

DOCKET NO. 18ZONE1045

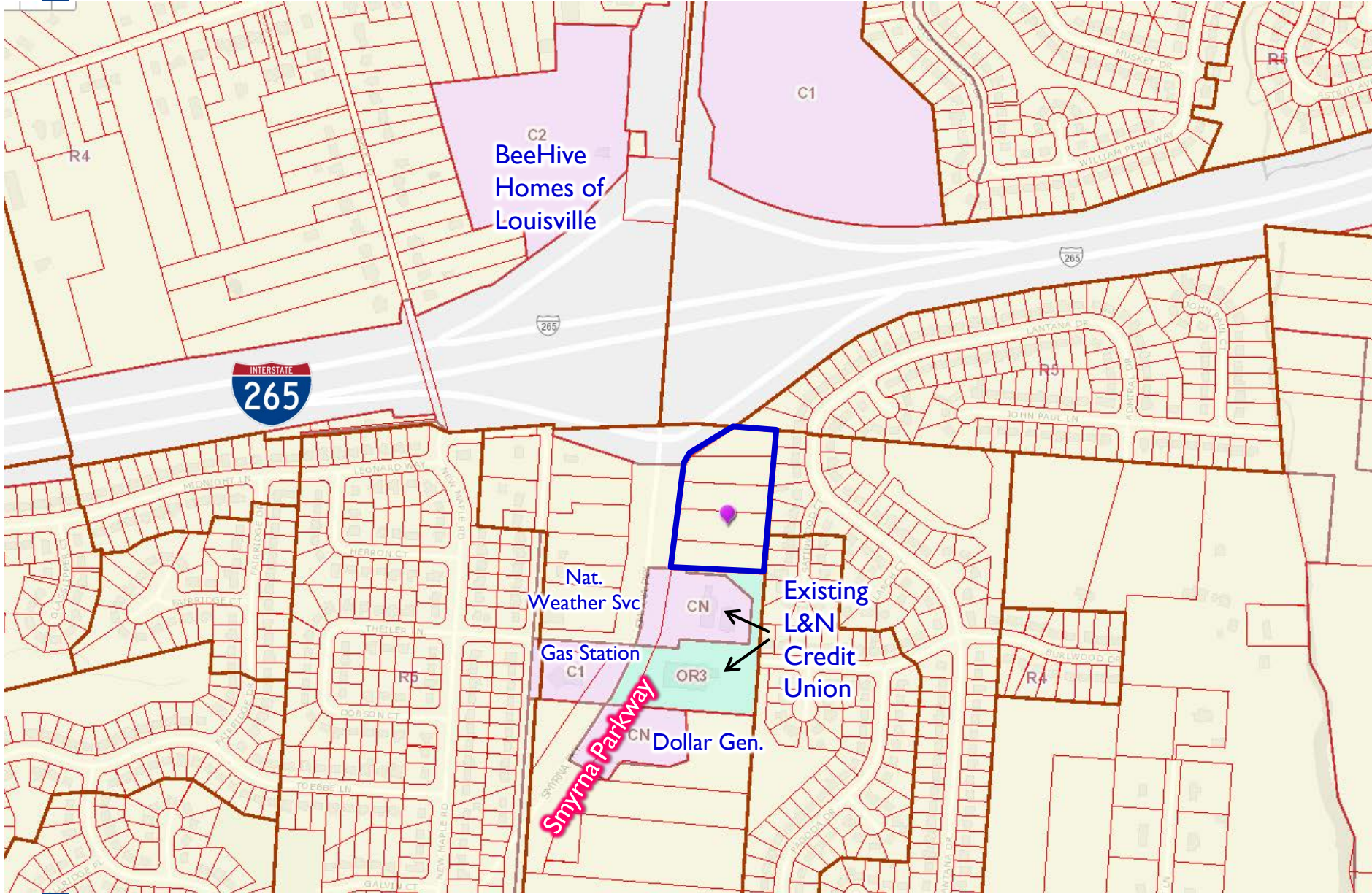
Proposed zone change from R-4 to OR-3 to allow a 3-story, 70,000 sf L&N Federal Credit Union office headquarters on property located at 9101, 9104R, 9109 Lantana Drive, 9113 and 9115 Smyrna Parkway



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Tab I
LOJIC Zoning Map



C2
BeeHive
Homes of
Louisville

INTERSTATE
265

Nat.
Weather Svc

Gas Station

C1

CN Dollar Gen.

Existing
L&N
Credit
Union

Smyrna Parkway

C1

R5

R4

R4

R3

P

Tab 2
**Aerial photograph of the site and
surrounding area**



BeeHive
Homes of
Louisville

Smyrna Parkway

265

265

Nat.
Weather Svc

Gas Station

Existing
L&N Credit
Union

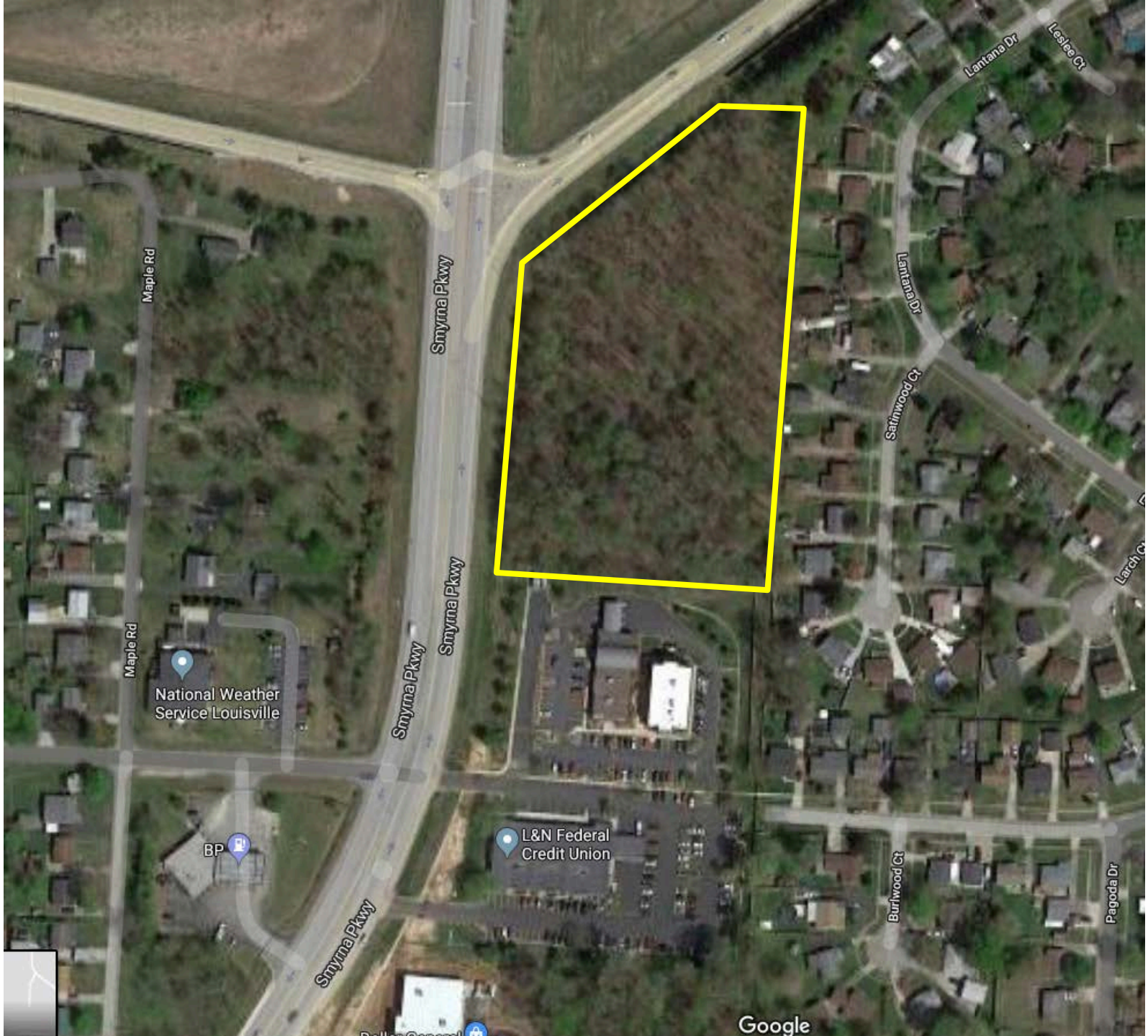
Dollar Gen.

LEONARD WAY
HERRON CT
THEILER LN
MAPLE RD
DOBSON CT
TOEBE LN

LESLEE ST
JOHN PAUL LN
ADMIRAL DR
JOHN PAUL CT
SALINWOOD CT
LARCH CT
BURLWOOD DR
PAGODA DR
LANTANA DR
DUBOIS LN

MAPLE RD

MUSKET DR
WILLIAM PENN WAY



Maple Rd

Maple Rd

National Weather Service Louisville

BP

Smyrna Pkwy

Smyrna Pkwy

Smyrna Pkwy

Smyrna Pkwy

L&N Federal Credit Union

Burfwood Ct

Satinwood Ct

Lantana Dr

Lantana Dr

Leslee Ct

Pagoda Dr

Larch Ct

Google

Tab 3

Ground level photographs of the site
and surrounding area

SITE



View of Smyrna Parkway looking north. Existing L&N Credit Union and site are to the right.



View of Smyrna Parkway looking north. Existing L&N Credit Union and site are to the right.

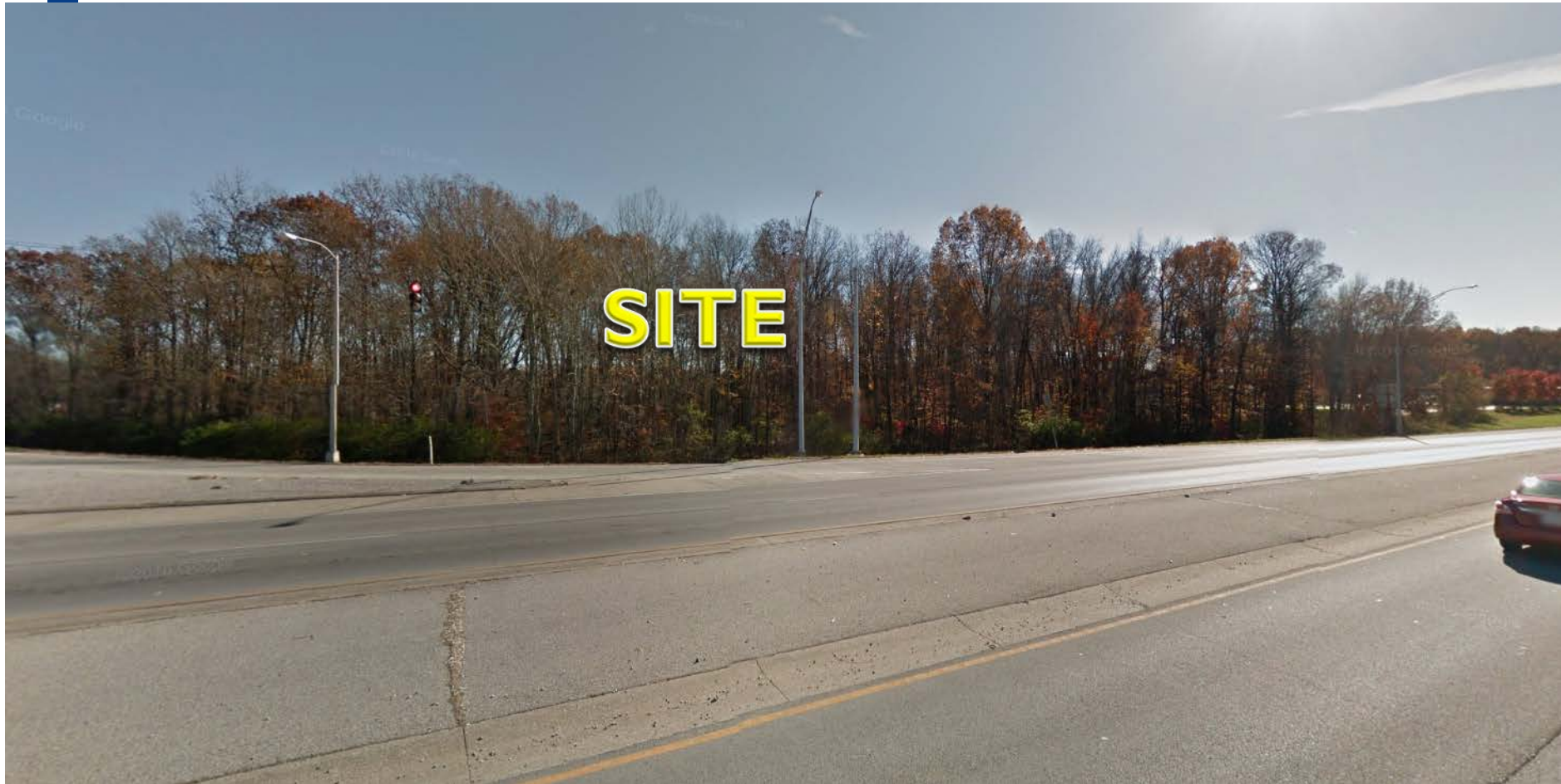


SITE

View of Smyrna Parkway looking north. Existing L&N Credit Union and site are to the right.



View of Smyrna Parkway looking south. Site is to the left.



View of I-265 off-ramp onto Smyrna Parkway.



**CURRENT
L&N SITE**



View of current L&N branch bank



View of current L&N branch bank



Smyrna Parkway

View from L&N branch bank towards the L&N corporate offices looking south down Smyrna Parkway

SITE



View of current L&N branch bank. Site is to the left.



**EXAMPLES OF CURRENT
LANDSCAPE BUFFERS
USED BY L&N**



Landscape and fence buffers behind current L&N corporate offices.



Landscape and fence buffers behind current L&N branch bank.



Landscape and fence buffers behind current L&N site.



Landscape and fence buffers behind current L&N branch bank.



Landscape and fence buffers behind current L&N site.



EXAMPLES OF CURRENT TREE LINE AND FOLIAGE

SITE





SITE

SITE



SITE



SITE



↑ TO I-65
TO I-64 →

SITE



SITE



SITE



A large blue L-shaped graphic element is positioned on the left and bottom sides of the page, framing the central text. The top-left corner is cut off by the top edge of the page.

**VIEWS FROM
RESIDENTIAL SIDE
OF PROPERTY**



Burlwood Drive

View of Burlwood Drive looking towards current L&N site.



Burlwood Drive

View of Burlwood Drive looking towards current L&N site.



Burlwood Drive

View of Burlwood Drive looking towards current L&N site.



Burlwood Drive

View of Burlwood Drive looking towards current L&N site.



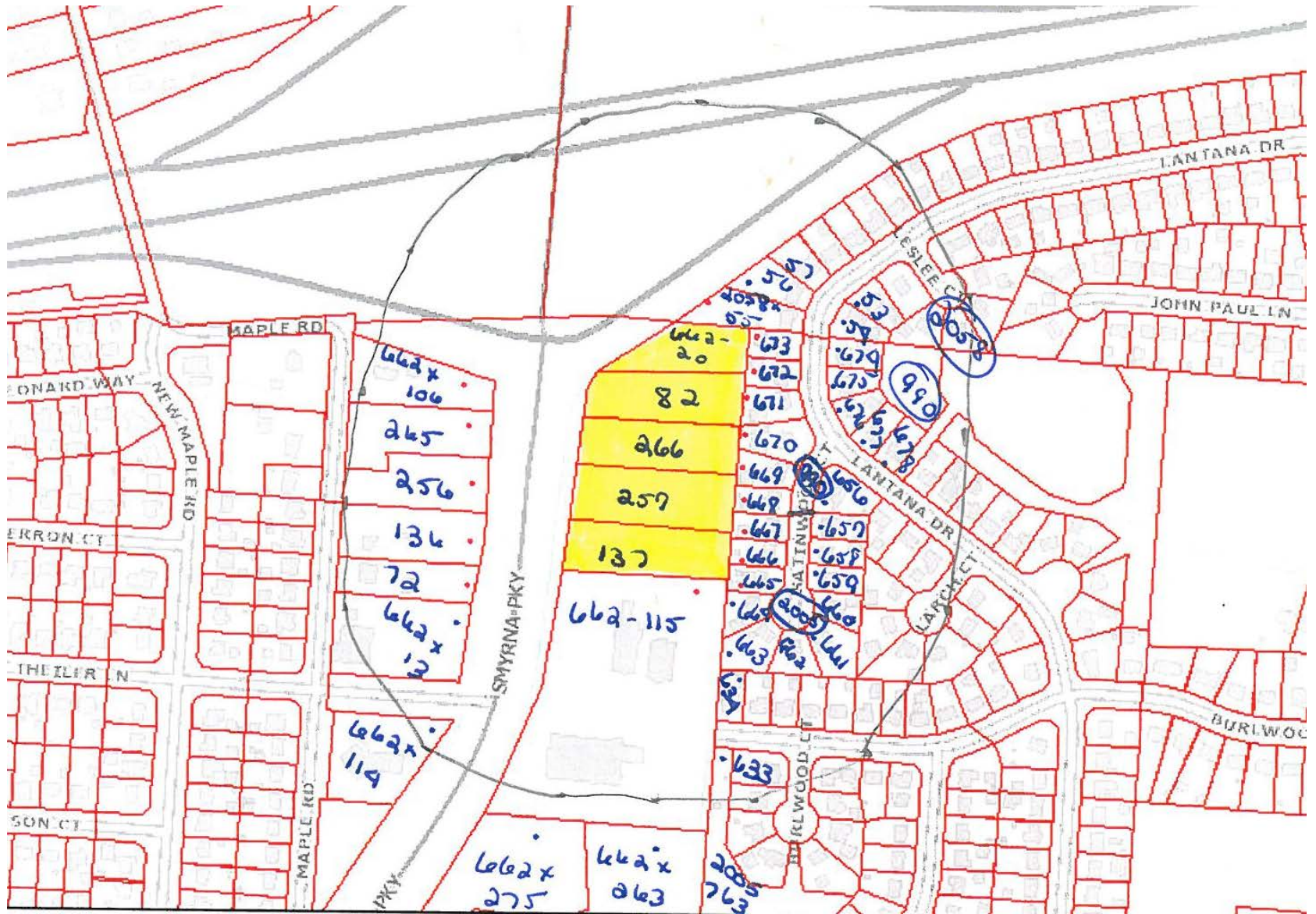
Burlwood Drive

View of Burlwood Drive looking towards current L&N site.

Tab 4

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

Adjoining property owner notice list map wherein 45 neighbors were invited to the various neighborhood meetings and the subsequent LD&T and Planning Commission public hearing.



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

John C. Talbott
Direct dial: 426-0388, ext. 1133
Email: JOHN@BARDLAW.NET

June 29, 2018

Dear Neighbor,

RE: Proposed change in zoning from R-4 to OR-3 to allow a bank on approximately 4.5 acres adjacent to, and south of, the existing L&N Corporate Office building to be located at 9101, 9104R & 9109 Lantana Drive and 9113 & 9115 Smyrna Pkwy.

We are writing to invite you to a meeting we have scheduled to present neighbors with our zone change plan to allow a nearly 70,000 sf, 3-story office building for the bank's headquarters to be located as above.

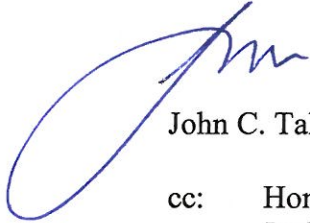
Accordingly, we have filed a plan for pre-application review on with the Division of Planning and Design Services (DPDS) that has been assigned case number **18ZONE1045** and case manager, **Joel Dock**. We would like to show and explain to neighbors this plan so that we might hear what thoughts, issues and perhaps even concerns you may have.

In that regard, a meeting will be held on **Wednesday, July 18th at 7:00 p.m. at the existing L&N Corporate Office** located at **9265 Smyrna Pkwy.**

If you cannot attend the meeting but have questions or concerns, please call me at 426-6688 or the land planning and engineering firm representative Chris Brown at 459-8402.

We look forward to seeing you.

Sincerely,



John C. Talbott

cc: Hon. James Peden, Councilman, District 23
Joel Dock, case manager with Division of Planning & Design Services
Chris Brown, land planners with BTM Engineering, Inc.

Neighborhood Meeting Summary

A neighborhood meeting was held on Wednesday, July 18th at 7:00 p.m. at the existing L&N Corporate Office located at 9265 Smyrna Pkwy. Those in attendance included the applicant's representatives, John Talbott, attorney with Bardenwerper, Talbott & Roberts, Chris Brown, land planner and engineer with BTM Engineering, Mike Christensen, and architect with K4 Architecture, as well as the applicant, Tim Root on behalf of L&N Credit Union.

The meeting began with John Talbott showing a PowerPoint presentation of the area and nearby development. He did this so that everyone present was fully familiar with exactly the properties being considered and impacted. He described also the proposed initial site plan for this site, its perimeter buffers and setbacks, the location of parking and the proposal for points of access.

Major issues raised by neighbors included noise and visibility of the improvements. This was especially concerning among the residents who whose properties presently back up to the site which is primarily wooded currently. It was explained that the site will maintain a 50 foot buffer of the wooded area to maintain a large natural landscape buffer for the site. Additionally, it will have an 8 foot fence *inside* the site, providing much less feeling of encroachment on the adjacent properties.

Noise from a generator and the bank drive through on the existing site, while not completely related to the new development, did arise as issues since this will be one combined "campus" for the applicant. It was explained that the generator will be moved and enclosed completely in noise dampening structure. Although the applicant did not have an immediate answer to the neighbors complaint of drive through noise, the applicant did agree to investigate some remedy to this issue.

Mr. Talbott explained that the primary point of access will be from inside the current campus, utilizing points of entry to Smyrna which already exist for the other L&N property.

The majority of the residents seemed in favor of the project. In addition to noise and visibility, one neighbor also inquired about stormwater runoff

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

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

Renderings of the site were also shown to the residents to display the quality of the architecture of the site and to demonstrate the significant buffering being included in the project, with renderings taken from multiple perspectives, including from the homes nearest the property. It was explained that the lighting included in the site would be compliant with the most recent regulations contained in the Land Development Code, including downward lighting.

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

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



Tab 5 Development Plan

841

Gene Snyder Fwy

Admiral Dr

Leslee Ct

Saltwood Ct

Larch Ct

Lantana Dr

Burliwood Ct

Smyrna Parkway

Smyrna Pkwy

Maple Rd

Theiler Ln





SMYRNA PARKWAY
RW VARIES

PROPOSED OFFICE
69,917 SQ. FT.
3 STORY - 45' HT.
FFE-640.50

PROP. SANITARY SEWER
LATERAL EXTENSION.
PROP. 15' SEWER &
DRAIN ESM

PROP. DUMPSTER &
GENERATOR ENCLOSURE
SCREENED PER CHAPTER 10

PROP. UNDERGROUND
DETENTION AREA
w/ WATER QUALITY UNIT

649.5

646.9

650.8

649.8

S84°34'30"E 161.47' R-5

R-4 to CR-3
RED. 30' SETBACK

SHEDDING 122.0'

54°52'30"E 172.00'

64°52'30"E 100.50'

N112°40'W 180.26'

S74°51'12"W 170.25'

S74°51'12"W 170.25'

S74°51'12"W 170.25'

S74°51'12"W 170.25'

S74°51'12"W 170.25'

S74°51'12"W 170.25'

S74°51'12"W 170.25'

S74°51'12"W 170.25'

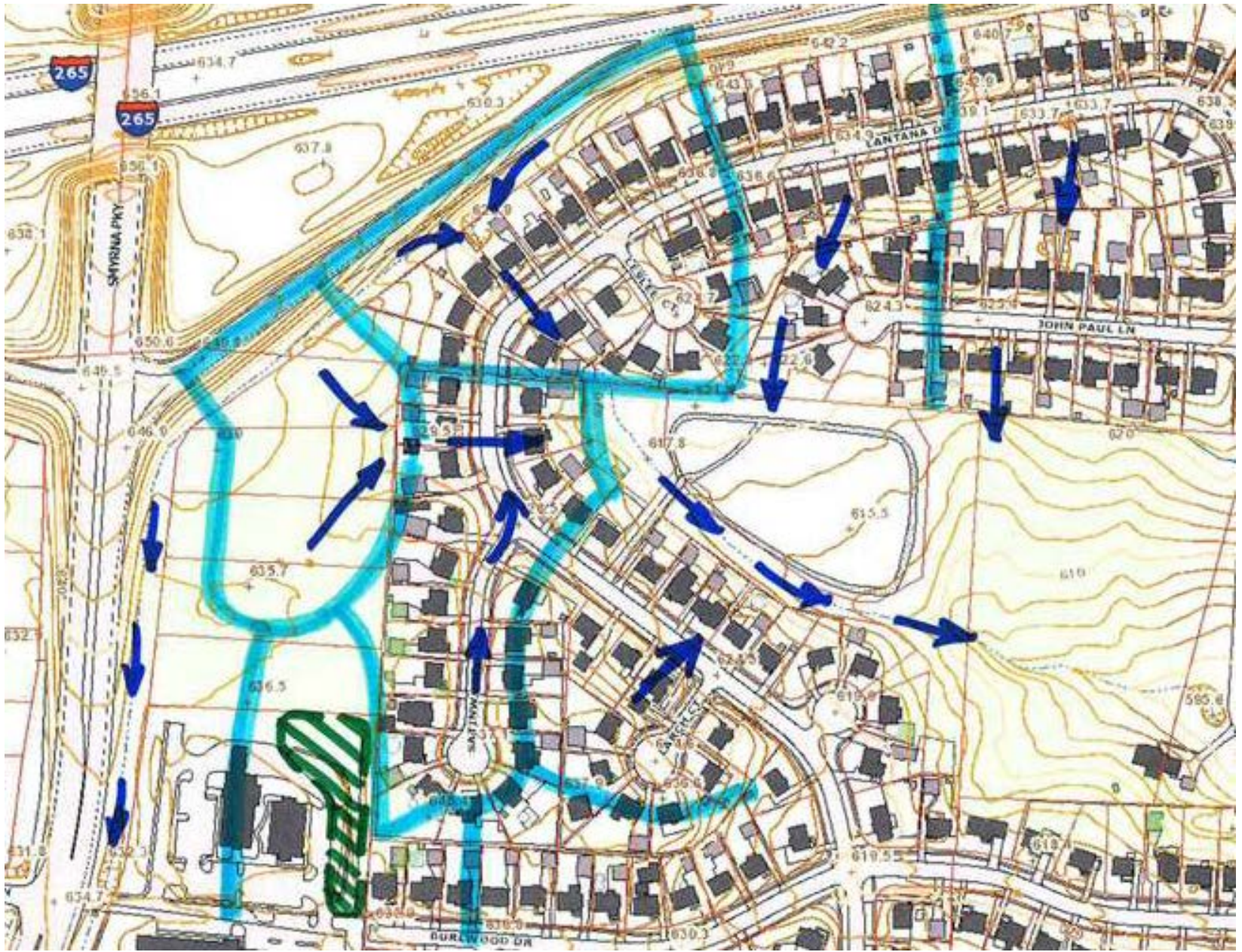
S74°51'12"W 170.25'



Tab 6 Drainage Exhibits






Existing drainage areas



Neighborhood drainage areas



-  EXISTING DRAINAGE AREAS
-  PROPOSED DRAINAGE AREA
-  EXISTING DETENTION BASIN
-  PROPOSED UNDERGROUND DETENTION
-  EXISTING FLOW
-  PROPOSED FLOW

PROPOSED DRAINAGE AREAS
(BASED ON 1% SLOPE) (MINIMUM 10% SLOPE)




CASE # 18ZONE1045
 RELATED CASES: 14-4-88
 18-8-03
 MSD WM #8109

	
DETAILED DEVELOPMENT PLAN LAN FEDERAL CREDIT UNION IMPERIAL PARKWAY LOUISVILLE, KY 40228	
<small>DATE: 08/14/2018 DRAWN BY: J. W. WOOD CHECKED BY: J. W. WOOD PROJECT NO.: 18-001 SHEET NO.: 1045-01</small>	
1.00	

Proposed drainage areas

NOT FOR CONSTRUCTION



Tab 7

Building Elevations











APPROXIMATE 50' SETBACK

APPROXIMATE PROPERTY LINE



A



APPROXIMATE 50' SETBACK

APPROXIMATE PROPERTY LINE

A







1







2

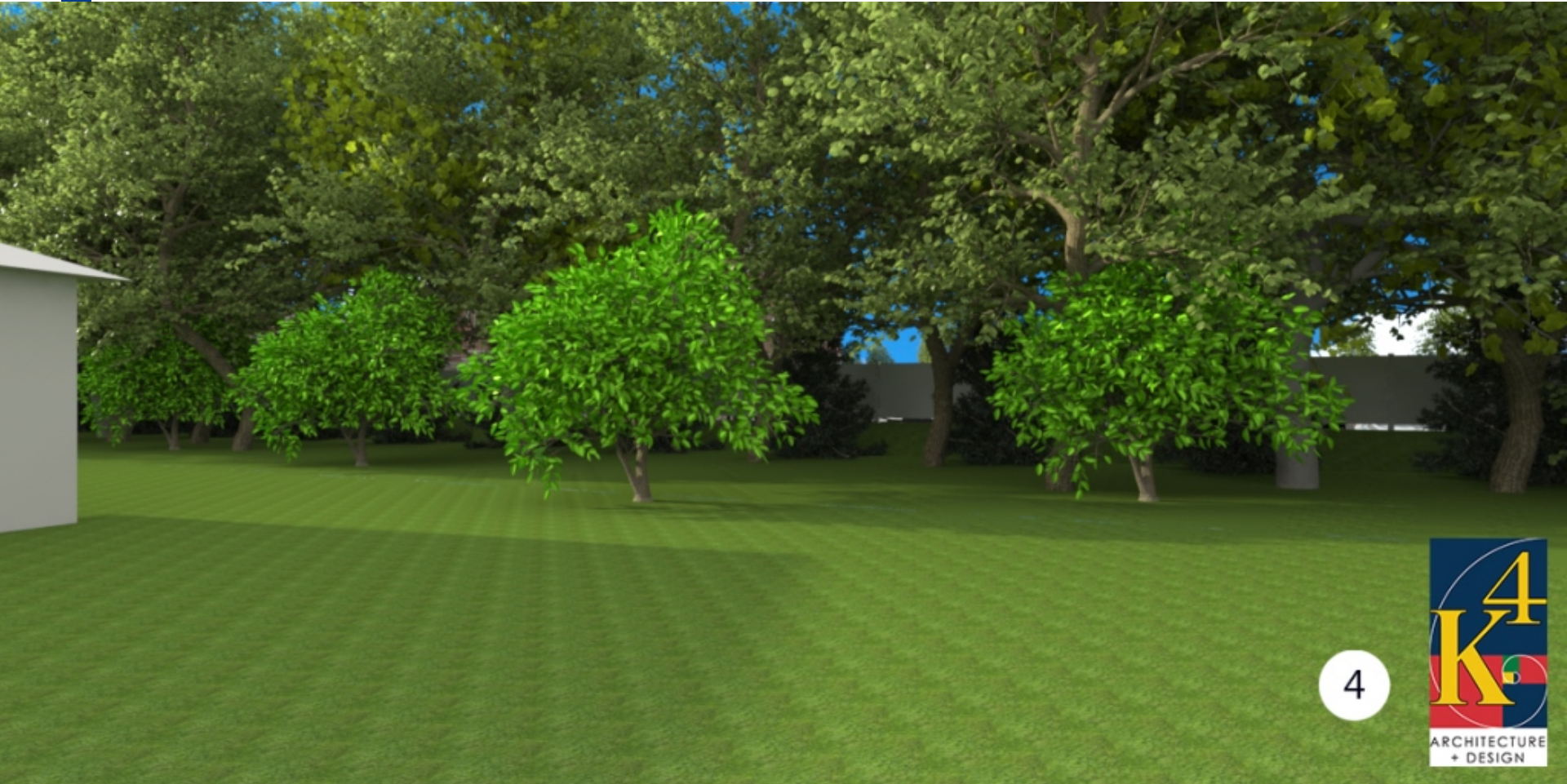






3





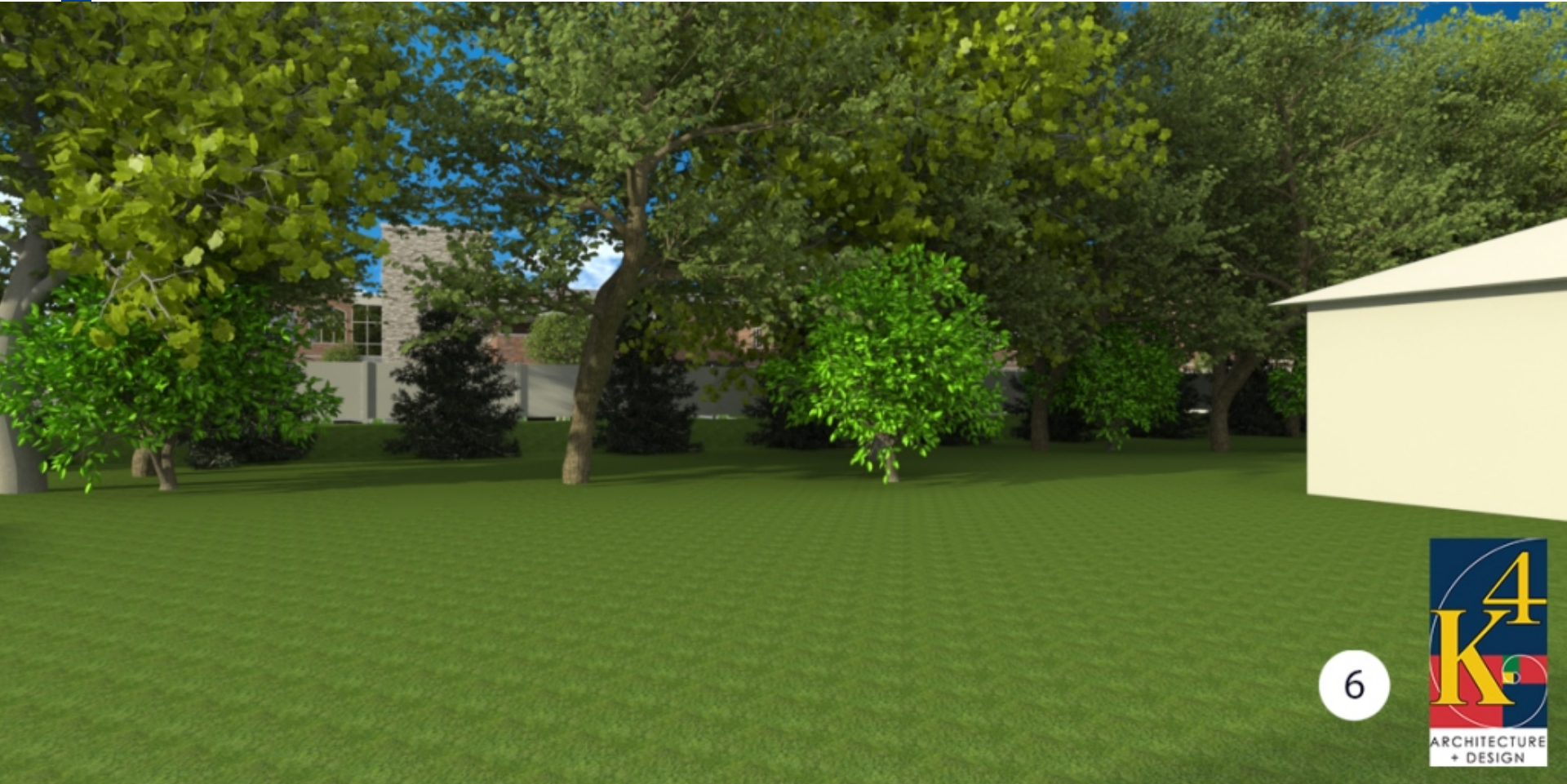
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5



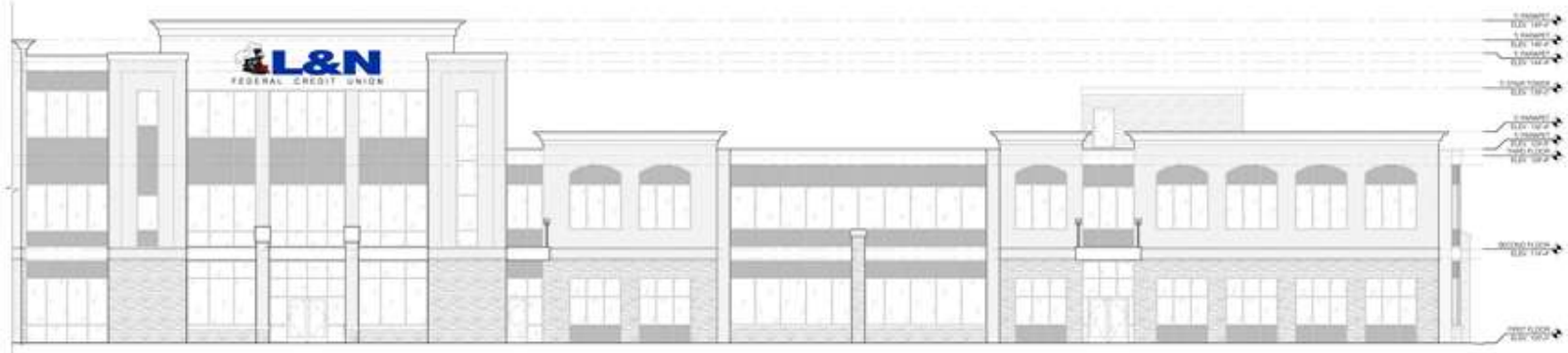


6





NORTHWEST ELEVATION
SCALE: 1/8" = 1'-0"



WEST ELEVATION
SCALE: 1/8" = 1'-0"

REVISIONS

NO.	DATE	DESCRIPTION

EXTERIOR ELEVATIONS

Drawn By: [Name]
Scale: AS NOTED
Date: [Date]

A401



MEMBER SERVICE LOAN
L&N
 FEDERAL CREDIT UNION
 LOUISVILLE, KY 40202

NO.	DATE	DESCRIPTION

NO.	DATE	DESCRIPTION

EXTERIOR ELEVATIONS
 Drawn by: [Name]
 Checked by: [Name]
 Date: [Date]

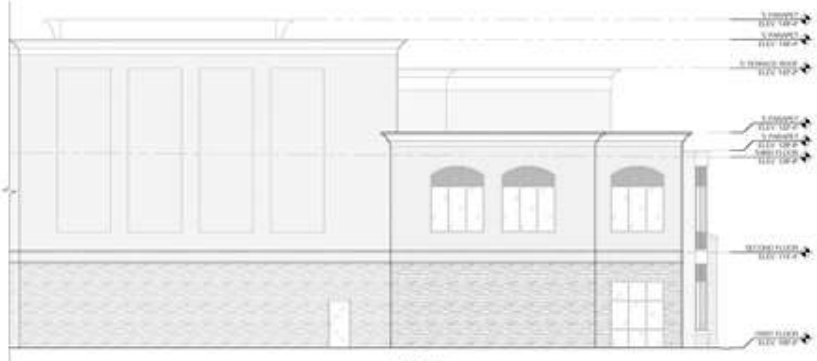
A402



EAST ELEVATION
 SCALE: 1/8" = 1'-0"



NORTHEAST ELEVATION
 SCALE: 1/8" = 1'-0"



SOUTHEAST ELEVATION
 SCALE: 1/8" = 1'-0"



**ARCHITECTURE
+ DESIGN**

100 West Street
 Louisville, KY 40202
 Tel: 502.583.8800
 Fax: 502.583.8801
 Email: info@k4arch.com

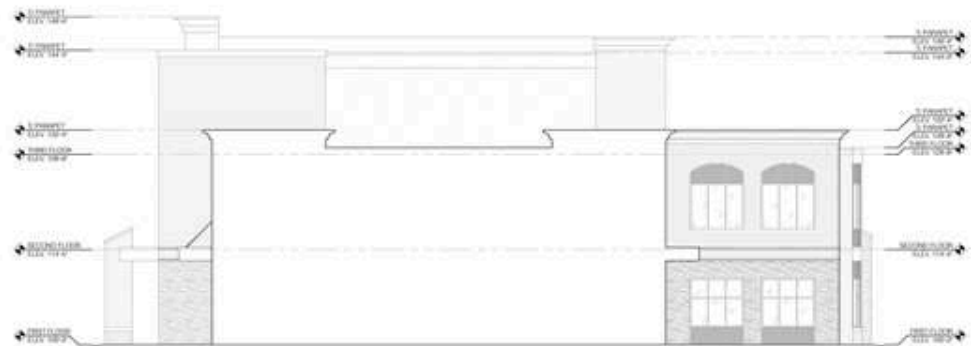


NO.	DESCRIPTION	DATE

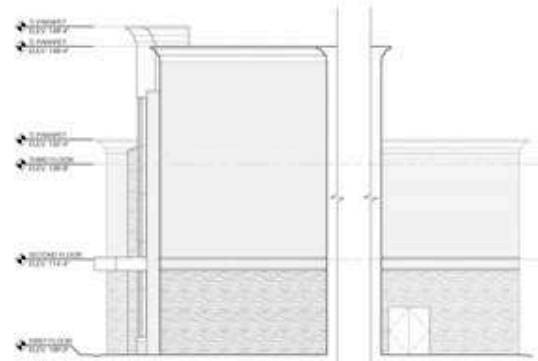
EXTERIOR ELEVATIONS

Drawn by: MJD, Date: 10/20/11
 Checked by: JAC, Date: 10/20/11
 Date Plotted: 11/21/11

A403



SOUTH ELEVATION
 SCALE: 1/8" = 1'-0"



SOUTHWEST ELEVATION
 SCALE: 1/8" = 1'-0"



SOUTH ELEVATION
 SCALE: 1/8" = 1'-0"

Tab 8

Statement of Compliance filed with the original zone change application with all applicable Guidelines and Policies of the Cornerstone 2020 Comprehensive Plan, Variance, and Waiver Justifications

BARDENWERPER, TALBOTT & ROBERTS, PLLC

ATTORNEYS AT LAW

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

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

Applicant/Owner: L&N Federal Credit Union

Location: 9101, 9104R, 9109 Lantana Drive; and 9113 and
9115 Smyrna Parkway

Proposed Use: Office/Credit Union Headquarters

Request: Zone change from R4 to OR-3

Engineers, Land Planners and
Landscape Architects: BTM Engineering, Inc.

INTRODUCTION

GUIDELINE 1 – COMMUNITY FORM

This application complies with this Guideline because the Suburban Neighborhood Form District is characterized by *predominantly* residential uses but that also includes, at appropriate locations, a mixture of uses, such as offices, retail shops, restaurants and services to serve the residential areas; the proposed use is at a scale appropriate for the area, with significant landscaping buffers and other screening for the adjacent residential areas; the detailed district development plan (the “DDDP”) is in an appropriate location along the major Smyrna Parkway corridor; this office development is precisely what is contemplated by the Neighborhood Form District, which will provide much improved buffering from the higher intensity use and the busy Smyrna Parkway corridor; and

GUIDELINE 2 - CENTERS

This application complies with the Intents and applicable Policies 1, 2, 4, 5, 7, 9, 11, 13, 14 and 15 of the Guideline as follows.

The overall site subject of this rezoning looks and feels very much like the balance of the existing CN and OR3 zoned properties to the south which are the current corporate offices and branch bank for the applicant, L&N Federal Credit Union to compliment and complete its corporate campus; it creates a focal point in the area, connecting the corner of the Gene Snyder Freeway and the collector, Smyrna Parkway, with pedestrian connections to the residential areas, while at the same time provided appropriate buffers to mitigate any impacts; utilities are available at property lines and this has proven to be a good location for offices because of its location on a primary collector immediately adjacent to the Gene Snyder Expressway, with significant intensity of residential uses and commercial uses south of the site. Locating this

corporate office building as proposed on this site reduces vehicle miles traveled and further improves the vitality of the area, particularly on the undeveloped lots next to the Gene Snyder Expressway; and the proposed development serves to revitalize a portion of the Smyrna Parkway and immediate surroundings that are presently underutilized and in need of rejuvenation; and it conforms to a “neighborhood center” in that this area along Smyrna Parkway acts currently and will continue to compliment the area of intensity for the commercial “center” where it belongs along Smyrna Parkway; and further it is appropriately located on a primary collector and the Gene Snyder Expressway; and

GUIDELINE 3: COMPATIBILITY

This application complies with the Intents and applicable Policies 1, 2, 4, 5, 6, 7, 8, 9, 11,12, 21, 22, 23, 24, 28 and 29 of this Guideline as follows.

As referenced above, the overall site subject of this rezoning looks and feels very much like the balance of the existing CN and OR3 zoned properties to the south which are the current corporate offices and branch bank for the applicant, L&N Federal Credit Union, to compliment and complete its corporate campus in a compatible style, the only difference being that the style upgrades the quality by a significant degree; the proposed building is residential in style and design, two stories in height of brick construction. In addition to these aesthetic factors, office building does not create odors or noise. Lighting will be directed down and away from nearby residential properties and will be in compliance with lighting restrictions of the Land Development Code (LDC).

GUIDELINE 6: ECONOMIC GROWTH AND SUSTAINABILITY

This application complies with the Intents and applicable Policies 2, 3, 6, and 7 of this Guideline as follows.

As referenced above, this is a vacant site; Smyrna Parkway has proven to be a great location for the corporate office building because it is a center of fairly intense residential and commercial activity. Therefore, redeveloping this overall site will lead to a continuing revitalization of Smyrna Parkway, south of the Gene Snyder.

GUIDELINES 7, 8 AND 9: CIRCULATION; TRANSPORTATION FACILITY DESIGN; AND BICYCLE, PEDESTRIAN AND TRANSIT

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

The office development will have a shared point of access from the existing curb cut for the existing L&N Federal Credit Union branch bank and office from the adjoining site to the south. It provides for excellent cross-connectivity and helps address issues of traffic congestion at peak hours.

Furthermore, the detailed district development plan (DDDP) accompanying this zoning application must receive the preliminary stamps of approval from Metro Transportation Planning and Public Works, prior to docketing of this application for any Planning Commission public review. Those agency reviews will look at the proposed points of access and connections as well as corner clearances, site distances, median opening and adequacy of parking.

Transit is available in the area and sidewalks will be provided where required; also bicycle parking will be accommodated.

GUIDELINE 10: FLOODING, STORMWATER

This application complies with Intents and applicable Policies 1, 3, 6, 7, 10 and 11 of Guideline 10 as follows.

Post-development rates of runoff will not exceed pre-development conditions. Additionally, because area residents have advised the applicant of drainage problems in the area, the applicant has promised to have his engineer review these drainage conditions and advise MSD of them so as to determine whether reasonable repairs and/or mitigation measures can be made to existing storm water systems in association with this proposed office development; and,

GUIDELINE 11: WATER QUALITY

This application complies with the Intents and applicable Policies 1, 3 and 5 of this Guideline as follows.

At time of construction, the developer of this site will be required to comply with MSD's soil erosion and sedimentation control regulations. Also, new water quality standards have been implemented by MSD which must be addressed as well at time of construction plan approval.

GUIDELINE 12: AIR QUALITY

This application complies with the Intents and applicable Policies 1, 2, 3, 6, 7, 8 and 9 of this Guideline as follows.

As referenced above, this proposed corporation office is basically an expansion of the existing branch bank, call center and offices located south of this proposed site. Thus reducing vehicle miles traveled for people already engaged in commerce and residing in this area. Reduced miles traveled leads to improved air quality.

GUIDELINE 13: LANDSCAPE CHARACTER

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

The LDC requires tree canopies as well as both perimeter and interior landscaping of all sites. This application will comply with LDC standards, and will provide screening and buffering as promised nearby residents as explained above.

* * *

For all of the above-stated reasons, plus those that will be further explained at the LD&T meeting and Planning Commission public hearing, this application complies with all other applicable Guidelines and Policies of the Cornerstone 2020 Comprehensive Plan.

Respectfully submitted,

John C. Talbott
Bardenwerper Talbott & Roberts, PLLC
Building Industry Association of Greater Louisville Building
1000 N. Hurstbourne Parkway, Second Floor
Louisville, KY 40223

e:\client folder\l&n\smyrna parkway\application\compliance statement.doc

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 setback to exceed the maximum allowable setback along a parkway.

1. The variance will not adversely affect the public health, safety or welfare because it will allow for the last parcel to be developed in this small corridor to be developed in the same pattern as the first, it will allow for the access easement that benefits both the existing office and branch bank to the south and the proposed office building to the north to continue in force while allowing this property to be developed in a way that complies with the parkway buffer requirements as well. Moreover, the development is largely dictated by the unique shape of the property and the multiple differing uses on each side of the property.
2. The variance will not alter the essential character of the general vicinity because for the reasons mentioned above and because this area is not residential being along the primary collector of Smyrna Pkwy. and abutting the Gene Snyder Expressway.
3. The variance will not cause a hazard or a nuisance to the public because the variance request is slight, it will allow the proposed office building to comply with the intent of the required parkway buffer and it will allow sufficient parking and maneuvering in front of the office building in a practical and rational way. If the variance is not granted, the site cannot be developed in the pattern proposed and would significantly detract from the significant design applications incorporated into the project, which will be an asset to the area and greatly improve the aesthetics of along Smyrna Parkway next to the Gene Snyder Expressway.
4. The variance will not allow an unreasonable circumvention of the requirements of the zoning regulations because in this case, context, including legally binding easement agreements, limits the pattern of development on the subject property so that development can either occur with the requested variance or not occur at all due to the unique shape and configuration of the property and limitations because of surrounding property.

Additional consideration:

1. The Variance arises from special circumstances, which do not generally apply to land in the general vicinity because among other reasons, the subject property is sandwiched between the Gene Snyder Expressway to the north, the existing L&N branch bank and office to the south, residential to the east and Smyrna Parkway to the west. The existing branch bank and office development to the south both contain parking in the front of the buildings on site. The pattern of parking in the front of buildings has therefore been set in this area and this project attempts to create consistency with while also improving the character of the area. Also, there is a 30' parkway buffer required between the right of way of Smyrna Parkway and the parking area and a 30' shared access easement that benefits both the existing branch bank and office center, which, when combined with the pattern of development in the area makes contextually compatible development impossible without the requested variance.

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 the applicant would create a development that would preclude the location of the corporate offices at the very least and break a well-defined pattern of development in this area.

3. The circumstances are not the result of actions of the applicant taken subsequent to the adoption of the regulation but rather, the applicant is attempting to develop in accordance with the pattern created by the unique shape and location of the property and the surrounding development.

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 exceed the maximum height of 30 ft.

1. The variance will not adversely affect the public health, safety or welfare because this is an aesthetic/nuisance issue, not a public health, safety or welfare one. Further, the building is appropriate in the location along the primary collector or Smyrna Pkwy and the property will be significantly buffered to reduce adverse impacts to the residential properties to the east with fencing, landscaping, the retention of a significant 50 foot depth of mature trees already separating the project from the residences.
2. The variance will not alter the essential character of the general vicinity because the significant buffering with a 50 foot buffer of mature trees, addition of landscaping, and incorporation of a fence inside the property line of the project.
3. The variance will not cause a hazard or a nuisance to the public because there is no safety issue involved in this height variance. Moreover, this slightly taller than Code-allowed building adjoins the Gene Snyder Freeway to the north, a primary collector of Smyrna Parkway to the west, and the existing L&N office and branch bank to the south, none of which will be adversely impacted by a minor additional height. The height does allow the property to be a tremendous aesthetic asset to the area by improving the architecture of the building and allowing room for the minimum parking and increasing the landscaping buffers with the residential properties.
4. The variance will not allow an unreasonable circumvention of the requirements of the zoning regulations because this is the minimal amount necessary for the proposed office to fit on the uniquely shaped site, provide necessary room for vehicular maneuvering, and still permitting the necessary scale of the building

Additional consideration:

1. The variance arises from special circumstances, which do not generally apply to land in the general vicinity because this slightly taller than Code-allowed building adjoins the Gene Snyder Freeway to the north, existing L&N office and branch bank south, a primary collector/parkway west, none of which will be adversely impacted by a few additional feet of height, but rather make this property unique and appropriate for the requested variance.

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 the variance is necessary because of the unique shape of the lot in this area and the surrounding properties and uses, such as the Gene Snyder Expressway and Smyrna Pkwy.

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 this corporate office's space needs, including height, especially in relationship to a location such as this one adjoining an interstate, another commercial uses and a parkway.

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 parking to encroach into the building setback along the northern property line.

1. The variance will not adversely affect the public health, safety or welfare because only a very small portion of the pavement in this area encroaches into the setback and there is still a very large distance between this proposed pavement and the neighboring residence along Lantana Drive.

2. The variance will not alter the essential character of the general vicinity because the pavement is located along the rear portion of the property, away from Smyrna Parkway and will not cause a negative impact with the neighbor to the north. Screening and buffering will be preserved and /or provided through plantings or a fence.

3. The variance will not cause a hazard or a nuisance to the public because it will not cause any unsafe condition and the impact of the variance will be mitigated through screening and buffering.

4. The variance will not allow an unreasonable circumvention of the requirements of the zoning regulations because this is the minimal amount required for the proposed office to fit on the site and provide vehicular maneuvering.

Additional consideration:

1. The Variance arises from special circumstances, which do not generally apply to land in the general vicinity because of the very small portion of the site in the area requested. Additionally, the encroachment is in large part caused by the non-uniform shape of the property as it approaches the entrance to the Gene Snyder Expressway.

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 the applicant is providing the minimum number of parking spaces allowed and the variance is necessary because of the unique shape of the lot in this area.

3. The circumstances are not the result of actions of the applicant taken subsequent to the adoption of the regulation because this is the only potential use of this site at this time, the commercial office use is appropriate at this area Smyrna Pkwy where it is next to the Gene Snyder Expressway, and because of the unique shape of the 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 5.8.1.B to not provide sidewalks along Smyrna Parkway.

Explanation of Waiver:

1. The waiver will not adversely affect adjacent property owners because this site is at the corner of Smyrna Parkway and the on-ramp to I-265 East. Moreover, the area of the requested waiver consists of unsafe pedestrian conditions going toward the I-265 on-ramp, which is an existing condition, not created by the development.
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 original rezoning application.
3. The extent of waiver of the regulation is the minimum necessary to afford relief to the applicant because sidewalks should only be located where thoughtfully designed with public safety in mind, and the construction of the sidewalks would not serve a useful purpose.
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 it would be building sidewalks in areas where there is no practical possibility of use and which would encourage unsafe conditions where pedestrians could attempt to cross Smyrna Pkwy. at a particularly busy area next to the Gene Snyder Expressway.

Tab 9

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

BARDENWERPER, TALBOTT & ROBERTS, PLLC

ATTORNEYS AT LAW

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PROPOSED FINDINGS OF FACT REGARDING COMPLIANCE WITH ALL APPLICABLE GUIDELINES AND POLICIES OF THE CORNERSTONE 2020 COMPREHENSIVE PLAN

Applicant/Owner: L&N Federal Credit Union

Location: 9101, 9104R, 9109 Lantana Drive; and 9113 and 9115 Smyrna Parkway

Proposed Use: Office/Credit Union Headquarters

Request: Zone change from R4 to OR-3

Engineers, Land Planners and Landscape Architects: BTM Engineering, Inc.

The Louisville Metro Planning Commission, having heard testimony before its Land Development & Transportation Committee, in the Public Hearing held on November 15, 2018 and having reviewed evidence presented by the applicant and the staff's analysis of the application, make the following findings:

GUIDELINE 1 – COMMUNITY FORM

WHEREAS, this application complies with this Guideline because the Suburban Neighborhood Form District is characterized by *predominantly* residential uses but that also includes, at appropriate locations, a mixture of uses, such as offices, retail shops, restaurants and services to serve the residential areas; the proposed use is at a scale appropriate for the area, with significant landscaping buffers and other screening for the adjacent residential areas; the detailed district development plan (the “DDDP”) is in an appropriate location along the major Smyrna Parkway corridor; this office development is precisely what is contemplated by the Neighborhood Form District, which will provide much improved buffering from the higher intensity use and the busy Smyrna Parkway corridor; and

GUIDELINE 2 - CENTERS

WHEREAS, this application complies with the Intents and applicable Policies 1, 2, 4, 5, 7, 9, 11, 13, 14 and 15 of the Guideline because the overall site subject of this rezoning looks and feels very much like the balance of the existing CN and OR3 zoned properties to the south which are the current corporate offices and branch bank for the applicant, L&N Federal Credit Union to compliment and complete its corporate campus; it creates a focal point in the area, connecting the corner of the Gene Snyder Freeway and the collector, Smyrna Parkway, with pedestrian connections to the residential areas, while at the same time provided appropriate buffers to mitigate any impacts; utilities are available at property lines and this has proven to be a good location for offices because of its location on a primary collector immediately adjacent to the Gene Snyder Expressway, with significant intensity of residential uses and commercial uses

south of the site; locating this corporate office building as proposed on this site reduces vehicle miles traveled and further improves the vitality of the area, particularly on the undeveloped lots next to the Gene Snyder Expressway; and the proposed development serves to revitalize a portion of the Smyrna Parkway and immediate surroundings that are presently underutilized and in need of rejuvenation; and it conforms to a “neighborhood center” in that this area along Smyrna Parkway acts currently and will continue to compliment the area of intensity for the commercial “center” where it belongs along Smyrna Parkway; and further it is appropriately located on a primary collector and the Gene Snyder Expressway; and

GUIDELINE 3: COMPATIBILITY

WHEREAS, this application complies with the Intents and applicable Policies 1, 2, 4, 5, 6, 7, 8, 9, 11,12, 21, 22, 23, 24, 28 and 29 of this Guideline because as referenced above, the overall site subject of this rezoning looks and feels very much like the balance of the existing CN and OR3 zoned properties to the south which are the current corporate offices and branch bank for the applicant, L&N Federal Credit Union, to compliment and complete its corporate campus in a compatible style, the only difference being that the style upgrades the quality by a significant degree; the proposed building is residential in style and design, two stories in height of brick construction; in addition to these aesthetic factors, office building does not create odors or noise; and lighting will be directed down and away from nearby residential properties and will be in compliance with lighting restrictions of the Land Development Code (LDC); and

GUIDELINE 6: ECONOMIC GROWTH AND SUSTAINABILITY

WHEREAS, this application complies with the Intents and applicable Policies 2, 3, 6, and 7 of this Guideline because as referenced above, this is a vacant site; Smyrna Parkway has proven to be a great location for the corporate office building because it is a center of fairly intense residential and commercial activity; and therefore, redeveloping this overall site will lead to a continuing revitalization of Smyrna Parkway, south of the Gene Snyder; and

GUIDELINES 7, 8 AND 9: CIRCULATION; TRANSPORTATION FACILITY DESIGN; AND BICYCLE, PEDESTRIAN AND TRANSIT

WHEREAS, this application complies with the Intents and applicable Policies 1, 2, 3, 4, 6, 10, 11, 12, 13, 14, 16 and 18 of Guideline 7; Policies 7, 9, 10 and 11 of Guideline 8; and Policies 1, 2, 3 and 4 of Guideline 9 because the office development will have a shared point of access from the existing curb cut for the existing L&N Federal Credit Union branch bank and office from the adjoining site to the south; and it provides for excellent cross-connectivity and helps address issues of traffic congestion at peak hours; and

WHEREAS, furthermore, the detailed district development plan (DDDP) accompanying this zoning application must receive the preliminary stamps of approval from Metro Transportation Planning and Public Works, prior to docketing of this application for any Planning Commission public review; those agency reviews will look at the proposed points of access and connections as well as corner clearances, site distances, median opening and adequacy of parking; and

WHEREAS, transit is available in the area and sidewalks will be provided where required; also bicycle parking will be accommodated; and

GUIDELINE 10: FLOODING, STORMWATER

WHEREAS, this application complies with Intents and applicable Policies 1, 3, 6, 7, 10 and 11 of Guideline 10 because post-development rates of runoff will not exceed pre-development conditions; additionally, because area residents have advised the applicant of drainage problems in the area, the applicant has promised to have his engineer review these drainage conditions and advise MSD of them so as to determine whether reasonable repairs and/or mitigation measures can be made to existing storm water systems in association with this proposed office development; and,

GUIDELINE 11: WATER QUALITY

WHEREAS, this application complies with the Intents and applicable Policies 1, 3 and 5 of this Guideline because at time of construction, the developer of this site will be required to comply with MSD's soil erosion and sedimentation control regulations; and new water quality standards have been implemented by MSD which must be addressed as well at time of construction plan approval; and

GUIDELINE 12: AIR QUALITY

WHEREAS, this application complies with the Intents and applicable Policies 1, 2, 3, 6, 7, 8 and 9 of this Guideline because as referenced above, this proposed corporation office is basically an expansion of the existing branch bank, call center and offices located south of this proposed site; and thus reducing vehicle miles traveled for people already engaged in commerce and residing in this area, and reduced miles traveled leads to improved air quality; and

GUIDELINE 13: LANDSCAPE CHARACTER

WHEREAS, this application complies with the Intents and applicable Policies 1, 2, 4, 5 and 6 of this Guideline because the LDC requires tree canopies as well as both perimeter and interior landscaping of all sites; and this application will comply with LDC standards, and will provide screening and buffering as promised nearby residents as explained above;

* * *

WHEREAS, for all the reasons explained at LD&T and the Planning Commission public hearing and also in the public hearing exhibit books on the approved detailed district development plan, this application also complies with all other applicable Guidelines and Policies of the Cornerstone 2020 Comprehensive Plan;

NOW, THEREFORE, the Louisville Metro Planning Commission hereby recommends to the Louisville Metro Council that it rezone the subject property from R-4 to OR-3 and approves the Detailed District Development Plan.

Variance Findings of Fact

Variance of Section 5.3.1.C.5, Table 5.3.2 to allow the building setback to exceed the maximum allowable setback along a parkway.

WHEREAS, the variance will not adversely affect the public health, safety or welfare because it will allow for the last parcel to be developed in this small corridor to be developed in the same pattern as the first, it will allow for the access easement that benefits both the existing office and branch bank to the south and the proposed office building to the north to continue in force while allowing this property to be developed in a way that complies with the parkway buffer requirements as well; moreover, the development is largely dictated by the unique shape of the property and the multiple differing uses on each side of the property; and

WHEREAS, the variance will not alter the essential character of the general vicinity because for the reasons mentioned above and because this area is not residential being along the primary collector of Smyrna Parkway and abutting the Gene Snyder Expressway; and

WHEREAS, the variance will not cause a hazard or a nuisance to the public because the variance request is slight, it will allow the proposed office building to comply with the intent of the required parkway buffer and it will allow sufficient parking and maneuvering in front of the office building in a practical and rational way; if the variance is not granted, the site cannot be developed in the pattern proposed and would significantly detract from the significant design applications incorporated into the project, which will be an asset to the area and greatly improve the aesthetics of along Smyrna Parkway next to the Gene Snyder Expressway; and

WHEREAS, the variance will not allow an unreasonable circumvention of the requirements of the zoning regulations because in this case, the unique shape and configuration of the land, including legally binding easement agreements, limits the pattern of development on the subject property which could not be developed without the requested variance; and

WHEREAS, the variance arises from special circumstances, which do not generally apply to land in the general vicinity because among other reasons, the subject property is sandwiched between the Gene Snyder Expressway to the north, the existing L&N branch bank and office to the south, residential to the east and Smyrna Parkway to the west; the existing branch bank and office development to the south both contain parking in the front of the buildings on site; the pattern of parking in the front of buildings has therefore been set in this area and this project attempts to create consistency with while also improving the character of the area; also, there is a 30' parkway buffer required between the right of way of Smyrna Parkway and the parking area and a 30' shared access easement that benefits both the existing branch bank and office center, which, when combined with the pattern of development in the area makes contextually compatible development impossible without the requested variance; and

WHEREAS, strict application of the provisions of the regulation would deprive the applicant of the reasonable use of the land and would create unnecessary hardship because the applicant would create a development that would preclude the location of the corporate offices at the very least and break a well-defined pattern of development in this area; and

WHEREAS, the circumstances are not the result of actions of the applicant taken subsequent to the adoption of the regulation but rather, the applicant is attempting to develop in accordance

with the pattern created by the unique shape and location of the property and the surrounding development;

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

Variance Findings of Fact

Variance of Section 5.3.1.C.5, Table 5.3.2 to allow the parking to encroach into the building setback along the northern property line.

WHEREAS, the variance will not adversely affect the public health, safety or welfare because only a very small portion of the pavement in this area encroaches into the setback and there is still a very large distance between this proposed pavement and the neighboring residence along Lantana Drive; and

WHEREAS, the variance will not alter the essential character of the general vicinity because the pavement is located along the rear portion of the property, away from Smyrna Parkway and will not cause a negative impact with the neighbor to the north; and screening and buffering will be preserved and/or provided through plantings or a fence; and

WHEREAS, the variance will not cause a hazard or a nuisance to the public because it will not cause any unsafe condition and the impact of the variance will be mitigated through screening and buffering; and

WHEREAS, the variance will not allow an unreasonable circumvention of the requirements of the zoning regulations because this is the minimal amount required for the proposed office to fit on the site and provide vehicular maneuvering; and

WHEREAS, the Variance arises from special circumstances, which do not generally apply to land in the general vicinity because of the very small portion of the site in the area requested; and additionally, the encroachment is in large part caused by the non-uniform shape of the property as it approaches the entrance to the Gene Snyder Expressway; and

WHEREAS, strict application of the provisions of the regulation would deprive the applicant of the reasonable use of the land and would create unnecessary hardship because the applicant is providing the minimum number of parking spaces allowed and the variance is necessary because of the unique shape of the lot in this area; and

WHEREAS, the circumstances are not the result of actions of the applicant taken subsequent to the adoption of the regulation because this is the only potential use of this site at this time, the commercial office use is appropriate at this area Smyrna Pkwy where it is next to the Gene Snyder Expressway, and because of the unique shape of the property;

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

Variance Findings of Fact

Variance of Section 5.3.1.C.5, Table 5.3.2, to allow the building to exceed the maximum height of 30 ft.

WHEREAS, the variance will not adversely affect the public health, safety or welfare because this is an aesthetic/nuisance issue, not a public health, safety or welfare one; further, the building is appropriate in the location along the primary collector or Smyrna Pkwy and the property will be significantly buffered to reduce adverse impacts to the residential properties to the east with fencing, landscaping, the retention of a significant 50 foot depth of mature trees already separating the project from the residences; and

WHEREAS, the variance will not alter the essential character of the general vicinity because the significant buffering with a 50 foot buffer of mature trees, addition of landscaping, and incorporation of a fence inside the property line of the project; and

WHEREAS, the variance will not cause a hazard or a nuisance to the public because there is no safety issue involved in this height variance; moreover, this slightly taller than Code-allowed building adjoins the Gene Snyder Freeway to the north, a primary collector of Smyrna Parkway to the west, and the existing L&N office and branch bank to the south, none of which will be adversely impacted by a minor additional height; the height does allow the property to be a tremendous aesthetic asset to the area by improving the architecture of the building and allowing room for the minimum parking and increasing the landscaping buffers with the residential properties; and

WHEREAS, the variance will not allow an unreasonable circumvention of the requirements of the zoning regulations because this is the minimal amount necessary for the proposed office to fit on the uniquely shaped site, provide necessary room for vehicular maneuvering, and still permitting the necessary scale of the building; and

WHEREAS, the variance arises from special circumstances, which do not generally apply to land in the general vicinity because this slightly taller than Code-allowed building adjoins the Gene Snyder Freeway to the north, existing L&N office and branch bank south, a primary collector/parkway west, none of which will be adversely impacted by a few additional feet of height, but rather make this property unique and appropriate for the requested variance; and

WHEREAS, strict application of the provisions of the regulation would deprive the applicant of the reasonable use of the land and would create unnecessary hardship because the variance is necessary because of the unique shape of the lot in this area and the surrounding properties and uses, such as the Gene Snyder Expressway and Smyrna Pkwy; and

WHEREAS, 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 this corporate office's space needs, including height, especially in relationship to a location such as this one adjoining an interstate, another commercial uses and a parkway;

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

Waiver Findings of Fact

Waiver of Section 5.8.1.B to not provide sidewalks along Smyrna Parkway.

WHEREAS, the waiver will not adversely affect adjacent property owners because this site is at the corner of Smyrna Parkway and the on-ramp to I-265 East; moreover, the area of the requested waiver consists of unsafe pedestrian conditions going toward the I-265 on-ramp, which is an existing condition, not created by the development; and

WHEREAS, the waiver will not violate the Comprehensive Plan for all the reasons set forth in the Detailed Statement of Compliance with all applicable Guidelines and Policies of the Cornerstone 2020 Comprehensive Plan filed with the original rezoning application; and

WHEREAS, the extent of waiver of the regulation is the minimum necessary to afford relief to the applicant because sidewalks should only be located where thoughtfully designed with public safety in mind, and the construction of the sidewalks would not serve a useful purpose; and

WHEREAS, strict application of the provisions of the regulation would deprive the applicant of a reasonable use of the land and would create an unnecessary hardship on the applicant because it would be building sidewalks in areas where there is no practical possibility of use and which would encourage unsafe conditions where pedestrians could attempt to cross Smyrna Parkway at a particularly busy area next to the Gene Snyder Expressway;

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