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## PROPOSED FINDINGS OF FACT REGARDING COMPLIANCE WITH ALL APPLICABLE GOALS OF PLAN 2040

Applicant/Owner: GDBA, LLC

Location: 11651 & 11661 Blankenbaker Access Drive

Proposed Use: Recreational Vehicle and Boat Storage

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

Request: Change in zoning from M-2 and CM to M-2

**WHEREAS**, The Louisville Metro Planning Commission, having heard testimony before its Land Development & Transportation Committee, and in the Public Hearing held on December 16, 2021, and having reviewed evidence presented by the applicant and the staff's analysis of the application, make the following findings:

**WHEREAS**, the applicant is proposing to utilize a vacant 3.73 acre site located at 11651 & 11661 Blankenbaker Access Drive for a recreational vehicle and boat storage facility; and the site is located in the Suburban Workplace Form District in a predominantly industrial area;

**WHEREAS**, the proposal complies with Community Form Goal 1 and its Policies 6, 7, 8, 15, 16, 17, 18 and 21 as the site is located in an area predominated by existing industrial zoning districts and uses and will not constitute an expansion of non-residential uses into an existing residential area; this higher intensity use is located at the intersection with Blankenbaker Parkway a minor arterial serving employment and activity centers with adequate infrastructure in an appropriate form district that will not cause disproportionate impacts to disadvantaged populations and is located away from schools, parks or vulnerable populations; there are no adverse traffic impacts on nearby existing communities as access to the site is from Blankenbaker Access Drive, a primary collector roadway connecting to Blankenbaker Parkway, a minor arterial; the site is located away from existing residential areas that would need protection from potential nuisances; the site is also located a sufficient distance from the Tyler Settlement Area that there will be no impacts, visual or otherwise; and

**WHEREAS**, the proposal complies with Community Form Goal 2 and its Policies 1, 6 and 7 because the proposed site is located on the southern portion of an existing industrial activity center and constitutes a more compact development pattern compatible with an existing activity center; and

**WHEREAS**, the proposal complies with Community Form Goal 3 and its Policy 9 because the site lays well below the grade of surrounding roadways and railroad tracks (@35' to the north and @15' to the south; there is an intermittent stream running north to south that bisects the western third of the site; and a 25' stream buffer is provided as shown on the development plan; and

**WHEREAS**, the proposal complies with Community Form Goal 4 and its Policies 1 and 2 because there are no distinctive cultural features or historic buildings or landscapes on this site, except as noted above; and

**WHEREAS**, the proposal complies with Mobility Goal 1 and its Policy 4 as it allows higher intensity uses in an existing industrially dominated activity and employment center; and

**WHEREAS**, the proposal complies with Mobility Goal 3 and its Policies 2, 3, 4, 5, 6, 9 and 10 because the site is easily accessible by car and, as a storage facility for RVs and boats, it is highly unlikely that anyone will utilize pedestrian and bicycle modes of transportation for access to the site; due to topographic conditions a sidewalk waiver or fee-in-lieu will be sought along Blankenbaker Access Drive; as a storage facility the trip generation will be much less than other industrial uses; there are no impacts to freight routes and the small amount of traffic generated will predominantly be during off-peak hours and yet the site is conveniently located for existing residential developments in the vicinity; and no new transportation infrastructure will be needed as existing conditions are fully adequate to support the facility; and

**WHEREAS**, the proposal complies with Community Facilities Goal 2 and its Policies 1, 2 and 3 because water is available to the site and sewer facilities will be provided by lateral extension; as a storage facility with usually one employee on site at any given time, the flow generated will be minimal, and will not strain existing infrastructure; and

**WHEREAS**, the proposal complies with Economic Development Goal 1 and its Policies 1, 2 and 5 because the site is in the appropriate Suburban Workplace Form District and an existing industrial activity center near an arterial street and an existing industrial subdivision; and

**WHEREAS**, the proposal complies with Livability Goal 1 and its Policy 17 as a karst survey has been performed and no karst features are found on the site; the proposed 9,500 square foot detention facility will ensure that post-detention flows will not exceed pre-detention flows for 2, 10, 25 and 100 year storm events nor will it exceed the capacity of downstream systems, whichever is more restrictive; and the site is not located in a regulatory floodplain; and

**WHEREAS**, this proposal complies with Housing Goal 3 and its Policies 1 and 2 as it is for a zoning district that does not permit housing; and as this development will not cause displacement of existing residents from their communities; and

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**WHEREAS**, for all the reasons explained at LD&T and the Planning Commission public hearing and in the public hearing exhibit books, and the approved detailed district development plan, this application also complies with all other applicable Goals of the 2040 Plan.

**NOW, THEREFORE**, the Louisville Metro Planning Commission hereby recommends to the Louisville Metro Council that it rezone the subject property from M-2 and CM to M-2 and approves the Detailed District Development Plan.

### Variance Proposed Findings of Fact

**WHEREAS**, the variance of LDC Section 5.3.4.D.3 to allow buildings to encroach into the required front setback will not adversely affect the public health, safety or welfare because as to the adjoining property this standard is not a health safety or welfare issue, but rather is an aesthetic one based on the form district; and a greater setback at this location is not necessary as a consequence of the very large 80 foot right-of-way along Blankenbaker Access Drive, which was likely obtained for a material and equipment site when Blankenbaker Parkway was expanded; the site was already narrow because of the railway and its right of way to the north of the property, but the expansive right-of-way makes the property virtually unusable for most industrial applications if the variance is not allowed; and the site will retain some present natural screening as it is below grade from the adjacent roadways and in other areas it will be landscaping trees will be added, so that the public interest will not be adversely affected; and

**WHEREAS**, the variance will not alter the essential character of the general vicinity because this area is largely industrial with a variety of building distances from property lines, probably many not in conformance with LDC current setback requirements as many have been located where they are since prior to adoption of the present LDC; as respects this site, use of it is further burdened by its narrow shape, made even more narrow because of the large right-of-way, practical business requirements for access, circulation and parking, and further combined with the location of the existing railroad tracks; and

**WHEREAS**, the variance will not cause a hazard or a nuisance to the public because this setback variance is an aesthetic one, not one relating to hazards or nuisances; and

**WHEREAS**, the variance will not allow an unreasonable circumvention of the requirements of the zoning regulations because, as set forth above, the setbacks requiring variances in this case are justified because of the wide right-of-way making the site narrow for nearly any type of use, but particularly any intensive industrial use which is common in this area; and it will not result in development of this property atypical from anything nearby; and

**WHEREAS**, the variance arises from special circumstances, which do not generally apply to land in the general vicinity because the wide right-of-way does not affect all of Blankenbaker Access Drive, and, as stated above, this in-fill development is located on an irregularly shaped property, resulting in multiple pressures on workable redevelopment of this underutilized site; 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 of the iterations of this plan that the applicant's land planners and engineers have drawn, this is the only one that reasonably works for it; and

**WHEREAS**, the circumstances are not the result of actions of the applicant taken subsequent to the adoption of the regulation but rather are the result of the size and shape of this property combined with the existence of the above referenced right-of-way and railroad tracks.

**NOW, THEREFORE**, based upon the Applicant's submittals and the testimony at public hearing the Louisville Metro Planning Commission hereby approves this Variance.

Waiver Proposed Findings of Fact

Waiver of: Section 5.6.1.B.1 to omit the requirement to provide animating features on the building façade along Blankenbaker Access Road

**WHEREAS**, the waiver of LDC Section 5.6.1.B.1 to omit the requirement to provide animating features on the building façade along Blankenbaker Access Road will not adversely affect adjacent property owners because the new buildings will sit back significantly from Blankenbaker Access Road due to the amount of right of way required; and the applicant will provide a gate and fence for security as well as landscaping to obscure the appearance of the building façade; 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 Plan 2040 filed with this rezoning application and as shown on the detailed district development plan; the waiver is primarily an aesthetic one in an industrial area which will not negatively affect the neighboring properties; and

**WHEREAS**, the extent of waiver of the regulation is the minimum necessary to afford relief to the applicant because security is essential for a storage facility; windows facing the street could attract unwanted visitors to the site who do not belong there; the site will be fenced and gated and the perimeter facing the street will be landscaped to break up the appearance of the building façade, which is similar to other buildings in the area; 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 area predominated by industrial/office uses in a way that is impractical and, as explained above, aesthetically unnecessary.

**NOW, THEREFORE**, based upon the applicant's submittals and testimony at the public hearing the Louisville Metro Planning Commission hereby approves this Waiver.