

DOCKET NO. 17ZONE1077

ZONE CHANGE FROM R-4 TO C-2 WITH A CONDITIONAL USE PERMIT AND
DETAILED DISTRICT DEVELOPMENT PLAN TO ALLOW A SELF-STORAGE
FACILITY, LOCATED AT 12113, 12115 & 12117R SHELBYVILLE ROAD



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6. Building elevations
7. Statement of Compliance filed with the original zone change application with all applicable Guidelines and Policies of the Cornerstone 2020 Comprehensive Plan and Variance Justification
8. Proposed findings of fact pertaining to compliance with the Comprehensive Plan and Variance criteria



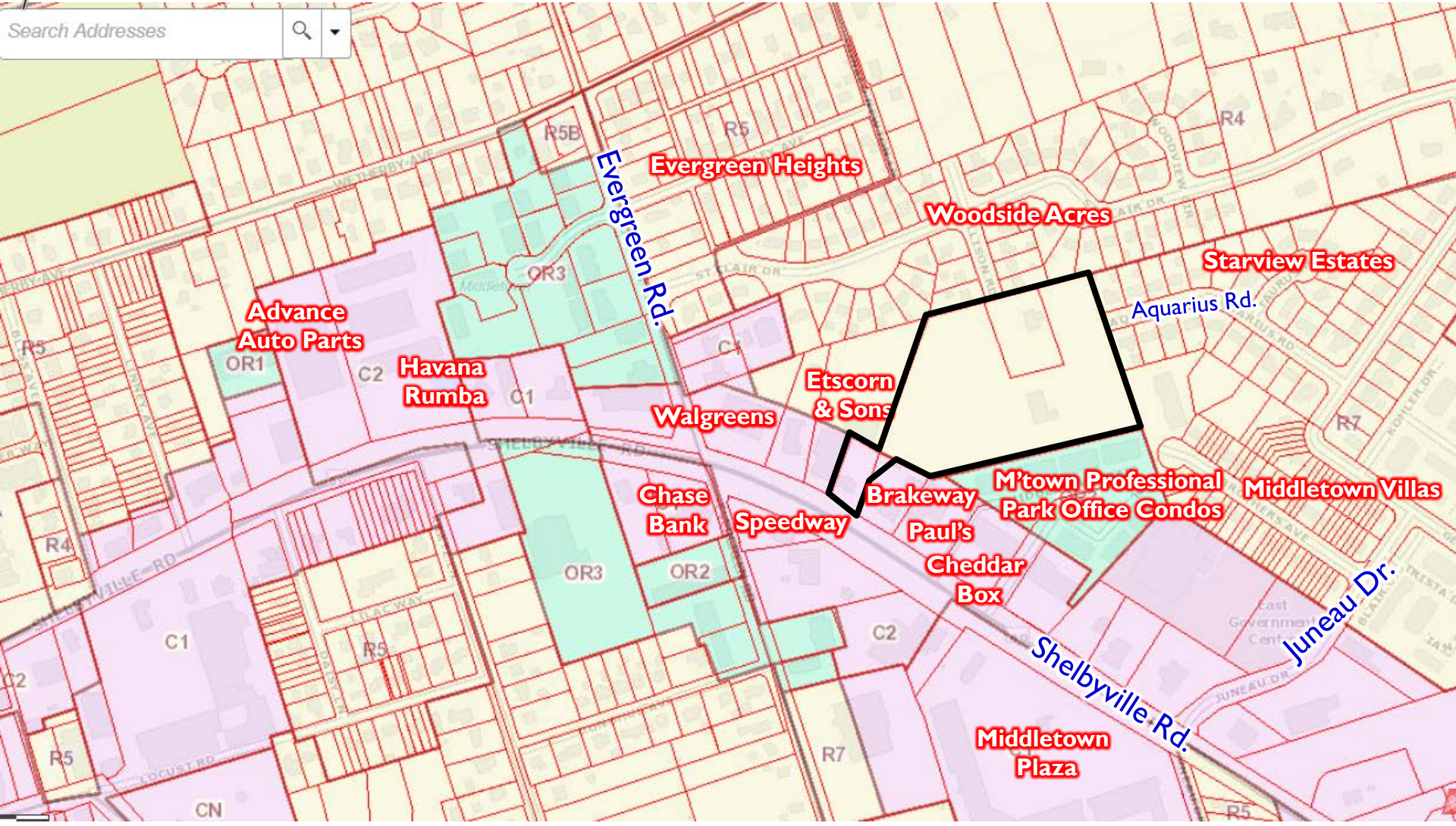
TAB I

LOJIC ZONING MAPS





Search Addresses





TAB 2

AERIAL PHOTOGRAPH OF THE SITE AND SURROUNDING AREA





Search Addresses

Evergreen Heights

St. Clair Dr.

Woodside Acres

Evergreen Rd.

Starview Estates

Etscorn & Sons

Walgreens

Middletown Villa

M'town Professional Park Office Condos

Chase Bank

Brakeway

Paul's

Speedway

Shelbyville Rd.





TAB 3

GROUND LEVEL PHOTOGRAPHS OF THE SITE AND SURROUNDING AREA





12113 Shelbyville Rd

Middletown, Kentucky

Google, Inc.

Street View - Dec 2016

Proposed
mini-storage facility

12115 and
12117R

Proposed
leasing office

12113

Brakeway

Shelbyville Rd.

Google

Subject site





12111 Shelbyville Rd
Middletown, Kentucky

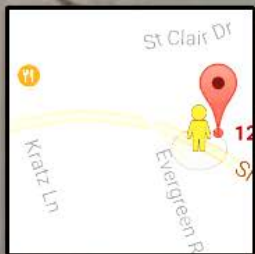
Google, Inc.

Street View - Dec 2016



SITE

Shelbyville Rd.



Google

Image capture: Dec 2016 © 2017 Google United States Terms Report a pro

Etscorn & Sons and Happy Hounds just west of the site, with Walgreens at the corner of Shelbyville and Evergreen Roads.



Shelbyville Rd.

View of Brakeway and Paul's Market east of site.



12113 Shelbyville Rd
Middletown, Kentucky
Google, Inc.
Street View - Dec 2016

Shelbyville Rd.



View of property across Shelbyville Road from site.



TAB 4

NEIGHBORHOOD MEETING NOTICE LIST MAP, LETTER TO NEIGHBORS INVITING THEM TO THE MEETING AND SUMMARY OF MEETING



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: WBB@BARDLAW.NET

November 28, 2017

Re: Proposed zone change from R-4 to C-2 on 7.91 +/- acres of the overall 8.4 +/- acre site with a Conditional Use Permit (CUP) to allow a self-storage facility on property located at 12113, 12115 & 12117R Shelbyville Road

Dear Neighbor:

We are writing to invite you to a meeting we have scheduled to present neighbors with our rezoning plan to allow a self-storage facility to be located as above.

Accordingly, we will be filing a plan for pre-application review with the Division of Planning and Design Services (DPDS) that will be assigned a case number and case manager. At the meeting, we will have that information and will also show and explain to neighbors the draft plan so that we might hear what thoughts, issues and concerns you may have.

In that regard, a meeting will be held on **Tuesday, December 12th at 7:00 p.m.** at the **Middletown Fire Station** located at **108 Urton Lane, Louisville, KY 40223.**

If you cannot attend the meeting but have questions or concerns, please call us at 426-6688 or the land planning and engineering firm representatives Kevin Young or Ann Richard at 426-9374.

Sincerely,



William B. Bardenwerper
Nicholas R. Pregliasco
John C. Talbott

Cc: Hon. Julie Denton, Councilwoman, District 19
Brian Davis, Planning Manager, Planning & Design Services
Kevin Young & Ann Richard, engineer and land planners with Land Design & Development, Inc.
Aaron Eldridge & Steve Womack, Applicants with StorAll

Neighborhood Meeting Summary

A neighborhood meeting was held on Tuesday, December 12th at 7:00 p.m. at the Middletown Fire Station located at 108 Urton Lane. Those in attendance included these applicant's representatives: Bill attorneys, Bardenwerper and Nick Pregliasco; land planner Ann Richard; and Stor-All owners/executives Steve Womack and Aaron Eldridge.

Bill Bardenwerper began with a PowerPoint presentation, showing aerial photographs of the site, proposed colored initial development plans and concepts of building design and materials.

He and Ms. Richard explained access, building setbacks, building height, perimeter landscaping, and how stormwater will be managed.

Questions were asked and further answered on all these subjects with specific reference to features identified on the proposed development plan.

As to building design, Mr. Womack and Mr. Eldridge referred those present to other Louisville self-storage facilities of theirs.

As to perimeter screening and buffering, Mr. Bardenwerper and Ms. Richard showed how exterior walls, fencing and landscaping will combine to screen visibility of the interior of the site.

Questions were also asked and answered about project economics, ownership and other business related issues.



TAB 5

CURRENT DEVELOPMENT PLAN





Evergreen Rd. AD

ST. CLAIR DR.

RAISING CANES

EVERGREEN LIQUORS

WALGREENS

HAPPY HOUNDS

ETSCORN & SONS

MOBY DICK

CHASE BANK

SPEEDWAY

BRAKEWAY

PAUL'S

MIDDLETOWN PARK PL.

CHEDDAR BOX CAFE

UPS STORE

MIDDLETOWN LIBRARY

STEIN CENTER

GOZY QUILTERS

POPEYES

RUMORS

FAT JIMMY'S PIZZA

U.S. BANK

McDONALD'S

AQUARIUS RD

BROTHERS AVE

GEMINI WAY

JUNEAU DRIVE

EVERGREEN ROAD

Shelbyville Rd.

GRAPHIC SCALE





WALGREENS

HAPPY HOUNDS

ETSCORN & SONS

SPEEDWAY

BRAKEWAY

PAUL'S

CHEDDAR BOX CAFE

UPS STORE

STEIN CENTER

SE Shelbyville Rd

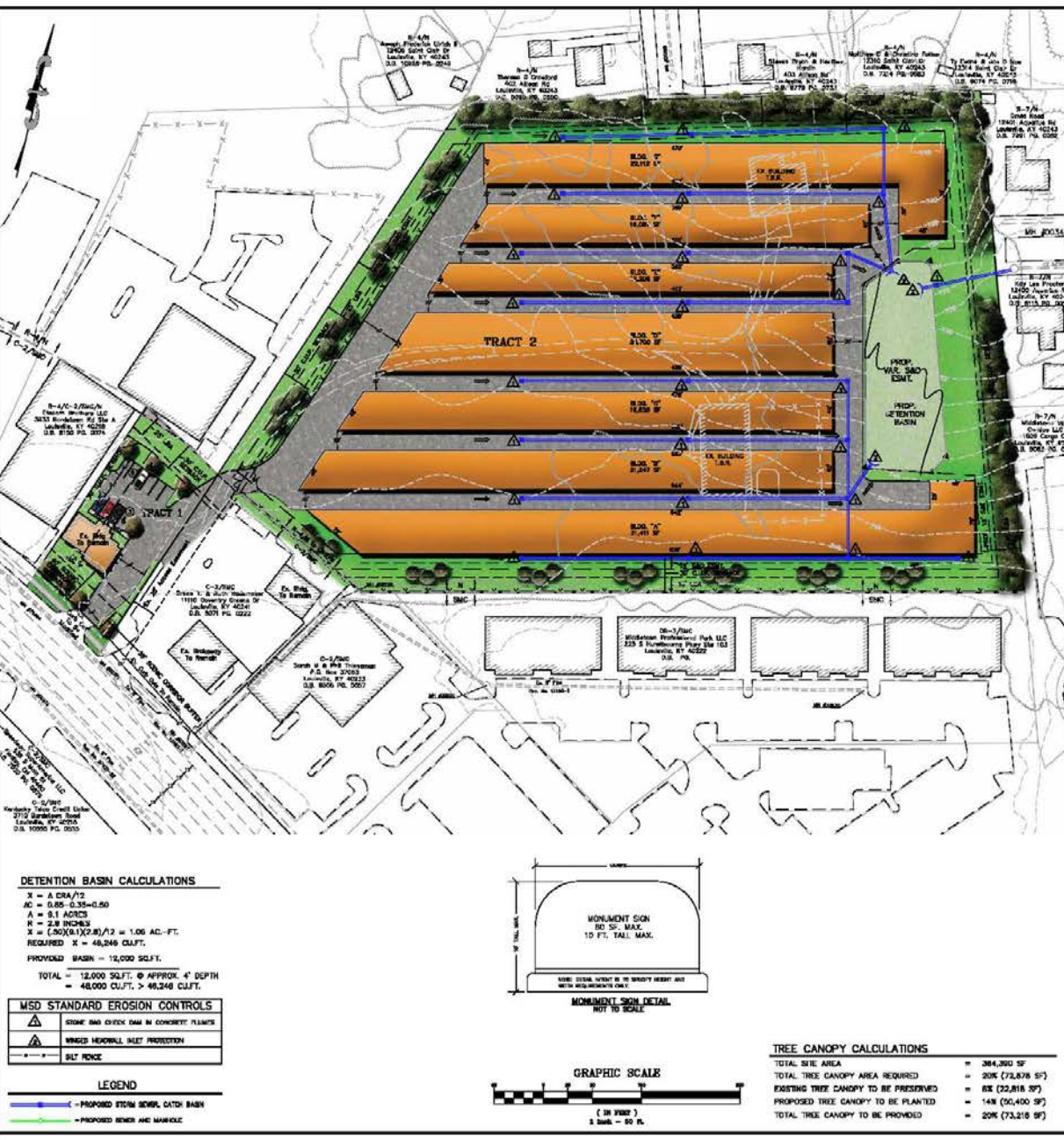
MIDDLETOWN PARK PL

AQUARIUS RD

BROTHERS AVE

GRAPHIC SCALE

1 INCH = 60 FT



DETENTION BASIN CALCULATIONS

X = A RA²/12
 AC = 0.88 - 0.35=0.53
 A = 0.1 ACORS
 R = 2.8 INCHES
 X = (0.03)(0.1)(2.8)²/12 = 1.06 AC.-FT.
 REQUIRED X = 48,246 CU.FT.
 PROVIDED BASIN = 12,000 SQ.FT.
 TOTAL = 12,000 SQ.FT. @ APPROX. 4' DEPTH = 48,000 CU.FT. > 48,246 CU.FT.

MSD STANDARD EROSION CONTROLS

▲ STORM BASIN EXISTING DRAIN IN CONCRETE PAVEMENT
 ▬ WINGED HEDROWALL INLET PROTECTION
 - - - SILT FENCE

LEGEND

— PROPOSED STORM SEWER, CATCH BASIN
 — PROPOSED SEWER AND MANHOLE

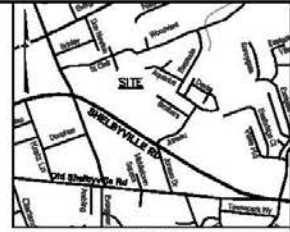
TREE CANOPY CALCULATIONS

TOTAL SITE AREA	=	364,200 SF
TOTAL TREE CANOPY AREA REQUIRED	=	20K (73,218 SF)
EXISTING TREE CANOPY TO BE PRESERVED	=	6K (22,818 SF)
PROPOSED TREE CANOPY TO BE PLANTED	=	14K (50,400 SF)
TOTAL TREE CANOPY TO BE PROVIDED	=	20K (73,218 SF)

CONDITIONAL USE PERMIT:

- A Conditional Use Permit is required from Section 4.5.23 of the Louisville Water Land Development Code for Mid-Workrooms

THE SITE IS LOCATED IN THE CITY OF MIDDLETOWN



TRACT 1 DATA

TRACT 1 SITE AREA	=	0.46 Ac. (19,750 SF)
EXISTING ZONING	=	C-2
PROPOSED ZONING	=	SUBURBAN MARKETPLACE CORRIDOR
EXISTING USE	=	OFFICE FOR TRACT 2 STORAGE FACILITY
PROPOSED OFFICE AREA	=	1,897 SF
F.A.M.	=	0.10 (8.0 MAX. ALLOWED)
BUILDING HEIGHT	=	1 STORY (8'0" MAX. ALLOWED)

PARKING PROVIDED

1997/200 S.F. MIN.	=	4 SP
1997/200 S.F. MAX.	=	10 SP
MIN. PARKING PROVISION	=	9 SPACES
TOTAL PARKING PROVIDED	=	1 HC SP INCLUDED

VEHICULAR USE AREA

INTERIOR LANDSCAPE AREA REQUIRED	=	8,650 SF
INTERIOR LANDSCAPE AREA PROVIDED	=	1,500 SF

TRACT 2 DATA

TRACT 2 SITE AREA	=	7.81 Ac. (344,640 SF)
EXISTING ZONING	=	R-4
PROPOSED ZONING	=	SUBURBAN MARKETPLACE CORRIDOR
EXISTING USE	=	RESIDENTIAL
PROPOSED OFFICE AREA	=	148,427 SF
F.A.M.	=	0.43 (8.0 MAX. ALLOWED)
BUILDING HEIGHT	=	1 STORY (8'0" MAX. ALLOWED)

GENERAL NOTES:

- Paving areas and drive lanes to be a hard and durable surface.
- An encroachment permit and bond will be required for all work done in the right-of-way.
- No increase in drainage run off to other residences.
- There shall be no commercial signs in the right of way.
- There shall be no landscaping in the right of way except an encroachment permit.
- Site lighting shall not shine in the eyes of drivers. If it does it shall be re-directed, shielded, or turned off.
- Construction fencing shall be erected prior to any grading or grading activities preventing compaction of root systems of trees to be preserved. The fencing shall enclose the area beneath the edge line of the tree canopy and shall remain in place. No parking, material storage, or construction activities shall be permitted within the fenced area.
- Sanitation measures for dust control shall be in place during construction to prevent fugitive particulate emissions from reaching adjacent roads and neighboring properties.
- KTC permit will be required prior to construction plan approval.

MSD NOTES:

- Sanitary sewer service is existing.
- No portion of the site is within the 100 year flood plain per FEMA Map No. 21111 C 0046 (revised December 9, 2006).
- Drainage patterns depicted by arrows (cont'd) are for conceptual purposes. Final configuration and size of drainage pipes and storm sewers shall be determined during the construction plan design process. Drainage facilities shall conform to MSD requirements.
- If the site has any drainage on an easement plot will be required prior to MSD granting construction plan approval.
- No site detentions shall be required post-developer plans. Run off will be limited to pre-developed ponds or to the capacity of the stormwater system whenever it exists nearby.
- Detention basins, if applicable, shall be constructed first and shall perform as sediment basins during construction with the surrounding drainage areas are needed and attached.
- Detention basins shall be located to maintain the structure of road and all from construction areas onto public roadways. Soil loaded onto the roadway shall be removed daily.
- For all activities shall be installed from streets, ponds, swales and catch basins. Stormwater shall be stored, treated, and adequately contained through the use of all best practices.
- All stormwater must be filtered low-water separator per MSD standard drawing 211-02.
- When construction or land disturbance activity will or has temporarily ceased on any portion of a site, temporary site stabilization measures shall be required until such time that the site shall be stabilized, but no later than 14 calendar days after the activity has ceased.
- Detention basins groundwater encountered during tracking, boring or other construction activities shall be pumped to a sediment trapping device prior to being discharge into a stream, pond, creek or catch basin. All storm drainage and detention MSD standard specifications.
- Construction fencing shall be erected prior to any construction or grading activities preventing compaction of root systems of trees to be preserved. The fencing shall enclose the area beneath the aprons of the tree canopy and shall remain in place. No parking, material storage, or construction activities shall be permitted within the fenced area.

EROSION PREVENTION AND SEDIMENT CONTROL NOTES

- The approved erosion prevention and sediment control (EPSC) plan shall be implemented prior to any land-disturbing activity on the overall development site.
- Any modifications to the approved EPSC plan must be released and approved by MSD's private development review office. (DPRC) before the plan and MSD standards.
- Detention basins, if applicable, shall be constructed first and shall perform as sediment basins during construction with the surrounding drainage areas are needed and attached.
- Detention basins shall be located to maintain the structure of road and all from construction areas onto public roadways. Soil loaded onto the roadway shall be removed daily.
- For all activities shall be installed from streets, ponds, swales and catch basins. Stormwater shall be stored, treated, and adequately contained through the use of all best practices.
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REVISED	DATE
DESCRIPTION	

PROJECT DATA	PROJECT NO.	DATE	SCALE
PROJECT NAME	DATE	SCALE	DATE

REVISIONS	DATE	DESCRIPTION
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L&D

LAND DESIGN & DEVELOPMENT, INC.
 1219 SHELBYVILLE ROAD
 253 MCSTEAD DRIVE
 CRAWFORD, KY 40303
 502.261.0000
 FAX: 502.261.0001
 WWW.LANDDESIGNANDDEVELOPMENT.COM

DETAILED DISTRICT DEVELOPMENT PLAN
 1219 SHELBYVILLE ROAD
 253 MCSTEAD DRIVE
 CRAWFORD, KY 40303

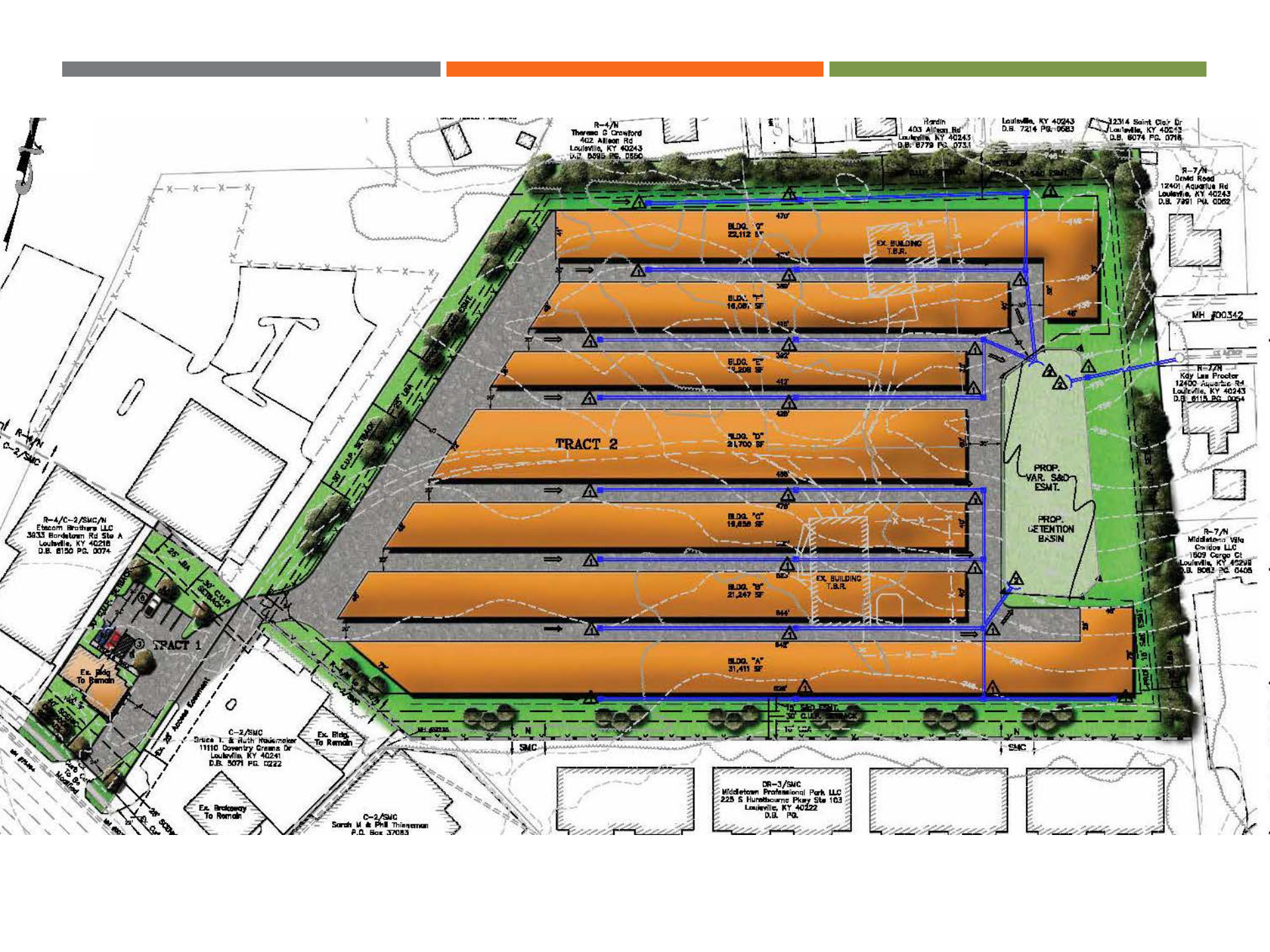
SHEET
1
 OF 1

DATE: 1/13/24

PROJECT NO. 17134
 SHEET 1 OF 1

DATE: 1/13/24

WATER/SURF





TAB 6

BUILDING ELEVATIONS









TAB 7

STATEMENT OF COMPLIANCE FILED WITH THE ORIGINAL ZONE CHANGE APPLICATION
WITH ALL APPLICABLE GUIDELINES AND POLICIES OF THE CORNERSTONE 202
COMPREHENSIVE PLAN AND VARIANCE JUSTIFICATION



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

STATEMENT OF COMPLIANCE WITH APPLICABLE GUIDELINES AND POLICIES OF THE CORNERSTONE 2020 COMPREHENSIVE PLAN

Owner: Billie Susan Mueller, Timothy Mueller
Cathy Snodgrass Horton

Applicant Stor-All

Location: 12113, 12115 & 12117R Shelbyville Rd.

Proposed Use: self-storage

Engineering Firm: Land Design & Development

Request: Zone Change from R-4 to C-2 with a
Conditional Use Permit (CUP)

INTRODUCTORY STATEMENT

This proposal is for a change in zoning of a 8.36 acre tract located along the north side of Shelbyville Road, just west of the Snyder Freeway to convert a long mostly vacant site and old office/retail building, with retail to the east and west of it to self-storage. The close proximity to Shelbyville Road and the Snyder Freeway of the subject property, plus all the businesses, apartments and neighborhoods that have access off this highly developed area of Shelbyville Road, ensures that the proposed self-storage facility will be highly convenient for storage users. Access agreements, as exists and if obtainable with other adjoining land uses will ensure safe, and more efficient traffic flow to this small proposed self-storage facility.

Land uses already existing in this area, such as the assorted retail across Shelbyville Road and adjoining this site, and a mix of adjoining and other nearby apartments, offices and retail uses, will be complemented and supported by the addition of this new self-storage facility.

GUIDELINE 1 – COMMUNITY FORM

The application complies with both the Suburban Neighborhood and Marketplace form districts in which this property and proposed self-storage facility are located and because the proposed self-storage facility rounds out this existing activity center with a use that both fits and improves what currently is an old, past its prime office/retail building and mostly long vacant site.

GUIDELINE 2 - CENTERS

The application complies with the applicable Intents and Policies 1, 2, 3, 4, 5, 7, 10, 11, 13, 14, 15 and 16 of this Guideline as follows.

As an adoptive reuse of an old office/retail building and mostly vacant lot, the application promotes an efficient use of land and investment in existing infrastructure, lowers utility costs by reducing the need for extensions, reduces commuting time and transportation-related air pollution, provides an opportunity for neighborhood centers and marketplaces that include a diversity of goods and services and that are designed to be assets to the community, and encourages vitality and a sense of place in the larger neighborhood and community. Most of all it does this by virtue of the proposed investment to put to better use a presently under-utilized/vacant lot and old building. The PowerPoint shown at the neighborhood meetings that accompanies this application illustrates this.

The proposed self-storage facility also improves the mix of land uses, and diversity of services available at this desirable and highly accessible Suburban Marketplace location by helping to promote shorter commute times for local businesses and residents with storage needs, thereby reducing transportation-related air pollution that might be generated if required to travel a farther distance. Utilities are available along Shelbyville Road.

Part of a compact development pattern with a mixture of land uses the application ensures efficient traffic flow, fewer trips, and supports alternative modes of travel and multiple services which meet the day-to-day needs of nearby residents. It accomplishes this as a compact re-use that will also serve as a transition between more intense land uses along this stretch of Shelbyville Road. The central location and improved variety of services that the proposed self-storage facility will offer at this location will serve local business and residents' day-to-day needs, ensures fewer trips, as customers may stop here rather than traveling farther distances for their storage needs. The applicant will provide sidewalk connections for better connectivity and to accommodate alternative modes of transportation.

GUIDELINE 3 - COMPATIBILITY

The application complies with the applicable Intent and Policies 1, 2, 3, 5, 6, 7, 8, 9, 20, 21, 22, 23, 24, 28 and 29 of this Guideline as follows.

This application promotes a mixture of land uses and densities near each other which are designed to be compatible with each other and sensitive to adjoining residential properties by assuring that aesthetic and nuisance problems are eliminated or at least significantly diminished, thus preserving the character of existing neighborhoods.

Compatibility is assured by virtue of this facility's scale, design and pattern of existing development as well as use of attractive building materials. Traffic and parking problems and appropriate transitions between uses and neighborhoods are also addressed on the DDDP accompanying this application. Building access and office will be oriented toward Shelbyville Road. The use provides a nice quiet transition between the more active commercial land uses next door and across Shelbyville Road and the residential neighborhoods to the rear of this site.

This proposed self-storage facility does not produce noise, lighting or odors, diminish air quality or adversely affect traffic or aesthetics. The proposed self-storage facility, as described above, is oriented towards Shelbyville Road and away from adjoining properties. Lighting will be directed down and away from adjoining properties and will meet Land Development Code requirements. The location of the proposed self-storage facility along Shelbyville Road near the Snyder

Freeway reduces commuting time for those accessing the self-storage facility, thereby minimizing air quality issues related to longer vehicle trips or traffic delays that might be incurred if the center were located at a less convenient location. The impact of noise from self-storage facility activities is addressed by virtue of the fact that storage activities are by nature quiet and in this case oriented toward the activity center. Also parking and entrance/exit activities will be from Shelbyville Road, thus reducing noise and activity impact on adjoining residential properties.

GUIDELINE 6 – ECONOMIC GROWTH AND SUSTAINABILITY

The application complies with the applicable Intents and Policies 1, 2, 3, 5, 6 and 11 of this Guideline as follows.

This adaptive re-use of an old office/retail building and vacant lot helps ensure the availability of necessary usable land to facilitate commercial, industrial and residential development, and to reduce public and private costs for land development.

Re-utilizing available, highly accessible and convenient land that is in an in-fill location along Shelbyville Road near the Snyder Freeway assures convenient services to nearby neighborhoods and businesses and reduces commuting time to services located farther away.

GUIDELINES 7, 8, 9 AND 12 – CIRCULATION, TRANSPORTATION FACILITY DESIGN, ALTERNATIVE MODES OF TRANSPORTATION AND AIR QUALITY

The application complies with the applicable Intents and Policies 1, 2, 6, 10, 11, 13, 14, 15 and 18 of Guideline 7, Policies 8, 9, 10 and 11 of Guideline 8, and Policies 1, 2, 3 and 4 of Guideline 9 as follows.

The low traffic impacts of a self-storage facility, such as this one, assure the safe and proper functioning of the Shelbyville Road street network whose existing, adequate traffic-carrying capacity is not exceeded. Efficient internal and external circulation through this new development and the assurance of transportation facilities that are safe and efficient are demonstrated on the DDDP accompanying this application. Air quality impacts are further minimized because of the alternative modes of transportation that TARC service and sidewalks along Shelbyville Road help provide.

The proximity of the subject property to area businesses and neighborhoods ensures that travel time will be minimal, further reducing traffic related air quality impacts. Handicap parking spaces and safety crosswalks have been provided in accordance with the requirements of the Land Development Code. Moreover, the DDDP accompanying this application must receive the preliminary stamp of approval from Metro Transportation Planning, thus demonstrating conformance with all standards governing access, site distances, internal circulation, parking and so on.

GUIDELINES 10 AND 11 – STORMWATER AND WATER QUALITY

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

The DDDP accompanying this application must assure that there shall be no increase in drainage runoff to Shelbyville Road and that all drainage facilities shall conform to MSD requirements, for example that post development peak rates of run-off to not exceed predevelopment conditions. The overall plan will receive MSD’s preliminary stamp of approval prior to docketing, thus evidencing this fact. Sanitary sewer service will be provided by connection.

GUIDELINE 13 – LANDSCAPE CHARACTER

The application complies with the applicable Intents and Policies 1, 2, 4, 5 and 6 of this Guideline as follows.

The Land Development Code includes minimum interior, perimeter and tree canopy requirements that will be met. The landscape plan for the self-storage facility is being designed to include interior parking lot landscaping where required and also along Shelbyville Road and particularly between the proposed facility and adjoining residential neighborhoods. The overall appearance of the self-storage facility will improve the landscape and aesthetic character of the site and area.

* * * * *

For all the reasons set forth hereinabove, on the detailed district development plan accompanying this application and in testimony and other evidence to be presented at LD&T and at the full public hearing, this application 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 Bldg.
1000 N. Hurstbourne Parkway, Second Floor
Louisville, KY 40223

Variance Justification:

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

Variance of Section 5.3.1.C.5, Table 5.3.2 to allow the building to encroach into the 50 ft setback.

1. The variance will not adversely affect the public health, safety or welfare because the setback only applies if the adjoining property is “residential”, and the adjoining property is a office park such that the intent of the requirement does not truly apply.
2. The variance will not alter the essential character of the general vicinity because if the adjoining property were zoned anything other the an OR zoning district, that technically would allow a residential use in the future, just as would a C-1 or C-2 zoning district, this requirement would not be applicable.
3. The variance will not cause a hazard or a nuisance to the public because it is only requested due to a prior interpretation as the LDC provision requiring the setback.
4. The variance will not allow an unreasonable circumvention of the requirements of the zoning regulations because the intent of the requirement is to have additional setbacks when the proposal adjoins a residential property, which is not the case here.

Additional consideration:

1. The Variance arises from special circumstances, which do not generally apply to land in the general vicinity because this property is adjacent to an OR zoned property for which this additional setback is being required.
2. Strict application of the provisions of the regulation would deprive the applicant of the reasonable use of the land or would create unnecessary hardship because many other developments have been approved without requiring the additional setback on the potential that the site could in the future be used for residential.
3. The circumstances are not the result of actions of the applicant taken subsequent to the adoption of the regulation because the adjoining property was approved for, and built as, an office condominium project.



TAB 8

PROPOSED FINDINGS OF FACT PERTAINING TO COMPLIANCE WITH THE
COMPREHENSIVE PLAN, AND VARIANCE CRITERIA



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

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

<u>Owner:</u>	Billie Susan Mueller, Timothy Mueller Cathy Snodgrass Horton
<u>Applicant</u>	Stor-All
<u>Location:</u>	12113, 12115 & 12117R Shelbyville Rd.
<u>Proposed Use:</u>	Self-storage
<u>Engineering Firm:</u>	Land Design & Development
<u>Request:</u>	Zone Change from R-4 to C-2 with a Conditional Use Permit (CUP)

The Louisville Metro Planning Commission, having heard testimony before its Land Development & Transportation Committee, in the Public Hearing held on May 24, 2018 and having reviewed evidence presented by the applicant and the staff's analysis of the application, make the following findings:

INTRODUCTORY STATEMENT

WHEREAS, this proposal is for a change in zoning of tracts totaling 8.36 acres located along the north side of Shelbyville Road, west of the Snyder Freeway to convert a long mostly vacant site and old office/retail building, with retail to the east and west of, it to self-storage; the close proximity to Shelbyville Road and the Snyder Freeway of the subject property, plus all the businesses, apartments and neighborhoods that have access off this highly developed area of Shelbyville Road, ensures that the proposed self-storage facility will be highly convenient for storage users; and access agreements, as exists and if obtainable with other adjoining property owners will ensure safe, and more efficient traffic flow to this proposed self-storage facility; and

WHEREAS, land uses already existing in this area, such as the assorted retail across Shelbyville Road and adjoining this site, and a mix of adjoining and other nearby apartments, offices and retail uses, will be complemented and supported by the addition of this new self-storage facility; and

GUIDELINE 1 – COMMUNITY FORM

WHEREAS, the application complies with both the Suburban Neighborhood and Marketplace form districts in which this property and proposed self-storage facility are located and because the proposed self-storage facility rounds out this existing activity center with a use that both fits and improves what currently is an old, past its prime office/retail building and mostly long vacant site; and

GUIDELINE 2 - CENTERS

WHEREAS, the application complies with the applicable Intents and Policies 1, 2, 3, 4, 5, 7, 10, 11, 13, 14, 15 and 16 of this Guideline because as an adoptive re-use of an old office/retail building and mostly vacant lot, the application promotes an efficient use of land and investment in existing infrastructure, lowers utility costs by reducing the need for extensions, reduces commuting time and transportation-related air pollution, provides an opportunity for neighborhood centers and marketplaces that include a diversity of goods and services and that are designed to be assets to the community, and encourages vitality and a sense of place in the larger neighborhood and community; most of all it does this by virtue of the proposed investment to put to better use a presently under-utilized/vacant lot and old building; and the PowerPoint shown at the neighborhood meetings and Planning Commission public hearing illustrate this; and

WHEREAS, the proposed self-storage facility also improves the mix of land uses, and diversity of services available at this desirable and highly accessible Suburban Marketplace location by helping to promote shorter commute times for local businesses and residents with storage needs, thereby reducing transportation-related air pollution that might be generated if required to travel a farther distance, and works well with existing utilities available along Shelbyville Road; and

WHEREAS, part of a compact development pattern with a mixture of land uses the application ensures efficient traffic flow, fewer trips, and supports alternative modes of travel and multiple services which meet the day-to-day needs of nearby residents; it accomplishes this as a compact re-use that will also serve as a transition between more intense land uses along this stretch of Shelbyville Road; the central location and improved variety of services that the proposed self-storage facility will offer at this location will serve local business and residents' day-to-day needs, ensures fewer trips, as customers may stop here rather than traveling farther distances for their storage needs; and the applicant will provide sidewalk connections for better connectivity and will accommodate alternative modes of transportation; and

GUIDELINE 3 - COMPATIBILITY

WHEREAS, the application complies with the applicable Intents and Policies 1, 2, 3, 5, 6, 7, 8, 9, 20, 21, 22, 23, 24, 28 and 29 of this Guideline because this application promotes a mixture of land uses and densities near each other which are designed to be compatible with each other and sensitive to adjoining residential properties by assuring that aesthetic and nuisance problems are eliminated or at least significantly diminished, thus preserving the character of existing neighborhoods; and

WHEREAS, compatibility is assured by virtue of this facility's scale, design and pattern of existing development as well as use of attractive building materials; traffic, parking, and appropriate transitions between uses and neighborhoods are also addressed on the DDDP accompanying this application; the proposed use is a very low traffic generating use, particularly during peak hours; building access and office will be oriented toward Shelbyville Road; the use provides a nice quiet transition between the more active commercial land uses next door and across Shelbyville Road and the residential neighborhoods to the rear of this site with substantial buffering; and

WHEREAS, this proposed self-storage facility does not produce noise, lighting or odors, diminish air quality or adversely affect traffic or aesthetics; the proposed self-storage facility, as described above, is oriented towards Shelbyville Road and away from adjoining properties; lighting will be internal to the development and directed down and away from adjoining properties and will meet Land Development Code requirements; the location of the proposed self-storage facility along Shelbyville Road near the Snyder Freeway reduces commuting time for those accessing the self-storage facility, thereby minimizing air quality issues related to longer vehicle trips or traffic delays that might be incurred if the center were located at a less convenient location; the impact of noise from self-storage facility activities is addressed by virtue of the fact that storage activities are by nature quiet and in this case oriented internal to the site and toward the activity center; also parking and entrance/exit activities will be from Shelbyville Road, thus reducing noise and activity impact on adjoining residential properties; and

GUIDELINE 6 – ECONOMIC GROWTH AND SUSTAINABILITY

WHEREAS, the application complies with the applicable Intents and Policies 1, 2, 3, 5, 6 and 11 of this Guideline because this adaptive re-use of an old office/retail building and vacant lot helps ensure the availability of necessary usable land to facilitate commercial, industrial and residential development, and to reduce public and private costs for land development; and

WHEREAS, re-utilizing available, highly accessible and convenient land that is in an in-fill location along Shelbyville Road near the Snyder Freeway assures convenient services to nearby neighborhoods and businesses and reduces commuting time to services located farther away; and

GUIDELINES 7, 8, 9 AND 12 – CIRCULATION, TRANSPORTATION FACILITY DESIGN, ALTERNATIVE MODES OF TRANSPORTATION AND AIR QUALITY

WHEREAS, the application complies with the applicable Intents and Policies 1, 2, 6, 10, 11, 13, 14, 15 and 18 of Guideline 7, Policies 8, 9, 10 and 11 of Guideline 8, and Policies 1, 2, 3 and 4 of Guideline 9 because the low traffic impacts of a self-storage facility, such as this one, assure the safe and proper functioning of the Shelbyville Road street network whose existing, adequate traffic-carrying capacity is not exceeded; efficient internal and external circulation through this new development and the assurance of transportation facilities that are safe and efficient are demonstrated on the DDDP accompanying this application; and air quality impacts are further minimized because of the alternative modes of transportation that TARC service and sidewalks along Shelbyville Road help provide; and

WHEREAS, the proximity of the subject property to area businesses and neighborhoods ensures that travel time will be minimal, further reducing traffic related air quality impacts; handicap parking spaces and safety crosswalks have been provided in accordance with the requirements of the Land Development Code; moreover, the DDDP accompanying this application must receive the preliminary stamp of approval from Metro Transportation Planning, thus demonstrating conformance with all standards governing access, site distances, internal circulation, parking, etc.; and

GUIDELINES 10 AND 11 – STORMWATER AND WATER QUALITY

WHEREAS, the application complies with the applicable Intents and Policies 1, 6, 7, 10 and 11 of this Guideline because the DDDP accompanying this application must assure that there shall be no increase in drainage runoff to Shelbyville Road and that all drainage facilities shall conform to MSD requirements, for example that post development peak rates of run-off to not exceed predevelopment conditions; the overall plan will receive MSD’s preliminary stamp of approval prior to docketing, thus evidencing this fact; sanitary sewer service will be provided by connection; and

GUIDELINE 13 – LANDSCAPE CHARACTER

WHEREAS, the application complies with the applicable Intents and Policies 1, 2, 4, 5 and 6 of this Guideline as follows the Land Development Code includes minimum interior, perimeter and tree canopy requirements that will be met; the landscape plan for the self-storage facility is being designed to include interior parking lot landscaping where required and also along Shelbyville Road and particularly between the proposed facility and adjoining residential neighborhoods; and the overall appearance of the self-storage facility will improve the landscape and aesthetic character of the site and area; 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 R-4 to C-2 with a Conditional Use Permit (CUP) and approves the Detailed District Development Plan.

Variance Findings of Fact

Variance of Section 5.3.1.C.5, Table 5.3.2 to allow the building to encroach into the 50 ft setback.

WHEREAS, the variance will not adversely affect the public health, safety or welfare because the setback only applies if the adjoining property is “residential”, and the adjoining property is an office park such that the intent of the requirement does not truly apply; and

WHEREAS, the variance will not alter the essential character of the general vicinity because if the adjoining property were zoned anything other than an OR zoning district, that technically would allow a residential use in the future, just as would a C-1 or C-2 zoning district, this requirement would not be applicable; and

WHEREAS, the variance will not cause a hazard or a nuisance to the public because it is only requested due to a prior interpretation as the LDC provision requiring the setback; and

WHEREAS, the variance will not allow an unreasonable circumvention of the requirements of the zoning regulations because the intent of the requirement is to have additional setbacks when the proposal adjoins a residential property, which is not the case here; and

WHEREAS, the Variance arises from special circumstances, which do not generally apply to land in the general vicinity because this property is adjacent to an OR zoned property for which this additional setback is being required; and

WHEREAS, strict application of the provisions of the regulation would deprive the applicant of the reasonable use of the land or would create unnecessary hardship because many other developments have been approved without requiring the additional setback on the potential that the site could in the future be used for residential; and

WHEREAS, the circumstances are not the result of actions of the applicant taken subsequent to the adoption of the regulation because the adjoining property was approved for, and built as, an office condominium project.

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