

Louisville Metro Planning Commission
July 17, 2014

Docket No.14ZONE1023


Change in zoning from OTF to CM to allow a Mini-Storage
facility on property at 3913 Accomack Drive



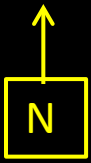
Attorneys: Bardenwerper Talbott & Roberts, PLLC

Land Planners, Landscape Architects & Engineers: Land Design & Development, Inc.

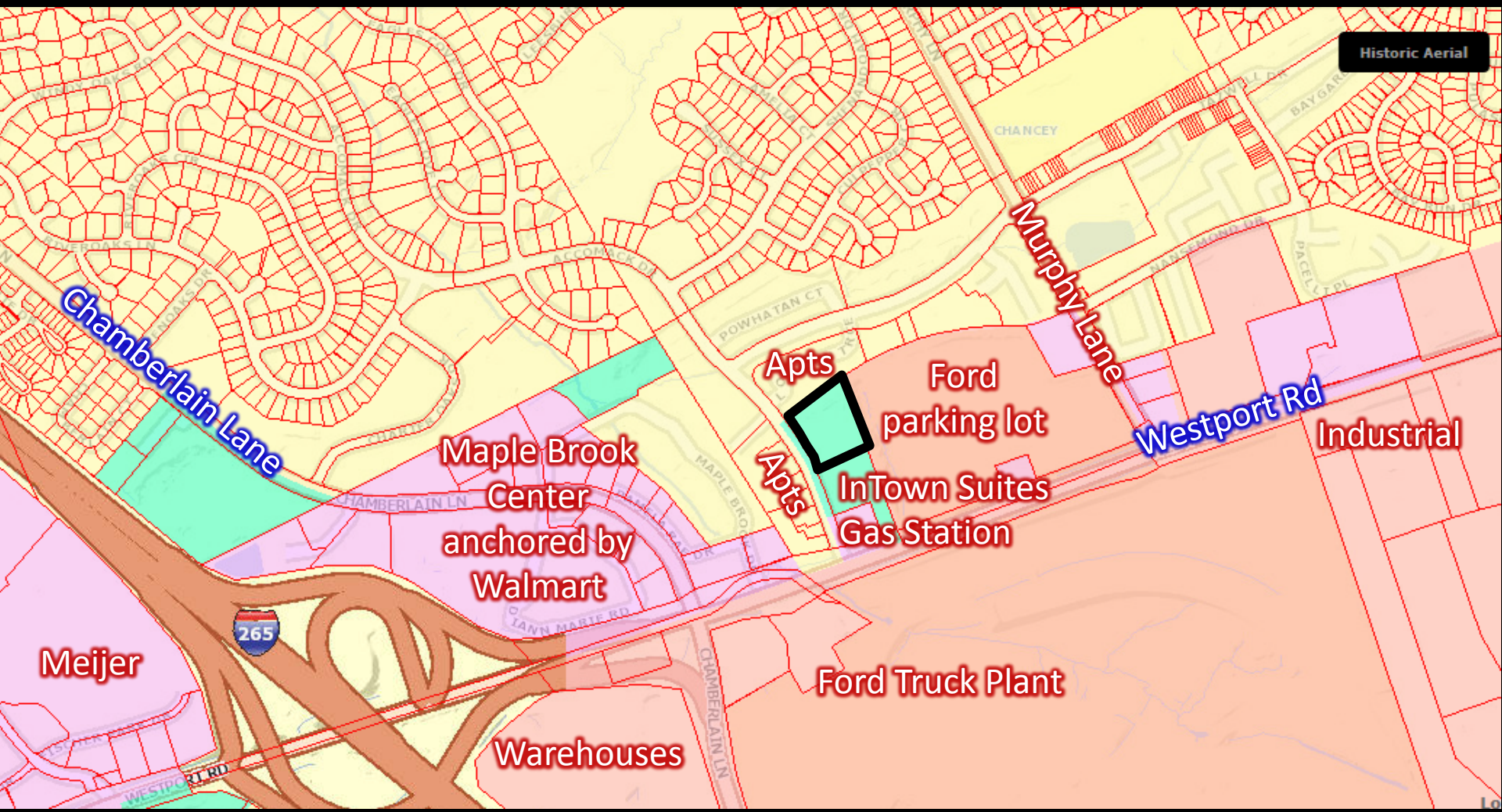
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- 

Tab 1 LOJIC Zoning Map



Historic Aerial



Tab 2

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



Historic Aerial Street Aerial Base

Apts

Apts

Ford parking lot

InTown Suites Gas Station

Ford Truck Plant

Industrial

Maple Brook Center anchored by Walmart

Meijer

Chamberlain Lane

Murphy Lane

Westport Rd

265

265

EAGLES COVE DR

ENGLISH OAK CT

RIVEROAKS CIR

RIVEROAKS LN

ACCOMACK DR

WINTER OAKS DR

AMELIA CT

SUSSEX CT

SHENANDOAH DR

GULDETTEN CRT

GORSTON CT

TAYWELL DR

FORD PL

NARSEMOND DR

PAGEHILL DR

BAY GARDEN

ARWIDE CT

BAY RUN DR

BAY LUNG CT

NORTHUMBERLAND DR

POWHATAN CT

LONGOUL TREE

MAPLE BROOK DR

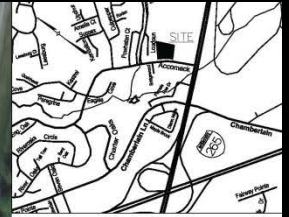
PATELA RA E DR

DIANN MAR DR

MURPHY LN

WESTPORT RD

GOLTSBURY



LOCATION MAP
NOT TO SCALE



Tab 3

**Ground level photographs of the site
and surrounding area**



Springhurst East Apartments

Stonewater Park Apartments

Accomack Drive

SITE

View from site of Accomack Drive, looking north



View of Stonewater Park Apartments, north of the site, which applicant's entity also owns

SITE

Springhurst East
Apartments

Accomack Drive

View from site of Accomack Drive, looking south towards Westport Road. Site is to the left.

SITE



View of InTown Suites, directly south of site.



SITE

View of site from InTown Suites (south of site).



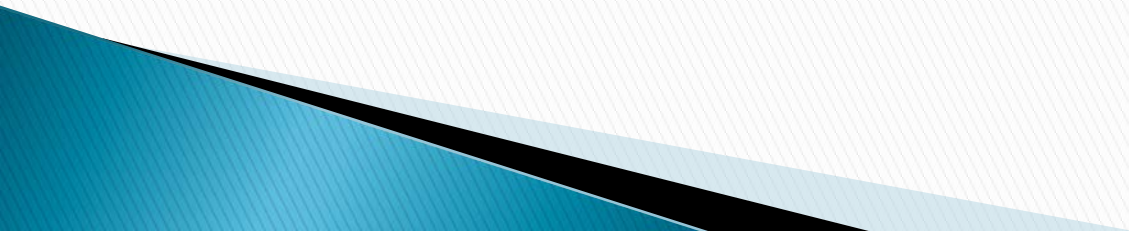
View of Westport Road at Accomack Drive, looking east.

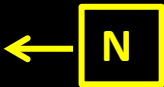


View of Westport Road at Accomack Drive, looking west.

Tab 4

Color Development Plan





LLC
onal Park
025
237

EDGE OF PAVEMENT

PROP. VARIABLE
S&D
EASEMENT

PROPOSED DETENTION/
TEMPORARY SEDIMENT
BASIN
5802 SF

PROP. GATE

OFFICE

PROPOSED MINI-WAREHOUSE 9,398 S.F.

PROPOSED MINI-WAREHOUSE 6,486 S.F.

PROPOSED MINI-WAREHOUSE 5,975 S.F.

PROPOSED MINI-WAREHOUSE 1,250 S.F.

PROPOSED MINI-WAREHOUSE 1,250 S.F.

PROPOSED MINI-WAREHOUSE 2,038 S.F.

PROPOSED MINI-WAREHOUSE 3,605 S.F.

PROPOSED MINI-WAREHOUSE 3,938 S.F.

PROPOSED MINI-WAREHOUSE 2,038 S.F.

PROPOSED MINI-WAREHOUSE 800 S.F.

PROPOSED MINI-WAREHOUSE 600 S.F.

PROPOSED MINI-WAREHOUSE 600 S.F.

PROPOSED MINI-WAREHOUSE 878 S.F.

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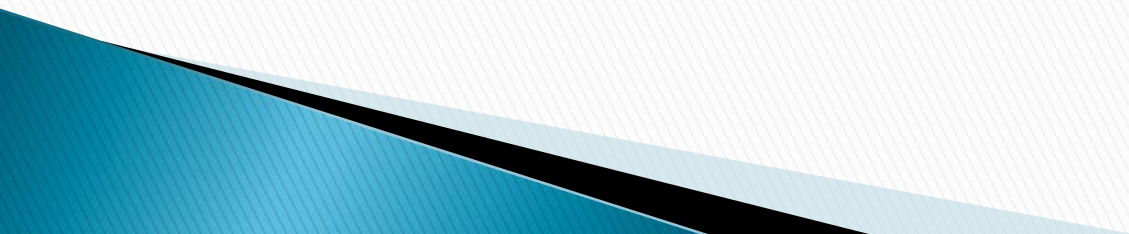
PROPOSED MINI-WAREHOUSE 878 S.F.

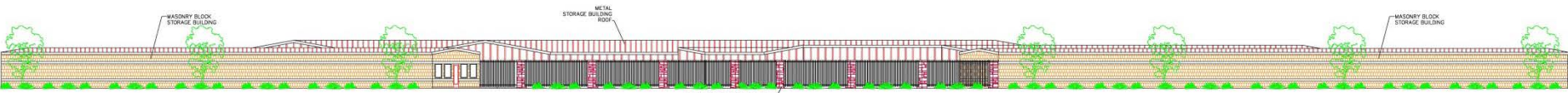
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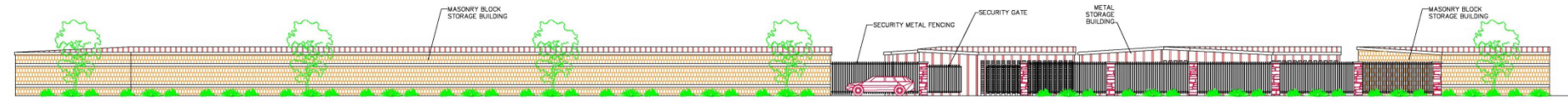
Tab 5

Building Elevation

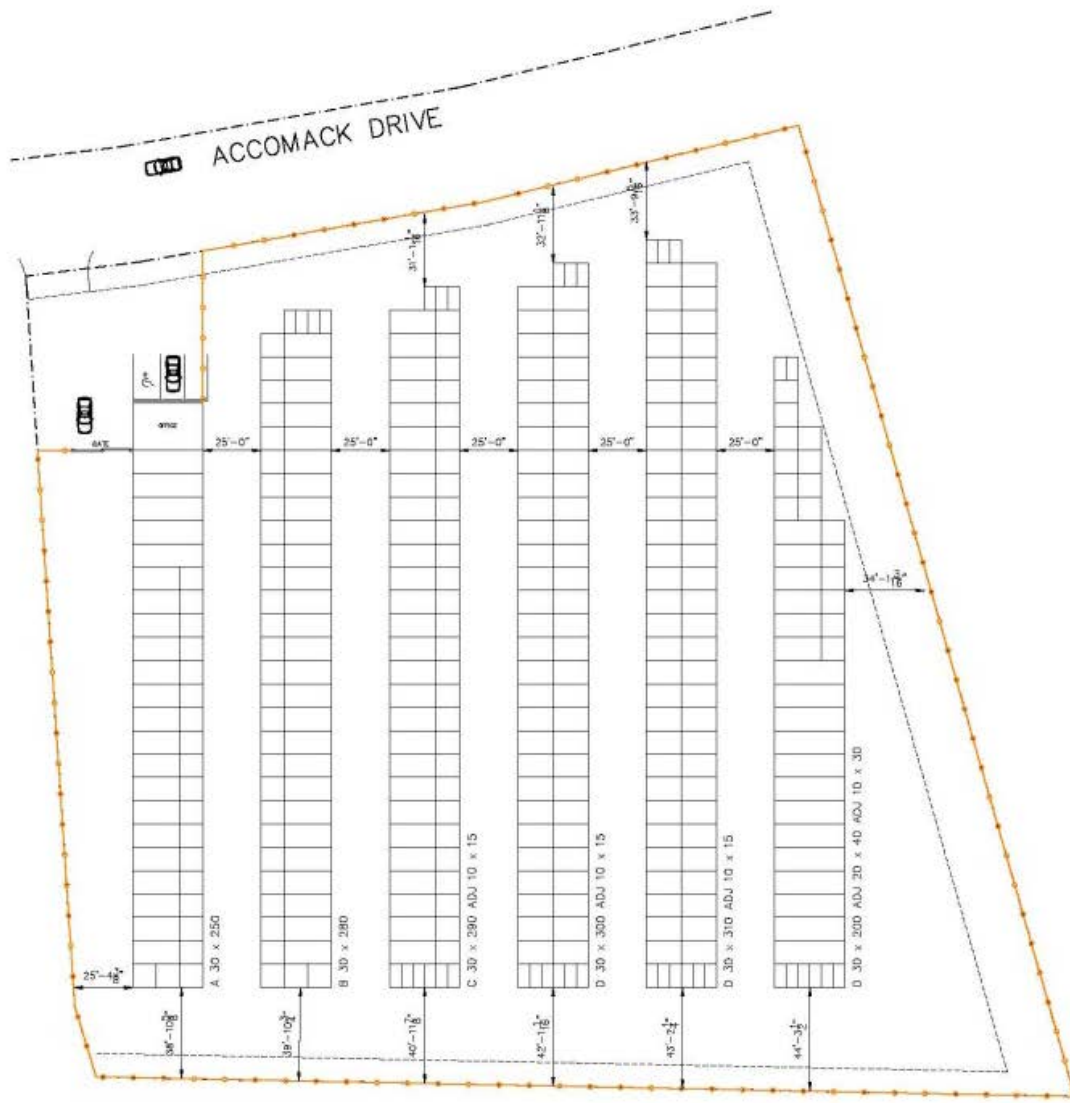




NORTH ELEVATION



ACCOMACK DRIVE ELEVATION (EAST)




UNIT MIX

LABEL	UNIT SIZE	# UNITS	%	SQ. FEET
	5 x 10	39	11.2	1950
	10 x 10	94	27.0	9400
	10 x 15	118	33.9	17700
	10 x 20	78	22.4	15600
	10 x 30	18	5.2	5400
OFFI	20 x 300FF	1	0.3	600
TOTAL		348	100	50650

Tab 6

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



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 APPLICABLE GUIDELINES OF THE CORNERSTONE 2020 COMPREHENSIVE PLAN

<u>Applicant:</u>	Fireside Financial, LLC
<u>Owner:</u>	Fireside Investment Pool, LLC
<u>Location:</u>	3913 Accomack Drive
<u>Proposed Use:</u>	Mini-Storage
<u>Engineers, Land Planners and Landscape Architects:</u>	Land Design & Development, LLC
<u>Request:</u>	Change in Zoning from OTF to C-M

INTRODUCTION

This is an application for a mini-storage facility on vacant property that is located next door to a Ford Truck Plant parking lot and apartments owned and renovated by this same developer/property owner. Final style and design of the mini-storage will be similar to other facilities where the backs of the buildings, faced with split-faced block, basically serve as a screen wall around the storage units.

GUIDELINE 1: COMMUNITY FORM

The community form for this area is Suburban Workplace which is characterized by a variety of uses mostly like this one or more intense. Adjoining apartment uses, in accordance with this Form District, will be well screened and buffered. Apartment dwellers are some of the predominate users of mini-storage facilities.

GUIDELINE 2: CENTERS

The Intents of this Guideline 2 are several fold: to promote an efficient use of land in existing infrastructure, to lower utility costs by reducing the need for extensions, to reduce commuting time and transportation related air pollution, to provide neighborhood centers and marketplaces that include a diversity of goods and services, to encourage vitality and sense of place, and to restrict individual or isolated commercial uses in noncommercial areas. The proposed mini-storage facility complies with all of these Intents of this Guideline because this property is ideal for this use given its location surrounded by the uses identified above on the edge of a large mixed use industrial, retail and apartment activity center. Locating the mini-storage facility where there is a clear market demand in an area with a sizeable residential support population with multiple retail and industrial users as well as pass-by traffic, helps reduce commuting and transportation related air pollution because people don't have to drive long distances, as they often do, for their mini-storage needs. The proposed mini-storage facility also addresses the other

Intent statements of this Guideline because it is a compact development that fits well, given its aesthetic appeal and full mitigation of adverse impacts, with nearby commercial and industrial uses and with nearby commercial, industrial and apartments predominantly existing in the area.

Policies 1 and 2 of this Guideline propose locating activity centers when a proposed use requires a special location in or near a specific land use or transportation facility. This proposed mini-storage facility complies with these Policies of this Guideline because, as stated, a Suburban Workplace is appropriate for this kind of use, and further mini-storage requires special locations, notably on streets near significant residential, industrial and/or commercial support populations and businesses from where they draw their trade.

Policy 3 of this Guideline suggests location of commercial development in activity centers where it can be demonstrated that significant support population exists. Not only is there little competition for mini-storage facilities in this immediate area, but there is a support population in very short driving distances from the proposed mini-storage facility.

Policy 5 of this Guideline recommends a mixture of compatible uses in a Suburban Workplace. The way that the proposed mini-storage facility relates to other nearby multifamily residential and commercial uses in terms of design and use of building materials makes this mini-storage facility compatible with other uses. They are compatible among other reasons because the exterior of the mini-storage facility acts as a masonry wall, which is what residential neighborhoods often prefer in terms of screening and because of all of the other design commitments that will become a part of this application.

GUIDELINE 3: COMPABILITY

The Intents of this Guideline are to allow a mixture of land uses as long as they are designed to be compatible with each other, to prohibit the location of sensitive land uses in areas where accepted standards for noise, lighting, odors or similar nuisances are violated, and to preserve the character of the existing neighborhoods. The proposed mini-storage facility complies with these Intents of this Guideline because it is evident from the filed development plan and elevation renderings to be submitted prior to the LD&T committee review that the will finally be designed in a highly compatible manner given the nearby uses and their designs and uses of building materials. All sides except at the drive way opening will be faced with attractive, split-face block wall to protect visual noise and activity nuisances associated with a mini-storage facility because it is, other than a cemetery or mausoleum, the most underutilized commercial use of any kind. It does not involve lighting, noise, odors or similar nuisances. Per binding elements, lighting will be set below the roof lines so that lighting will not shine into adjoining neighborhoods but will be contained within the confines of the building spaces themselves. The use is quiet and limited per binding element and won't involve any kind of active participation of customers other than occasional delivering of items to, and removing them from, storage. The split-face block masonry wall around the perimeter of the mini-storage facility helps preserve the character of the neighborhood.

Policies 1 and 2 of this Guideline pertain specifically to the use of building materials and other design techniques to ensure compatibility, in this case, with the adjoining residential neighborhood. As stated, the perimeter split-face block, color compatible walls of the mini-storage facility screen and buffer residences from activities on the inside. The walls of the mini-storage facility will be further softened with landscaping along the perimeter.

Policies 5, 7, 8 and 9 of this Guideline all pertain, as stated above, to the nuisances of odors, noise, lighting and other visual impacts, which are often commonplace in commercial and industrial facilities. But a mini-storage facility doesn't involve any of these typical nuisances that need to be mitigated because there are no odors associated with it, no noise is involved, lighting is held below the rooflines of the buildings, and the outside walls of the mini-storage facility shield any unwanted adverse visual impacts. The split-face block, color compatible masonry wall in itself will be attractive enough, and its appearance can be softened with landscaping. Binding elements pertaining to use and other impact mitigation are also proposed.

Policy 6 of this Guideline pertains to traffic. It should be noted here, as in the discussion of traffic and transportation in Guidelines 7 and 8, that traffic from a mini-storage facility is as low as anything. Because the proposed retail center is a small one, its traffic generation will also be largely pass-by, and it already exists in the neighborhood.

Policy 19 pertains to hazardous materials, and, although neighbors have expressed some concern about whether hazardous materials would be located within the mini-storage facility, none will be, and restrictions will be imposed by binding element so that hazardous materials cannot be stored on site.

Policies 21, 22 and 23 pertain to transitions, buffering and setbacks. The mini-storage facility itself is a good use for a large lot in a Suburban Workplace. The proposed mini-storage facility has no nuisances associated with it, and the outside of it looks like a masonry wall which is what neighbors typically want.

Policies 24 and 25 of this Guideline pertain to the impacts of parking, loading and delivery. Access to and from the mini-storage facility will be from Accomack Drive. Those areas will be completely screened off from views of these facilities by the exterior wall of the mini-storage facility which will be as a split-face block masonry screening wall. Everything will be screened by these screening walls and by landscaping. Elevations and cross sections submitted with this application demonstrate this. Parking, because of the size of these proposed uses, will be minimal.

GUIDELINE 6: ECONOMIC GROWTH & SUSTAINABILITY

The Intents and Policies of this Guideline are to ensure the availability of necessary usable land to facilitate commercial development, to reduce public and private costs for land development, and to assure that commercial development is located in activity centers. As stated above, there is a demand for mini-storage facilities in this area, and the Suburban Workplace is a perfectly appropriate place for this use, given all the described impact mitigation.

GUIDELINES 7 AND 8: CIRCULATION AND TRANSPORTATION FACILITY DESIGN

The Intents and Policies of these Guidelines are to provide for safe and proper functioning of the street network, to ensure that a development does not exceed the carrying capacity of adjoining streets, to ensure good internal and external circulation, to address congestion and air quality issues, to protect streetscapes and transit corridors, and to provide efficient, safe and attractive roadways, transit routes and sidewalks.

The proposed mini-storage facility complies with these Intents of these Guidelines because, as stated above, this is a low intensity use that does not negatively impact the transportation network. Mini-storage contributes virtually no traffic, and mostly accommodates pass-by and nearby residential traffic. There is an access point off Accomack Drive which can handle this small volume of traffic.

Policies 1, 2, 8 and 9 of Guideline 7 pertain to impacts of developments, impact mitigation measures, where necessary, appropriate levels of service for the adjoining roadways, and, as necessary, dedication of additional right-of-way. The development plan filed with this application and the obvious low traffic volumes associated with this use show that this proposed project will not negatively impact Accomack Drive.

Policies 10, 11, 12 13, 14 and 16 of this Guideline all pertain to development plan requirements, such as adequate parking, corner clearances, median openings, access design and so forth. Prior to LD&T, the development plan will receive a preliminary stamp of approval from the Metro Transportation Planning, assuring compliance with all of these particular design standards.

Policies 5, 9, 10 and 11 of Guideline 8 similarly address issues of site design, notably with respect to access, site distances and internal circulation. All of these issues are addressed on the development plan and will be reviewed and approved by the Metro Transportation Planning prior to docketing for LD&T.

GUIDELINE 9: BICYCLE, PEDESTRIAN AND TRANSIT

The Intents and Policies of this Guideline all deal with assuring that provisions for pedestrian, bicycle and transit usage and access are assured for uses that rely on them. Only sidewalks are relevant in this case, and they will be provided along the property frontage.

GUIDELINES 10, 11 AND 12: STORM WATER, WATER QUALITY AND AIR QUALITY

The Intents and Policies of these Guidelines pertain to the environmental issues. As to stormwater management, area drainage issues have been examined by MSD together with engineers and land planners at Land Design and Development, and the site plan will be preliminarily approved by MSD prior to docketing for LD&T based on design and the fact that post-development rates of runoff will not exceed pre-development conditions. There are no blue line streams involved on this property that will be adversely affected.

As to water quality, the typical way that this is addressed at this point in time in this community is through construction standards addressing soil erosion and sediment control, which will be addressed at construction stage.

As to air quality, as stated above, because this is a very low generating use, not much traffic impact will be involved. And to the extent that this use is needed by the nearby residential areas, it will be easily accessible.

GUIDELINE 13: LANDSCAPE CHARACTER

This Guideline and its Policies require adequate landscaping along the perimeters of properties and within interior parking areas. As the development plan filed with this application shows, landscaping, as required by the Land Development Code, is provided along the perimeter and within the interior parking areas.

For all the foregoing reasons on the development plan, on elevations and application filed herewith and more to be explained at LD&T and the public hearing, this mini-storage facility complies with all other applicable Guidelines and Policies of the Cornerstone 2020 Comprehensive Plan.

Respectfully submitted,

William B. Bardenwerper
BARDENWERPER, TALBOTT & ROBERTS, PLLC
Building Industry Association of Greater Louisville Building
1000 N. Hurstbourne Parkway, Second Floor
Louisville, KY 40223
(502) 426-6688
Counsel for Applicant/Property Owners

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 5.9.2.A.1.b.ii not to provide vehicular and pedestrian connection to the adjacent non-residential properties.

Explanation of Waiver:

A. The waiver will not adversely affect adjacent property owners because connectivity would serve no purpose and is not desired by the adjoining property owners.

B. 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 rezoning application.

C. The extent of waiver of the regulation is the minimum necessary to afford relief to the applicant because there is only one logical place of access to a secure facility of this kind which cannot be to and from adjoining apartments, parking lots or other properties.

D. Strict application of the provisions of the regulation would deprive the applicant of the reasonable use of the land or would create an unnecessary hardship on the applicant given that the connections serve no purpose and are undesired by the adjoining property owners. They would also eliminate the security that is essential for this kind of business activity.

General Waiver Justification:

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

Waiver of: Section 10.2.4.B to allow a greater than 50% overlap between the LBA and a Sewer and drainage easement

Explanation of Waiver:

1. The waiver will not adversely affect adjacent property owners because the LBA will still exist, although a portion of it will include utilities that the land planners and landscape architects will attempt, working with the utility companies, to still adequately landscape.
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 rezoning application, and the required trees and screening will be provided.
3. The extent of waiver of the regulation the minimum necessary to afford relief to the applicant because the balance of the LBA unaffected by utilities will fully comply with the LDC, and the part affected by utilities will attempt to work around them with enhanced or alternative landscaping worked out by the land planners and landscape architects working on this plan with the utility companies.
4. Strict application of the provisions of the regulation will not deprive the applicant of the reasonable use of the land or would create an unnecessary hardship on the applicant because greater setback would be required than necessary to fully avoid utilities that can be accommodated as described above.

General Waiver Justification:

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

Waiver of: Section 5.5.4.B.1 to reduce the 50 ft LBA to 25 ft and to not provide the 6 ft berm.

Explanation of Waiver: This is next to an old apartment complex acquired and renovated by an affiliated entity of this same applicant, and so it is satisfied with the buffer that it is proposing between this low intensity/low impact use and the apartment one that it owns next door. Further, there is a ditch in this area which makes berming impossible. However, the rear of these storage buildings will be attractively designed, and landscaping will be installed, to the extent possible, up against the rear of the storage building.

1. The waiver will not adversely affect adjacent property owners because, as said, the adjoiner along this particular line is an affiliated entity of this same applicant, and it does not object to its own waiver application.
2. The waiver will not violate the Comprehensive Plan because for all the set forth in the Detailed Statement of Compliance with all applicable Guidelines and Policies of the Cornerstone 2020 Comprehensive Plan filed with the CUP application.
3. The extent of waiver of the regulation the minimum necessary to afford relief to the applicant because it is only along this property line.
4. Strict application of the provisions of the regulation will not deprive the applicant of the reasonable use of the land or would create an unnecessary hardship on the applicant because the applicant would have to provide a buffer between its own properties that it does not feel is necessary, particularly given the low intensity/no impact use that is proposed with this application.

Tab 7

**Proposed findings of fact
pertaining to compliance with the
Comprehensive Plan**

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

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

Applicant: Fireside Financial, LLC

Owner: Fireside Investment Pool, LLC

Location: 3913 Accomack Drive

Proposed Use: Mini-Storage

Engineers, Land Planners and Landscape Architects: Land Design & Development, LLC

Request: Change in Zoning from OTF to C-M

The Louisville Metro Planning Commission, having heard testimony before its Land Development & Transportation Committee, in the Public Hearing held on July 17, 2014 and having reviewed evidence presented by the applicant and the staff's analysis of the application, make the following findings:

WHEREAS, this is an application for a mini-storage facility on vacant property that is located next door to a Ford Truck Plant parking lot and apartments owned and renovated by this same developer/property owner; and final style and design of the mini-storage will be similar to other facilities where the backs of the buildings, faced with split-faced block, basically serve as a screen wall around the storage units; and

GUIDELINE 1: COMMUNITY FORM

WHEREAS, the community form for this area is Suburban Workplace which is characterized by a variety of uses mostly like this one or more intense; adjoining apartment uses, in accordance with this Form District, will be well screened and buffered; and apartment dwellers are some of the predominate users of mini-storage facilities like this one; and

GUIDELINE 2: CENTERS

WHEREAS, the Intents of this Guideline 2 are several fold: to promote an efficient use of land in existing infrastructure, to lower utility costs by reducing the need for extensions, to reduce commuting time and transportation related air pollution, to provide neighborhood centers and marketplaces that include a diversity of goods and services, to encourage vitality and sense of place, and to restrict individual or isolated commercial uses in noncommercial areas; the proposed mini-storage facility complies with all of these Intents of this Guideline because this property is ideal for this use given its location surrounded by the uses identified above on the edge of a large mixed use industrial, retail and apartment activity center; locating the mini-storage facility where there is a clear market demand in an area with a sizeable residential

support population with multiple retail and industrial users as well as pass-by traffic, helps reduce commuting and transportation related air pollution because people don't have to drive long distances, as they often do, for their mini-storage needs; and the proposed mini-storage facility also addresses the other Intent statements of this Guideline because it is a compact development that fits well, given its aesthetic appeal and full mitigation of adverse impacts, with nearby commercial and industrial uses and with nearby commercial, industrial and apartments predominantly existing in the area; and

WHEREAS, Policies 1 and 2 of this Guideline propose locating activity centers when a proposed use requires a special location in or near a specific land use or transportation facility; this proposed mini-storage facility complies with these Policies of this Guideline because, as stated, a Suburban Workplace is appropriate for this kind of use, and further mini-storage requires special locations, notably on streets near significant residential, industrial and/or commercial support populations and businesses from where they draw their trade; and

WHEREAS, Policy 3 of this Guideline suggests location of commercial development in activity centers where it can be demonstrated that significant support population exists; and not only is there little competition for mini-storage facilities in this immediate area, but there is a support population in very short driving distances from the proposed mini-storage facility; and

WHEREAS, Policy 5 of this Guideline recommends a mixture of compatible uses in a Suburban Workplace; the way that the proposed mini-storage facility relates to other nearby multifamily residential and commercial uses in terms of design and use of building materials makes this mini-storage facility compatible with other uses; and compatibility is also assured because the exterior of the mini-storage facility acts as a masonry wall, which is what residential neighborhoods often prefer in terms of screening; and

GUIDELINE 3: COMPABILITY

WHEREAS, the Intents of this Guideline are to allow a mixture of land uses as long as they are designed to be compatible with each other, to prohibit the location of sensitive land uses in areas where accepted standards for noise, lighting, odors or similar nuisances are violated, and to preserve the character of the existing neighborhoods; the proposed mini-storage facility complies with these Intents of this Guideline because it is evident from the filed development plan and elevation renderings that the design is compatible given nearby uses and their designs using similar building materials; all sides, except at the driveway opening, will be faced with attractive, split-face block wall to protect against visual, noise and activity nuisances associated with a mini-storage facility; this use does not involve lighting, noise, odors or similar nuisances; per binding elements, lighting will be set below the roof lines so that lighting will not shine into adjoining residential buildings but will be contained within the confines of the building spaces themselves; the use is quiet and won't involve any kind of active participation of customers other than occasional delivering of items to, and removing them from, storage; and the split-face block masonry wall around the perimeter of the mini-storage facility helps preserve the character of the neighborhood; and

WHEREAS, Policies 1 and 2 of this Guideline pertain specifically to the use of building materials and other design techniques to ensure compatibility with adjoining residential uses; as stated, the perimeter split-face block, color compatible walls of the mini-storage facility screen

and buffer residences from activities on the inside of this facility; and the walls of the mini-storage facility will be further softened with landscaping along the perimeters; and

WHEREAS, Policies 5, 7, 8 and 9 of this Guideline all pertain, as stated above, to the nuisances of odors, noise, lighting and other visual impacts, which are often commonplace in commercial and industrial facilities; but a mini-storage facility doesn't involve typical nuisances that need to be mitigated because there are no odors associated with it, no noise is involved, lighting is held below the rooflines of the buildings, and the outside walls of the mini-storage facility shield unwanted adverse visual impacts; and the split-face block, masonry wall will be attractive enough, and its appearance is softened with landscaping; a; and

WHEREAS, Policy 6 of this Guideline pertains to traffic; it should be noted here, as in the discussion of traffic and transportation in Guidelines 7 and 8, that traffic generation from a mini-storage facility is as low as anything; and

WHEREAS, Policy 19 pertains to hazardous materials; and restrictions will be imposed by binding element so that hazardous materials cannot be stored on site; and

WHEREAS, Policies 21, 22 and 23 pertain to transitions, buffering and setbacks; the mini-storage facility itself is a good use for a large lot in a Suburban Workplace; and the proposed mini-storage facility has no nuisances associated with it, and the outside of it looks like a masonry wall which is what neighbors typically want for screening purposes; and

WHEREAS, Policies 24 and 25 of this Guideline pertain to the impacts of parking, loading and delivery; access to and from the mini-storage facility will be from Accomack Drive; those areas will be completely screened off from views of these facilities by the exterior wall of the mini-storage facility which will be as a split-face block masonry screening wall; and parking, because of the size of these proposed use, will be minimal; and

GUIDELINE 6: ECONOMIC GROWTH & SUSTAINABILITY

WHEREAS, the Intents and Policies of this Guideline are to ensure the availability of necessary usable land to facilitate commercial development, to reduce public and private costs for land development, and to assure that commercial development is located in activity centers; as stated above, there is a demand for mini-storage facilities in this area, and the Suburban Workplace is a perfectly appropriate place for this use, given all the described impact mitigation; and

GUIDELINES 7 AND 8: CIRCULATION AND TRANSPORTATION FACILITY DESIGN

WHEREAS, the Intents and Policies of these Guidelines are to provide for safe and proper functioning of the street network, to ensure that a development does not exceed the carrying capacity of adjoining streets, to ensure good internal and external circulation, to address congestion and air quality issues, to protect streetscapes and transit corridors, and to provide efficient, safe and attractive roadways, transit routes and sidewalks; and

WHEREAS, the proposed mini-storage facility complies with these Intents of these Guidelines because, as stated above, this is a low intensity use that does not negatively impact the transportation network; mini-storage contributes virtually no traffic, and mostly accommodates

nearby residential and commercial traffic; and there is an access point off Accomack Drive which can handle this small volume of traffic; and

WHEREAS, Policies 1, 2, 8 and 9 of Guideline 7 pertain to impacts of developments, impact mitigation measures, where necessary, appropriate levels of service for the adjoining roadways, and, as necessary, dedication of additional right-of-way; the development plan filed with this application and the low traffic volumes associated with this use demonstrate that this proposed project will not negatively impact Accomack Drive; and

WHEREAS, Policies 10, 11, 12 13, 14 and 16 of this Guideline all pertain to development plan requirements, such as adequate parking, corner clearances, median openings, access design and so forth; prior to LD&T, the development plan received a preliminary stamp of approval from Metro Transportation Planning, assuring compliance with all of these particular design standards; and

WHEREAS, Policies 5, 9, 10 and 11 of Guideline 8 similarly address issues of site design, notably with respect to access, site distances and internal circulation; all of these issues are addressed on the development plan and were reviewed and approved by the Metro Transportation Planning prior to docketing for LD&T; and

GUIDELINE 9: BICYCLE, PEDESTRIAN AND TRANSIT

WHEREAS, the Intents and Policies of this Guideline all deal with assuring that provisions for pedestrian, bicycle and transit usage and access are assured for uses that rely on them; only sidewalks are relevant in this case, and they will be provided along the property frontage; and

GUIDELINES 10, 11 AND 12: STORM WATER, WATER QUALITY AND AIR QUALITY

WHEREAS, the Intents and Policies of these Guidelines pertain to the environmental issues; as to stormwater management, area drainage issues have been examined by MSD together with engineers and land planners at Land Design and Development, and the site plan has been preliminarily approved by MSD prior to docketing for LD&T based further that the fact that site design assures that post-development rates of runoff will not exceed pre-development conditions and there are no blue line streams involved on this property that will be adversely affected; and

WHEREAS, as to water quality, the typical way that this is addressed at this point in time in this community is through construction standards addressing soil erosion and sediment control, which will be addressed at construction stage; and

WHEREAS, as to air quality, as stated above, this is a very low traffic-generating use; and

GUIDELINE 13: LANDSCAPE CHARACTER

WHEREAS, this Guideline and its Policies require adequate landscaping along the perimeters of properties and within interior parking areas; and as the development plan filed with this application shows, landscaping, as required by the Land Development Code, is provided along the perimeter and within the interior parking areas; and

* * *

WHEREAS, for all the reasons explained at LD&T and the Planning Commission public hearing and also in the public hearing exhibit books, and 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 approves the detailed district development plan and recommends to the Louisville Metro Council that it rezone the subject property from OTF to CM.

WAIVER FINDINGS OF FACT

Waiver of Section 5.9.2.A.1.b.ii not to provide vehicular and pedestrian connection to the adjacent non-residential properties.

WHEREAS, the waiver will not adversely affect adjacent property owners because connectivity would serve no purpose and is not desired by the adjoining property owners; and

WHEREAS, the waiver will not violate the Comprehensive Plan for all the reasons set forth in the adopted rezoning findings of fact pertaining to all applicable Guidelines and Policies of the Cornerstone 2020 Comprehensive Plan; and

WHEREAS, the extent of waiver of the regulation is the minimum necessary to afford relief to the applicant because there is only one logical place of access to a secure facility of this kind which cannot be to and from adjoining apartments, parking lots or other properties; and

WHEREAS, strict application of the provisions of the regulation will deprive the applicant of a reasonable use of the land or create an unnecessary hardship on the applicant given that the connections serve no purpose and are undesired by the adjoining property owners, and they would also eliminate the security that is essential for this kind of business activity;

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

WAIVER FINDINGS OF FACT

Waiver of Section 10.2.4.B to allow a greater than 50% overlap between the LBA and a Sewer and drainage easement

WHEREAS, the waiver will not adversely affect adjacent property owners because the LBA will still exist, although a portion of it will include utilities that the land planners and landscape architects will attempt, working with the utility companies, to still adequately landscape; and

WHEREAS, the waiver will not violate the Comprehensive Plan for all the reasons set forth in the adopted rezoning findings of fact pertaining to all applicable Guidelines and Policies of the Cornerstone 2020 Comprehensive Plan, and further LDC required trees and screening will be provided; and

WHEREAS, the extent of waiver of the regulation is the minimum necessary to afford relief to the applicant because the balance of the LBA unaffected by utilities will comply with the LDC, while the part affected by utilities will be enhanced if possible via landscaping discussed by the land planners and landscape architects working with utility companies; and

WHEREAS, strict application of the provisions of the regulation will deprive the applicant of a reasonable use of the land or create an unnecessary hardship on the applicant because greater setback would be required than necessary to fully avoid utilities that can be accommodated as described above; and

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

WAIVER FINDINGS OF FACT

Waiver of Section 5.5.4.B.1 to reduce the 50 ft LBA to 25 ft and to not provide the 6 ft berm.

WHEREAS, this facility will exist next to an old apartment complex acquired and renovated by an affiliated entity of this same applicant, and so it is satisfied with the buffer that it is proposing between this low intensity/low impact use and the apartment one that it owns next door; there is a ditch in this area which makes berming impossible; and the rear of these storage buildings will be attractively designed, and landscaping will be installed, to the extent possible, up against the rear of the storage building; and

WHEREAS, the waiver will not adversely affect adjacent property owners because, as said, the adjoiner along this particular line is an affiliated entity of this same applicant, and it does not object to its own waiver application; and

WHEREAS, the waiver will not violate the Comprehensive Plan because for all the set forth in the adopted rezoning findings of fact pertaining to all applicable Guidelines and Policies of the Cornerstone 2020 Comprehensive Plan; and

WHEREAS, the extent of waiver of the regulation is the minimum necessary to afford relief to the applicant because it is only along this property line; and

WHEREAS, strict application of the provisions of the regulation will deprive the applicant of a reasonable use of the land or create an unnecessary hardship on the applicant because the applicant would have to provide a buffer between its own properties that it does not feel is necessary, particularly given the low intensity/no impact use that is proposed with this application; and

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