

**Williams Properties**  
**Proposed Rezoning from R-4 and C-1 to C-2 and**  
**Conditional Use Permit for**  
**Self Storage Facility**  
**4627 Bardstown Road**

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**Introduction**

The applicant, Williams Properties, proposes to rezone the property at 4627 Bardstown Road (the "subject property") from R-4 Single-Family Residential and C-1 Commercial to C-2 Commercial, with a Conditional Use Permit ("CUP") to allow for the construction of a self storage facility. The proposed development will include ten one-story storage buildings and an office building, totaling approximately 63,750 square feet of space. The size of the facility and the scope of the proposed development were reduced from the time the applicant initially filed for pre-application review, eliminating use of the property nearest Watterson Trail.

**Cornerstone 2020**

The proposed development is located just to the southwest of Beuchel, on a redeveloping portion of Bardstown Road. Commercial properties exist across Bardstown Road and at all four corners of Bardstown Road and Watterson Trail. The subject property is, in spite of its location, in the Neighborhood Form District. The proposed development is appropriate within the Neighborhood Form District as the subject property is located on Bardstown Road, a major arterial roadway and the proposed use will have a limited impact on the residential properties along Watterson Trail adjacent to the subject property.

The proposed development complies with Guideline 2-Centers and its applicable policies. The proposed use is located directly adjacent to an intersection where all four corners are commercially used or zoned. To the extent that this location is not considered an "activity center," the proposed use is one that could easily be incorporated in a minor expansion of the nearby activity center. The use is compatible with the adjacent residential uses and will serve as an appropriate transition between those residential uses and the potential commercial development of other properties fronting on Bardstown Road.

The proposed development complies with Guideline 3-Compatibility and its applicable policies. The proposed development is treated in the Land Development Code as a high intensity use but is not so in practice. The proposed development will contain single-story structures with residential design elements. The proposed development will also only be accessed from Bardstown Road, limiting the impact on adjacent residential properties. The applicant will seek width waivers but not plant materials

waivers for limited areas adjacent to the adjoining residential properties. Even in these areas, though, the proposed development will consist of low buildings and landscaping. The applicant will comply with all requirements concerning lighting. All parking, loading and delivery areas will be on the inside of the site, further reducing any negative impacts from the proposed storage use.

The proposed development complies with Guideline 7-Circulation and its applicable policies, as well as Guideline 9-Bicycle, Pedestrian and Transit. The proposed development will have access from Bardstown Road, a major arterial roadway. The Kentucky Dept. of Transportation will determine the location and design of access on Bardstown Road. The applicant is proposing adequate automobile and bike parking. The subject property is accessible using transit, and the applicant will provide sidewalks where required.

The proposed development complies with Guideline 10-Flooding and Stormwater and Guideline 11-Water Quality and their applicable policies. The proposed development includes on-site detention and will provide water quality measures as required by MSD. In addition, the applicant is preserving approximately  $\frac{3}{4}$  of an acre of treed open space at the rear of the subject property.

The proposed development complies with Guideline 12-Air Quality and Guideline 13-Landscape Character and their applicable policies. The subject property is located along a transit route and includes sidewalks along Bardstown Road. The proposed development will also provide all required plant material in the Landscape Buffer Areas included on the plan. The applicant is requesting a reduction in the width of some of the buffer areas but retaining a width sufficient for the plant material. The applicant will also comply with the tree canopy section of the Land Development Code.

#### Waivers

The proposed development includes a requested waiver for the reduction of landscape buffer areas from the required 30' to as little as 16', with most areas between 25' and 30'. The proposed waiver will not adversely affect adjacent property owners. The proposed development will include low structures with no openings on the side facing the adjacent properties. These low buildings will be further screened from adjacent properties by landscaping. The location and height of the proposed buildings are very similar, if even lower than, an accessory structure one might find on a residential lot.

The proposed waiver will not violate the Comprehensive Plan for the reasons set forth above and because the applicant will provide the required plant material in the buffer areas.

The extent of the waiver is the minimum necessary to afford relief to the applicant. The applicant must maintain a useable drive aisle between the proposed buildings. The applicant is providing all of the required plant material in the buffer areas but doing so in a slightly reduced width.

The applicant would be deprived of the reasonable use of the land if the buffer width waiver was not allowed. The applicant is providing the required buffering material and buffering low, residential style buildings with no openings. As the buildings themselves act as buffers to the activity of loading and unloading, eliminating one of the buildings to provide the area in one or the other of the

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buffer areas, would result in that activity only being buffering by the plant material. This could result in a net increase in impact from noise and lighting.

Variance

The proposed development includes a requested variance from the 50' residential/non-residential setback required along the east and west property lines to allow for the use of a portion of the property. The variance will not adversely affect the public health, safety or welfare because it will only allow for the proposed development, single-story storage structures that are residential in appearance and are buffered by landscaping.

The proposed variance will not alter the essential character of the general vicinity. The proposed storage structures are single-story and have a residential design, including a stone apron and cement board (Hardie) siding. The area of the variance is at the rear of the site, and adjacent properties will be buffered by landscaping.

The proposed variance will not cause a hazard or nuisance to the public. The structures that encroach into the required yards are one story and will not have any doors or windows in the area where the variance is requested, limiting any noise or visual intrusion. In addition, the applicant will landscape between the structures and the property line.

The proposed variance will not allow an unreasonable circumvention of the requirements of the ordinance, as the proposed encroachment is for single story structures that will not have any activity in the area of the variance, the rear of the structures. In addition, residential storage structures could encroach to within a few feet of the property line, while the proposed structures will be at least 25' from the property line.

The variance arises from special circumstances in that the property is only 127' wide, meaning that any development of this section of the property will have issues with the required setback. In addition, placing a single storage building in the middle of the site with driveways around it, as opposed to the proposed design, would create more noise and intrusion on adjoining properties than the proposed plan.

The strict application of the regulation would create an unnecessary hardship on the applicant and the adjoining property owners, as it would create a design that is more intrusive on adjoining properties while limiting the development of the property.

The proposed variance is not the result of actions by the applicant taken after the adoption of the Land Development Code but is necessary because of the narrow dimension of the subject property and the very large set back requirement. The setback requirement applies equally to an industrial building or site just the same as it does to this proposed development, where there will be very little activity and very low buildings. Circumstances like this one are why variances are available.

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