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Zoning Justification for 8806 & 8912 Smyrna Parkway

DEC 04 2017

R-4 to C-2 with Conditional Use Permit (see additional CUP Justification)

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Demonstration of Appropriateness based upon Chapter 11.4.4.A.1.a of the Land Development Code stating, "How the proposed amendment conforms to the Comprehensive Plan"

The applicant is requesting a change in zoning from R-4, Single Family Residential, to C-2, Commercial, with a conditional use permit to allow mini-warehouses on the rear 2.25 acre portion of the total 10.66 acres located at 8806 & 8912 Smyrna Parkway adjacent to the boundaries of the Highview Neighborhood Plan. The subject property is within the Neighborhood Form District along the identified Smyrna Parkway. The proposed change in zoning will accommodate the planned mixed use retail and restaurants with mini storage. For the reasons stated below, the proposed rezoning with conditional use permit (separate justification) conforms to the Comprehensive Plan and, therefore, should be approved by the Planning Commission and Louisville Metro Council.

Guideline 1: Community Form

The subject property lies within the Neighborhood Form Area as identified by Core Graphic 1 of the Cornerstone 2020 Comprehensive Plan. In the graphic, the form is described as a compact residential area integrated with shops and public spaces. The locations of these shops and non-residential uses that may be contained within the form district are further described in Guideline 1.B.3 as being placed at appropriate locations such as neighborhood centers with a mixture of uses such as offices, retail shops, restaurants and services. These neighborhood centers should be at a scale that is appropriate for nearby neighborhoods and provide for full mobility/accessibility.

The proposal complies with Guideline 1, Community Form, since it provides a mixture of neighborhood serving uses for residents of the surrounding area. The development will be at a 1 story height consistent with the scale of the area and incorporate design elements to the structures to make them appropriate to the Neighborhood Form as specified within the Land Development Code. All buffering and setbacks will be incorporated into the development along the rear and side yards adjacent to existing single family uses to further ensure the development is at an appropriate scale and intensity for the Neighborhood Form. Full pedestrian, vehicular and cyclist connectivity will be provided from Smyrna Parkway to the entrance of each of the uses with full connectivity also provided between each of the uses.

Guideline 2: Centers

The proposed rezoning complies with Guideline 2, Centers, as specifically stated in Policy A.2 to develop non-residential and mixed uses only in designated activity centers. The site of the proposed development is at the intersection of Smyrna Parkway, a primary collector, and the Gene Snyder Freeway (I-265) near Manslick Road. This larger area is specifically identified within the Highview Neighborhood Plan Figure 3.4 as a Neighborhood Activity Center. The neighborhood plan which is considered as part of the Comprehensive Plan states that these areas would be commercially focused areas where development density would increase. The development is commercially focused with neighborhood serving uses that have sufficient population to support it. As stated above, the proposed location is at the intersection of a collector and higher level roadway in compliance with Policy A.9. The development which will create a new activity center in an area for designated activity centers has a compact pattern that allows connections between the uses. It has reduced curb cuts from the entry road and shared access between the lots. The shared access between lots will minimized the overall

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impervious area. The sidewalk network throughout the development will encourage appropriate pedestrian activity and promote accessibility by alternative modes of transportations. These elements of the development are in accordance with Policies A.5, 6, 13, 15 & 16.

Guideline 3: Compatibility

The proposed rezoning complies with Guideline 3 of the Cornerstone 2020 Compressive Plan because the Neighborhood Form District identifies its intent to allow a mixture of land uses within neighborhoods as long as they are designed to be compatible with each other. The buildings will be providing a variety of materials and architectural animating features which will serve as a point of compatibility with the larger neighborhood area. All of these building elements will be in accordance with the Land Development Code. Significant setbacks and landscape buffer areas will be provided along the property boundaries adjacent to the single family homes to the west and north with screening located in these buffer areas to mitigate any impacts. The setbacks, buffers and screening will allow for appropriate transition from the existing residential to the proposed non-residential uses in accordance with Policy A.4. The single story height of the development is compatible with the existing properties located within the larger Neighborhood Form District. Lighting will be compliant with the Land Development Code to mitigate any adverse impacts of lighting from the proposed development on nearby properties. All site signage will be compatible with the form district pattern and the existing Gene Snyder Freeway signage ordinance.

The proposed rezoning and new development will be located within a specified activity center. It will have full accessibility to people with disabilities consistent with federal, state and local regulations. The parking areas for the development are not located adjacent to the existing residential areas to minimize their impacts. The extensive internal and perimeter landscaping will result in diminished impact of the parking, loading and delivery areas around the mixed use commercial development. The parking is designed to be safe and will utilize shared access points to reduce impervious surface areas and allow multi-modal access to the site. For the aforementioned reasons, the proposed development complies with Guideline 3 of the Comprehensive Plan.

Guidelines 4 & 5: Open Space, Natural Areas and Scenic & Historic Resources

Open space and outdoor amenity areas are being provided throughout the development to provide open space that meets the needs of the community as a component of development. The open space design is compliant with the Land Development Code which follows from Policy A.4 to create open space design consistent with the pattern of development in the form district. The Neighborhood Form District specifies a mix of formal and less formal open space design. The proposal integrates natural features into the pattern of development by preserving tree canopy along the south, north and west property perimeters. Significant landscape buffers are proposed around the perimeter of the site that provides additional open space to integrate the development into the larger neighborhood. The site contains no environmental limitations, scenic or historic resources which would inhibit the proposed development. There are no identified hydric soils, severe, steep or unstable slopes that would create an impediment to the proposed rezoning and associated development. Accordingly, the proposed development meets Guidelines 4 & 5 of the Cornerstone 2020 Comprehensive Plan.

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Guidelines 7, 8 & 9: Circulation, Transportation Facility Design and Bicycle, Pedestrian & Transit

The rezoning is located along a primary collector at the intersection of the Gene Snyder Freeway. It has a nearby intersection of two primary collectors at Smyrna Parkway and East Manslick Road. The access to the site is utilizing an existing roadway known as KY State Road #6320 that functions as a frontage road parallel to Smyrna Parkway. There are only two curb cuts to facilitate safe vehicular access to the site. The proposal will contribute its proportional share of roadway improvements as identified by the traffic impact study.

Sidewalks will be constructed within the right of way along KY State Road #6320 frontage to provide connections and access for all four lots where appropriate. The external and internal sidewalk network promotes bicycle and pedestrian use throughout the development. All appropriate cross over access and adequate parking will be provided to further promote safe vehicular access and support the mixture of uses. Bicycle amenities will be provided throughout the development in accordance with the Land Development Code. Therefore, the proposed rezoning and development comply with Guidelines 7, 8 & 9 of the Cornerstone 2020 Comprehensive Plan.

Guidelines 10 & 11: Flooding, Stormwater & Water Quality

The subject site is located above the 100 year floodplain, does not contain steep slopes, unstable or hydric soils or any protect waterways and, as a result, there are no environmental constraints which would prevent commercial development of the property. The proposed development is located on a site that will enable proper stormwater handling and release management that will not adversely affect adjacent and downstream properties. There will be no increase in velocity at point of discharge at property line and no increase in drainage run-off to the right of way. On site detention will accommodate onsite drainage and mitigate any impacts of the proposed development to the watershed. The stormwater detention design will receive approval from MSD prior to construction. Post developed peak flows will be limited to pre-developed peak flows for the 2, 10 and 100 year storms or to the capacity of the downstream system. In addition, an Erosion Prevention and Sediment Control Plan utilizing best management practices will be implemented prior to construction. The project will meet all MS4 Water Quality Regulations established by MSD with proper use of green best management practices. For above mentioned reasons, the proposed rezoning and development comply with Guidelines 10 & 11 of the Cornerstone 2020 Comprehensive Plan.

Guideline 12: Air Quality

As previously demonstrated, the proposal represents a compact and efficient land use pattern. It utilizes the existing roadways and frontage road from Smyrna Parkway. The proposed development is a mix of uses with proper circulation and connectivity that will promote a reduction in vehicle travel on the site with an effort to increase pedestrian connectivity. These combined efforts will aid in reducing the air quality impacts of the development. The neighborhood serving uses proposed on the subject property comply with Guideline 12 of the Cornerstone 2020 Comprehensive Plan.

Guideline 13: Landscape Character

The proposed rezoning and development complies with Guideline 13 of Cornerstone 2020 of the Comprehensive Plan by meeting the majority of all landscape requirements of the Land Development Code. Significant landscape buffers will be provided along all property perimeters to ensure the surrounding single family residential uses are adequately buffered. Tree preservation best management

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practices will be followed within the identified tree canopy credit areas to the south, west and north perimeters that incorporate the native plant communities of the property. The overall tree canopy requirements for the four lots will be met. Interior landscaping will be installed within the vehicular use area to break up the parking areas and enhance the overall aesthetics of the site.

Guidelines 14 & 15: Infrastructure and Community Facilities

The proposal complies with Guidelines 14 & 15 of the Cornerstone 2020 Comprehensive Plan because the subject property will be served by existing utilities and infrastructure which have adequate carrying capacity to accommodate the proposed development. All necessary utilities are available to the site. The subject property has a fire hydrant located along the frontage road and existing water utilities that give it access to an adequate supply of potable water and water for fire-fighting purposes. Additional fire hydrants will be provided to comply with Kentucky Building Code requirements. The subject property is served by the Highview Fire Protection District and Louisville Metro Police Department.

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Conditional Use Permit justification for proposed mini-storage (Chapter 4.2.35 of LDC):

In its review of Conditional Use Permit applications, the Board shall include, at a minimum, consideration of the following factors:

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1. The purpose and intent and all other requirements of this code.

The purpose and intent of the code requirements will be met with the proposed mini-storage conditional use permit area following the required building setbacks and landscape buffering with code required parking located along the frontage of the associated office space. The mini-storage area will be gated from the larger proposed retail/restaurant development.

2. Whether the proposal is consistent with the applicable policies of the Comprehensive Plan.

The conditional use permit proposal is consistent with Guideline 1, Community Form, of Cornerstone 2020 by including a mix of uses within the neighborhood center that are at a scale appropriate for the nearby neighborhood. The proposal is also located at the exchange of Smyrna Parkway, a major arterial and the Gene Snyder Freeway (I-265). Guideline 3, Compatibility, Policies 4 & 5 discuss a non-residential expansion into an existing residential area and how if an expansion occurs mitigation measures can be used to decrease any potential adverse impacts. The intent of this guideline is being met with the setback and landscape buffer with screening areas surrounding the CUP portion of the larger site as well as the scale of the proposed mini-storage structures. These methods mitigate the potential adverse impacts on adjacent residential properties to the west and south while providing appropriate transitions, setbacks and building heights as further specified within Guideline 3, Compatibility, and Plan Elements A.21-23. Further Cornerstone 2020 compliance is demonstrated with the tree preservation proposed along the western and southern boundaries of the CUP area. This element of the development follows the plan elements and policies of Guideline 4, Open Space. Adequate parking will be provided on the site to support the use as highlighted within Guideline 7, Mobility & Transportation, Policy/Plan Element 10. Multi-modal connectivity is also provided to the CUP portion of the larger development with pedestrian and vehicular connectivity from Smyrna Parkway to the entrance of the mini-storage area demonstrating further compliance with Guideline 7, Mobility & Transportation. The existing and proposed utility infrastructure on the site will be in compliance with Guidelines 10 & 14, Stormwater & Community Facilities Infrastructure.

3. The compatibility of the proposal with surrounding land uses and the general character of the area including such factors as height, bulk, scale, intensity, traffic, noise, odor, drainage, dust, lighting, appearance, etc.

The proposed Mini-Warehouses is at a scale appropriate with the surrounding residential area, and will have a limited impact on adjacent and nearby residential uses. The proposal provides appropriate transitions to adjacent residential uses through the use of landscape buffer yards, setbacks and screening. Setbacks and building heights are compatible with nearby properties

and meet form district requirements for the proposed zoning district; therefore, the proposal is compatible with surrounding uses and the general character of the area.

4. Whether necessary public facilities (both on-site and off-site), such as transportation, sanitation water, sewer, drainage, emergency services, education, recreation, etc. will be adequate to serve the proposed use.

Improvements to the site and right-of-way made necessary by the proposed development, such as transportation and drainage, will be adequately provided to serve the proposed use and the larger proposed mixed use development.

5. Any other matter that the Board may deem appropriate and relevant to the specific proposal.

Mini-warehouses may be allowed in the C-2 District where the premises abut on a roadway classified as a collector or major or minor arterial as designated in the Comprehensive Plan for all of Jefferson County, Kentucky, upon the granting of a Conditional Use Permit and compliance with the listed requirements.

A. The property shall be landscaped so as to blend in with the surrounding area and shall be screened and buffered from adjacent uses of a non-industrial nature.

The property will be landscaped adjacent to all residential uses to the west and south with the required 30' landscape buffer and screening.

B. No building, structure or pavement shall be located closer than 30 feet to side property lines or property lines abutting residential areas. This area is reserved as a landscape buffer area.

The mini-storage area will have a 30' setback from both the west and south property lines abutting residential areas. These areas are completely reserved as landscape buffer areas to provide appropriate transitions between the uses.

C. No outside storage shall be allowed on the property.

All storage is provided within the proposed buildings of the CUP area.

D. No storage of toxic or hazardous materials shall be allowed on the property.

There will be no storage of toxic or hazardous materials allowed on the property.

E. There shall be no retail or wholesale sales or distributing activities on site.

There will be no retail, wholesale sales or distributing activities on the CUP portion of the site. There will be only mini-storage located on the CUP area of the larger development.

G. No structure on the site shall be taller than one story and shall not exceed 15 feet in height (except for one freestanding sign as allowed in H below).

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The mini-storage structures proposed on the CUP portion of the larger development will not exceed the height restrictions.

H. Signs - Only one freestanding sign shall be allowed and shall conform to limits established for the form district in which the sign is located.

Multiple signs are being proposed as part of the larger mixed use development. The signage will follow the required Gene Snyder Freeway signage ordinance. Variances are being requested for other portions of the signage located along the Smyrna Parkway signage. Relief from the listed requirement is needed to follow the requested signage variance.

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Variance Application

Louisville Metro Planning & Design Services

Case No.: 17ZONE1045 Intake Staff: NH

Date: 1/5/18 Fee: Ø

Applications are due on Mondays at 2:00 p.m. in order to be processed that week. Once complete, please bring the application and supporting documentation to: Planning and Design Services, located at 444 South 5th Street, Suite 300. For more information, call (502) 574-6230 or visit <http://www.louisvilleky.gov/PlanningDesign>.

Project Information:

This is a variance from Section 5.3.1.C.5 of the Land Development Code, to allow To allow pavement within a portion of a 50' setback.

Primary Project Address: 8912 Smyrna Parkway

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Additional Address(es): _____

JAN 05 2018

Primary Parcel ID: 065301860000

PLANNING & DESIGN SERVICES

Additional Parcel ID(s): _____

Proposed Use: Retail Existing Use: undeveloped

Existing Zoning District: R-4 Existing Form District: Neighborhood

Deed Book(s) / Page Numbers²: 10835 x 876

The subject property contains 10.66 acres. Number of Adjoining Property Owners: 22

Has the property been the subject of a previous development proposal (e.g., rezoning, variance, appeal, conditional use permit, minor plat, etc.)? *This information can be found in the Land Development Report (Related Cases)*¹ Yes No

If yes, please list the docket/case numbers:

Docket/Case #: 17ZONE1045 Docket/Case #: _____

Docket/Case #: _____ Docket/Case #: _____

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.

1. Explain how the variance will not adversely affect the public health, safety or welfare.

The requested variance will not adversely affect public health safety or welfare since the area of encroachment is a minor area of pavement intended to allow proper circulation around the retail building. There will an expansive tree canopy credit area with 8' solid privacy fencing along the residential property line.

2. Explain how the variance will not alter the essential character of the general vicinity.

The requested variance will not alter the essential character of the general vicinity since the existing tree canopy along the adjacent residential property perimeter will be preserved and privacy screening placed to minimize any visual impacts.

3. Explain how the variance will not cause a hazard or a nuisance to the public.

The requested variance will not cause a hazard or nuisance to the public since the minor pavement encroachment will allow for vehicular access to the rear of the buildings as needed for fire and emergency management services. There will an expansive tree canopy credit area with 8' solid privacy fencing along the residential property line to minimize impact of the circulation needed along this portion of the proposed non-residential property.

4. Explain how the variance will not allow an unreasonable circumvention of the requirements of the zoning regulations.

The requested variance will not allow an unreasonable circumvention of the zoning regulations since the extent of the encroachment has been reduced to only the area needed for rear access and circulation around the proposed non-residential building.

Additional consideration:

1. Explain how the variance arises from special circumstances, which do not generally apply to land in the general vicinity (please specify/identify).

The variance arises from the angle of the residential to non-residential property line in relationship to the needed circulation around the proposed primary retail building for fire and EMS. The area of the variance is specifically along a lengthy portion of the adjacent residential properties that extends well beyond the established pattern of residential properties along this block of Maple Road.

2. Explain how the strict application of the provisions of the regulation would deprive the applicant of the reasonable use of the land or would create unnecessary hardship.

The strict application of the provisions of the regulation would deprive the applicant of sufficient area to allow circulation around the rear of the primary retail building. It would reduce the area of allowed pavement for circulation to less than the minimum 24' width.

3. Are the circumstances the result of actions of the applicant taken subsequent to the adoption of the regulation from which relief is sought?

No. The applicant is requesting this variance prior to beginning site disturbance or construction.

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Variance Application

Louisville Metro Planning & Design Services

Case No.: 17zone 1045 Intake Staff: MC

Date: 12/4/17 Fee: _____

Applications are due on Mondays at 2:00 p.m. in order to be processed that week. Once complete, please bring the application and supporting documentation to: Planning and Design Services, located at 444 South 5th Street, Suite 300. For more information, call (502) 574-6230 or visit <http://www.louisvilleky.gov/PlanningDesign>.

Project Information:

This is a variance from Section 5.3.1.C.5. of the Land Development Code, to allow A maximum building setback of 370 feet for a 35,200 SF retail center.

Primary Project Address: 8912 Smyrna Parkway

Additional Address(es): _____

Primary Parcel ID: 065301860000

Additional Parcel ID(s): _____

Proposed Use: Retail, mini-storage Existing Use: undeveloped

Existing Zoning District: R-4 Existing Form District: Neighborhood

Deed Book(s) / Page Numbers²: 10835 x 876

The subject property contains 10.66 acres. Number of Adjoining Property Owners: 22

Has the property been the subject of a previous development proposal (e.g., rezoning, variance, appeal, conditional use permit, minor plat, etc.)? *This information can be found in the Land Development Report (Related Cases)*¹ Yes No

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If yes, please list the docket/case numbers:

Docket/Case #: 17ZONE1045 Docket/Case #: _____

Docket/Case #: _____ Docket/Case #: _____

DEC 04 2017

PLANNING & DESIGN SERVICES

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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.

1. Explain how the variance will not adversely affect the public health, safety or welfare.

This variance will not adversely impact the public health, safety or welfare because the proposed subject building is facing an existing cellular tower where the retail activity and amenities will benefit from an increased setback. All other buildings comply with the LDC setback requirements.

2. Explain how the variance will not alter the essential character of the general vicinity.

The increased setback for 80% of the building's façade is centrally located on the property with substantial buffering proposed adjacent to all residential neighbors. The character of this general vicinity of the Snyder/Smyrna Parkway interchange zone will be complimented by the development.

3. Explain how the variance will not cause a hazard or a nuisance to the public.

This variance will help separate the retail center and its amenities from the existing cellular tower and its maintenance and operations. The public safety will benefit from the increase in building setback with a dedicated pedestrian walkway linking the parking area to the retail center.

4. Explain how the variance will not allow an unreasonable circumvention of the requirements of the zoning regulations.

This variance request arises from existing conditions including the cellular tower and a significant drop of elevation from the street level to the buildable area. All other areas of the proposed development meet the building setback requirements of the zoning regulations.

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Additional consideration:

5. Explain how the variance arises from special circumstances, which do not generally apply to land in the general vicinity (please specify/identify).

There is a very steep drop in elevation from Smyrna Parkway to the buildable area of Lot 3. The State owned frontage road, that provides the only access to this site, increases the setback of the buildable area of Lot 3 significantly more than any other property in the general vicinity.

6. Explain how the strict application of the provisions of the regulation would deprive the applicant of the reasonable use of the land or would create unnecessary hardship.

The strict application of the regulation would require the retail building to be located in close proximity to an existing cellular tower and more than twenty feet lower than the street. There would be extremely limited visibility for any development suitable for an interstate interchange zone.

7. Are the circumstances the result of actions of the applicant taken subsequent to the adoption of the regulation from which relief is sought?

No. The applicant is requesting this variance prior to requesting development plan approval or beginning site disturbance or construction.



Variance Application

Louisville Metro Planning & Design Services

Case No.: 17zone 1045 Intake Staff: MC

Date: 12/4/17 Fee: _____

Applications are due on Mondays at 2:00 p.m. in order to be processed that week. Once complete, please bring the application and supporting documentation to: Planning and Design Services, located at 444 South 5th Street, Suite 300. For more information, call (502) 574-6230 or visit <http://www.louisvilleky.gov/PlanningDesign>.

Project Information:

This is a variance from Section 8.3.3.B.10.d. of the Land Development Code, to allow Freestanding signs to be 120 SF area and 26 feet height- increase of 48 SF and 17 feet ht.

Primary Project Address: 8912 Smyrna Parkway

Additional Address(es): _____

Primary Parcel ID: 065301860000

Additional Parcel ID(s): _____

Proposed Use: Retail, mini-storage Existing Use: undeveloped

Existing Zoning District: R-4 Existing Form District: Neighborhood

Deed Book(s) / Page Numbers²: 10835 x 876

The subject property contains 10.66 acres. Number of Adjoining Property Owners: 22

Has the property been the subject of a previous development proposal (e.g., rezoning, variance, appeal, conditional use permit, minor plat, etc.)? *This information can be found in the Land Development Report (Related Cases)*¹ Yes No

If yes, please list the docket/case numbers:

Docket/Case #: 17ZONE1045 Docket/Case #: DEC 04 2017

Docket/Case #: _____ Docket/Case #: _____

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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.

1. Explain how the variance will not adversely affect the public health, safety or welfare.

This variance will not adversely affect the public health, safety or welfare because the proposed signs are setback further due to a frontage road and are located approximately 20 feet lower than the adjacent street.

2. Explain how the variance will not alter the essential character of the general vicinity.

The subject site is located in an interstate interchange zone with significantly lower elevation and increased setbacks due to a frontage road that provides the only access. The proposed signage is located near the Smyrna Parkway frontage and away from adjacent residences.

3. Explain how the variance will not cause a hazard or a nuisance to the public.

The variance will not cause a hazard or a nuisance to the public because the proposed signage will appear to be similar to those that would normally be placed at a grade and setback that is typical of a standard parcel adjacent to a major collector and interstate interchange.

4. Explain how the variance will not allow an unreasonable circumvention of the requirements of the zoning regulations.

This height variance requests only the difference in grade between the site and adjacent street elevation and considers the additional setback due to the frontage road accessing the site.

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Additional consideration:

5. Explain how the variance arises from special circumstances, which do not generally apply to land in the general vicinity (please specify/identify).

The subject property's topography and elevation is generally over 20 feet lower than the adjacent street level. There is also a very deep setback from Smyrna Parkway due to the State owned frontage road that provides the only access to this site.

6. Explain how the strict application of the provisions of the regulation would deprive the applicant of the reasonable use of the land or would create unnecessary hardship.

The strict application of the regulation would leave the applicant with no visible signage for restaurants and retail businesses from the adjacent roadway, which is 20 feet higher than the ground level of the development and has irregular R/W lines that add considerably to the setbacks.

7. Are the circumstances the result of actions of the applicant taken subsequent to the adoption of the regulation from which relief is sought?

No. The applicant is requesting this variance prior to requesting development plan approval and beginning site disturbance or construction.

Sidewalk Waiver Justification:

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

1. How does the proposed waiver conform to the Comprehensive Plan and the intent of the Land Development Code?

The proposed waiver conforms to the intent of Cornerstone 2020 and the Land Development Code by providing appropriate pedestrian connections along Lot 1, Lot 2 & the beginning of Lot 3 with full pedestrian connections into each lot and along the entry drive to allow multi-modal access to the entirety of the site.

2. Why is compliance with the regulations not appropriate, and will granting of the waiver result in a development more in keeping with the Comprehensive Plan and the overall intent of the Land Development Code?

Compliance with the regulations is not appropriate as highlighted within Guideline 9, Policy 1 which states that new development should provide, where appropriate, for the movement of pedestrians, bicyclists and transit users with sidewalks along the streets of all developments. Additional sidewalk along the frontage of Lot 3 would terminate in ROW fencing for the Gene Snyder Freeway and around the fenced lot for the existing cellphone tower within the state ROW. A pedestrian connection along the freeway ramp is not appropriate. The termination point shown on Lot 3 is more in keeping with the intent of the appropriate language highlighted within Cornerstone 2020.

3. What impacts will granting of the waiver have on adjacent property owners?

There will be no adverse impacts on adjacent property owners with the granting of the partial sidewalk waiver since Lot 3 terminates into the Gene Snyder Freeway ROW. Adjacent property owners will have full pedestrian and cyclist access to the lots within the development using the proposed sidewalk network along Lots 1, 2 and 3.

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4. Why would strict application of the provision of the regulations deprive you of reasonable use of the land or create an unnecessary hardship for you?

Strict application of the provision of the regulations would create an unnecessary hardship on the applicant by requiring additional sidewalk to be constructed and provided along portions of Lot 3 with significant grade changes between the existing cell tower and Smyrna Parkway as well as around the terminus of Lot 3 at the Gene Snyder Freeway ROW fencing.

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General Waiver Application

Louisville Metro Planning & Design Services

Case No.: 17zone1045 Intake Staff: MC

Date: 12/4/17 Fee: _____

Applications are due on Mondays at 2:00 p.m. in order to be processed that week. Once complete, please bring the application and supporting documentation to: Planning and Design Services, located at 444 South 5th Street, Suite 300. For more information, call (502) 574-6230 or visit <http://www.louisvilleky.gov/PlanningDesign>.

Project Information:

Application is hereby made for one or more of the following waivers of the Land Development Code:

- Landscape Waiver of Chapter 10, Part 2
- Other: Waiver of Section _____

A General Waiver Application is not required for Sidewalk or Tree Canopy Waivers. If applicable, please submit a "Sidewalk Waiver Application" or "Tree Canopy Waiver Application" instead.

Explanation of Waiver: To reduce the 30' parkway buffer to 15' adjacent to a KTC frontage road (KY 6320)

Primary Project Address: 8912 Smyrna Parkway

Additional Address(es): _____

Primary Parcel ID: 065301860000

Additional Parcel ID(s): _____

Proposed Use: Retail, restaurant, mini-storage Existing Use: undeveloped

Existing Zoning District: R-4 Existing Form District: Neighborhood

Deed Book(s) / Page Numbers²: 10835 x 876

The subject property contains 10.66 acres. Number of Adjoining Property Owners: 22

Has the property been the subject of a previous development proposal (e.g., rezoning, variance, appeal, conditional use permit, minor plat, etc.)? *This information can be found in the Land Development Report (Related Cases)*¹ Yes No

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If yes, please list the docket/case numbers:

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Docket/Case #: 17ZONE1045 Docket/Case #: _____

Docket/Case #: _____ Docket/Case #: _____

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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.**

1. Will the waiver adversely affect adjacent property owners?

The waiver will not adversely affect adjacent property owners since appropriate landscaping and screening will be provided within the 15' LBA along Lot 1 and in the state ROW of Lot 2 adjacent to KY 6320. There is also extensive ROW between the KTC frontage road and the Smyrna Parkway edge of pavement which will be maintained and not affected.

2. Will the waiver violate the Comprehensive Plan?

Guideline 3, policy 9 of Cornerstone 2020 calls for the protection of the character of residential areas, roadway corridors and public spaces from visual intrusions and mitigate when appropriate. Guideline 13, policy 4 calls for ensuring appropriate landscape design standards for different land uses within urbanized, suburban, and rural areas. Guideline 13, Policy 7 calls for protection of the character of parkways and scenic byways and corridors through standards for buffers, landscape treatment, lighting and signs. The intent of the parkway standards is to protect existing scenic qualities, to ensure a quality visual experience on developing corridors and to protect the visual experience on established corridors. The intent of the parkway will be maintained with the 30' parkway buffer being provided along Lot 3 where the frontage road ends. Appropriate screening and plantings will be provided along Lots 1 and 2 adjacent to the location of the frontage road.

3. Is extent of waiver of the regulation the minimum necessary to afford relief to the applicant?

The extent of the waiver of the regulation is the minimum necessary to afford relief to the applicant due to the location of the KTC frontage road as well as a rear yard landscape buffer on Lot 1 that need to be maintained. On both Lot 1 and 2 buffering needs to be provided while also meeting the minimum parking requirements, area for needed circulation and queuing and sidewalks safely constructed within the ROW. All of these requirements greatly reduce the area that can be provided for parkway buffering between the lots and the frontage road.

4. Has either (a) the applicant incorporated other design measures that exceed the minimums of the district and compensate for non-compliance with the requirements to be waived (net beneficial effect) or would (b) the strict application of the provisions of the regulation deprive the applicant of the reasonable use of the land or would create an unnecessary hardship on the applicant?

The 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 on the applicant by reducing needed spacing on Lots 1 and 2 to provide the required parking, circulation and sidewalks while also meeting the intent of the buffering requirements with planting and screening materials. The location of the frontage road greatly reduces and restricts the area for buffering along Lots 1 and 2. Lot 3 provides the parkway buffer where there is no frontage road.

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17 ZONE 1045



General Waiver Application

Louisville Metro Planning & Design Services

Case No.: 17zone 1045 Intake Staff: MC

Date: 12/4/17 Fee: _____

Applications are due on Mondays at 2:00 p.m. in order to be processed that week. Once complete, please bring the application and supporting documentation to: Planning and Design Services, located at 444 South 5th Street, Suite 300. For more information, call (502) 574-6230 or visit <http://www.louisvilleky.gov/PlanningDesign>.

Project Information:

Application is hereby made for one or more of the following waivers of the Land Development Code:

- Landscape Waiver of Chapter 10, Part 2
- Other: Waiver of Section _____

A General Waiver Application is not required for Sidewalk or Tree Canopy Waivers. If applicable, please submit a "Sidewalk Waiver Application" or "Tree Canopy Waiver Application" instead.

Explanation of Waiver: To allow utility easements to encroach more than 50% into required LBA's

Primary Project Address: 8912 Smyrna Parkway

Additional Address(es): _____

Primary Parcel ID: 065301860000

Additional Parcel ID(s): _____

Proposed Use: Retail, restaurant, mini-storage Existing Use: undeveloped

Existing Zoning District: R-4 Existing Form District: Neighborhood

Deed Book(s) / Page Numbers²: 10835 x 876

The subject property contains 10.66 acres. Number of Adjoining Property Owners: 22

Has the property been the subject of a previous development proposal (e.g., rezoning, variance, appeal, conditional use permit, minor plat, etc.)? *This information can be found in the Land Development Report (Related Cases)*¹ Yes No

If yes, please list the docket/case numbers:

Docket/Case #: 17ZONE1045 Docket/Case #: _____
 Docket/Case #: _____ Docket/Case #: _____

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17 ZONE 1045

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.**

1. Will the waiver adversely affect adjacent property owners?

The waiver will not adversely affect adjacent property owners since the amount and area of required planting materials will be provided in the ROW adjacent to KY State Route 6320. The location is adjacent to where the utility easement and landscape buffer overlap at nearly 100% with the drainage and storm line in this spot.

2. Will the waiver violate the Comprehensive Plan?

Guideline 3, policy 9 calls for the protection of the character of residential areas, roadway corridors and public spaces from visual intrusions and mitigate when appropriate. Guideline 3, policy 24 states that parking and circulation areas adjacent to streets should be screened or buffered. Guideline 13, policy 4 calls for ensuring appropriate landscape design standards for different land uses within urbanized, suburban, and rural areas. The intent of landscape buffer areas is to create suitable transitions where varying forms of development adjoin, to minimize the negative impacts resulting from adjoining incompatible land uses, to decrease storm water runoff volumes and velocities associated with impervious surfaces, and to filter air borne and water borne pollutants. The intent of these guidelines will be met with plantings and screening to be provided within the ROW adjacent to Lot 2 along KY State Route 6320

3. Is extent of waiver of the regulation the minimum necessary to afford relief to the applicant?

The extent of the waiver of the regulation is the minimum necessary to afford relief to the applicant since there is a nearly 100% overlap of the landscape buffer required and the drainage/storm line along the Lot 2 frontage. The plantings and screening will be provided off site within the state ROW.

4. Has either (a) the applicant incorporated other design measures that exceed the minimums of the district and compensate for non-compliance with the requirements to be waived (net beneficial effect) or would (b) the strict application of the provisions of the regulation deprive the applicant of the reasonable use of the land or would create an unnecessary hardship on the applicant?

The 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 on the applicant by requiring plantings and screening material in an area required to contain the proposed storm line for drainage.

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