

Docket No. 17ZONE1013

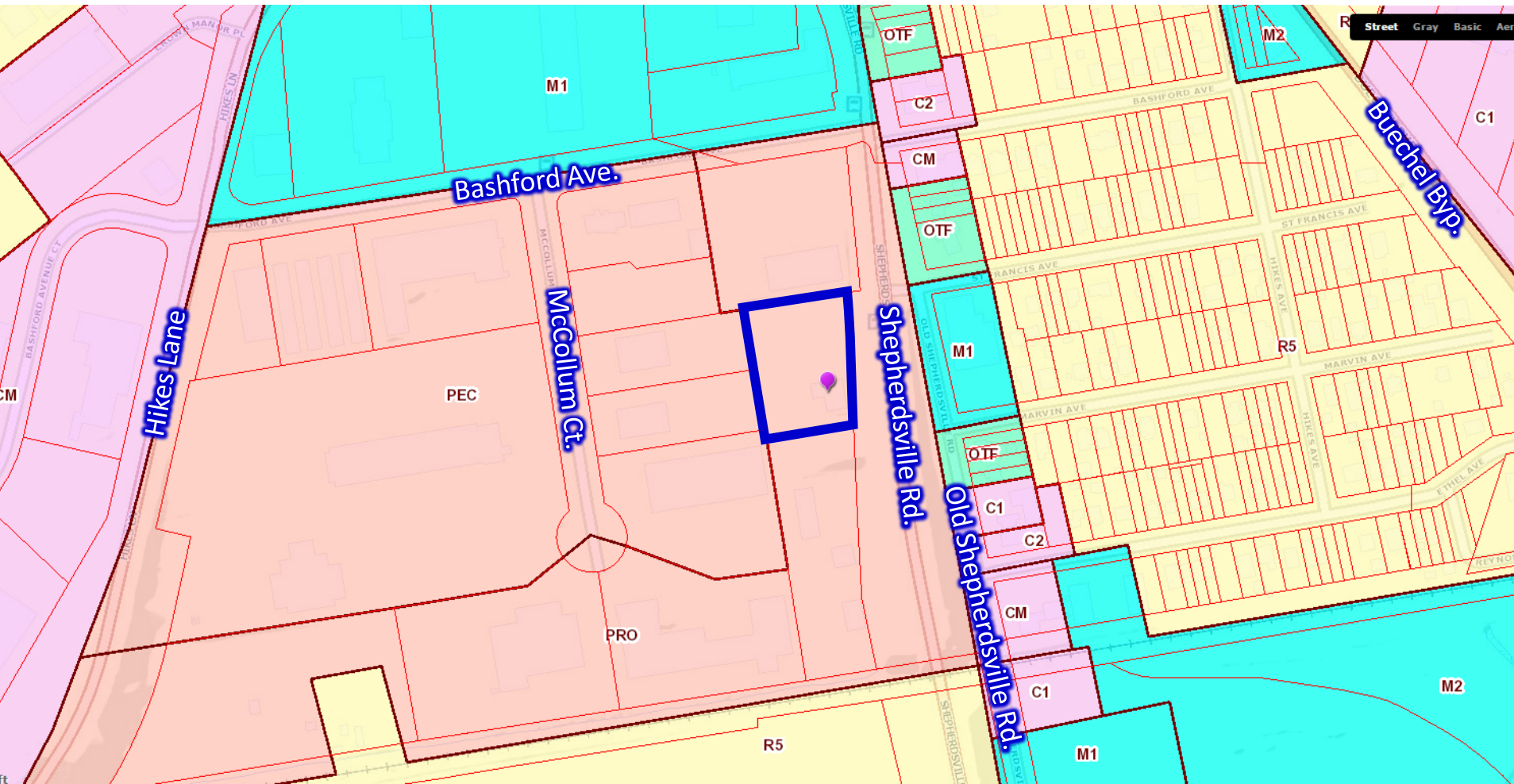
Proposed change in zoning from PRO to PEC to allow a contractor's office, warehouse and storage area and waivers on property located at 4011 Shepherdsville Road

F.W. OWENS COMPANY, INC.  
c/o Mark Heckman

INDEX:

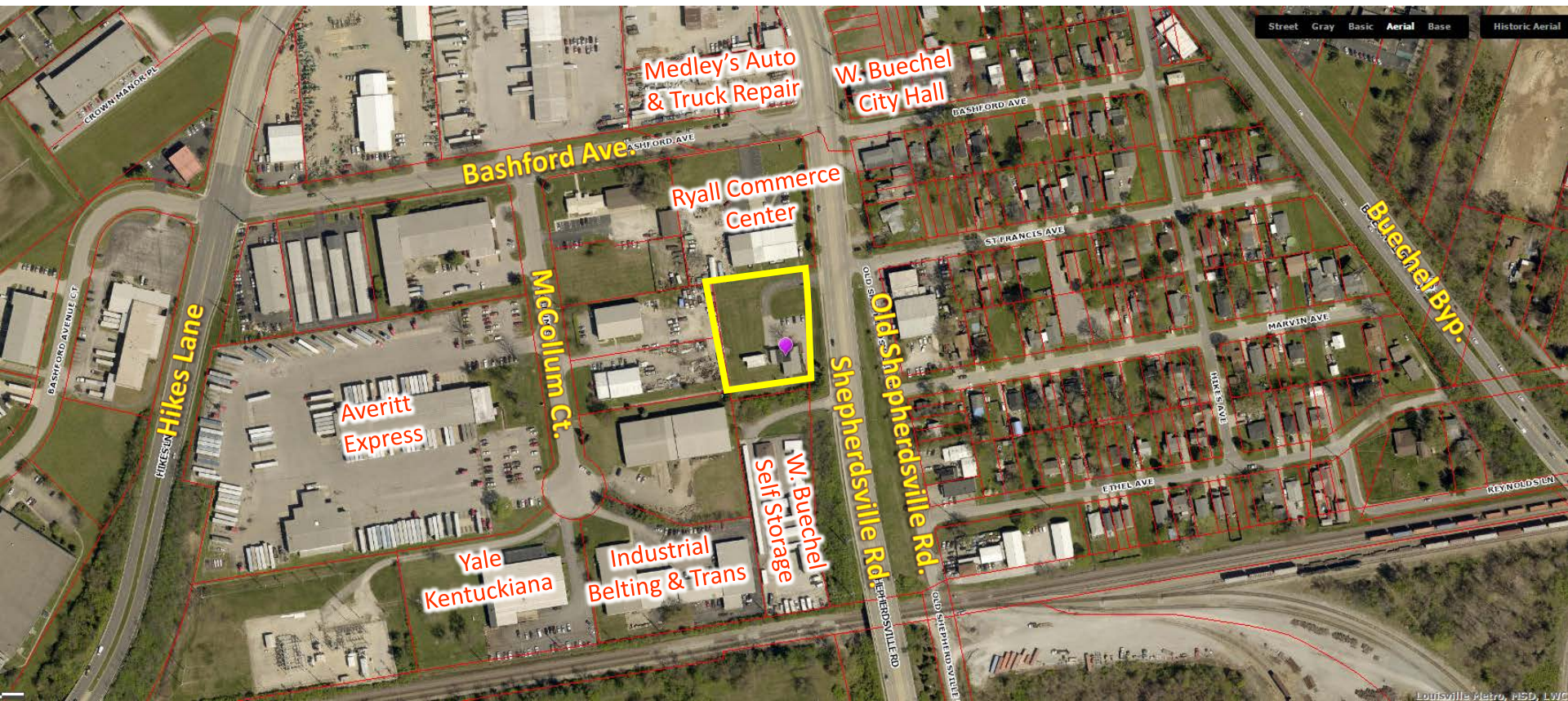
1. LOJIC Zoning Map
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# Tab 1 LOJIC Zoning Map



Tab 2

Aerial photograph of the site and surrounding area



Medley's Auto & Truck Repair

W. Buechel City Hall

Bashford Ave.

Ryall Commerce Center

McGollum Ct.

Shepherdsville Rd.  
Old Shepherdsville Rd.

Buechel Byp.

Averitt Express

Yale Kentuckiana

Industrial Belting & Trans

W. Buechel Self Storage

Hikes Lane

Street Gray Basic Aerial Base Historic Aerial

Louisville Metro, NSD, LWR



Tab 3

Ground level photographs of the site and surrounding area



Looking north down Shepherdsville Rd. Site is to the left.





Site

Shepherdsville Rd.  
shepherdsville Rd.

14 Shepherdsville Rd  
Shepherdsville, Kentucky  
Street View - Dec 2016

Bashford Ave  
Ethel

Google



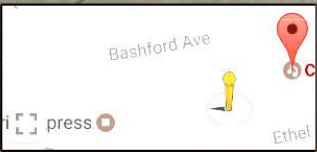
Looking north down Shepherdsville Road. Site is to the west (left).



4014 Shepherdville Rd  
Louisville, Kentucky  
Street View - Dec 2016

W. Buechel Self  
Storage

SITE



Google

Shepherdville Road



Looking towards site from Shepherdville Rd.

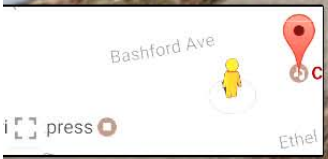


Looking towards site from Shepherdsville Rd.



4011 Shepherdsville Rd  
Louisville, Kentucky

Street View - Dec 2016



Google



Looking further north down Shepherdsville Road at entrance to site.



Google

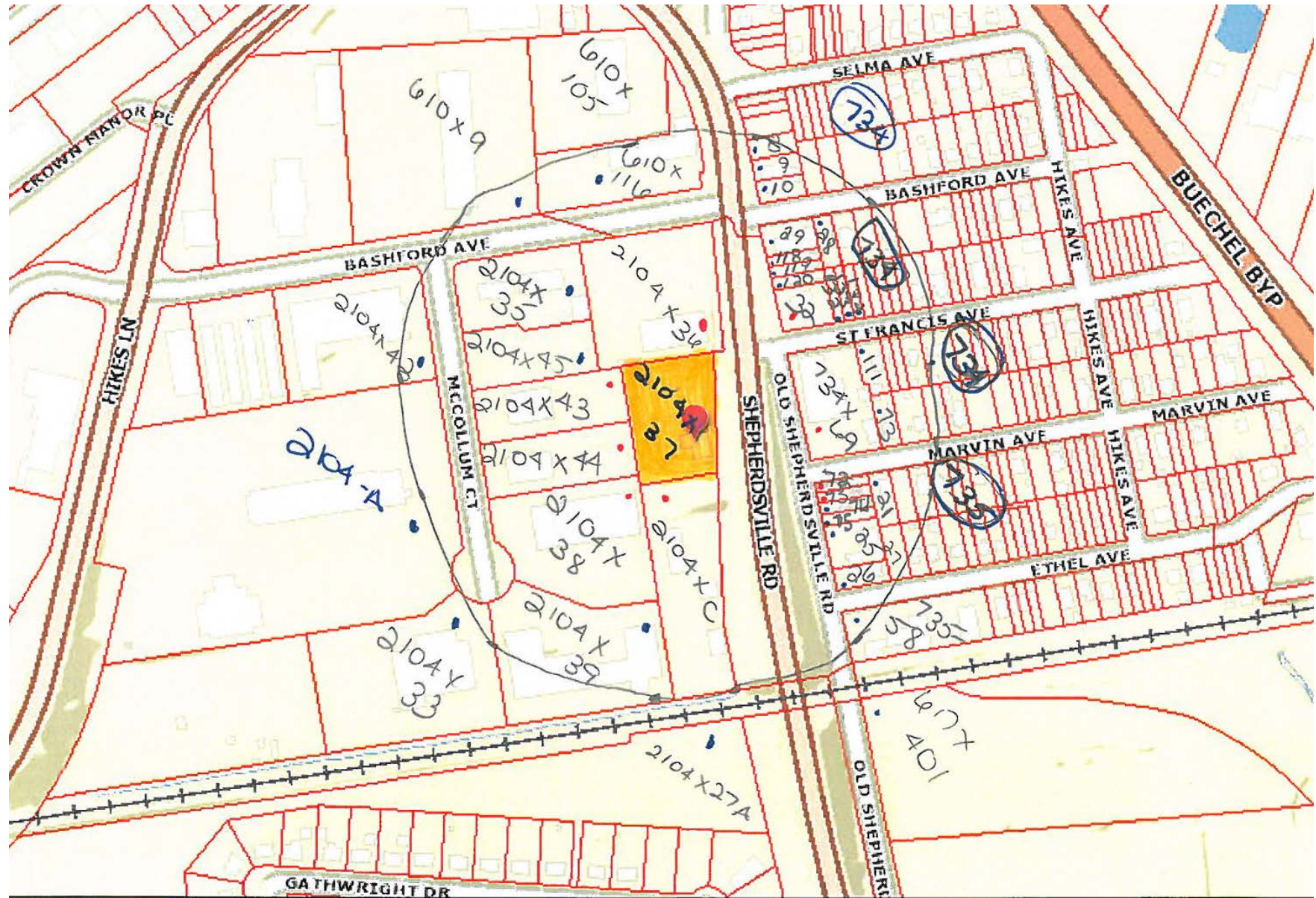


Looking south down Shepherdsville Road at site and entrance to site.

## Tab 4

Neighborhood Meeting notice list  
map, letter to neighbors inviting  
them to the meeting and summary  
of meeting

Adjoining property owner notice list map wherein 39 neighbors were invited to the various neighborhood meetings and the subsequent LD&T and Planning Commission public hearing.



# BARDENWERPER, TALBOTT & ROBERTS, PLLC

ATTORNEYS AT LAW

1000 N. HURSTBOURNE PARKWAY • BUILDING INDUSTRY ASSOCIATION OF GREATER LOUISVILLE BLDG. • SECOND FLOOR • LOUISVILLE, KENTUCKY 40223  
(502) 426-6688 • (502) 425-0561 (FAX) • WWW.BARDLAW.NET

William B. Bardenwerper  
Direct dial: 426-0388, ext. 135  
Email: WEB@BARDLAW.NET

April 5, 2017

Dear Neighbor,

**RE: Proposed change in zoning from PRO (Planned Research Office) to PEC (Planned Employment Center) to allow a contractor's office, warehouse and storage area on approximately 1.24 acres on property located on the west side of Shepherdsville Road across from St. Francis Avenue at 4011 Shepherdsville Road**

We are writing to invite you to a meeting we have scheduled to present neighbors with our rezoning plan to allow a contractor's office, warehouse and storage area to be located as above.

Accordingly, we have filed a plan for pre-application review on Monday, April 3<sup>rd</sup> with the Division of Planning and Design Services (DPDS) that has been assigned case number 17ZONE1013 and case manager, Laura Mattingly. We would like to show and explain to neighbors this plan so that we might hear what thoughts, issues and perhaps even concerns you may have.

In that regard, a meeting will be held on **Wednesday, April 19, 2017 at 7:00 p.m.** at the **Southeast Family YMCA** located at **5930 Six Mile Lane, Louisville, KY.**

If you cannot attend the meeting but have questions or concerns, please call me at 426-6688 or the land planning and engineering firm representatives David Garber at 222-9216.

We look forward to seeing you.

Sincerely,



William B. Bardenwerper

cc: Hon. Rick Richards, Mayor, City of West Buechel  
Hon. Pat Mulvihill, Councilman District 10  
Laura Mattingly, Case Manager with Metro Division of Planning & Design Services  
David F. Garber, P.E., P.L.S., Garber-Chilton Engineers & Land Surveyors, Inc.  
Mark Heckman, F. W. Owens Company, Inc.  
Nicholas Pregliasco & John Talbott, Partners, Bardenwerper, Talbott & Roberts, PLLC



## Neighborhood Meeting Summary

A neighborhood meeting was held on Wednesday, April 19, 2017 at the Southeast Family YMCA, located at 5930 Six Mile Lane. Those in attendance included the applicant's representatives, Bill Bardenwerper, attorney and David F. Garber, land planner and engineer, as well as the applicant representative, Mark Heckman.

Mr. Bardenwerper began the presentation by showing a PowerPoint to the one neighbor present. There were very few questions asked and only relative to what was shown on the proposed development plan.

# Tab 5 Development Plan



OWNER: HIGGINS PROPERTIES, LLC  
PARCEL ADDRESS:  
4031 MCCOLLUM CT.,  
LOUISVILLE, KY 40218  
MAILING ADDRESS:  
3911 LEES LANE  
LOUISVILLE, KY 40218  
ZONING: PEC  
FORM DIST: SUBURBAN WORKPLACE

OWNER: DYNASTY INVESTMENT PROPERTIES, LLC  
PARCEL ADDRESS:  
4046 MCCOLLUM CT.,  
LOUISVILLE KY 40218  
MAILING ADDRESS:  
603 BERWYN DRE  
LOUISVILLE, KY 402236  
ZONING: PEC  
FORM DIST: SUBURBAN WORKPLACE

OWNER: CAROLYN A. FROCHT FAMILY TRUST  
PARCEL ADDRESS:  
4041 MCCOLLUM CT.,  
LOUISVILLE, KY 40218  
MAILING ADDRESS:  
38 TIMBER DRE  
SIMPSONVILLE, KY 400676  
ZONING: PEC  
FORM DIST: SUBURBAN WORKPLACE

OWNER: T.E.M. PROPERTIES, LLCB  
PARCEL ADDRESS:  
3560 BASHFORD AVE.  
LOUISVILLE, KY 40218  
MAILING ADDRESS:  
3560 BASHFORD AVE.  
LOUISVILLE, KY 40216  
ZONING: PRO  
FORM DIST: SUBURBAN WORKPLACE

OWNER: O'BRYAN LIVING TRUST  
PARCEL ADDRESS:  
4021 SHEPHERDSVILLE RD.,  
LOUISVILLE, KY 40218  
MAILING ADDRESS:  
3405 WESTWOOD FARMS DRE  
LOUISVILLE, KY 40220  
ZONING: PEC  
FORM DIST: SUBURBAN WORKPLACE

PROPOSED CONCRETE PAD  
LOADING

PROPOSED 65' X 141' BLDG.  
BUILDING HEIGHT = 15'

EX CONC BLDG AND METAL  
OFFICE BUILDING AND WAREHOUSE.  
BUILDING HEIGHT = 12'

Shepherdsville Rd.

EX CONC. BLDG AND WAREHOUSE.  
OFFICE BUILDING AND WAREHOUSE.

EX. 5' WIDE CONC. BOOMWALK

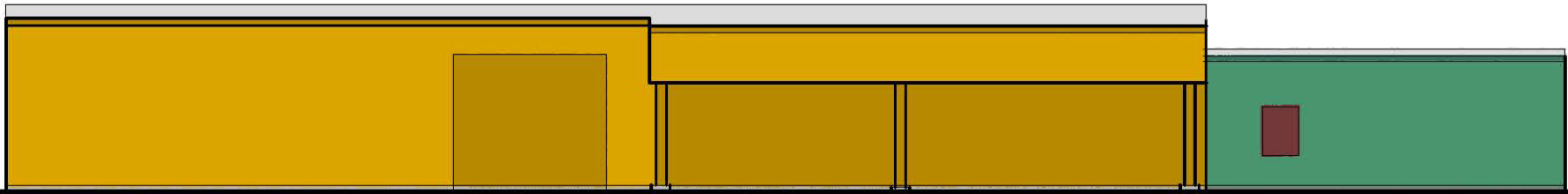
EX. 5' WIDE CONC. BOOMWALK

CONTINUOUS LEFT/RIGHT TURN LANE

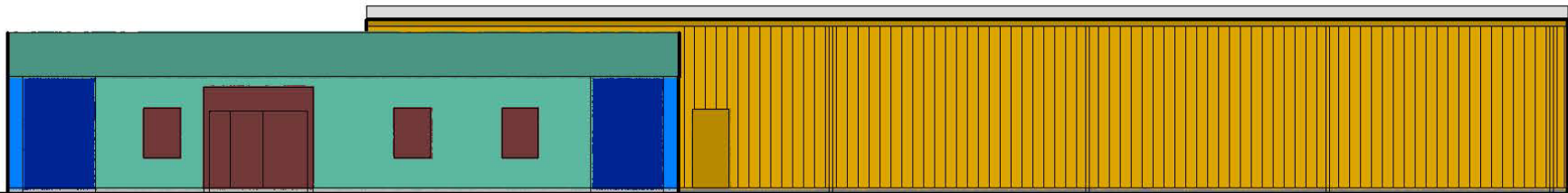




# Tab 6 Building Elevations



**NORTH ELEVATION - PROPOSED**

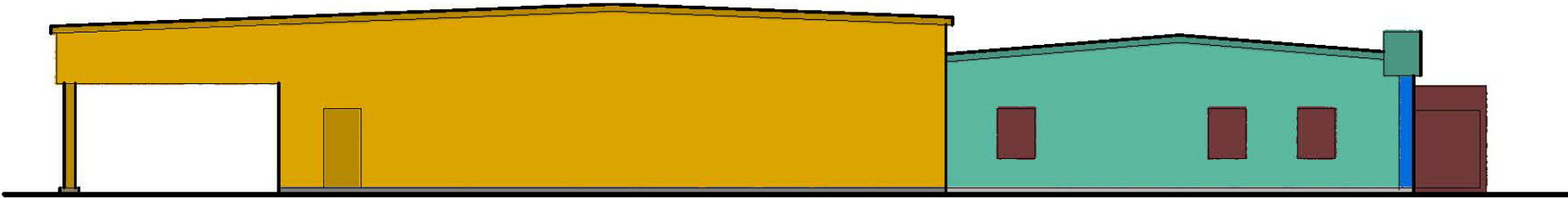


**SOUTH ELEVATION – PROPOSED**



EAST ELEVATION – PROPOSED





WEST ELEVATION – PROPOSED

## Tab 7

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

# 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 THE APPLICABLE GUIDELINES AND POLICIES OF THE CORNERSTONE 2020 COMPREHENSIVE PLAN**

<u>Applicant:</u>	FW Owens Company, LLC
<u>Owner:</u>	The Williams Group, LLC
<u>Location:</u>	4011 Shepherdsville Road
<u>Proposed Form and Zoning Districts and Use:</u>	Zone change from PRO to PEC for use as a contractor's shop
<u>Engineers, Land Planners and Landscape Architects:</u>	Garber-Chilton Engineers

### **INTRODUCTORY STATEMENT**

The subject property adjoins other PEC to the west and similarly used M-1 zoned properties to the east and is otherwise surrounded by other PRO, M-1, M-2, C-1, C-2, CM and OTF used and zoned properties. In other words there is no consistent zoning for this suburban workplace area, although the uses are consistently relatively intense industrial/commercial/office uses. The powerpoint presentation accompanying this application as presented at the neighborhood meeting includes LOJIC mapping and aerial and ground photographs demonstrating exactly this.

### **GUIDELINE 1: COMMUNITY FORM**

The application complies with the Suburban Workplace Form District which is a form characterized by predominately industrial and office uses where the buildings are set back from the street in a landscaped setting. This application and the Detailed District Development Plan (DDDP) accompanying this application demonstrate compliance with the Suburban Workplace Form District given how the site will be utilized and will satisfy the Land Development Code (LDC) requirements of the PEC zoning and the Suburban Workplace Form District requirements.

### **GUIDELINE 2: ACTIVITY CENTERS**

The application complies with the applicable Intents and Policies 1, 2, 4, 5, 14, 15 and 16 of this Guideline as follows.

Whereas the Intents and applicable Policies of this Guideline seem to pertain more to commercial and mixed uses, the concepts of planned, efficient and compact development along or near transit routes all pertain to this site and area. It matters not so much what the specific

zoning is for a given property in this area as matters the relationship of uses on properties and their proximities to uses of similar and compatible kinds. The application complies with this Guideline because of the fact that, as stated above, this and all of the nearby properties are similarly intense workplaces dependent upon good transportation systems for the kinds of truck traffic that utilize them and employees that generally work during the peak traffic hours.

### **GUIDELINE 3: COMPATIBILITY**

The application complies with the applicable Intents and Policies 1, 2, 5, 6, 7, 8, 9, 12, 17, 21, 22, 23, 24, and 29 of this Guideline as follows.

The Intents and applicable Policies all pertain to the issues of impact mitigation. Sometimes this can be through building design and materials. Given that the adjoining and nearby properties as referenced above encompass a wide variety of relatively intense industrial, commercial and office users, the land and building design for this site is, as shown on the powerpoint accompanying this application, compatible with all these others. As a contractor's shop, its main impact will be occasional, not continuous, traffic in and out of the site. Apart from that it should not have any negative odor, noise, lighting or visual impacts on nearby like kind users.

### **GUIDELINE 6: ECONOMIC GROWTH AND SUSTAINABILITY**

The application complies with the applicable Intents and Policies 1, 2, 4, 6, 8, 10 and 11 of this Guideline as follows.

The Intents and applicable Policies of this Guideline all pertain to the issues of assuring availability of adequate usable land for such uses as these, to reduce public and private costs for land development, to preserve workplaces, to provide for appropriate access, to invest in developing and redeveloping industrial areas, to locate industries where other industries already exist and in the activity centers in and around those industrial areas, to assure that transportation is adequate in and out of industrial areas and properties such as this, and to continue to redevelop and adaptively reuse vacant properties like this.

This property is available to accommodate an essential use to a community that needs contractors to continue to build and develop in order to grow. The applicant plans to redevelop and utilize this property in a manner compatible with adjoining and surrounding uses.

### **GUIDELINES 7, 8 and 9: CIRCULATION, TRANSPORTATION FACILITIES AND ALTERNATIVE TRANSPORTATION MODES**

The application complies with the applicable Intents and Policies 1, 2, 3, 4, 10, 11, 12 and 15 of Guideline 7, Policies 5, 7, 9, 10, and 11 of Guideline 8, and Policies 1, 2, 3 and 4 of Guideline 9 of these Guidelines as follows.

If not already, then by time of LD&T review, this application will comply with the multiplicity of issues that are typically reviewed by Metro Transportation Planning and Public Works in connection with those agencies' reviews of DDDPs such as the one submitted with this application. In that regard, Garber-Chilton Engineers, a professional land planning and engineering firm that has worked on this DDDP, has already taken into account in its design such issues as appropriate access, internal circulation, adequate parking, adequacy of street access,

appropriate site distances and even whether sidewalks and bicycles need to be provided/accommodated. All of these things are either addressed on the DDDP accompanying this application or will be further addressed prior to docketing for, or at the time of, LD&T and Planning Commission consideration.

### **GUIDELINES 10 & 11: FLOODING, STORMWATER AND WATER QUALITY**

The application complies with the applicable Intents and Policies 1, 3, 6, 7, 10 and 11 of Guideline 10 and Policies 3 and 5 of Guideline 11 of these Guidelines as follows.

The Intents and applicable Policies of these Guidelines raise issues that are already regulated by MSD. By the time that the DDDP accompanying this application is docketed for LD&T review, it must have received the preliminary stamp of approval from MSD demonstrating compliance with all of these Policies. That is to say that stormwater will be accommodated at the nearby regional detention basin, which, if insufficient to address stormwater issues accompanying this site, will be addressed by on-site detention. Further, at construction stage, work done on this property must be performed in compliance with the soil erosion and sediment control regulations of MSD. Provisions for water quality must also be addressed on construction plans, pursuant to MSD regulations.

### **GUIDELINE 12: AIR QUALITY**

The application complies with the applicable Intents and Policies 1, 2, 3, 4, 6, 8 and 9 of this Guideline as follows.

Because this is a Suburban Workplace Form District to and from which employees and truck traffic already commute for employment and business purposes and because nearby road systems are adequate to accommodate all of this traffic, this proposal has a positive impact on air quality by not increasing vehicle miles traveled or further congesting already congested roads.

### **GUIDELINE 13: LANDSCAPE CHARACTER**

The application complies with the applicable Intents and Policies 1, 2, 4, and 6 of this Guideline as follows.

The landscape plan to be discussed at LD&T and public hearing and eventually to be filed post DDDP approval, will comply with the LDC.

### **GUIDELINES 14 & 15 : INFRASTRUCTURE AND COMMUNITY FACILITIES**

The application complies with the applicable Intents and Policies 2, 3, 4, 6 and 7 of Guideline 14 and Policies 3, 4, and 9 of Guideline 15 of these Guidelines as follows.

Adequate water supply, sewage treatment, other utility services and public services are available to serve this site.

\* \* \* \* \*

The application complies with all other relevant and applicable Guidelines and Policies of the Cornerstone 2020 Comprehensive Plan for all the reasons noted above and on the accompanying DDDP and as will be further demonstrated at LD&T and at the Planning Commission public hearing.

Respectfully submitted,

---

**BARDENWERPER, TALBOTT & ROBERTS, PLLC**  
Bardenwerper Talbott & Roberts, PLLC  
1000 N. Hurstbourne Parkway, Second Floor  
Louisville, KY 40223  
(502) 426-6688

**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: Sections 5.5.2 and 5.6.1.B.1a to omit the requirement to provide animating features on the building façade along Shepherdsville Road

Explanation of Waiver:

1. The waiver will not adversely affect adjacent property owners because the new building will sit back 40' further from Shepherdsville Road than the existing building with metal siding, but with a better appearance. Due to the amount of right of way and the setback of the new building, as well the new landscaping, the waiver will not affect adjacent properties.
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 this rezoning application and as shown on the detailed district development plan.
3. The extent of waiver of the regulation is the minimum necessary to afford relief to the applicant because the new building is set back further than the existing building because of detention and parking, and room for landscaping should exist to mitigate any potential adverse impacts along this street frontage.
4. Strict application of the provisions of the regulation would deprive the applicant of a reasonable use of the land or would create an unnecessary hardship on the applicant because unlike other contractor shops, this one would be required to animate its frontage façade in an industrial/office area in a way that is impractical and, as explained above, aesthetically unnecessary

### **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 10.2.12 to allow the ILAs to be less than 290 sq ft. and to count square footage falling in the LBA.

Explanation of Waiver:

1. The waiver will not adversely affect adjacent property owners because, this property is largely a pre-existing and as-built site where the current building will remain where it is in large part and a warehouse building will be added in the center of the property away from neighbors, with the new Vehicular Use Area Interior Landscape Areas (the "ILA's") being added and new landscaping being provided an improvement over what current exists. Currently, there appears to be only one small ILA with a total of 133 being added. Also, the proposed plan provides 999 square feet of total ILA, in excess of the LDC required 949 square feet. It is clear that it will not adversely affect the adjacent property, but the overall landscaping is in fact a major improvement over what exists today. The new plan nevertheless significantly adds to the LBA and significantly adds to the ILA. Again, the non-compliance with the 290 square feet of each ILA is caused by a very recent LDC amendment increasing the minimum square footage from 133 square feet to 290 square feet. If this were reviewed prior to the LDC change all ILAs would be sufficient with no waiver requested. As a consequence of the largely pre-existing, as-built conditions, the minimum size of the ILA's may not be feasibly added, although there is significant landscaped area otherwise surrounding this site where it does not exist today. In spite of the waiver, the landscaping will be greatly enhanced and increased from what is currently on the site.
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 original rezoning application.
3. The extent of waiver of the regulation is the minimum necessary to afford relief to the applicant because of the presently existing as-built conditions. Regardless, the overall landscaping buffers are significantly increased on the east side of the property abutting Shepherdsville Road. Furthermore, the actual ILA square footage would have met the LDC requirement prior to the recent change increasing the minimum size.
4. Strict application of the provisions of the regulation would deprive the applicant of a reasonable use of the land or would create an unnecessary hardship on the applicant because it the as-built condition and effect this would have on the parking which is necessary for the site, in large part because of parking being removed to account for the greatly enhanced and increased landscaping which is currently on the site.



## Tab 8

Proposed findings of fact pertaining to compliance with the Comprehensive Plan and Waiver criteria

# BARDENWERPER, TALBOTT & ROBERTS, PLLC

ATTORNEYS AT LAW

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

<u>Applicant:</u>	FW Owens Company, LLC
<u>Owner:</u>	The Williams Group, LLC
<u>Location:</u>	4011 Shepherdsville Road
<u>Proposed Form and Zoning Districts and Use:</u>	Zone change from PRO to PEC for use as a contractor's shop
<u>Engineers, Land Planners and Landscape Architects:</u>	Garber-Chilton Engineers

### **INTRODUCTORY STATEMENT**

**WHEREAS**, the subject property adjoins other PEC to the west and similarly used M-1 zoned properties to the east and is otherwise surrounded by other PRO, M-1, M-2, C-1, C-2, CM and OTF used and zoned properties; in other words there is no consistent zoning for this suburban workplace area, although the uses are consistently relatively intense industrial/commercial/office uses; and the PowerPoint presentation accompanying this application as presented at the Planning Commission Public Hearing includes LOJIC mapping and aerial and ground photographs demonstrating exactly this; and

### **GUIDELINE 1: COMMUNITY FORM**

**WHEREAS**, the application complies with the Suburban Workplace Form District which is a form characterized by predominately industrial and office uses where the buildings are set back from the street in a landscaped setting; this application and the Detailed District Development Plan (DDDP) accompanying this application demonstrate compliance with the Suburban Workplace Form District given how the site will be utilized and will satisfy the Land Development Code (LDC) requirements of the PEC zoning and the Suburban Workplace Form District requirements; and

### **GUIDELINE 2: ACTIVITY CENTERS**

**WHEREAS**, the application complies with the applicable Intents and Policies 1, 2, 4, 5, 14, 15 and 16 of this Guideline because the Intents and applicable Policies of this Guideline seem to pertain more to commercial and mixed uses, the concepts of planned, efficient and compact development along or near transit routes all pertain to this site and area; it matters not so much what the specific zoning is for a given property in this area as matters the relationship of uses on

properties and their proximities to uses of similar and compatible kinds; and the application complies with this Guideline because of the fact that, as stated above, this and all of the nearby properties are similarly intense workplaces dependent upon good transportation systems for the kinds of truck traffic that utilize them and employees that generally work during the peak traffic hours; and

### **GUIDELINE 3: COMPATIBILITY**

**WHEREAS**, the application complies with the applicable Intents and Policies 1, 2, 5, 6, 7, 8, 9, 12, 17, 21, 22, 23, 24, and 29 of this Guideline because the Intents and applicable Policies all pertain to the issues of impact mitigation; sometimes this can be through building design and materials; given that the adjoining and nearby properties as referenced above encompass a wide variety of relatively intense industrial, commercial and office users, the land and building design for this site is, compatible with all these others; as a contractor's shop, its main impact will be occasional, not continuous, traffic in and out of the site; and apart from that it should not have any negative odor, noise, lighting or visual impacts on nearby like kind users; and

### **GUIDELINE 6: ECONOMIC GROWTH AND SUSTAINABILITY**

**WHEREAS**, the application complies with the applicable Intents and Policies 1, 2, 4, 6, 8, 10 and 11 of this Guideline because the Intents and applicable Policies of this Guideline all pertain to the issues of assuring availability of adequate usable land for such uses as these, to reduce public and private costs for land development, to preserve workplaces, to provide for appropriate access, to invest in developing and redeveloping industrial areas, to locate industries where other industries already exist and in the activity centers in and around those industrial areas, to assure that transportation is adequate in and out of industrial areas and properties such as this, and to continue to redevelop and adaptively reuse vacant properties like this; and

**WHEREAS**, this property is available to accommodate an essential use to a community that needs contractors to continue to build and develop in order to grow; and the applicant plans to redevelop and utilize this property in a manner compatible with adjoining and surrounding uses; and

### **GUIDELINES 7, 8 and 9: CIRCULATION, TRANSPORTATION FACILITIES AND ALTERNATIVE TRANSPORTATION MODES**

**WHEREAS**, the application complies with the applicable Intents and Policies 1, 2, 3, 4, 10, 11, 12 and 15 of Guideline 7, Policies 5, 7, 9, 10, and 11 of Guideline 8, and Policies 1, 2, 3 and 4 of Guideline 9 of these Guidelines because this application will comply with the multiplicity of issues that are typically reviewed by Metro Transportation Planning and Public Works in connection with those agencies' reviews of DDDPs such as the one submitted with this application; in that regard, Garber-Chilton Engineers, a professional land planning and engineering firm that has worked on this DDDP, has already taken into account in its design such issues as appropriate access, internal circulation, adequate parking, adequacy of street access, appropriate site distances and even whether sidewalks and bicycles need to be provided/accommodated; all of these things have been addressed on the DDDP accompanying this application, which has received the preliminary stamp of approval, prior to docketing for Planning Commission consideration; and

**GUIDELINES 10 & 11: FLOODING, STORMWATER AND WATER QUALITY**

The application complies with the applicable Intents and Policies 1, 3, 6, 7, 10 and 11 of Guideline 10 and Policies 3 and 5 of Guideline 11 of these Guidelines because the Intents and applicable Policies of these Guidelines raise issues that are already regulated by MSD; it received the preliminary stamp of approval from MSD demonstrating compliance with all of these Policies; that is to say that storm water will be accommodated at the nearby regional detention basin; further, at construction stage, work done on this property must be performed in compliance with the soil erosion and sediment control regulations of MSD; and provisions for water quality must also be addressed on construction plans, pursuant to MSD regulations; and

**GUIDELINE 12: AIR QUALITY**

**WHEREAS**, the application complies with the applicable Intents and Policies 1, 2, 3, 4, 6, 8 and 9 of this Guideline because this is a Suburban Workplace Form District to and from which employees and truck traffic already commute for employment and business purposes and because nearby road systems are adequate to accommodate all of this traffic, this proposal has a positive impact on air quality by not increasing vehicle miles traveled or further congesting already congested roads; and

**GUIDELINE 13: LANDSCAPE CHARACTER**

**WHEREAS**, the application complies with the applicable Intents and Policies 1, 2, 4, and 6 of this Guideline because the landscape plan discussed at LD&T and at the Public Hearing and eventually to be filed post DDDP approval, will comply with the LDC subject to the waivers requested; and

**GUIDELINES 14 & 15 : INFRASTRUCTURE AND COMMUNITY FACILITIES**

**WHEREAS**, the application complies with the applicable Intents and Policies 2, 3, 4, 6 and 7 of Guideline 14 and Policies 3, 4, and 9 of Guideline 15 of these Guidelines because adequate water supply, sewage treatment, other utility services and public services are available to serve this site; and

\* \* \* \* \*

**WHEREAS**, for all the reasons explained at LD&T and the Planning Commission public hearing and also in the public hearing exhibit books 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 recommends to the Louisville Metro Council that it rezone the subject property from PRO to PEC and approves the Detailed District Development Plan.

Waiver Findings of Fact

Waiver of: Sections 5.5.2 and 5.6.1.B.1a to omit the requirement to provide animating features on the building façade along Shepherdsville Road

**WHEREAS**, the waiver will not adversely affect adjacent property owners because the new building will sit back 40' further from Shepherdsville Road than the existing building with metal siding, but with a better appearance; due to the amount of right of way, the setback of the new building, as well the new landscaping, the waiver will not affect adjacent properties; and

**WHEREAS**, 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 this rezoning application and as shown on the detailed district development plan; and

**WHEREAS**, the extent of waiver of the regulation is the minimum necessary to afford relief to the applicant because the new building is set back further than the existing building because of detention and parking, and room for landscaping should exist to mitigate any potential adverse impacts along this street frontage; and

**WHEREAS**, strict application of the provisions of the regulation would deprive the applicant of a reasonable use of the land or would create an unnecessary hardship on the applicant because unlike other contractor shops, this one would be required to animate its frontage façade in an industrial/office area in a way that is impractical and, as explained above, aesthetically unnecessary;

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

Waiver Findings of Fact

Waiver of Section 10.2.12 to allow the ILAs to be less than 290 sq ft. and to count square footage falling in the LBA.

**WHEREAS**, the waiver will not adversely affect adjacent property owners because, this property is largely a pre-existing and as-built site where the current building will remain where it is in large part and a warehouse building will be added in the center of the property away from neighbors, with the new Vehicular Use Area Interior Landscape Areas (the “ILA’s”) being added and new landscaping being provided an improvement over what current exists; there appears to be only one small ILA with a total of 133 being added; the proposed plan provides 999 square feet of total ILA, in excess of the LDC required 949 square feet; it will not adversely affect the adjacent property, but the overall landscaping is in fact a major improvement over what exists today; the new plan significantly adds to the LBA and significantly adds to the ILA; the non-compliance with the 290 square feet of each ILA is caused by a very recent LDC amendment increasing the minimum square footage from 133 square feet to 290 square feet, and if this were reviewed prior to the LDC change all ILAs would be sufficient with no waiver requested; as a consequence of the largely pre-existing, as-built conditions, the minimum size of the ILA’s may not be feasibly added, although there is significant landscaped area otherwise surrounding this site where it does not exist today; and in spite of the waiver, the landscaping will be greatly enhanced and increased from what is currently on the site; and

**WHEREAS**, 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; and

**WHEREAS**, the extent of waiver of the regulation is the minimum necessary to afford relief to the applicant because of the presently existing as-built conditions; the overall landscaping buffers are significantly increased on the east side of the property abutting Shepherdsville Road; and the actual ILA square footage would have met the LDC requirement prior to the recent change increasing the minimum size; and

**WHEREAS**, strict application of the provisions of the regulation would deprive the applicant of a reasonable use of the land or would create an unnecessary hardship on the applicant because it the as-built condition and effect this would have on the parking which is necessary for the site, in large part because of parking being removed to account for the greatly enhanced and increased landscaping which is currently on the site;

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