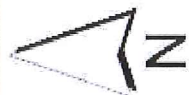
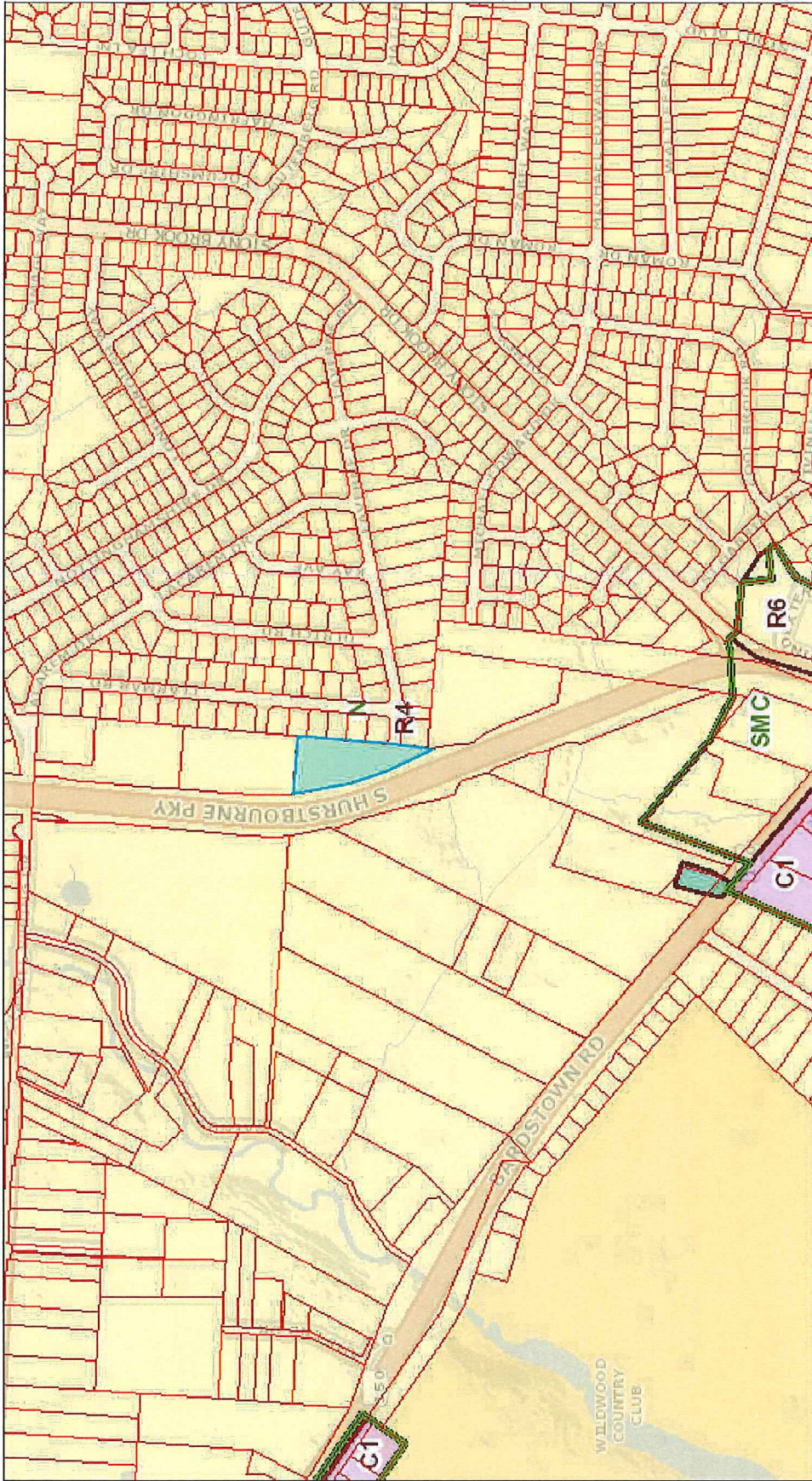


**EXHIBITS FOR APPLICANT
Vandenbrock Properties, LLC
4901 Hurstbourne Parkway**

**Louisville Metro Planning Commission
Case No. 15 Zone 1017**

- 1) Zoning Map
- 2) Site Photography
- 3) Elevations
- 4) Development Plan
- 5) Zoning Change Demonstration of Appropriateness
- 6) Variance Justification
- 7) Waiver Justifications
- 8) Proposed Findings of Fact

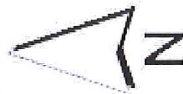
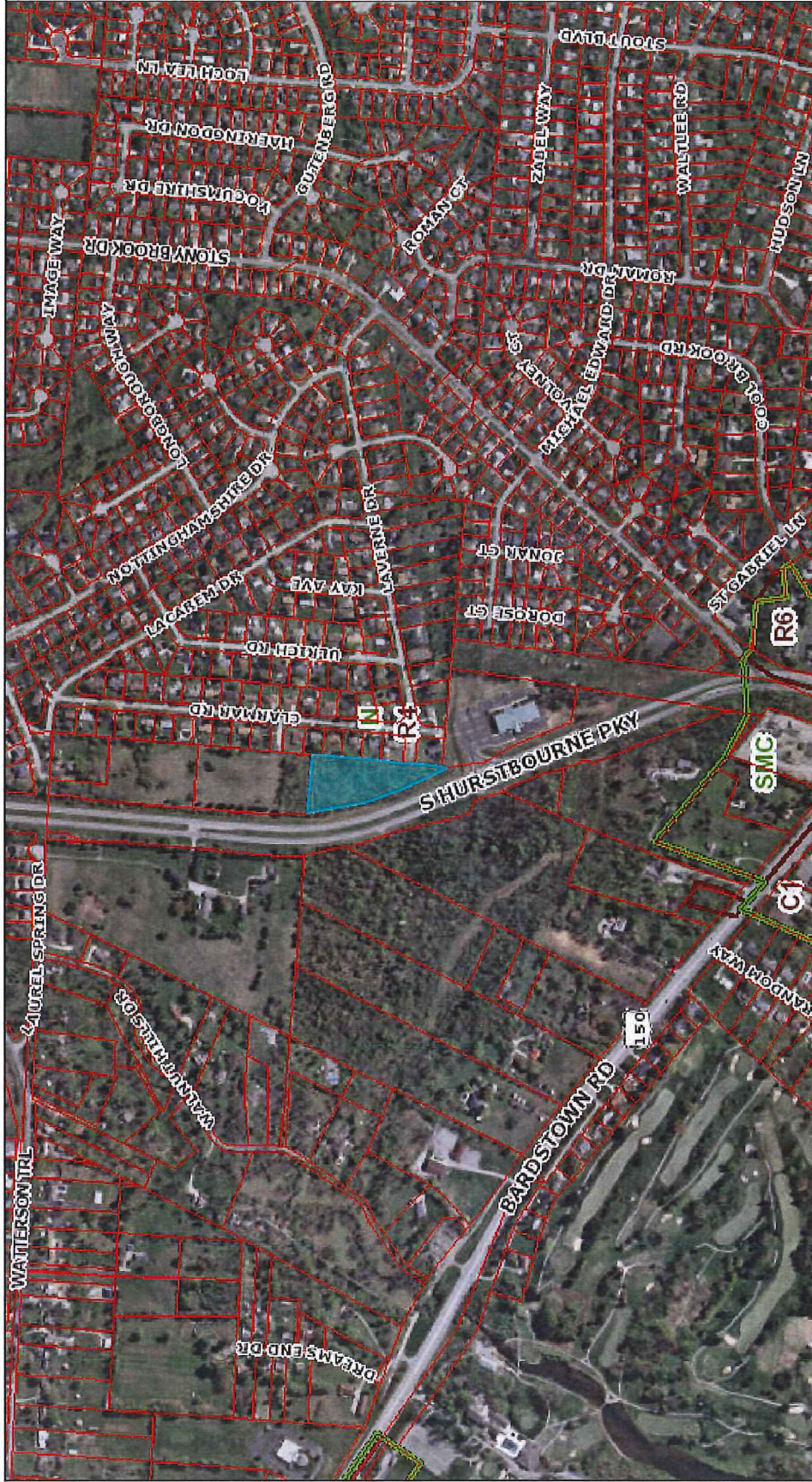
**Glenn A. Price, Jr.
Attorney for Applicant
Frost Brown Todd LLC
400 West Market Street, 32nd Floor
Louisville, Kentucky 40202
502/779-8511
gaprice@fbtlaw.com**



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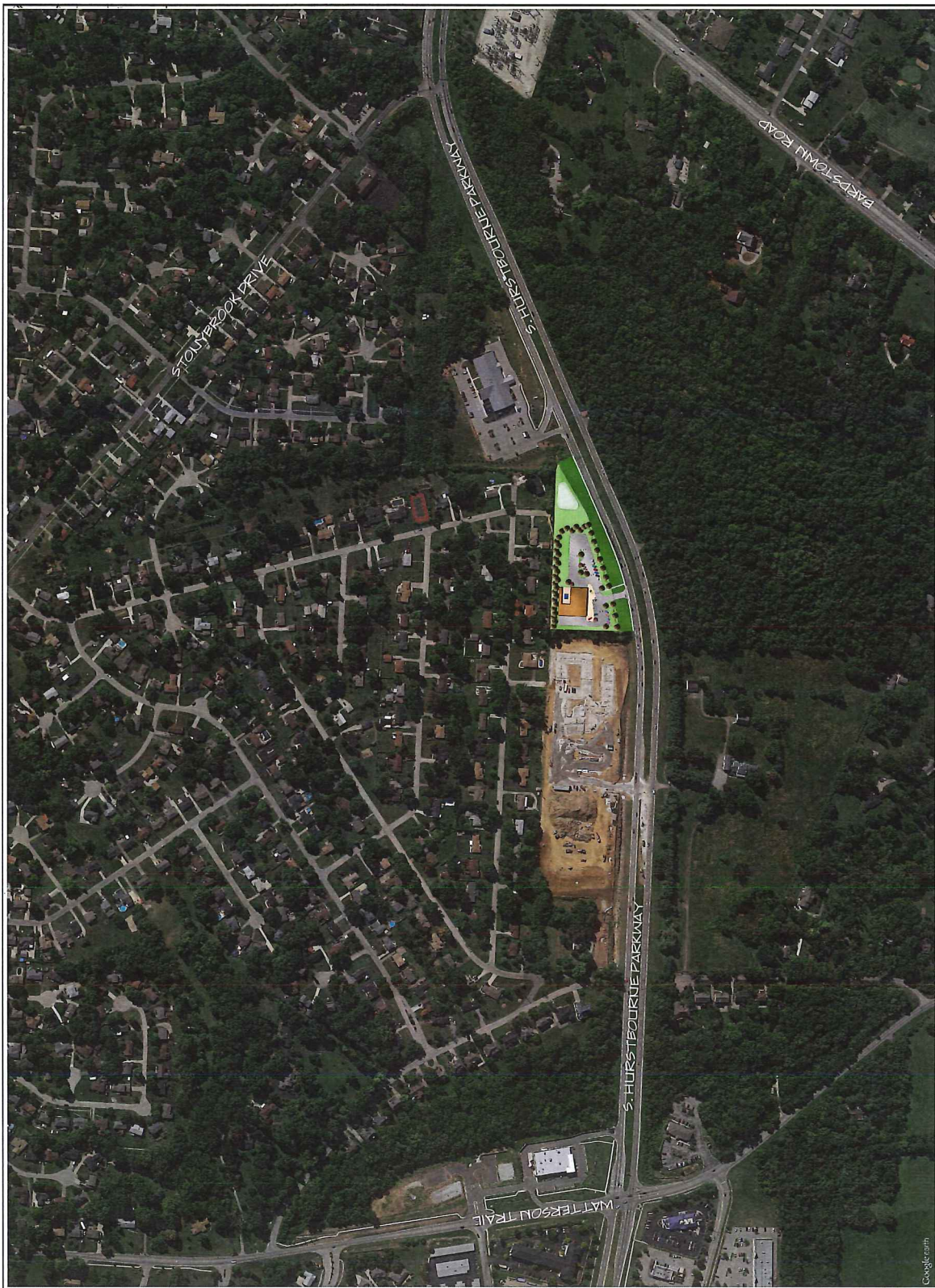


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SHEET 1 OF 1		JOB NO. 14200
DETAILED DISTRICT DEVELOPMENT PLAN		
GORDON MOTOR SPORTS HURSTBOURNE PARKWAY DEVELOPER GORDON MOTOR SPORTS 5801 BARKSTOWN ROAD LOUISVILLE, KY 40291		
 LAND DESIGN & DEVELOPMENT, INC. <small>DESIGNER - LAND ARCHITECTURE - LANDSCAPE ARCHITECTURE 200 WEST MAIN STREET, SUITE 200 LOUISVILLE, KY 40202 TEL: 502.251.1234</small>		
PROJECT DATA TRF. NAME: 14200.000-004 DATE: 04/15/2014 SCALE: AS SHOWN CHECKED BY: KJK DRAWN BY: SSK/LL	ENGINEER'S SEAL 	SURVEYOR'S SEAL
REVISIONS NO. DATE DESCRIPTION BY		









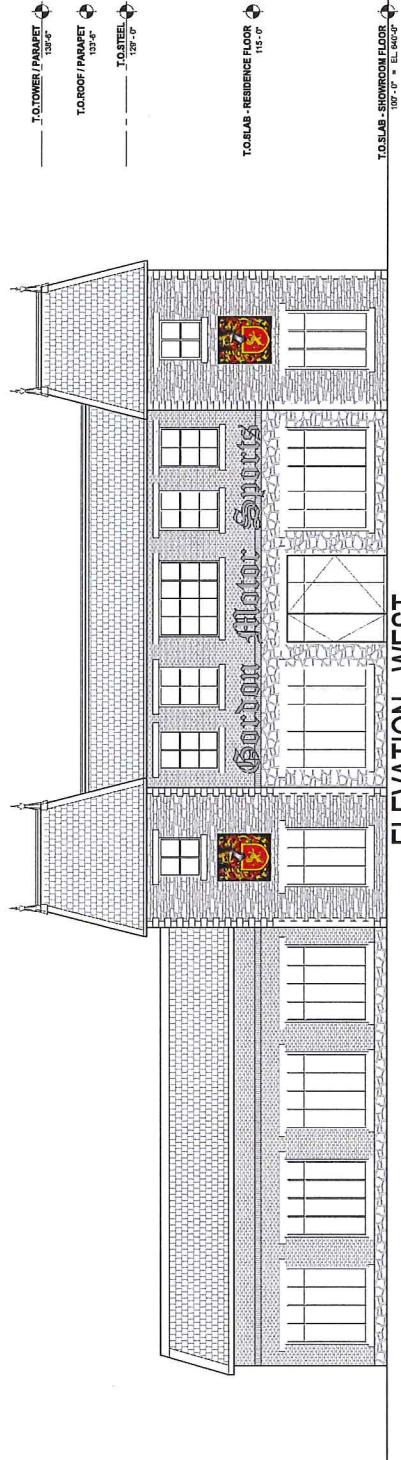


Model: **A-3**
ELEVATIONS
Sheet: 1-1-17



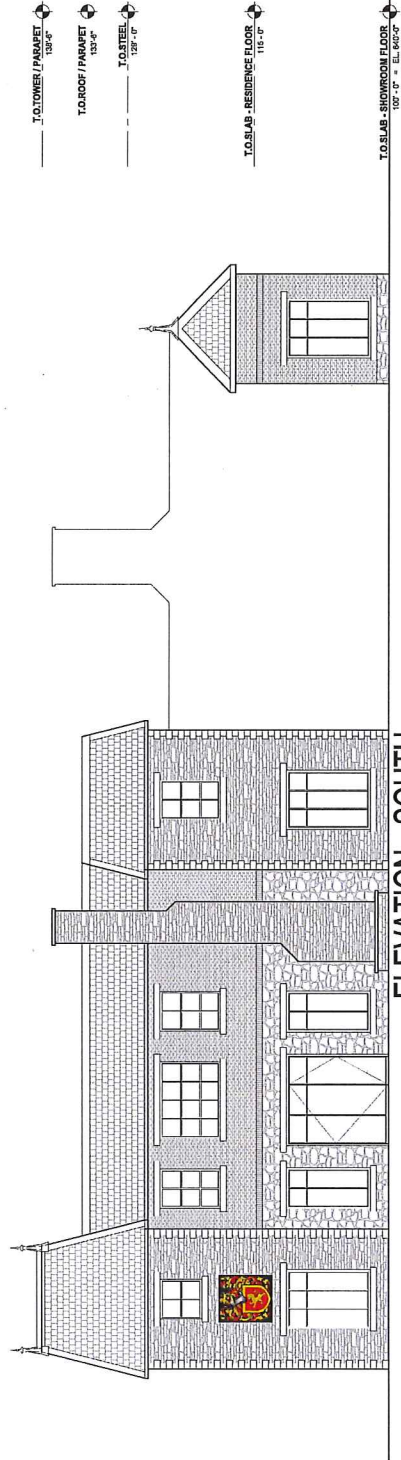
GORDON MOTOR SPORTS
LOUISVILLE KENTUCKY
222 South First Street - Suite 205 - Louisville, Kentucky 40202-1367
Tel (502) 562 9220 - Fax (502) 585 1571 - www.architecturalinvestments.com

REVISION	DATE




ELEVATION - WEST

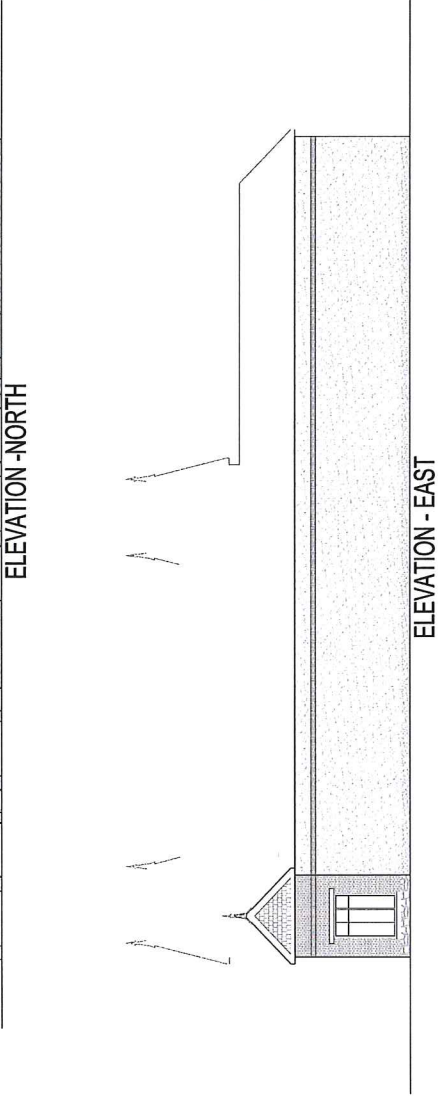
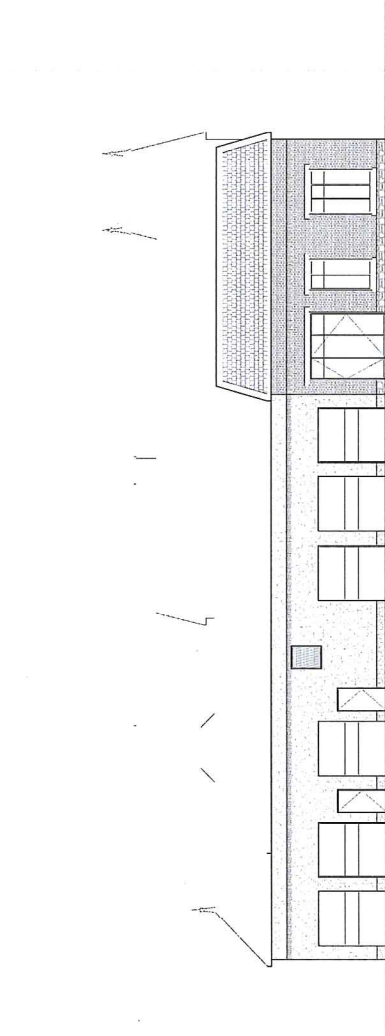
- T.O.TOWER / PARAPET 138'-0"
- T.O.ROOF / PARAPET 135'-0"
- T.O.STEEL 129'-0"
- T.O.SLAB - RESIDENCE FLOOR 115'-0"
- T.O.SLAB - SHOWROOM FLOOR 107'-0" = EL. 100'-0"



ELEVATION - SOUTH

- T.O.TOWER / PARAPET 138'-0"
- T.O.ROOF / PARAPET 135'-0"
- T.O.STEEL 129'-0"
- T.O.SLAB - RESIDENCE FLOOR 114'-0"
- T.O.SLAB - SHOWROOM FLOOR 107'-0" = EL. 100'-0"

ELEVATIONS	A-4	
GORDON MOTOR SPORTS LOUISVILLE KENTUCKY 222 South First Street - Suite 206 - Louisville, Kentucky 40202-1349 Tel: (502) 642 9220 - Fax: (502) 585 1371 - www.architecturalinvestments.com		



2015.10.16	REVISION



DEMONSTRATION OF APPROPRIATENESS

Vandenbrock Properties, LLC Gordon Motor Sports

I. **The proposal conforms to the Comprehensive Plan for Louisville and Jefferson County, Kentucky.**

The proposed zone change from R-4 Residential Single Family District to C-2 Commercial District (the "proposal") conforms to KRS 100.213 because it is in agreement with the adopted Comprehensive Plan for Louisville and Jefferson County, Kentucky, within which this property lies. Comprehensive Plan Goals, Objectives, Guidelines and Policies are discussed in this Demonstration of Appropriateness.

Community Form Guideline 1. The proposal conforms to Community Form Guideline 1 and all applicable Policies adopted thereunder, including Policy 3. The site lies within the Neighborhood Form District and is compliant therewith because the proposed automobile dealership use is a low intensity use having little traffic at a scale appropriate for nearby neighborhoods. The proposal is not a neighborhood "center" even though located with frontage on South Hurstbourne Parkway, an arterial roadway.

Centers Guideline 2. The proposal conforms to Centers Guideline 2 and all applicable Policies adopted thereunder, including Policies 2, 3, 4, 8 and 15. Alternative transportation modes are encouraged through the provision of sidewalks along the South Hurstbourne Parkway frontage. This is an automobile dealership: Centers Guideline 2, Policy 2 recognizes "car dealerships" as businesses which do "not fit well into a compact center" and are appropriate being located outside a designated activity center. Due to its successful business model, this dealership will not cause significant volumes of traffic to and from the site. The number of parking spaces on site [a total of nine (9), with two (2) of the nine set aside for the residential unit, and the remaining seven (7) being available for customer and employee parking.¹

Compatibility Guideline 3. The proposal conforms to Compatibility Guideline 3 and all applicable Policies adopted thereunder, including Policies 1, 2, 5, 6, 7, 8, 9, 21, 22, 23, 24 and 28. The proposed dealership has its frontage on South Hurstbourne Parkway with a residential living unit facing the homes along Clarmar Road to the rear. Building materials will be appropriate for this site. The proposal will not be a source of odor, air quality emissions, excessive traffic, noise, lighting or visual impacts. The proposal will conform to all lighting requirements of the Land Development Code. Adequate buffering will be provided all around the site. Setbacks will be observed except for one variance

¹ Gordon Motor Sports has one part-time secretary and a full time maintenance person.

which is respectfully requested. Signs will be proposed pursuant to Land Development Code restrictions.

Natural Areas and Scenic and Historic Resources Guideline 5. The proposal conforms to Natural Areas and Scenic and Historic Resources Guideline 5 and all applicable Policies adopted thereunder, including Policies 5.1, 5.2 and 5.6 and Social and Cultural Resources Goal D1 and Objective D1.1. There are no steep or severe slopes on site. On-site soils drain well and are highly permeable. No soils on-site are classified as wet soils.

Circulation Guideline 7. The proposal conforms to Circulation Guideline 7 and all applicable Policies adopted thereunder, including Policies 1, 2, 3, 10, 13 and 16. It is anticipated that Public Works will approve the proposal. Such approval would indicate, among other things, that the development provides adequate access for motorists and pedestrians, to, from and through the development. There is no transit service on this section of Hurstbourne Parkway. Adequate parking is provided for [see request for parking waiver]. Cross access is not provided and would not be appropriate due to the lower intensity zoning classification of surrounding properties on Hurstbourne Parkway.

Bicycle, Pedestrian and Transit Guideline 9. The proposal conforms to Bicycle, Pedestrian and Transit Guideline 9 and all applicable Policies adopted thereunder, including Policies 1, 3 and 4. Sidewalks are proposed along the South Hurstbourne Parkway frontage and internal to the site. Bicycle storage facilities will be located within the building. South Hurstbourne Parkway is not a transit route.

Flooding and Stormwater Guideline 10. The proposal conforms to Flooding and Stormwater Guideline 10 and all applicable Policies adopted thereunder, including Policies 1, 2, 3, 4, 7, 10 and 11. The development of the site will minimize the potential for the impacts of flooding, and effectively manages stormwater runoff. There is no impact to the regulatory floodplain because all structures will be located above the floodplain. No buildings are proposed to be located within the 100-year FEMA regulatory floodplain. It is anticipated that the proposal will receive the approval of MSD. All construction plans will be reviewed and approved by MSD prior to construction. Detention facilities across An on-site detention basin will adequately accommodate stormwater from the site, based on a fully developed watershed. The on-site drainage system will likewise accommodate the "through" drainage system of water flows on-site and off-site. Peak stormwater runoff rates post-development will not exceed pre-development rates.

Air Quality Guideline 12. The proposal conforms to Air Quality Guideline 12 and all applicable Policies adopted thereunder, including Policies 1, 2, 6 and 8 It is anticipated that the Louisville Air Pollution Control District will approve the

proposal. If granted, the APCD approval will indicate, among other things, that the proposal conforms to Air Quality Guideline 12 and related Policies.

Landscape Character Guideline 13. The proposal conforms to Landscape Character Guideline 13 and all applicable Policies adopted thereunder, including Policies 1, 2, 4, 5 and 6. Landscaping will be provided as shown on the development plan. Native plant species will be installed. Planting and buffering plans, wherever required, will be implemented. An adequate tree canopy will be provided for the Subject Site.

Infrastructure Guideline 14. The proposal conforms to Infrastructure Guideline 14 and all applicable Policies adopted thereunder, including Policies 2, 3, 4, 6 and 14.7. The proposal has adequate service for all necessary utilities. A common utility corridor exists in the development that includes gas, electric, water, telephone, cable and telecommunications. An adequate water supply for domestic and fire-fighting purposes will serve the site. Utilities will be located underground and will be situated where recommended by each utility for appropriate maintenance and repair access.

Community Facilities Guideline 15. The proposal conforms to Community Facilities Guideline 15 and all applicable Policies adopted thereunder, including Policy 15.9. Adequate fire fighting services will be provided by the Jeffersontown Fire Protection District.

The proposal conforms to all other applicable Goals, Objectives, Guidelines and Policies of the Comprehensive Plan.

- II. **All necessary utilities, including gas, electric, water, telephone, cable and telecommunications, either presently exist on-site or will be constructed. Essential public services, including sidewalks, will be constructed to serve the site as described above.**
- III. **Implementation of proposed uses is anticipated to begin within twelve (12) months of final approval.**

VARIANCE
LAND DEVELOPMENT CODE §5.3.1.C.5, Table 5.3.2
Vandenbrock Properties, LLC
Gordon Motor Sports

Request: This is a request for a variance from Land Development Code ("LDC") §5.3.1.C.5, Table 5.3.2 to vary the maximum allowed 80-foot Hurstbourne Parkway building setback.

The reasons that variance should be granted are:

a. The variance will not adversely affect the public health, safety or welfare.

The historic pattern of automobile dealership layout is to locate automobiles for sale in display spaces at the front of the site, visible to potential customers, with customer and employee parking closer to the building. This site observes those dynamics, and the site is further subject to South Hurstbourne Parkway's 30-foot Parkway Buffer Area along the frontage. Two rows of parking are proposed in front of the building. Because adequate landscaping area and parking area will exist, the variance will not adversely affect the public health, safety or welfare.

b. The variance will not alter the essential character of the general vicinity.

The configuration of the site as shown on the Development Plan mirrors the general configuration typifying an automobile dealership. This is a land use that calls for automobile display, customer parking, and (in this case) a substantial parkway buffer in front of the building. Thus, the variance will not alter the essential character of the general vicinity.

c. The variance will not cause a hazard or a nuisance to the public.

The location of the principal structure as proposed will cause no hazard or nuisance to the public because no issues of public safety are involved. The proposed variance will allow for an automobile dealership similar to what customers expect upon arrival. Therefore, the variance will not cause a hazard or nuisance to the public.

d. The variance will not allow an unreasonable circumvention of the requirements of the zoning regulations.

The proposed automobile dealership is unique in that most customers transact business over the telephone or internet. However, the site layout will typify an automobile dealership layout. For this reason, the variance will not cause an unreasonable circumvention of the requirements of the zoning regulations.

e. Special circumstances.

The subject site is unusually shaped. As a consequence of its shape and the Parkway Buffer Requirements the building must be situated as shown. This constitutes a special circumstance.

f. The strict application of the provisions of the regulation would deprive the Applicant of the reasonable use of the land.

Unless the variance is granted, adequate display of automobiles held for sale cannot be provided, causing the business of the dealership to be compromised.

g. The circumstances are not the result of actions of the Applicant taken subsequent to the adoption of the regulation from which relief is sought.

The circumstances giving rise to the variance request are due to the configuration of the lot.

LAND DEVELOPMENT CODE WAIVER

**Gordon Motor Sports
Vandenbrock Properties, LLC Owner**

LAND DEVELOPMENT CODE §10.3.5

A REQUEST FOR A WAIVER OF LAND DEVELOPMENT CODE (“LDC”) §10.3.5 to waive the requirement for a berm in the South Hurstbourne Parkway Parkway Buffer Area.

Reason. There is a change of land elevation (grade) from South Hurstbourne Parkway to and through the lot. The lot rises from its frontage so that a berm would not serve a purpose.

A. The waiver will not adversely affect adjacent property owners.

The waiver will not adversely affect adjacent property owners because the waiver only affects internal landscaping requirements and the site will be protected by the 30-foot Parkway Buffer Area. Thus, the waiver will not adversely affect adjacent property owners.

B. The waiver will not violate the Comprehensive Plan.

The requested waiver conforms to the Comprehensive Plan because all design criteria meet Compatibility Guideline 3 and Policy 22 and Landscape Character Guideline 13 and Policies 4 and 6.

Compatibility Guideline 3. The waiver conforms to Compatibility Guideline 3 and all applicable Policies adopted thereunder, including Policy 9, 22, because the thirty-(30) foot Parkway Buffer Area will provide adequate buffering for the site, and because plant materials otherwise required to provide on-site buffers and tree canopy will be implemented.

Landscape Character Guideline 13. The waiver conforms to Landscape Character Guideline 13 and all applicable Policies adopted thereunder, including Policy 6, because the plant materials will be provided pursuant to the LDC and will be maintained by the applicant, regardless of the grant of the waiver.

C. The waiver conforms to the intent of the Land Development Code.

The waiver conforms to the intent of the Land Development Code to provide for adequate landscaping and tree canopy to reduce any potential for visual nuisance. Because all landscape materials required by the LDC will be implemented, the waiver conforms to the intent of the Land Development Code.

D. The extent of the waiver of the regulation is the minimum necessary to afford relief to the applicant.

The waiver is the minimum necessary to afford relief to the applicant because the grant of the waiver will still allow for the protection of the site via the Parkway Buffer Area. Thus, the extent of the waiver is the minimum necessary to afford relief to the applicant.

E. The strict application of the regulation would deprive the applicant of the reasonable use of the land or would create an unnecessary hardship on the applicant.

The strict application of the regulation would deprive the applicant of the reasonable use of the land and would create an unnecessary hardship on the applicant because the strict application of the regulation would not provide further protection of the site due to the increase in elevation extending from South Hurstbourne Parkway through the site.

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LAND DEVELOPMENT CODE PARKING WAIVER

**Gordon Motor Sports
Vandenbrock Properties, LLC Owner**

**LAND DEVELOPMENT CODE CHAPTER 9, TABLE 9.1.D TO PERMIT A
REDUCTION IN THE MINIMUM PARKING REQUIREMENT**

**A REQUEST FOR A WAIVER OF LAND DEVELOPMENT CODE (“LDC”) CHAPTER
9, TABLE 9.1.2D TO PERMIT A REDUCTION IN THE MINIMUM PARKING
REQUIREMENT.**

Reason. The Land Development Code Table 9.1.2D requires minimum parking at the following ratio: 1 space for each 7,000 SF of outdoor display/sales area, plus 1 space for each 250 SF of interior display/sales area, plus parking requirements for auto service establishment (if applicable). Gordon Motor Sports is a unique auto sales business; it has a very limited customer base and a unique method of selling cars over the telephone/internet; Gordon does not have the standard operational procedures envisioned for a typical automobile dealership as anticipated by Table 9.1.2D. The proposed 9 spaces on the site will be sufficient based on Gordon Motor Sports' history of having few customers visiting the site. 2 of the proposed 9 spaces are for the single residential unit on site, leaving 7 spaces for customers, a part-time secretary and a maintenance person.

B. The waiver conforms to the Comprehensive Plan.

The requested waiver conforms to the Comprehensive Plan because the parking waiver conforms to Compatibility Guideline 3 and all applicable Policies including Policies 6 and 24, and Circulation Guideline 7 and all applicable Policies including Policy 10.

Compatibility Guideline 3. The waiver conforms to Compatibility Guideline 3 and all applicable Policies adopted thereunder, including Policies 6 and 24 because sufficient parking will be provided for on-site.

Circulation Guideline 7. The waiver conforms to Circulation Guideline 7 and all applicable Policies adopted thereunder, including Policy 10, because the proposed use will be adequately served by the nine (9) parking spaces proposed for the site.

No other Guidelines or Policies of the Comprehensive Plan apply to this request.

C. The Applicant has made a good faith effort to provide as many parking spaces as possible on the site, on other property under the same ownership, or through joint use provisions.

Because the business is based primarily on telephone and internet contact with prospective purchasers, the minimum parking requirements of Table 9.1.2D should not apply. An automobile dealership must have adequate display spaces on-site, which are proposed. The site plan shows that the Applicant has provided as many parking spaces as possible on the site, and no other spaces are available on other property under the same ownership or via joint use provisions.

D. The requested waiver is the smallest possible reduction of parking spaces that would accommodate the proposed use.

Considering the size and dimensions of the lot and the need for an automobile dealership to have display spaces, the requested waiver is the smallest possible reduction of parking spaces that will accommodate the proposed use. Providing seven (7) business parking spaces will be sufficient at all times during business hours.

E. Adjacent or nearby properties will not be adversely affected by the parking waiver.

Adjacent or nearby properties will not be adversely affected by the parking waiver because, based on historical use, there will be no time when adequate parking facilities are not provided.

F. The requirements in Table 9.1.2 do not accurately depict the parking needs of the proposed use and the requested reduction will accommodate the parking demand to be generated by the proposed use.

Table 9.1.2 does not accurately depict the parking needs of the proposed use because the Table does not reflect an automobile dealership at which most customers interact with the dealer on the telephone or via internet, which means the customer is not required to, and does not, travel to the dealer for any aspect of the transaction. Therefore, a dramatically reduced parking requirement should be afforded this use.

G. There is a surplus of on-street or public spaces in the area that can accommodate the generated parking demand.

There is no surplus of on-street parking or public space in the area that can accommodate the generated parking demand; hence, this requirement does not apply.

H. PARKING STUDY. For the reasons stated above in this Request, the present Gordon Motor Sports operation at 9801 Bardstown Road does not have any on-site customer parking because very little, if any, customer parking is ever necessary. Hence, there are no comparable situations on which to perform a parking study.

PROPOSED FINDINGS OF FACT

Submitted by:
Vandenbrock Properties, LLC
Gordon Motor Sports

WHEREAS, The Planning Commission Finds That the proposal conforms to KRS 100.213 because it is in agreement with Comprehensive Plan for Louisville and Jefferson County, Kentucky as detailed in these Findings of Fact; and

WHEREAS, The Planning Commission Further Finds That the proposal conforms to Community Form Guideline 1 and all applicable Policies adopted thereunder, including Policy 3 because the site lies within the Neighborhood Form District and is compliant therewith; because the proposed automobile dealership use is a low intensity use having little traffic, and is at a scale which is appropriate for nearby neighborhoods; because the proposal is not a neighborhood "center" even though located with frontage on South Hurstbourne Parkway, an arterial roadway; and

WHEREAS, The Planning Commission Further Finds That the proposal conforms to Centers Guideline 2 and all applicable Policies adopted thereunder, including Policies 2, 3, 4, 8 and 15 because alternative transportation modes are encouraged through the provision of sidewalks along the South Hurstbourne Parkway frontage; because the proposed use is an automobile dealership and Centers Guideline 2, Policy 2 recognizes "car dealerships" as businesses which do "not fit well into a compact center" and are appropriate being located outside a designated activity center; because due to its successful unique business model, this dealership will not cause significant volumes of traffic to and from the site; and because the number of parking spaces on site [a total of nine (9), with two (2) of the nine set aside for the residential unit, and the remaining seven (7) being available for customer and employee parking is appropriate; and

WHEREAS, The Planning Commission Further Finds That the proposal conforms to Compatibility Guideline 3 and all applicable Policies adopted thereunder, including Policies 1, 2, 5, 6, 7, 8, 9, 21, 22, 23, 24 and 28 because the proposed dealership has its frontage on South Hurstbourne Parkway with a residential living unit facing the homes along Clarmar Road to the rear; because the proposed building materials will be appropriate for this site; because the proposal will not be a source of odor, air quality emissions, excessive traffic, noise, lighting or visual impacts; because the proposal will conform to all lighting requirements of the Land Development Code; because adequate buffering will be provided all around the site and setbacks will be observed except for one variance has been granted; and because signs will be located and sized pursuant to Land Development Code restrictions; and

WHEREAS, The Planning Commission Further Finds That the proposal conforms to Natural Areas and Scenic and Historic Resources Guideline 5 and all applicable Policies adopted thereunder, including Policies 5.1, 5.2 and 5.6 and Social and Cultural

Resources Goal D1 and Objective D1.1 because there are no steep or severe slopes on site; because on-site soils drain well and are highly permeable; and because no soils on-site are classified as wet soils; and

WHEREAS, The Planning Commission Further Finds That the proposal conforms to Circulation Guideline 7 and all applicable Policies adopted thereunder, including Policies 1, 2, 3, 10, 13 and 16 because the Louisville Department of Public Works has approved the proposal indicating, among other things, that the development provides adequate access for motorists and pedestrians, to, from and through the development; because there is no transit service on this section of Hurstbourne Parkway; because adequate parking is provided for even with the grant of the parking waiver; and because cross access is not provided and would not be appropriate due to the lower intensity zoning classification of surrounding properties on Hurstbourne Parkway; and

WHEREAS, The Planning Commission Further Finds That the proposal conforms to Bicycle, Pedestrian and Transit Guideline 9 and all applicable Policies adopted thereunder, including Policies 1, 3 and 4 because sidewalks are proposed along the South Hurstbourne Parkway frontage and internal to the site; because bicycle storage facilities will be located within the building and because South Hurstbourne Parkway is not a transit route; and

WHEREAS, The Planning Commission Further Finds That the proposal conforms to Flooding and Stormwater Guideline 10 and all applicable Policies adopted thereunder, including Policies 1, 2, 3, 4, 7, 10 and 11; because the development of the site will minimize the potential for the impacts of flooding, and effectively manages stormwater runoff; because there is no impact to the regulatory floodplain because all structures will be located above the floodplain; because no buildings are proposed to be located within the 100-year FEMA regulatory floodplain; because the Metropolitan Sewer District ("MSD") has approved the development plan and all construction plans will be reviewed and approved by MSD prior to construction; because detention facilities (on-site detention basin) will adequately accommodate stormwater from the site, based on a fully developed watershed; because the on-site drainage system will likewise accommodate the "through" drainage system of water flows on-site and off-site; and because peak stormwater runoff rates post-development will not exceed pre-development rates; and

WHEREAS, The Planning Commission Further Finds That the proposal conforms to Air Quality Guideline 12 and all applicable Policies adopted thereunder, including Policies 1, 2, 6 and 8 because the Louisville Air Pollution Control District has approved the proposal which indicates, among other things, that the proposal conforms to Air Quality Guideline 12 and related Policies; and

WHEREAS, The Planning Commission Further Finds That the proposal conforms to Landscape Character Guideline 13 and all applicable Policies adopted thereunder, including Policies 1, 2, 4, 5 and 6 because landscaping will be provided as shown on the development plan; because native plant species will be installed; because planting

and buffering plans, wherever required, will be implemented; and because an adequate tree canopy will be provided for the Subject Site; and

WHEREAS, The Planning Commission Further Finds That the proposal conforms to Infrastructure Guideline 14 and all applicable Policies adopted thereunder, including Policies 2, 3, 4, 6 and 14.7 because the proposal has adequate service for all necessary utilities; because a common utility corridor exists in the development that includes gas, electric, water, telephone, cable and telecommunications; because an adequate water supply for domestic and fire-fighting purposes will serve the site; and because utilities will be located underground and will be situated where recommended by each utility for appropriate maintenance and repair access; and

WHEREAS, The Planning Commission Further Finds That the proposal conforms to Community Facilities Guideline 15 and all applicable Policies adopted thereunder, including Policy 15.9 because adequate fire fighting services will be provided by the Jeffersontown Fire Protection District; and

WHEREAS, The Planning Commission Further Finds That the proposal conforms to all other applicable Goals, Objectives, Guidelines and Policies of the Comprehensive Plan; and

WHEREAS, The Planning Commission Further Finds That all necessary utilities, including gas, electric, water, telephone, cable and telecommunications, either presently exist on-site or will be constructed and all essential public services, including sidewalks, will be constructed to serve the site; and

WHEREAS, The Planning Commission Further Finds That implementation of proposed uses is anticipated to begin within twelve (12) months of final approval.

NOW, THEREFORE, BE IT RESOLVED THAT THE PLANNING COMMISSION DOES HEREBY RECOMMEND THAT THE PROPOSED CHANGE OF ZONE FROM R-4 TO C-2 BE APPROVED.