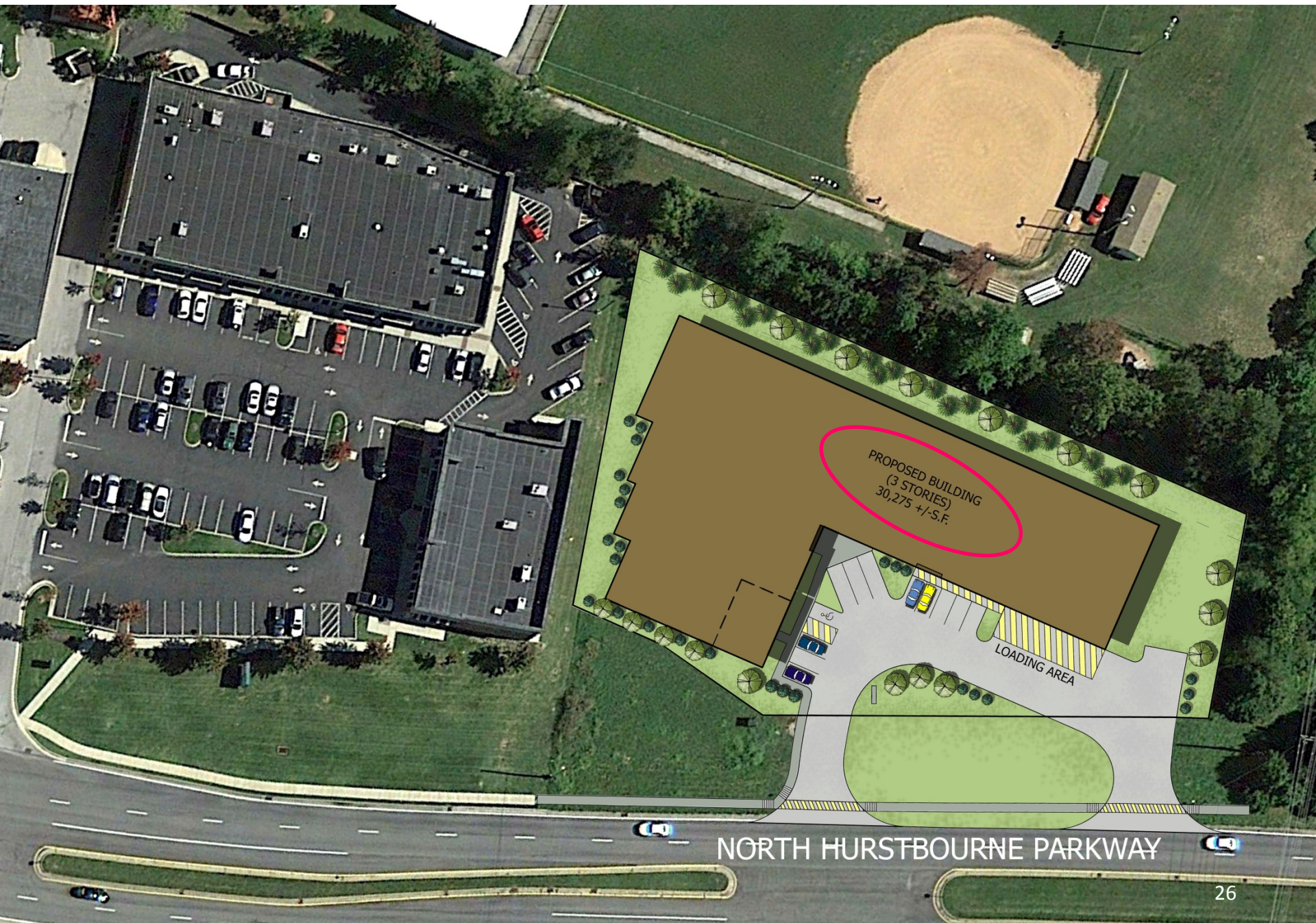


# Tab 7

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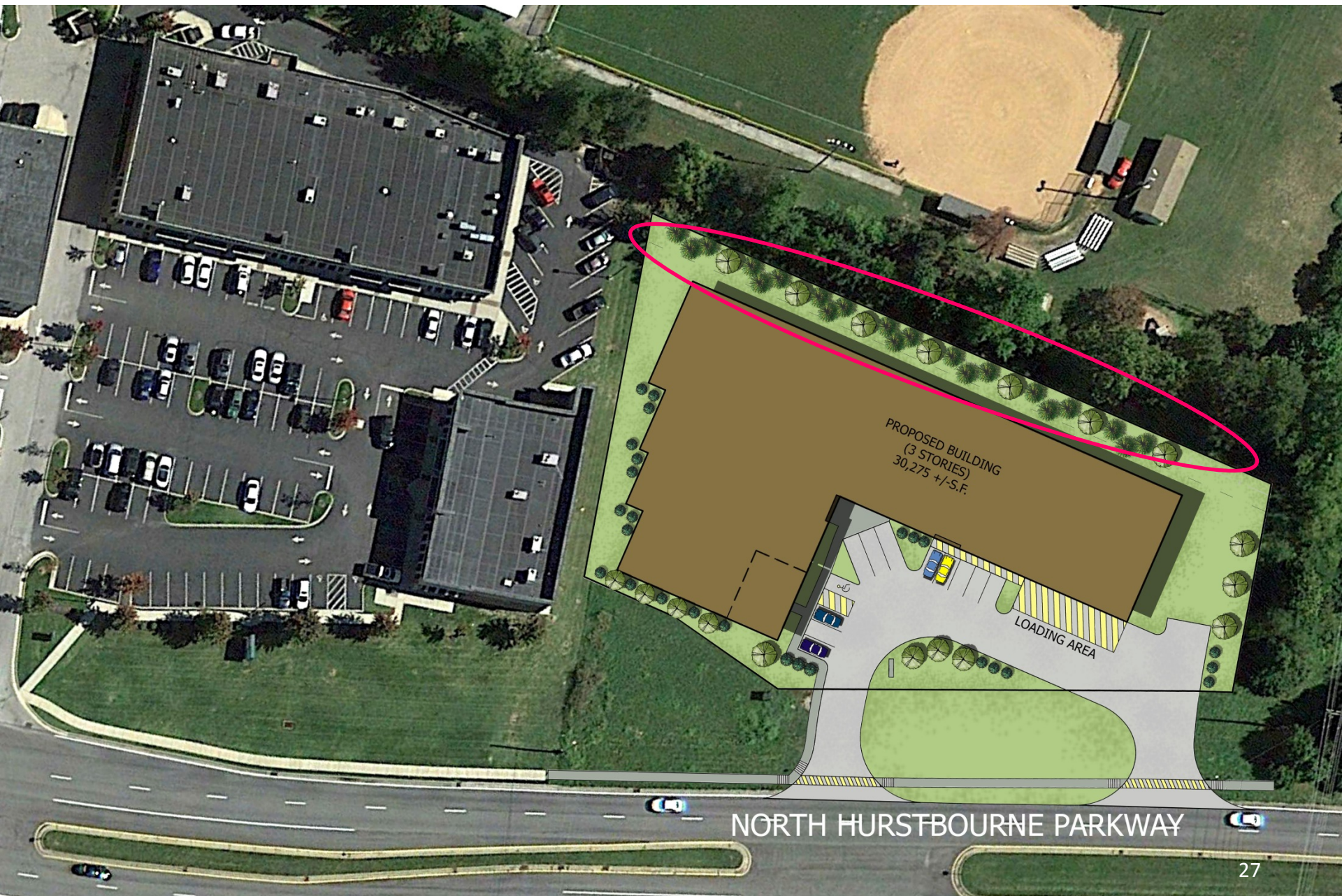
## Variance, Waiver and Relief requests

Variance and CUP Relief to allow the building to be 3-stories/37.5 ft in height.

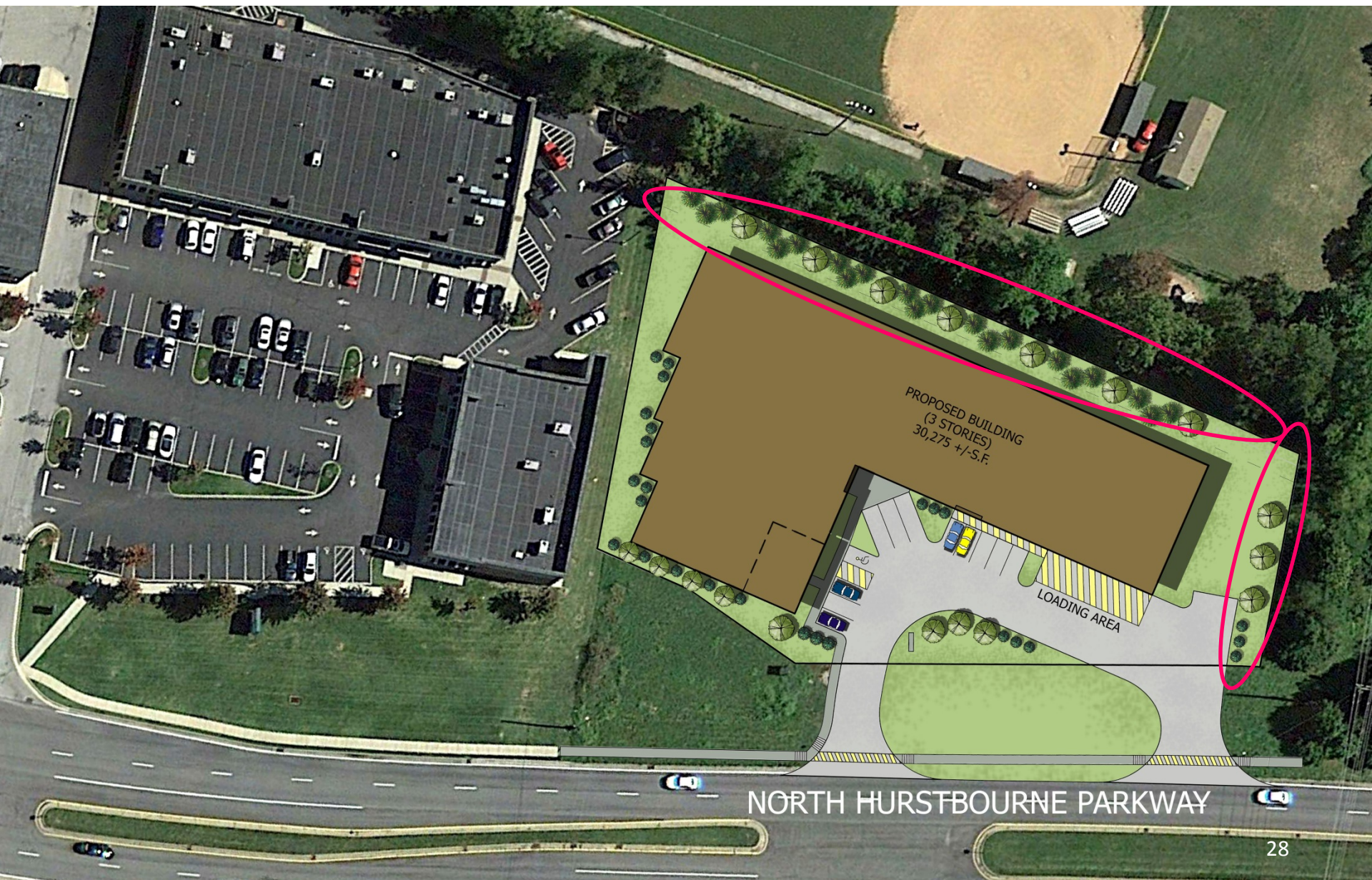


NORTH HURSTBOURNE PARKWAY

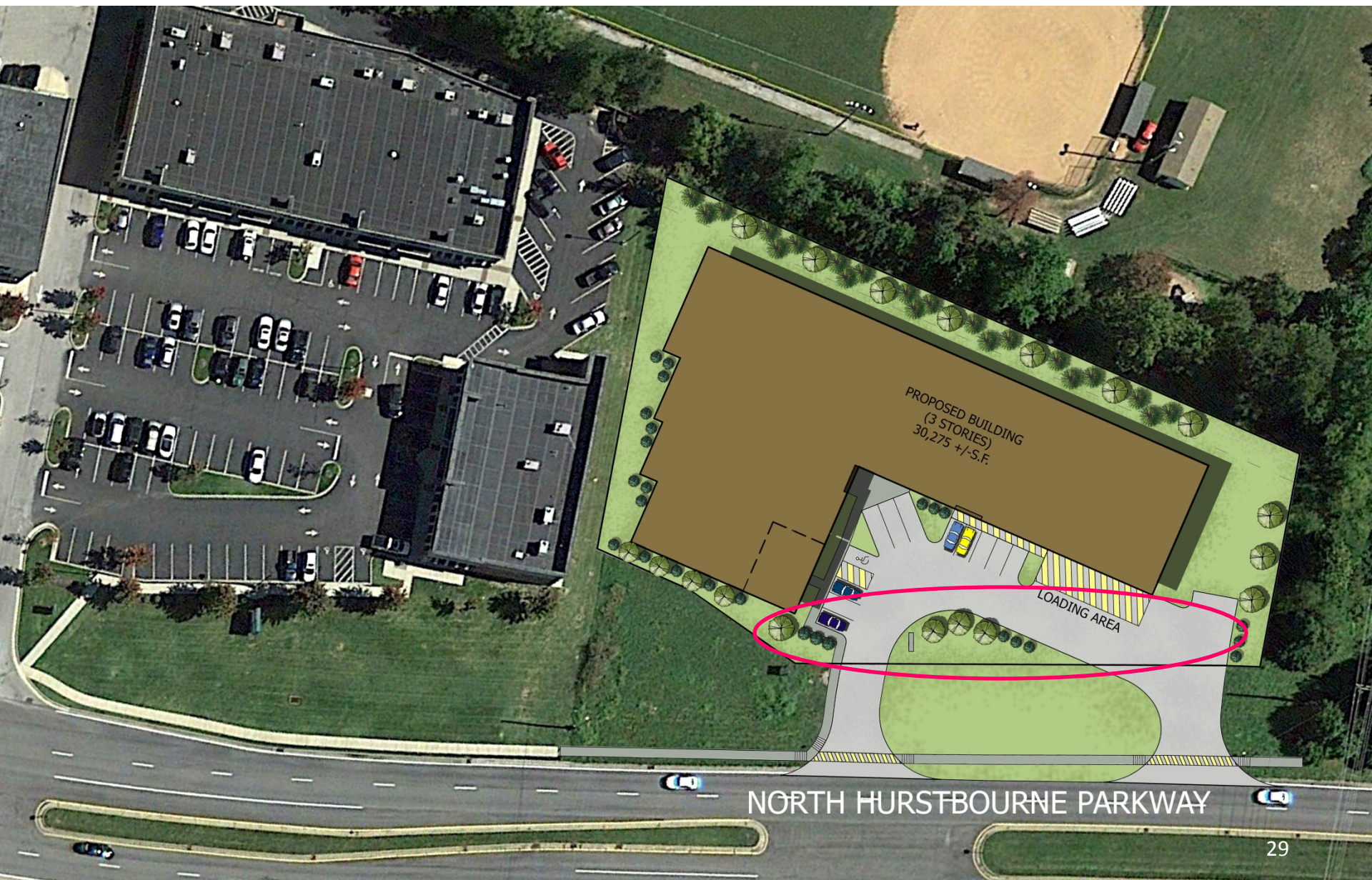
Variance to allow the building to be 25 ft instead of 30 ft from the residentially zoned church ball field site.



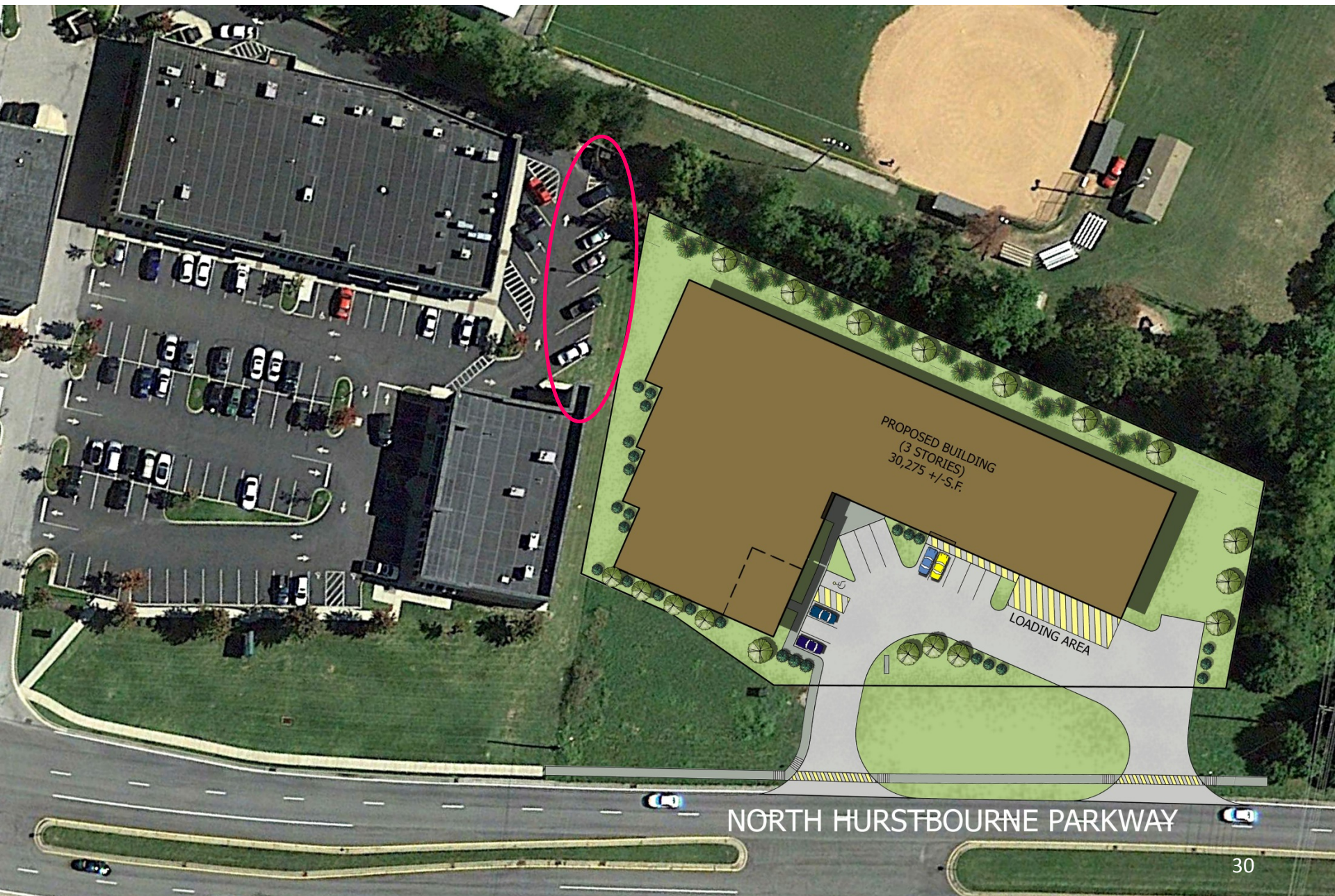
Waivers to reduce the east and south LBAs from 20 to 15 ft because of a sewer and drainage easement to the east and because of MPW's request of applicant to set aside along the south a potential access connection to the church ball field property



Waiver to allow parking and maneuvering to encroach into just a portion of the 30 ft Parkway Buffer. Note extra greenspace provided in some areas of Parkway setback and in excess ROW. Note also similar setback to retail center to the north of this site.



Waiver to not provide a vehicular connection in this area, substituting the proposed Binding Element/Condition of Approval instead



# Tab 8

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## Proposed Additional Binding Element/Condition of Approval

# Proposed Additional Binding Element/Condition of Approval

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- If the approved Detailed District Development Plan for the multi-level, climate-controlled, self-storage facility is ever revised for an alternate non-storage facility use, then a drive connection to the north shall be included on that revised development plan.



# Tab 9

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Photos of retail center to the north  
where connectivity waiver is requested



Connectivity Binding Element requested because no possibility of connection exists. Note directional arrows.



Connectivity Binding Element requested because no possibility of connection exists. Note directional arrows.



Connectivity Binding Element requested because no possibility of connection exists. Note directional arrows.



Connectivity Binding Element requested because no possibility of connection exists.



Connectivity Binding Element requested because no possibility of connection exists.



Connectivity Binding Element requested because no possibility of connection exists.



Connectivity Binding Element requested because no possibility of connection exists.





Connectivity Binding Element requested because no possibility of connection exists.



Connectivity Binding Element requested because no possibility of connection exists.



Connectivity Binding Element requested because no possibility of connection exists.



Connectivity Binding Element requested because no possibility of connection exists.



Connectivity Binding Element requested because no possibility of connection exists.

# Tab 10

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## Variance & Waiver Justifications

### **Variance Justification:**

In order to justify approval of any variance, the Board of Zoning Adjustment considers the following criteria. Please answer all of the following items. Use additional sheets if needed. A response of yes, no, or N/A is not acceptable.

Variance of: Section 5.3.1.C.5, Table 5.3.2 to allow the building height to exceed the maximum 35 ft. by 3 ft.

1. The variance will not adversely affect the public health, safety or welfare because the added height is an aesthetic, not public health, safety or welfare, one.
2. The variance will not alter the essential character of the general vicinity because there are other taller office buildings in the vicinity along Hurstbourne Parkway.
3. The variance will not cause a hazard or a nuisance to the public because the added height is an aesthetic, not a nuisance, one. Moreover, this slightly taller than Code-allowed building adjoins a retail center to the north, a park to the south, a church ballfield to the east and a major arterial highway to the west, none of which will be adversely impacted by a few additional feet of height.
4. The variance will not allow an unreasonable circumvention of the requirements of the zoning regulations because here are other taller office buildings in the vicinity along Hurstbourne Parkway.

Additional consideration:

1. The Variance arises from special circumstances, which do not generally apply to land in the general vicinity, but rather the added height is an aesthetic issue in an area where this slightly taller than Code-allowed building adjoins a retail center to the north, a park to the south, a church ballfield to the east and a major arterial highway to the west, none of which will be adversely impacted by a few additional feet of height.

2. 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 it would have to squish the building a few feet shorter, which would leave internal floors shorter than practically required to best serve their storage purposes, while not benefitting any adjoining properties aesthetically or otherwise.

3. The circumstances are not the result of actions of the applicant taken subsequent to the adoption of the regulation, but rather are a result of the practical circumstances of a storage unit's dimensions, including height, especially in relationship to a location such as this one adjoining open fields, another commercial use and an arterial highway.



### **Variance Justification:**

In order to justify approval of any variance, the Board of Zoning Adjustment considers the following criteria. Please answer all of the following items. Use additional sheets if needed. A response of yes, no, or N/A is not acceptable.

Variance of: Section 5.3.1.C.5, Table 5.3.2 to allow the building to be closer than 30 ft where next to a residential zone.

1. The variance will not adversely affect the public health, safety or welfare because the diminished setback is an aesthetic, not public health, safety or welfare, one, which can be mitigated with enhanced landscaping.
2. The variance will not alter the essential character of the general vicinity because enhanced setbacks and landscaping off-set the diminished setback.
3. The variance will not cause a hazard or a nuisance to the public because the diminished setback is an aesthetic, not a nuisance, issue. Moreover, the building being slightly closer to the church property than Code-allowed should not impact the adjoining ballfield use of that property, especially since the subject property includes a 25 ft setback which will include enhanced landscaping.
4. The variance will not allow an unreasonable circumvention of the requirements of the zoning regulations because the building being slightly closer to the church property than Code-allowed should not impact the adjoining ballfield use of that property, especially since the subject property includes a 25 ft setback which will include enhanced landscaping.

Additional consideration:

1. The Variance arises from special circumstances, which do not generally apply to land in the general vicinity, but rather the diminished setback is an aesthetic issue in an area where this diminished setback building adjoins a retail center to the north, a park to the south, a church ballfield to the east and a major arterial highway to the west, none of which will be adversely

impacted by a few less feet of setback, which involves enhanced landscaping over what would otherwise be provided.

2. Strict application of the provisions of the regulation would deprive the applicant of a reasonable use of the land or would create unnecessary hardship because the lot is irregularly shaped with an excessive amount of right-of-way setback from Hurstbourne Parkway and a requirement to set aside a 30 ft wide area for a potential access road to the church property.

3. The circumstances are not the result of actions of the applicant taken subsequent to the adoption of the regulation, but rather are a result of the lot being irregularly shaped with an excessive amount of right-of-way setback from Hurstbourne Parkway and a requirement to set aside a 30 ft wide area for a potential access road to the church property.

### **General Waiver Justification:**

In order to justify approval of any waiver, the Planning Commission or Board of Zoning Adjustment considers four criteria. Please answer all of the following questions. Use additional sheets if needed. A response of yes, no, or N/A is not acceptable.

Waiver of: Section 10.2.4, Table 10.2.3 to reduce the buffer yard with to 20 ft to the east and 15' LBA along the south property lines.

Explanation of Waiver:

1. The waiver will not adversely affect adjacent property owners because this waiver request is basically a duplicate of the Variance application already filed which was justified much on the same basis as this Waiver application – that being that the adjoining R-4 property is a church ball field which will not be adversely impacted with a slightly smaller, yet enhanced landscaped LBA, especially considering the significantly reduced impact of this lower intensity use than the auto repair use previously approved.
2. The waiver will not violate the Comprehensive Plan for all the reasons set forth in the originally filed Detailed Statement of Compliance with all applicable Guidelines and Policies of the Cornerstone 2020 Comprehensive Plan considered at time of the original rezoning application which was approved.
3. The extent of waiver of the regulation is the minimum necessary to afford relief to the applicant because, as set forth in the previously filed Waiver and Variance applications, this site is irregularly shaped at its Hurstbourne frontage and it is constrained by the requirement to preserve a potential road connection from Hurstbourne Parkway to the east, which therefore remains as open space serving no valuable aesthetic purpose and highly unlikely to be utilized for the potential road connection purpose that it is reserved for.
4. 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 lot is small, irregularly shaped at its Hurstbourne Parkway frontage and further limited in its utility by virtue of the road connection reservation of land along its southern line.

**General Waiver Justification:**

In order to justify approval of any waiver, the Planning Commission or Board of Zoning Adjustment considers four criteria. Please answer all of the following questions. Use additional sheets if needed. A response of yes, no, or N/A is not acceptable.

Waiver of: Section 10.3.5.A.1 to allow parking spaces and maneuvering to encroach into the 30 ft Parkway Buffer.

Explanation of Waiver:

1. The waiver will not adversely affect adjacent property owners because the diminished setback is an aesthetic issue, which can be mitigated with enhanced landscaping. Moreover, added setback with landscaping is provided along other portions of the property's Hurstbourne Parkway frontage and to the south in an area reserved for a possible (although highly unlikely) future connector road to the church.
2. 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 Conditional Use Permit application.
3. The extent of waiver of the regulation is the minimum necessary to afford relief to the applicant because not all of the Hurstbourne Parkway buffer is encroached upon, and, as said above, setbacks along portions of the Hurstbourne Parkway frontage exceed required Parkway setbacks, plus enhanced landscaping will exist in some of these areas.
4. 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 lot is irregularly shaped with an excessive amount of right-of-way setback from Hurstbourne Parkway along some of its frontage and because of a requirement to set aside a 30 ft wide area for a potential access road to the church property.

**General Waiver Justification:**

In order to justify approval of any waiver, the Planning Commission or Board of Zoning Adjustment considers four criteria. Please answer all of the following questions. Use additional sheets if needed. A response of yes, no, or N/A is not acceptable.

Waiver of: Section 5.5.B.1.0 to not provide a vehicular connection between the parking lots of abutting developments.

Explanation of Waiver:

1. The waiver will not adversely affect adjacent property owners because it is already constructed in a manner that will not allow the connection, and in any event, self-storage facility and ordinary retail center customers do not interact.
2. 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 Conditional Use Permit application.
3. The extent of waiver of the regulation is the minimum necessary to afford relief to the applicant because connectivity on the reverse side of the proposed self-storage facility is intended, just not this side where it doesn't work.
4. 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 with a drive land connecting the 2 sites, especially considering the land required to be reserved on the opposite side of the proposed self-storage facility, there will not be enough development room available on site to construct much of anything.