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**Zoning Justification Statement for 17ZONE 1067**  
**8319 Preston Highway and 8323 Preston Highway**  
**Scheller Warehouse and Cogan Parking lot**

This application is for an existing business to expand at its current location. The proposal requests a rezoning of about 1/3 of an acre (currently vacant) at the rear section of 8319 Preston Highway. This parcel will be attached to the land at 8323 Preston Highway which is the home of Scheller Fitness & Cycling. Scheller's is a successful business on the Preston Highway corridor. Over the past 40 years, Scheller's has expanded at this location and now has 5 other locations. The site serves as its office headquarters and also the warehouse for its inventory. This business model requires the C-M zoning requested on this and a past application in 2007. Two attractive warehouses exist at the 8323 Preston Highway location. The application proposes one additional warehouse on a vacant back area on an adjoining parcel. As part of this project, a minor plat to move that lot line and a rezoning of a portion of that office property's parking lot is also proposed. (This office parking lot currently has a C.U.P. to allow parking in this area. The rezoning is to make that office site has consistent zoning with its current use.)

In the Cornerstone 2020 Comprehensive Land Use Plan, the property is a Neighborhood Form District immediately adjacent to a Suburban Marketplace corridor. In fact, the warehouse next door on the Scheller property has the form district line running through the building. At this time, a request to move the Form District line along with the rezoning is being made upon the request of Metro Planning & Design staff. The new form district line will be on the rear property lines of both 8319 and 8323 Preston Highway. This is consistent with the current pattern of commercial versus residential property along this part of Preston Highway Corridor. The neighborhood area exists beyond these parcels and other parcels along this section of Preston Highway.

The site's use as a retail and warehouse for fitness and bicycle equipment is well established. The request is for an expansion in a small area immediately adjacent to the site. The proposed new 7500 square foot building will match the existing structures and provides a barrier between Preston Highway and the neighborhoods to the rear. This warehouse is for employees only and the public does not access this area.

The applicant states the request is appropriate because it is an expansion of its existing business in a small area which is not suitable for single family residential development and has not street frontage. The request is consistent with this area by filling a vacant area, rezoning an adjacent parcel to C-1 in accordance with its current use and making appropriate changes to the Form District line to meet the current development in the area.

For these reasons and for the reasons set forth below, the requested zoning change is appropriate under KRS 100.213 and consistent with the Guidelines and Policies of the current Comprehensive Plan as explain in detail below. Further, a request to move the Form District line is made to reflect the existing and proposed zoning changes at the back of the Scheller property.

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### **Guideline 1-Community Form**

The Site is the rear portion of existing parcel containing medical offices. This rear section is landlocked and contains 15,373, feet. It is currently vacant. In this area, the Site Plan proposes a 7500 square foot building of similar and shape to the other warehouses, office building and apartment complex in the area. A center portion of this lot containing 13, 127 feet and currently serving as parking lot will be rezoned to C-1. A CUP formerly granted this office building the right to use this area as a parking lot. This configuration does not make this portion of land acceptable for residential uses

The parcel is currently sitting in the Neighborhood Form District immediately adjacent to Suburban Marketplace. As part of this application that line will be moved. The land is only accessible from Preston Highway a major corridor. This type of infill request in a developed area to allow existing businesses to expand and come into conformance with the land use is consistent with a Suburban Marketplace Corridor. Additionally, it is encouraging development in a “compact” fashion and in an established commercial area. These factors, makes the requests compatible with the area and make the requested zoning designations appropriate under Guideline 1, Policy B.8.

### **Guideline 3 Compatibility**

This proposal complies with the intent and the policies of Guideline 3 for all the location and design reasons set forth above and below and because this is the expansion of an existing commercial business which is compatible with the neighboring commercial uses. It is set on the site in a similar fashion to the offices, business and warehouses around it. This portion of Preston features narrow, deep lots and the structures are oriented in that same fashion. The site is bounded by Scheller’s other warehouses to the south, an insurance agency to and an office building to the west, a long apartment building complex to the north and residential houses to the east. These residences are already neighbors to Scheller’s business and the former rezoning for the last warehouse did not lead to complaints about the use of the property.

The choice of building materials is important in determining compatibility. This new warehouse will match the existing buildings and structures on the Scheller site. Although larger in scale than the house behind, no new nuisances should be created by this structure we will be used by employees only during business hours. The parking lot is existing so it represents no change to the area. These characteristics make the project consistent with Guideline 3, Policies 1, 2 and 3.

The proposal is of low impact to the neighborhood since the warehouse use and parking lot are already present. Although more storage space, minimal new traffic issues are presented by the new structure. Only employees and delivery trucks access this area. It is not open to the public. Thus traffic and noise should not change greatly by this addition making the proposal meet Guideline 3, Policies 6 and 7.

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The building will have minimal outside lighting consistent with lighting on residential buildings and all fixtures will be faced downward. The proposed landscaping and new privacy fence on the rear property line will protect neighboring landowner's privacy. Thus, the proposal meets the requirements of Guideline 3, Policies 8, 22 and 24.

#### **Guideline 4 Open Space**

The proposal is not subject to Open Space requirements nor does the secured setting promote this need or use.

#### **Guideline 5 Natural Area and Scenic and Historical Resources**

This proposal complies with the intent and the policies of Guideline 5 because neither the subject property nor the area has been identified as a natural or historic resource requiring preservation. There are no special districts or soil and slope issues facing this proposal.

#### **Guideline 6 Economic Growth and Sustainability**

This proposal promotes and is consistent with the policies of Guideline 6 because the proposal is an investment in an existing business preserving workplaces and an investment in an established older commercial area consistent with the form district pattern as desired by Guideline 6, Policy 1 and 3.

#### **Guideline 7 Circulation**

This Proposal complies with the intent and the policies of Guideline 7 because its site plan provides adequate parking and connections for the size and location of the lot. The lot is meant only for the businesses' use. It is on a parcel which does not and should not connect to other uses because of security reasons and natural features. The building will be fenced in as is the rest of Scheller's warehouse area. No access is needed or given to the public. No people using the offices along Preston Highway in front of the site need to access this area. This narrowness of the lot and the existing detention basin prevent and other connections to adjoining owners. These conditions are the reason for requesting the stub connection waiver to the adjacent lot.

#### **Guidelines 8 and 9 Transportation**

The proposal complies with the intent and the policies of Guidelines 8 and 9 because it provides for appropriate circulation and safe and efficient ingress to and egress into this rear warehouse loading area. Overall, the business is located on a major thoroughfare and near a TARC stop consistent with Guideline 9. This allows for employees to access work. The proposal does not impact any environmentally sensitive areas, scenic corridors or streetscape issues.

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**Guidelines 10 and 11 Flooding and Stormwater and Water Quality**

The proposal complies with the intent and the policies of Guidelines 10 and 11 because adequate provisions will be made for storm water management at the site. A second detention area is provided for in the Site plan for the new building. Appropriate construction practices will be employed in constructing the building and driving areas to protect water quality by the use of effective sediment and erosion practices in accordance with applicable regulations and best management practices. Further, no portion of the property to be developed is designated as floodplain or a blue line stream.

**Guideline 12 Air Quality**

The proposal complies with the intent and the policies of Guideline 12 because this type project in a developed area will work to decrease vehicular miles traveled between home and trips to neighboring businesses and shopping centers. The proposal expands a business at its present developed location. The site is also served by a TARC stop within 200 feet, thus encouraging the use of mass transit reducing vehicular miles traveled by employees or customers. Sidewalks are available in this area.

**Guideline 13 Landscape Character**

The intent of this guideline is to protect and enhance landscape character. This proposal provides buffering and landscaping at the rear of the site where a neighborhood is present. This and the plantings required under the Land Development Code will enhance the landscape design at the site.

**Guideline 14 Infrastructure**

The proposal complies with the intent and the policies of Guideline 14 because all necessary utilities are available nearby and will be connected via existing facilities.

For these reasons, this proposal to rezone a portion of lot for a new warehouse to CM to supplement an on-going business and rezone an existing parking lot to its correct zoning of C-1 and to move a form district line consistent with these rezoning is in conformance with applicable guidelines of the Cornerstone 2020 Comprehensive Plan and consistent with KRS Chapter 100.

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