

# **Marshall Realty Company**

## **CONDITIONAL USE PERMIT FOR OFF STREET PARKING AND VARIANCE 4603 Shelbyville Road Case No. 14CUP1012**

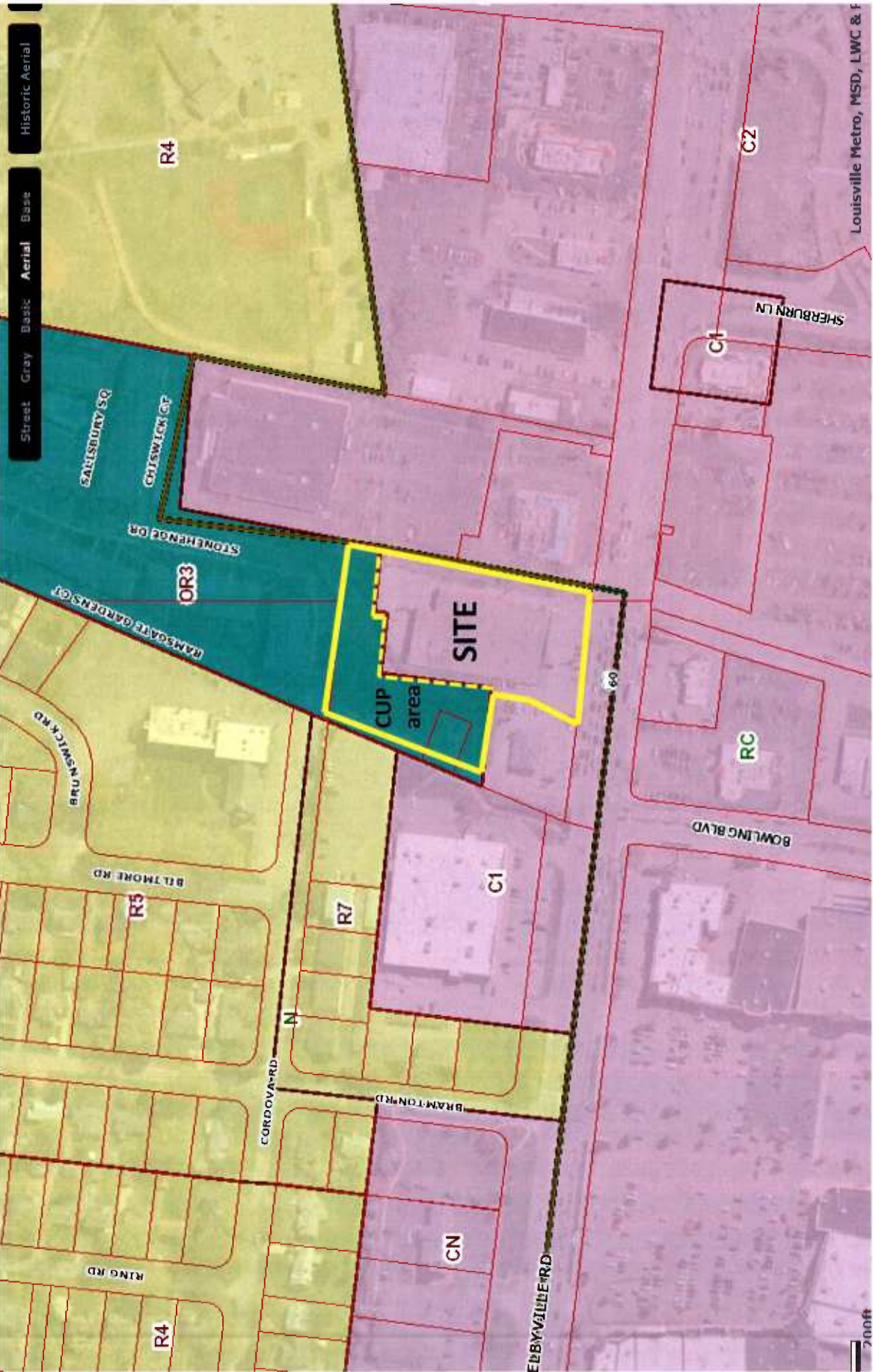
### **APPLICANT'S PUBLIC HEARING EXHIBITS November 17, 2014**

- 1. LOJIC Zoning Map**
- 2. Aerial Photograph**
- 3. Photographs of Site and Surrounding Area**
- 4. Color Development Plan**
- 5. Drainage Exhibit**
- 6. Market Activity Report**
- 7. Proposed Findings of Fact for Conditional Use Permit**
- 8. Proposed Findings of Fact for Variance**

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**View of Subject Property from Shelbyville Road**



**Stonehenge Drive from Shelbyville Road**  
(subject property on the right behind Medley's)



**Views of Subject Property from across Stonehenge Drive**





**View of Subject Property from across Stonehenge Drive**



**View of Subject Property toward Stonehenge Condominiums and  
Beechwood Baptist Church**





 Open Channel  
 Culvert





Paved channel will be replaced by a box culvert with a larger dimensional area to prevent any water from backing up upstream of the site



**SECTION VIEW**

M E M O

Date: October 7, 2014  
To: Phillip Marshall  
From: Scott Gilmore  
Subject: 4607 Shelbyville Road  
CC: Robert Schwartz, Clay Hunt

Dear Phillip,

As Leasing representatives for the subject location 4607 Shelbyville Road, Louisville, KY 40207, we have exposed the current 10,430 square foot vacancy to the market activity, and unfortunately, have not been able to Lease the subject vacancy due in large to parking limitations. The standard retailer parking requirement is approximately 5 parking spaces for every 1,000 square feet of overall retail space. The subject location is approximately 25,140 square feet, and we currently have approximately 46 parking spaces readily available. That equates to a ratio of 1.83 parking spaces for every 1,000 square feet of retail. By having the ability to potentially add approximately 62 parking spaces for a total of 108 parks, we're drastically able to change the dynamic of the center, and thus will enable us to target higher profile retail prospects. With 108 parking spaces, our ratio increases to 4.3 parking spaces for every 1,000 square feet of overall retail square footage.

This location offers supreme visibility and street presence along Louisville's most prominent and established retail corridor. The property at 4607 Shelbyville Road is an established retail component to the existing trade area, and just like most retailers, the property needs to evolve in order to meet ever changing demands of the retailer and consumer. With consumer confidence

strengthening, this is a great opportunity to maximize this property development potential and help to add another top tier retail tenant to St Matthew's shopping experience. If the parking field remains with only 46 parking spaces, we'll continue to lose the more attractive retail users to other trade areas or potentially the market all together.

Please review and let us know if you have any questions. Thank you for the opportunity to assist.

Sincerely,

A handwritten signature in black ink, appearing to read "Scott Gilmore". The signature is fluid and cursive, with the first name "Scott" and last name "Gilmore" clearly distinguishable.

Scott Gilmore  
Senior Associate



Marketing Report  
Date: October 7, 2014

4607 Shelbyville Road  
Louisville, KY



Prepared by:  
Retail Services Group  
502 429 6700

Active Prospects	
Retailer	Comments
2nd and Charles	Site discussion held. LOI negotiations. Tenant passed on the site due to parking.
Aspen Dental	Site package sent. Potential Interest. Would only require approximately 4,000 SF. Additional parking along the side would allow us to potentially lease the remaining 6,000 SF. It would become dead space otherwise if we were to pursue this deal.
Autozone	Site package sent. Site discussion held. Overall size work, but would require more frontage, and additional parking.
Beauty Brands	Site submitted for consideration. No interest. Not currently expanding at this time.
Buddy's Home Furnishings	Site package submitted. No interest, pursuing Class B options at this time.
Caferra Health Systems	Site discussed and toured. Considered for relocation of physical therapy and rehab center. Site is too large for +/-8,000 SF office/clinic requirement.
Charming Charlie's	Site discussion held. Package sent. Not currently expanding in Louisville.

Chipotle Mexican Grill	Site discussion held. Package sent. Too large for their use, and would require more parking.
Eyemart Express	Not expanding in our market.
Gandolfo's Deli	Site discussion held. Package sent. Too large for their use.
Get Air Trampoline Park	Site discussion. Package sent. No interest. Ceilings are not high enough.
Half Price Books	Site discussion held. Package sent. Potential interest, but would require additional parking.
Hancock Fabrics	Package sent. Expansion efforts are currently on hold.
HH Gregg	Site discussion. Package sent. Potential relocation of Hurstbourne store. Too small for their use.
Honeybaked Ham	Site discussion and tour. Site was being considered for split use between Honeybaked Ham and Sweet Clove (HBH breakfast concept). Additional parking field would be required.
Kiddie Caste	Site discussion. Showing held. Overall size is large for their use. Only need 5,000 SF of retail, and remaining back portion would be use as overstock/warehouse space. Parking was also a concern.
Luxxotica	Package sent. Site discussion held. To large for their use. Would only require 3,500 SF, and additional parking.
Men's Warehouse	LOI negotiations. Counter sent, awaiting feedback. Still internally evaluating a play to relocate Jos A Banks and Mens Warehouse. Would require the additional parking field to move forward.
Mission BBQ	Site discussion. Package sent. No interest, too large for their use, and parking is limited.
Office Depot	Site package re-sent for downsize option. No movement of relocations, expansions, closings, etc.

Quest Outdoors	Site submitted. Site discussion held. Lease ends 2016, and would potentially reconsider if the option is still available in the future.
Rainbow	Site package sent. No interest. Pursuing the Blue Collar demographic.
Shoe Carnival	Site package sent. Site discussion held. Not interest, due to parking, frontage, parking, and lack of retailer co-tenancy.
Shoe Sensation	Site package sent. Site discussion held. No interest due to size, and parking. 6,000 SF is their maximum footprint.
Ultra	Site re-submitted. No interest due to parking, and wants to be inline with other soft good and specialty retailers.
West Elm	Site submitted. Awaiting confirmation on a tour for the site.
Visionworks	Site submitted . Site discussion held. No interest, not expanding at this time.
<b>Marketing</b>	
Property is listed on <a href="http://www.loopnet.com">www.loopnet.com</a> , <a href="http://www.kcrea.com">www.kcrea.com</a> , <a href="http://www.cbrelouisville.com">www.cbrelouisville.com</a>	
Pylon signage installed	
Email campaign sent to medium box tenants.	

**PROPOSED FINDINGS OF FACT FOR CONDITIONAL USE PERMIT**  
**4603 Shelbyville Road**  
**Case No. 14CUP1012**

WHEREAS, the Louisville Metro Board of Zoning Adjustment finds, based on the evidence and testimony presented at the public hearing, including the applicant's exhibits and proposed findings of fact, that the property which the proposed parking lot will serve has a significant shortage of parking spaces and the proposed conditional use permit will allow the applicant to provide additional parking to bring the site into compliance with the minimum requirements of the parking regulations of the St. Matthews Development Code; the proposed conditional use permit will not have an adverse effect on neighboring properties because the parking lot is located within an existing commercial activity center along Shelbyville Road, with commercial properties to the east, south, and west; the property to the north is zoned OR-3 and contains a multi-family residential development; the proposed development will meet or exceed all perimeter and interior landscape requirements and outdoor lighting will comply with Development Code standards to ensure there are no negative lighting impacts to the residential property to the north; by providing an access to Stonehenge Drive, the proposed parking lot will enable vehicles to utilize the signalized intersection on Shelbyville Road as opposed to entering and exiting the development via the direct curb cuts on Shelbyville Road, which reduces traffic conflicts and improves circulation and safety;

WHEREAS, the Board further finds the proposed conditional use permit complies with the Cornerstone 2020 Comprehensive Plan because the proposed parking lot will be compatible with surrounding properties, which are substantially commercial in use and character; the existing green space along the north side of the existing commercial building will be maintained, and additional landscaping will be installed in this area to provide more buffering between the existing development and the residential property to the north; landscaping will also be provided in and around the new parking area to screen it from view and enhance the aesthetic quality of the site; the existing paved ditched on the property will be piped and will be adequately sized to handle the stormwater runoff from the proposed development to ensure there are no negative impacts to surrounding properties; in addition to providing parking for an adjoining retail building for which insufficient parking exists, the proposal will also result in improved traffic circulation and safety because it will enable vehicles to utilize the signalized intersection at Stonehenge Drive and Shelbyville Road; therefore, the proposed development is essential to and will promote the public health, safety, and general welfare;

WHEREAS, the Board further finds the proposed conditional use permit complies with the listed requirements for off-street parking set forth in Article 15 of the St. Matthews Development Code in that (a) the proposed parking area is located within 200 feet of the property on which the building to be served is located; (b) the existing green space on the north side of the existing retail building will be preserved, and perimeter and interior landscaping will be provided in accordance with the Development Code to adequately buffer the proposed parking lot from the residential property to the north; (c) the minimum front, street side, and side yards required in the district are maintained free of

parking; (d) all driveways and the area used for the parking of vehicles will be surfaced with a hard and durable material and be properly drained; the proposed drainage plan will be reviewed and approved by MSD and the City of St. Matthews to ensure that there will be no negative impacts to surrounding properties; and the proposal will require the approval of the U.S. Army Corps of Engineers and the Kentucky Division of Water; (e) the proposed parking area will be used exclusively for transient parking of motor vehicles belonging to invitees of the owner and/or lessees of said lot; (f) the approval of all plans and specifications for the improvement, surfacing, and drainage for said parking area will be obtained from the Louisville Metro Department of Public Works, MSD, and the City of St. Matthews; and (g) the proposed development plan will be required to receive preliminary approval from Louisville Metro Public Works, Louisville Metro Planning & Design Services, and MSD prior to the public hearing on the conditional use permit.

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**PROPOSED FINDINGS OF FACT FOR VARIANCE**

4603 Shelbyville Road  
Case No. 14CUP1012

In conjunction with the conditional use permit for off-street parking on the property located at 4603 Shelbyville Road, the applicant, Marshall Realty Company, requests a variance from Section 5.4.C.2.d. of the St. Matthews Development Code to allow the proposed vehicle parking area to be located 0 feet from the rear property line. As explained herein, the requested variance complies with KRS 100.243 and, therefore, should be approved.

WHEREAS, the Louisville Metro Board of Zoning Adjustment finds, based on the evidence and testimony presented at the public hearing, including the applicant's exhibits and proposed findings of fact, that the requested variance to allow the proposed vehicle parking area to be located 0 feet from the rear property line will not adversely affect the public health, safety, or welfare or alter the essential character of the general vicinity because the rear yard of the subject property where the variance is requested is immediately adjacent to the commercial property owned by the applicant which will be served by the proposed off-street parking area; the parking/maneuvering area on the applicant's adjacent commercial property is constructed right up to the common property line on that site; the proposed development is visually compatible with the pattern of development in the surrounding area; the proposed development will meet or exceed all perimeter and interior landscape requirements and outdoor lighting will comply with Development Code standards to ensure there are no negative lighting impacts to the residential property to the north; the existing green space along the north side of the existing commercial building will be maintained, and additional landscaping will be installed in this area to provide more buffering between the existing development and the residential property to the north; landscaping will also be provided in and around the new parking area to screen it from view and enhance the aesthetic quality of the site; the existing paved ditch on the property will be piped and will be adequately sized to handle the stormwater runoff from the proposed development to ensure there are no negative impacts to surrounding properties; in addition to providing parking for an adjoining retail building for which insufficient parking exists, the proposal will also result in improved traffic circulation and safety because it will enable vehicles to utilize the signalized intersection at Stonehenge Drive and Shelbyville Road; therefore, the requested variance will not cause a hazard or nuisance to the public;

WHEREAS, the Board further finds the requested variance will not allow an unreasonable circumvention of the requirements of the zoning regulations because the adjacent properties that is most affected by the variance is owned by the applicant and contains the commercial use that will be served by the proposed parking lot; if the subject property was able to be legally consolidated into the applicant's adjacent commercial properties, the need for the variance might be eliminated, but for reasons relating to the ownership structure of the applicant's other properties, the subject property cannot be consolidated at this time; therefore, the need for the variance is the result of a special circumstance that does not apply to land in the general vicinity or in the same zone;

WHEREAS, the Board further finds if the variance is not granted, the applicant will lose a significant amount of usable area on the subject property; for this reason, and because the proposed parking area is consistent with the pattern of development on the immediately surrounding properties and will not adversely affect other nearby properties, the strict application of the provisions of the regulation would deprive the applicant of the reasonable use of the land and create an unnecessary hardship;

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