

1997 – Original Innovative Subdivision approved
March 27, 2006 – Planning Commission approved rezoning
August 6, 2007 – Subsequent BOZA hearings
June 27, 2007 & March 10, 2010 – Subsequent DRC hearings
September 5, 2013 – latest neighborhood meeting
January 23, 2014 - Land Development & Transportation Committee
May 9, 2014 – Plans and drawings shown to interested parties
May 15, 2014 Planning Commission

Docket No. 13DEVPLAN1066

**Proposed Revised Development Plan with Waivers and
Variances for The Shoppes at Gardiner Park on property
located at 100 Flat Rock Road**

**Shoppes at Gardiner Park, LLC
(c/o Blacketer Company)**

Attorneys: Bardenwerper Talbott & Roberts, PLLC

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

Architects: Studio Kremer

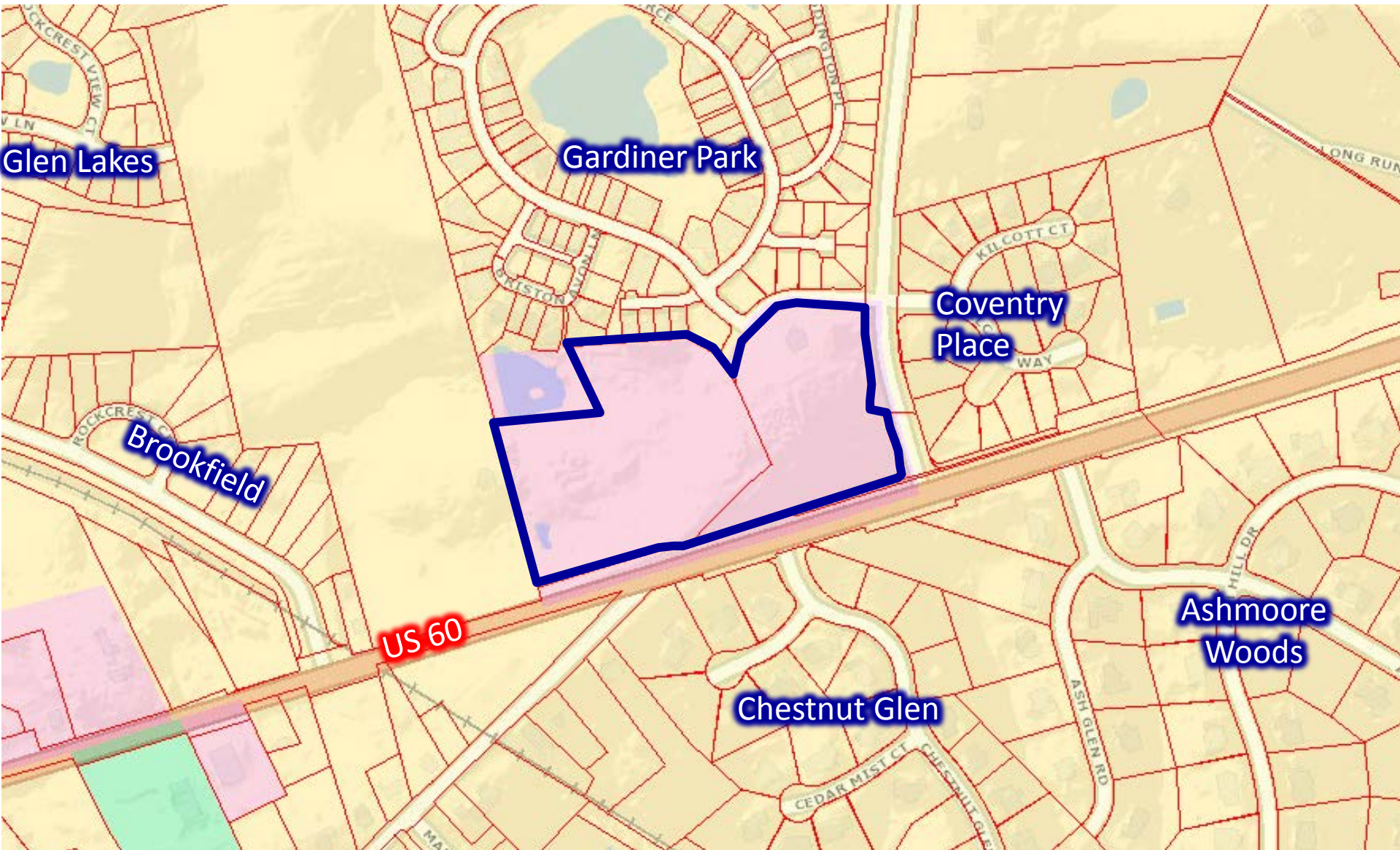
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Tab 1
LOJIC Zoning Map

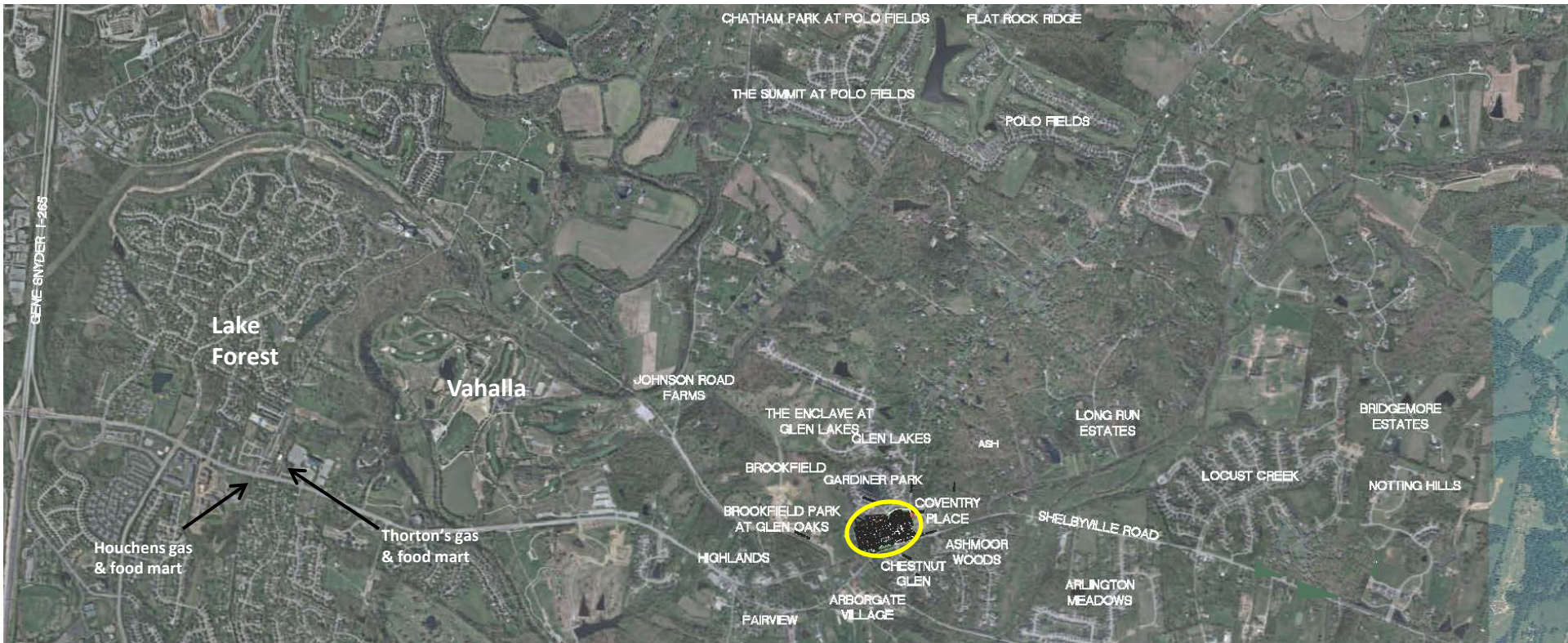


LOJIC zoning map

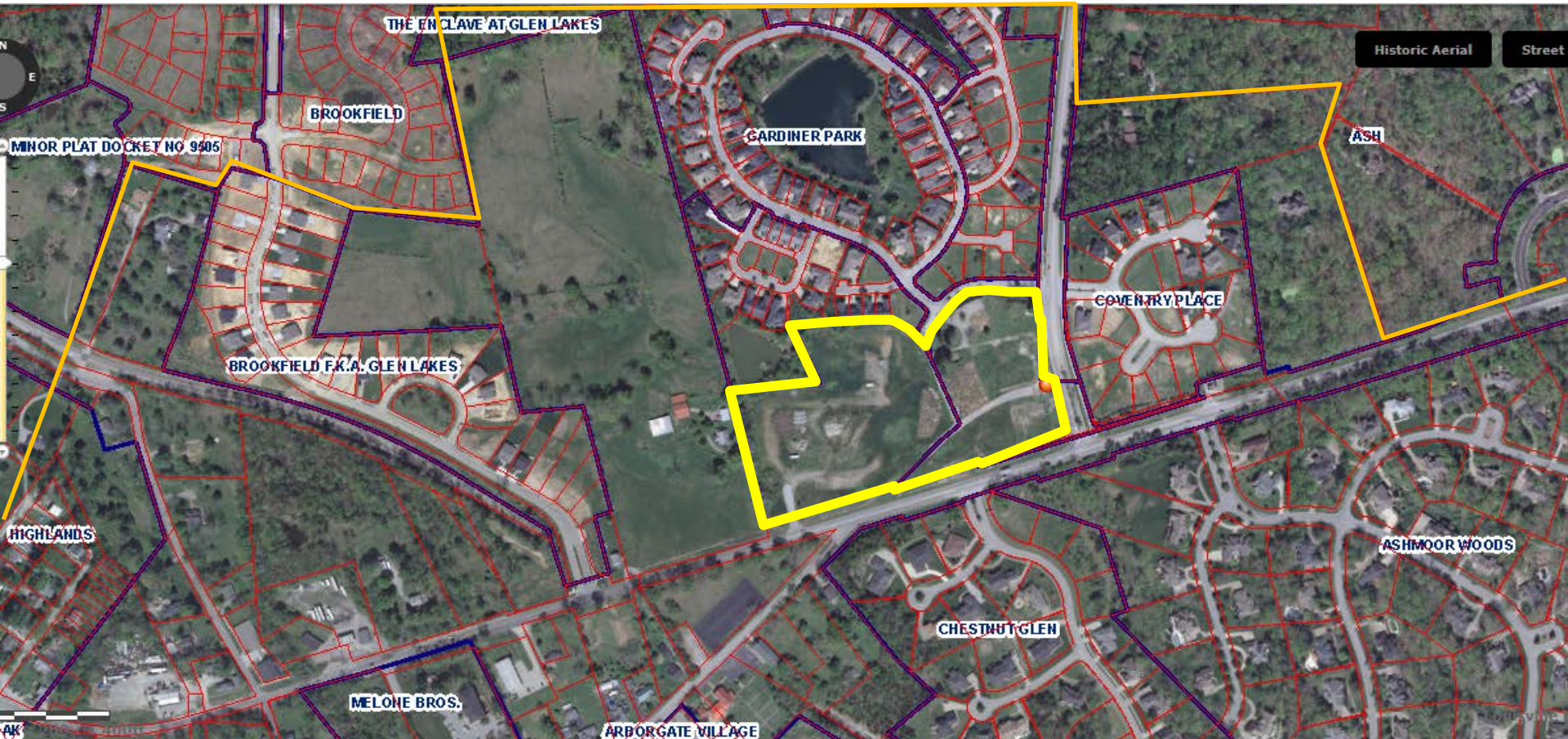


Tab 2

Aerial photograph of the site and surrounding area



Site outlined in yellow

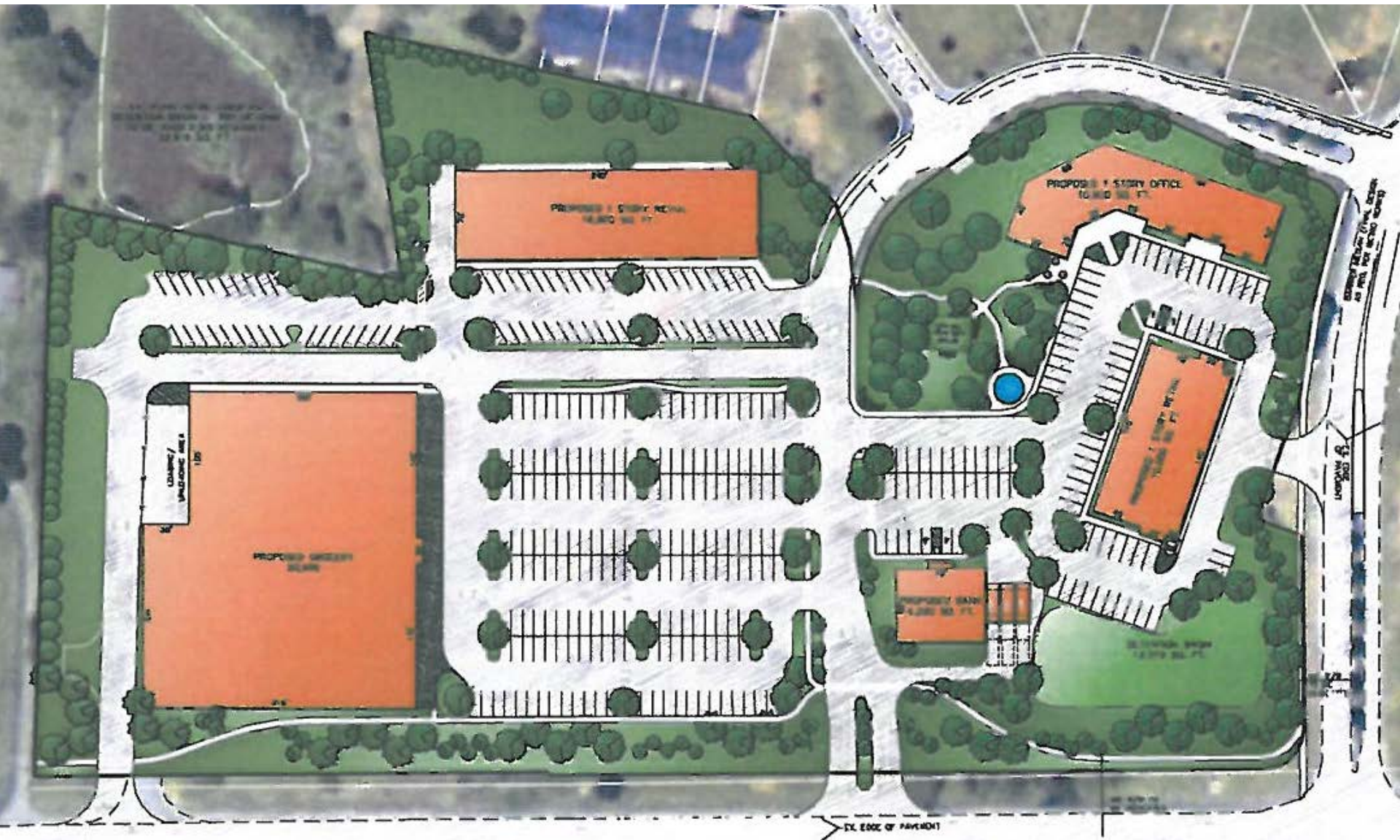


Aerial showing site and surrounding subdivisions.
Orange line indicates area of Eastwood Small Area Study.

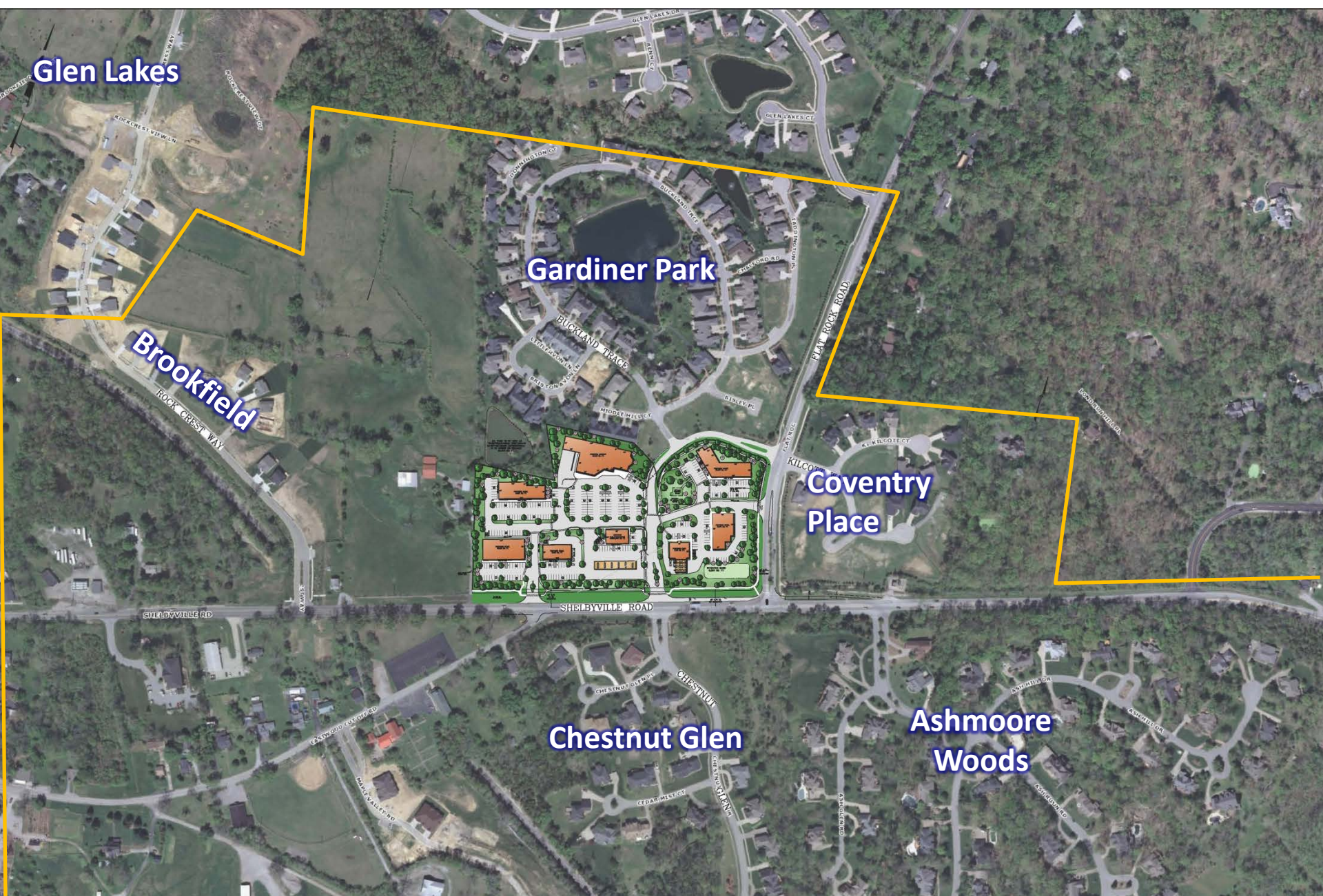


Tab 3

Previous Development Plans



2006 development plan



Development Plan shown at the January 23, 2014 LD&T meeting.
Orange line indicates area of Eastwood Small Area Plan.

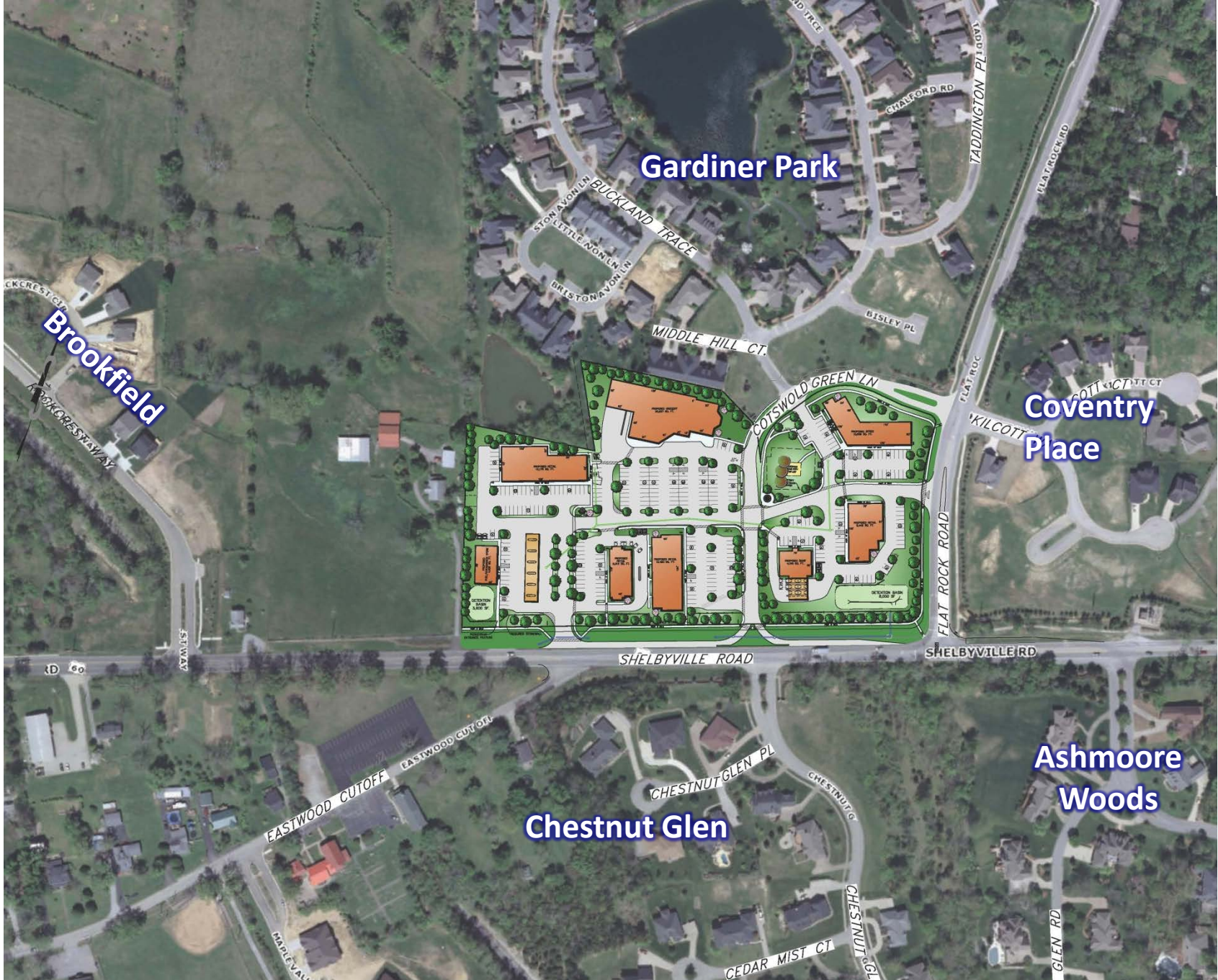


Development Plan shown at January 23, 2014 LD&T meeting.



Tab 4

Current Development Plan



Current Development Plan



Tab 5

Previous Building Elevations



5,000 sq. ft. RETAIL BUILDING
FRONT ELEVATION

1
PR3

SCALE: 3/16"=1'-0"



8,925 sq. ft. RETAIL BUILDING
FRONT ELEVATION

1
PR4

SCALE: 3/16"=1'-0"

Architectural elevations at January 23, 2014 LD&T meeting.



10,500 sq. ft. RETAIL BUILDING
FRONT ELEVATION



SCALE: 3/16"=1'-0"



10,500 sq. ft. RETAIL BUILDING
SIDE ELEVATION



SCALE: 3/16"=1'-0"

Architectural elevations at January 23, 2014 LD&T meeting.



1
PRI
CONVENIENCE & FUEL
BUILDING FRONT ELEVATION
SCALE: 3/16"=1'-0"



2
PRI
CONVENIENCE & FUEL
CANOPY FRONT ELEVATION
SCALE: 3/16"=1'-0"

Architectural elevations at January 23, 2014 LD&T meeting.



Tab 6

Proposed Building Elevations



Current architectural elevations – Building A



Current architectural elevations – Building B



Current architectural elevations – Building C



Current architectural elevations for Gas and Convenience Store



US 60 wall façade and pedestrian entrance feature at southwest corner



Tab 7

Eastwood Neighborhood Plan

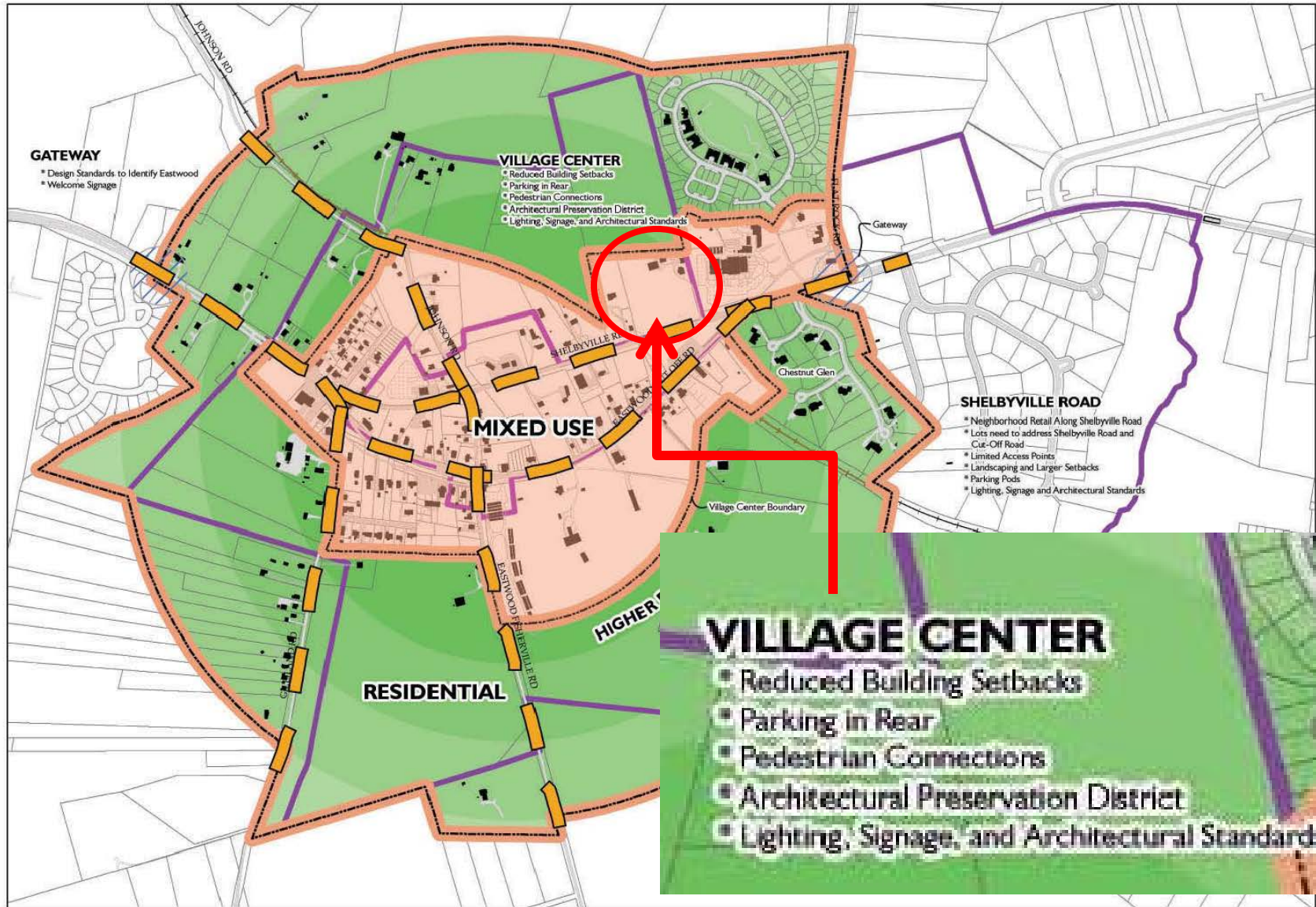
Eastwood Neighborhood Plan



APPROVED



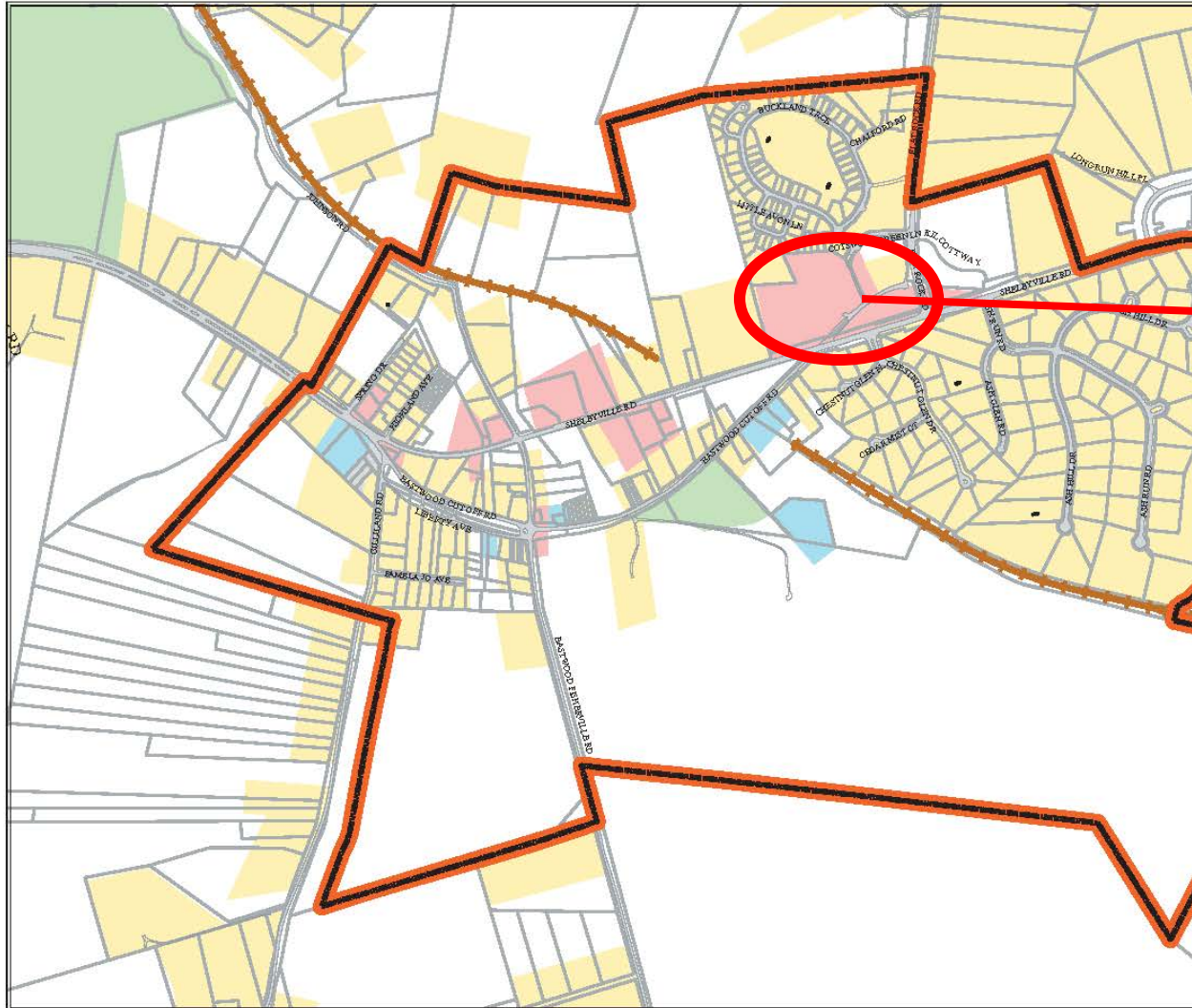
PROPOSED EASTWOOD VILLAGE FORM DISTRICT BOUNDARIES





EASTWOOD LANDUSE

Eastwood Neighborhood Plan



Land Use

Legend

- County Line
 - Village Form
 - District Boundary
-
- ### LAND USE
- General Comm. and Office
 - Industrial
 - Multi-Family Residential
 - Parks, Cemeteries, Etc.
 - Public and Semi-Public
 - Single Family Residential
 - Vacant and Undeveloped
 - Paved Road or Alley
 - Unpaved Road or Alley
 - Improved Shoulder
 - Paved Bridge
 - Parcels





Village Center Design Standards (Applies to Entire Village Center)

- a. Retail commercial footprints should be limited to 35,000 square feet or less within the Eastwood Village Center. In exceptional circumstances in which it can be clearly and convincingly demonstrated that the proposed structure and use, site design and related development (i.e. parking and maneuvering) are consistent with the scale, design, and intent of the village center as described in Cornerstone 2020 and further elaborated upon in the Eastwood Neighborhood Plan, may a square footage greater than 35,000 be approved.
- b. Require Development Review Committee review for buildings with a footprint greater than 15,000 square feet
- c. Require new buildings to incorporate design features that are compatible and consistent with existing buildings to maintain the existing character of Eastwood
- d. Exterior building materials shall consist primarily of wood, brick and stone and shall incorporate design features of traditional village character such as paned windows
- e. Define outdoor spaces within existing and future public rights-of-way to create greens, squares, boulevards, and medians to maintain the rural atmosphere and to connect the greenways and parks throughout the village
- f. Require signs to be externally lit and constructed from more traditional materials (wood, metal, cloth, etc.)

Village Center Design Standards (Exclusive of Shelbyville Road)

- g. Provide mix of uses
 - o Develop incentives to provide a vertical mix of land uses – i.e., ground floor retail/service; upper floor residential/office
 - o Minimize tenant bays to 50’ wide or less to promote a variety of stores/services
- h. Allow small setback variations and offsets to create breaks between buildings for pedestrian scale and visual interest along street facades
- i. Provide a sense of enclosure along the building front through design elements including, but not limited to:
 - o Street trees
 - o Recessed doorways
 - o Slant window awnings
 - o Site features such as lamp posts and benches
- j. Require parking to be located in the rear or at the curbside to maintain the street line of shops and to promote pedestrian focus and to reduce the speed of traffic along the internal village roadways
- k. Require new buildings to maintain 1:1 building height to street width to provide small village scale

Shelbyville Road Village Center Standards (Applies only to Shelbyville Road)

- l. Minimize new entrances onto Shelbyville Road through the use of shared entrances and service drives, where feasible
- m. Promote cross access between compatible uses and use alleys and service drives for vehicular access to sites to promote rural atmosphere created by landscape setbacks and buffers along Shelbyville Road
- n. Designate pedestrian crossings at major intersections for safe connections across Shelbyville Road to provide pedestrian access to areas of the Village Center on both sides of Shelbyville Road



Tab 8

Waiver & Variance Justifications



Louisville Metro Planning & Design Services

VARIANCE SUBMITTAL REQUIREMENTS

SUPPLEMENTAL INFORMATION SHEET

In order to justify approval of any variance, the Board considers four criteria. Please answer all of the following four items. (Use additional sheets, if needed.) **All questions must be answered.** A response of yes, no & N/A is not acceptable.

This is an application for (Section of the Code) 5.2.2 to allow the proposed building location to exceed the 25' maximum front building setback

Reason for request because most of the buildings require either circulation around the buildings because of drive-thrus or circulation and parking in front of the buildings in order to attract tenants. Without this Shelbyville Road side parking, there will be no tenants for this previously approved shopping center, especially given that the grocery store has shrunk in size to what was originally requested by many area interests and neighbors and thus is now better situated at the rear of this site instead of at the southwest corner.

1. Reasons that the granting of the variance:
 - a) Will not adversely affect the public health, safety or welfare because this variance is an aesthetic one, which can be addressed through a high level of Shelbyville Road frontage screening and buffering through landscaping.
 - b) Will not alter the essential character of the general vicinity because there are no other retail sites in the general vicinity or area and indeed no sites that are likely to be developed for retail use, except possibly a small open area immediately to the west of this site. Therefore, this development plan is not out of character with other existing retail development.
 - c) Will not cause a hazard or a nuisance to the public because the requested variance does not propose anything that would constitute a hazard or nuisance. Rather it pertains to aesthetics which can be addressed through Shelbyville Road frontage landscaping, screening and buffering.
 - d) Will not allow an unreasonable circumvention of the requirements of the zoning regulations because this is an attractive overall site plan whose aesthetics are not diminished by the added setback
2. Additional consideration:

Louisville Metro Planning & Design Services
444 South Fifth St.
Louisville, KY 40202

502-574-6230 Fax 502-574-8129



Louisville Metro Planning & Design Services

VARIANCE SUBMITTAL REQUIREMENTS

- a. The variance arises from special circumstances, which do not generally apply to land in the general vicinity because, as stated above, there is no other nearby retail center to which this can be compared.
- b. 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 because this Center has been years in the making, Gardiner Park residents in particular are anxious to see something built, and these are the tenants with their building plans that this applicant has.
- c. The circumstances are not the result of actions of the applicant taken subsequent to the adoption of the regulation which relief is sought but rather are a consequence of the mix of tenants and their building designs and circulation requirements.

Louisville Metro Planning & Design Services
444 South Fifth St.
Louisville, KY 40202

502-574-6230

Fax 502-574-8129



Louisville Metro Planning & Design Services
LAND DEVELOPMENT CODE WAIVER SUBMITTAL
REQUIREMENTS

SUPPLEMENTAL INFORMATION SHEET

Application is hereby made for one or more of the following waivers of the Land Development Code

Waiver of Chapter 10, Part 2 Landscaping Design

Waiver of Chapter 10, Part 1, Tree Canopy

Sidewalk Waiver

Other Waiver of the Land Development Code, briefly explain below:

Waiver of Section 5.5.1.A.5 to waive the locations of both the gas station canopy and the bank canopy to not be located between the principal structure and the public street.

Reason for Request: Because as respects the branch bank located to the east of the main entrance way, the location of the drive-thru aisles are the only way that a drive-thru will work on this site. As respects the gas station, this location has also proven through site design to be the only way that circulation practically can function without negatively impacting the balance of the overall development, which with this RDDDP has already shrunk in building square footage.



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LAND DEVELOPMENT CODE WAIVER SUBMITTAL REQUIREMENTS

In order to justify approval of any waiver or modifications of standards, the Planning Commission considers four criteria. Please answer all of the following four items. (Use additional sheets, if needed.)

- A. The waiver will not adversely affect adjacent property owners because of the high level of landscaping screening and buffering proposed along Shelbyville Road and the enhanced level of building and structure design.

- 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 original rezoning application.

- C. The extent of waiver of the regulation is the minimum necessary to afford relief to the applicant because these are the only two building pads on this shopping center site where this waiver is requested.

- 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 because if this design is not permitted as a consequence of these proposed variances, the applicant will lose these tenants which will set back the start of this development even longer than the many years that have already passed between rezoning approval and this day.



Louisville Metro Planning & Design Services
LAND DEVELOPMENT CODE WAIVER SUBMITTAL
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SUPPLEMENTAL INFORMATION SHEET

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Waiver of Chapter 10, Part 2 Landscaping Design

Waiver of Chapter 10, Part 1, Tree Canopy

Sidewalk Waiver

Other Waiver of the Land Development Code, briefly explain below:

Waiver of Section 5.5.1.A.1.b to waive the location of the front door on the retail and office use buildings facing two or more streets to have at least one customer entrance facing the primary street and one customer entrance facing the second street or instead of two entrances, one corner entrance.

Reason for Request: is because this site plan has been worked and re-worked many times to accommodate the mix of tenants, circulation, parking and site constrains, and this is the only way that it will practically work.



Louisville Metro Planning & Design Services

LAND DEVELOPMENT CODE WAIVER SUBMITTAL REQUIREMENTS

In order to justify approval of any waiver or modifications of standards, the Planning Commission considers four criteria. Please answer all of the following four items. (Use additional sheets, if needed.)

- A. The waiver will not adversely affect adjacent property owners because a version of this development plan not substantially different from this one was previously approved, and this commercial development is integral to the overall plan for Gardiner Park.

- 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 original rezoning application.

- C. The extent of waiver of the regulation is the minimum necessary to afford relief to the applicant because, as stated above, the size, configuration and constraints of this site, together with the mix of tenants and sizes of buildings, necessitate this layout, including the locations of entrances to buildings.

- 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 because the application would otherwise be unable to proceed with this development plan and probably any development of this site at all given the efforts that it has made over the years to bring a proper mix of tenants to this site appropriate for the area.



Louisville Metro Planning & Design Services
LAND DEVELOPMENT CODE WAIVER SUBMITTAL
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Waiver of Chapter 10, Part 1, Tree Canopy

Sidewalk Waiver

Other Waiver of the Land Development Code, briefly explain below:

Waiver of Section 5.5.1.A.3.a and 5.9.2.C.4 to allow the proposed parking areas to be located in front of the proposed buildings and to not provide a 3' tall masonry wall between the parking areas and the public right-of-ways.

Reason for Request: Because high quality, intensive landscaping will be substituted for the wall, and the configuration of this site and mix of tenants mandates that front door parking exists.



Louisville Metro Planning & Design Services

LAND DEVELOPMENT CODE WAIVER SUBMITTAL REQUIREMENTS

In order to justify approval of any waiver or modifications of standards, the Planning Commission considers four criteria. Please answer all of the following four items. (Use additional sheets, if needed.)

- A. The waiver will not adversely affect adjacent property owners because of the commitment to a high level of landscaping, screening and buffering along Shelbyville Rd.
- 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 original rezoning application.
- C. The extent of waiver of the regulation is the minimum necessary to afford relief to the applicant because the applicant is not looking to eliminate screening and buffering and is not insensitive to the impact of parking along the Shelbyville Road streetscape as evidenced by its commitment to a high level of landscaping, screening and buffering in this area
- 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 because the applicant would not be able to proceed with this development plan that has been many years in the making and represents the best that it can possibly do given its extended negotiations with tenants and the necessity for all the various buildings, internal circulation, parking and so forth to work together as one cohesive plan.



Tab 9

Proposed Findings of Fact

(To be provided by Public Hearing)