

Louisville Metro Planning Commission  
December 4, 2014

DOCKET NO. 14ZONE1036

CHANGE IN ZONING FROM R-4 TO OR-3 TO ALLOW A 1-  
STORY OFFICE BUILDING WITH BASEMENT AND GARAGE  
LOCATED AT 12610 LAGRANGE ROAD

The logo for Hagan Properties, featuring the word "HAGAN" in large, bold, blue capital letters above the word "PROPERTIES" in smaller, bold, blue capital letters. The text is set against a white background with a thin blue border.

**HAGAN**  
**PROPERTIES**

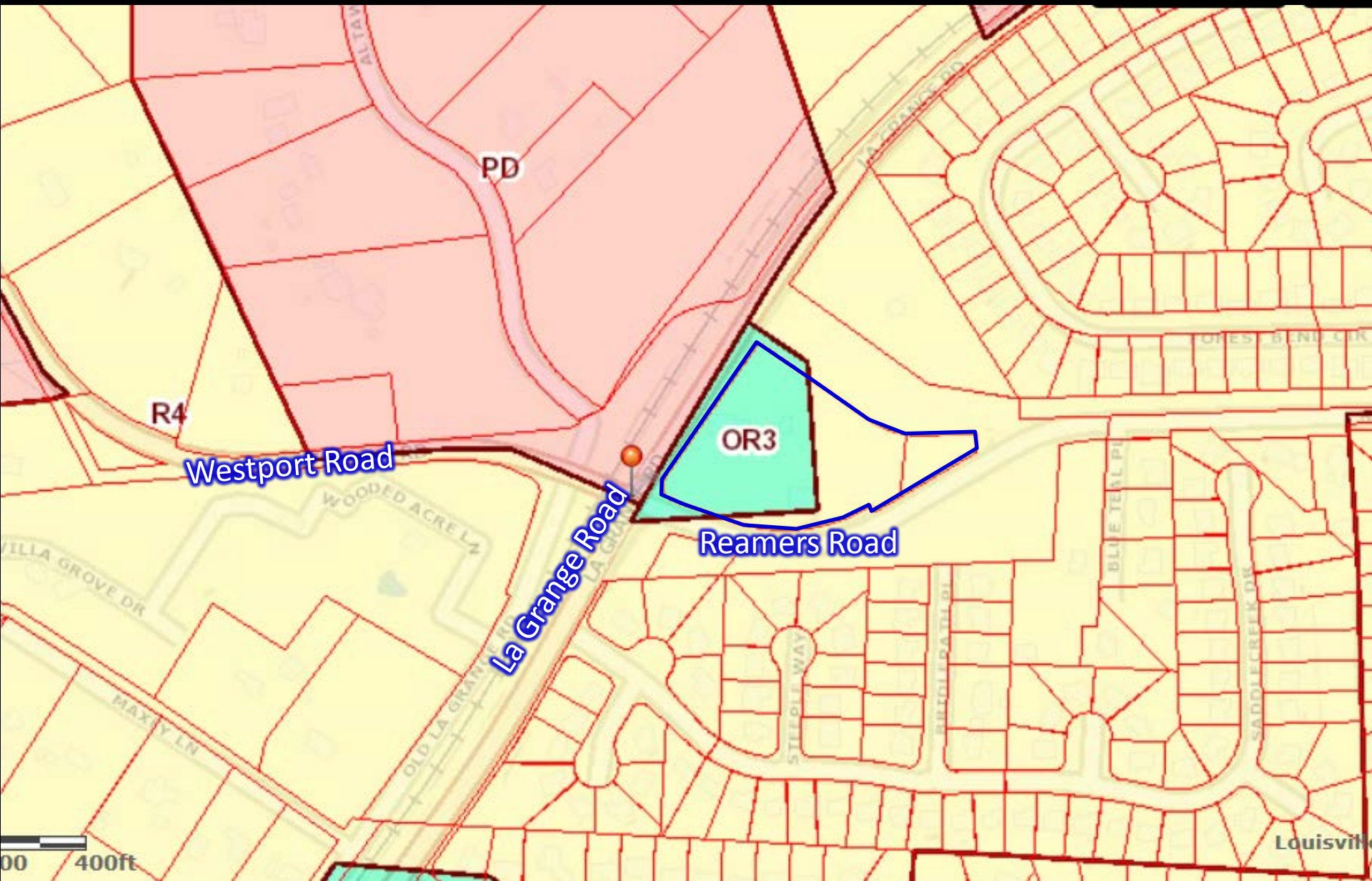
Attorneys: Bardenwerper Talbott & Roberts, PLLC  
Land Planners, Landscape Architects and Engineers: Land Design & Development, Inc.  
Architect: Michael Koch and Associates

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7. Proposed findings of fact pertaining to compliance with the Comprehensive Plan, Variance and Waiver criteria

TAB 1

LOJIC ZONING MAP



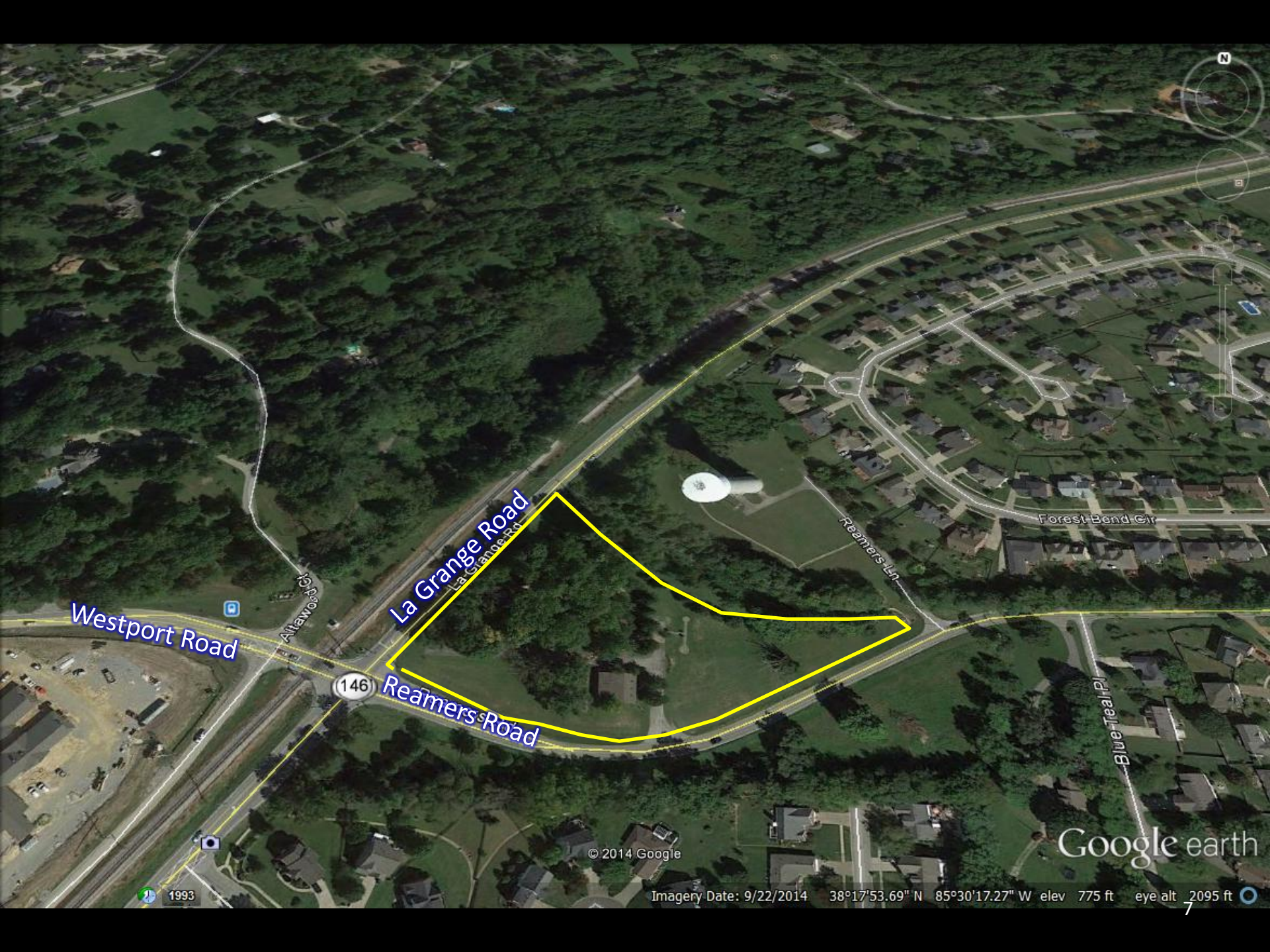


TAB 2

AERIAL PHOTOGRAPH OF THE SITE  
AND SURROUNDING AREA







Westport Road

Altawoos Cir

La Grange Road  
La Grange Rd

146

Reamers Road

Reamers Ln

Forest Bend Cir

Blue-Teal Pl

© 2014 Google

Google earth

1993

Imagery Date: 9/22/2014 38°17'53.69" N 85°30'17.27" W elev 775 ft eye alt 2095 ft

7

## TAB 3

GROUND LEVEL PHOTOGRAPHS OF THE  
SITE AND SURROUNDING AREA





View from Reamers Road towards existing barn on site.

Reamers Rd



Exit Street View



Reamers Road

Site

Google earth

© 2014 Google  
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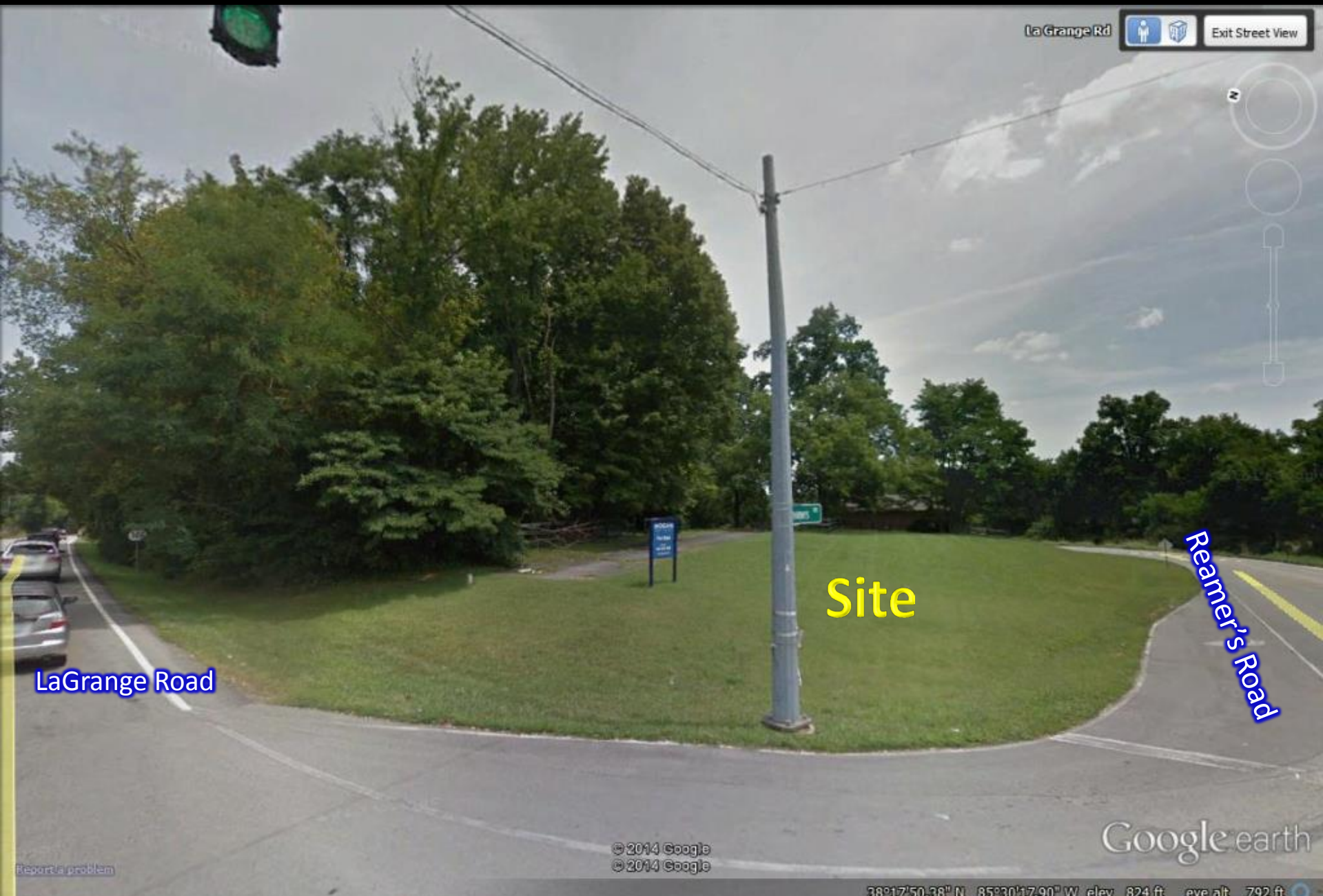
38°17'50.04" N 85°30'20.26" W elev. 824 ft eye alt. 785 ft

Looking west down Reamers Road towards LaGrange Road.





Looking east down Reamers Road.



Intersection of LaGrange and Reamers Roads





La Grange Rd



Exit Street View

Site

Google earth

38°17'52.25" N 85°30'19.65" W elev. 819 ft eye alt. 792 ft

Looking down LaGrange Rd. toward Pewee Valley





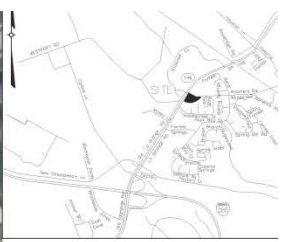
Looking south along LaGrange Rd. toward Anchorage



TAB 4

# COLOR DEVELOPMENT PLAN





LOCATION MAP  
NOT TO SCALE



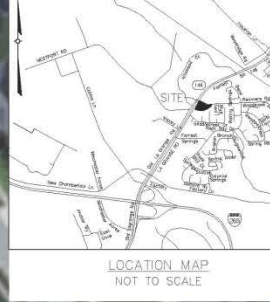
Westport Rd.

LaGrange Rd.

Reamers Rd.

GRAPHIC SCALE





ALTWOOD COURT CT

Westport Road

CSX RAILROAD

La Grange Road

Reamers Road

OLD LA GRANGE ROAD

SADDLECREEK DRIVE

STEEPLE WAY

BRIDLEPATH PLACE PL

BLUE TEE PL









TAB 5

BUILDING ELEVATION

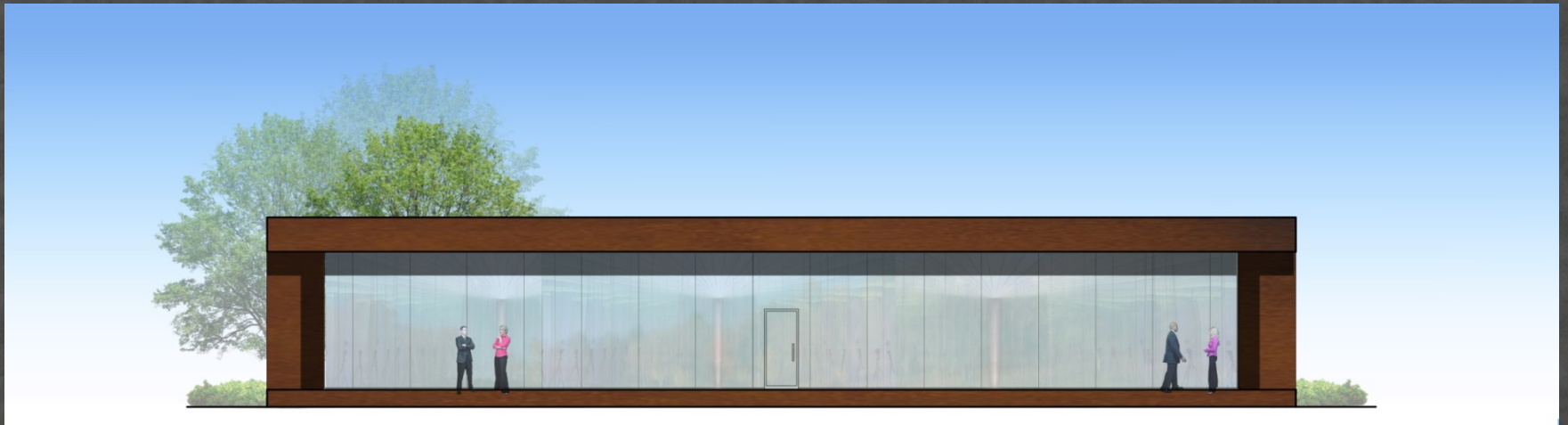


**HAGAN**  
**PROPERTIES**





North Elevation



South Elevation



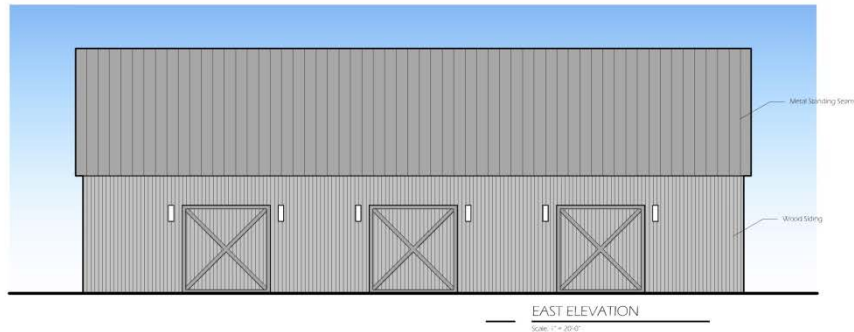
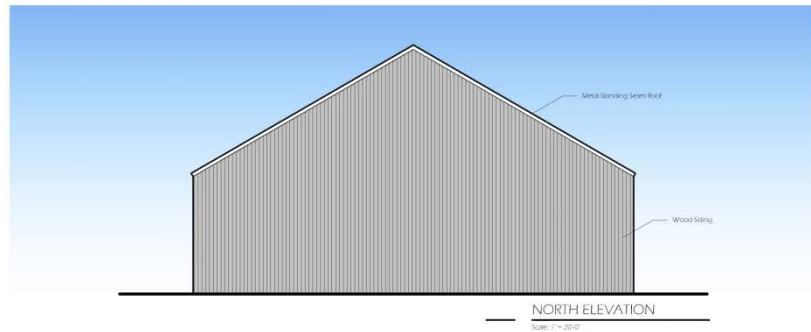
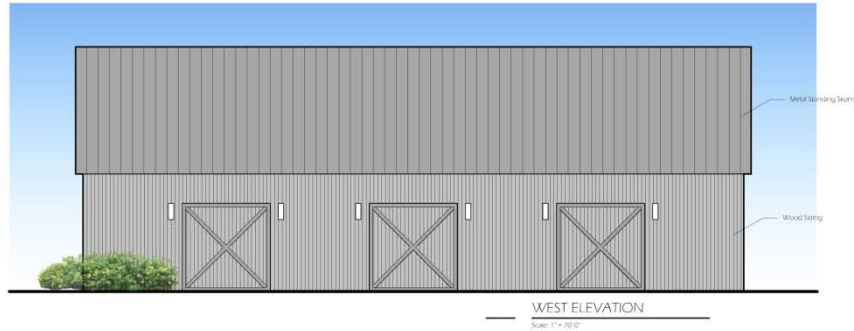
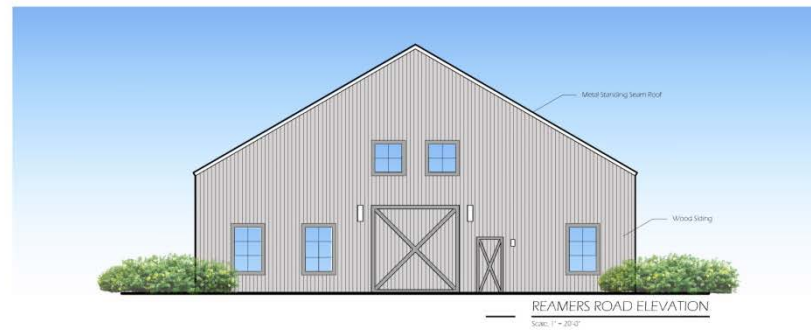
East Elevation



West Elevation



# Ancillary garage/barn design



## TAB 6

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

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

<u>Owner:</u>	Stars Properties, LLC
<u>Applicant:</u>	Hagan Properties, Inc
<u>Project Name:</u>	La Grange Road Office
<u>Location:</u>	12610 La Grange Road
<u>Proposed Use:</u>	Office
<u>Engineers, Land Planners and Landscape Architects:</u>	Land Design & Development, Inc.
<u>Attorneys:</u>	Bardenwerper, Talbott & Roberts, PLLC
<u>Request:</u>	Rezoning from R-4 to OR-3 and Amendment to existing binding elements to comport with new zoning plan

### **INTRODUCTION**

The subject property has been of great interest to multiple commercial developers especially since the time that LaGrange and Westport Roads became a major interchange. That occurred in conjunction with several events, notably the closing of Old Reamers Road and creation of the new Reamers Road and widening of Reamers Road at its intersection with LaGrange Road and also the development of a large new Forest Springs retail center along LaGrange Road west of this location. Also, growing development that has occurred in this area, residential and industrial alike, brings residents and workforce to the area in search of services.

Most recently a gas and food mart presented an application to rezone this property to C-1. It ran into considerable public resistance. Previous to that, at least one pharmacy also began the process of rezoning and also ran into considerable public opposition. Opposition was based on multiple factors, including added traffic, the linear extension of commercial development down LaGrange Road, impacts on nearby residential subdivisions, etc.

This developer has chosen a different path in order to take advantage of the high visibility of this location along a well-trafficked arterial thoroughfare. As importantly, this applicant needs to relocate its current headquarters facility from a building within a large retail shopping center and would like to do so in close proximity to where the owners of this company reside, which is Pewee Valley. This property, having been controversial for so long with neighbors, appears perfect to the developers for their intended use. And as a recent neighborhood meeting appears to indicate, this is a view shared by neighbors – which is for a small, site-sensitive, office facility.

This developer has proposed, in accordance with the colored-up site plan and elevation renderings accompanying this application, a low scale, architecturally significant building for its single, small

headquarters use. In addition to the proposed office building, likely to have a basement beneath it (which may be used in part for office use and part for storage), the applicant is also proposing a barn-like garage building on the property that will be utilized as an accessory building to the main use – to park some vehicles and store office files and equipment.

### **COMMUNITY FORM – GUIDELINE 1**

This application complies with this Guideline of the Comprehensive Plan because it is located in a Suburban Neighborhood Form District, which is characterized by predominantly residential uses but also uses that blend compatibility in existing landscape and neighborhood areas. The Suburban Neighborhood Form District also contains open space and, at appropriate locations, offices as well as retail shops, restaurants and services. The proposed small individual corporate office use is one of those uses contemplated for this particular form district, and the design of the site plan as well as the architecture of the building take into account, as recommended by this Guideline, a blending of compatibility with the inclusion of open space. It also has good access that will not negatively impact the traffic-carrying capacity of LaGrange or Reamers Roads. Sidewalks will be provided. Trees will be retained.

### **CENTERS – GUIDELINE 2**

This application complies with this Guideline of the Comprehensive Plan because, as set forth in the Intent statements of this Guideline, this use will efficiently utilize vacant land and existing infrastructure, and will even address the issue of commuting times and distances because the owners of the proposed corporate headquarters building live just a short distance away. Further, the site design and building architecture that are evident on the drawings accompanying this application evidence the fact that this application creates a very appropriate use of space which will fit well within the larger neighborhood.

This application also complies with Policies 1, 2, 4, 5, 7, 8, 11, 12, 13, 14 and 15 of this Guideline for these reasons. This location is at the intersection of an arterial (LaGrange Road) and a major collector (Reamers Road) street. Considering the size and location of this property (which is really too large and at a busy intersection for a new residential use to replace the dilapidated residential structure existing on this site) and considering the fact that the particular small corporate headquarters use proposed for this location is comparable to its own small designated center, this is an appropriate location for what is proposed. Further, development of this site is compact, leaving lots of existing trees. It adds an office, not a commercial, use to this major arterial, which is a corridor connecting the Eastpoint Business Park and nearby large commercial Forest Springs center to Oldham County as well as to residential and workplace developments nearby. Also, as opposed to prior commercial uses proposed for this site, this small corporate headquarters use is a desirable one, as far as early meetings with neighbors have determined. Also, a small office headquarters use such as this is appropriate in an area where people reside, especially given the fact that the business owners reside nearby. Also, as evident on the site plan and in the architectural renderings accompanying this application, it is evident that significant design detail is at play in this case. The focal point is the high level of architectural design in the headquarters building as well as the key elements of landscape that have been retained on this site. Parking utilizes the already existing asphalt area which has been further designed in an environmentally sensitive way as will be further explained by the land planners and engineers (Land Design and Development – LDD) at the LD&T meeting and public hearing. Utilities are available. Parking is surrounded by attractive intensive landscaping.



### **COMPATIBILITY – GUIDELINE 3**

This application complies with this Guideline of the Comprehensive Plan because it evidences in both site design and building architecture that the proposed land use is sensitive to nearby neighborhoods. It also helps preserve the character of the site, which is heavily treed and of a high visual quality, not emitting noise, lighting, odors or the kinds of nuisances that would adversely affect nearby neighbors.

This application also complies with Policies 1, 2, 4, 5, 6, 7, 8, 9, 12, 20, 21, 22, 23, 24, 25 and 28 of this Guideline for reasons set forth as follows. The design of the building, evident from the architectural renderings accompanying this application, is obviously one that has involved great care and planning. It is “modern” in many elements, characteristic of some famous architecture, notably Frank Lloyd Wright and Mies van der Rohe. The building materials will be further explained by the building architect at the LD&T meeting and public hearing, but suffice it for this Compliance Statement to say that they were selected to blend with the landscape. Earth tone colors are evident in the building façade. Windows have a tendency to reflect the outdoors, but are also a very evident building material evidenced in most nearby residential structures. Further, the low rise of the principal office building combined with the barn style design of the accessory garage building will go well with the type of architecture as well as the size and scale of the buildings in the area. Also, this particular small, corporate headquarters use will not cause odors, traffic, noise, lighting or other visual impacts that will negatively impact the neighborhood. That is because an office use of this size does not create much traffic, there are no odors associated therewith, and lighting will only consist of an amount necessary for security and perhaps some minimal amount of building and landscaping accent. Accessibility to the site has been approved by Metro Transportation Planning. Protection of existing landscape assures good transition between this and adjoining or nearby residential uses. They also assure protective buffers. Buildings are adequately set back. Parking is minimized. The only sign will be attractive and within size and height limitations of the sign regulations of the Land Development Code (LDC).

### **OPEN SPACE - GUIDELINE 4, NATURAL AREAS, SCENIC AND HISTORIC RESOURCES - GUIDELINE 5, and LANDSCAPE CHARACTER – GUIDELINE 13**

This application complies with these Guidelines of the Comprehensive Plan because, as noted hereinabove, the site plan clearly evidences a design that enhances the quality of the aesthetic environment. It assures that trees will be protected as noted on the concept tree preservation plan filed with this application.

This application also complies with Policies 1, 2, 5, 6 and 7 of Guideline 4, with Policies 1 and 2 of Guideline 5 and Policies 1, 2, 3, 4, 5 and 6 of Guideline 13. This site, as evidenced from the site plan accompanying this application, has been designed with the idea that much of it has been retained as open space, respecting significant trees, including natural features. Further, the interest of historic preservationists in this property or the existing structure can be accommodated with photographs of same. It is not an old enough building to have historic value. Moreover, it's dilapidated. The landscaping proposed for this site is evident on the concept landscape plan filed with this application. As noted above, significant existing trees will be retained and enhanced with new landscaping to provide for, not just compliance with, the LDC. But the landscaping is of a high quality and significance as desired both by this developer (which will locate its headquarters building on this location) and by neighbors. Also, this landscaping will help to screen and buffer nearby residences and protect the property's aesthetic quality.

**ECONOMIC GROWTH AND SUSTAINABILITY – GUIDELINE 6**

This application complies with this Guideline of the Comprehensive Plan because, located as this site is along a major arterial in close proximity to residential, commercial and workplace properties in a form district where a low intensity office use of this kind is deemed appropriate, it promotes a business at a location where infrastructure and support population are available.

**CIRCULATION – GUIDELINE 7, TRANSPORTATION FACILITY DESIGN – GUIDELINE 8, and BICYCLE, PEDESTRIAN TRANSIT – GUIDELINE 9**

This application complies with this Guideline of the Comprehensive Plan because the detailed district development plan (DDDP) filed herewith was prepared in compliance with all Metro Transportation Planning and Public Works requirements as respects Policies 9, 10, 11, 14, 15, 16 and 19 of Guideline 7, Policies 5, 9, 10 and 11 of Guideline 8, and Policies 1, 3 and 4 of Guideline 9. That is to say that the DDDP addresses adequacy of right-of-way and parking, corner clearance and site distance standards, access and parking lot design, internal circulation, and the provision of bicycle and sidewalk facilities. Furthermore, LaGrange and Reamers Roads have adequate traffic-carrying capacity for a small corporate office facility of this kind.

**STORMWATER – GUIDELINE 10 and WATER QUALITY - GUIDELINE 11**

This application complies with these Guidelines of the Comprehensive Plan because on-site detention and water quality measures will be provided.

**AIR QUALITY - GUIDELINE 12**

This application complies with this Guideline of the Comprehensive Plan because locating a small corporate office building in close proximity to residential properties reduces commuting time and distance.

\* \* \*

For all of these and other reasons set forth above, this application complies with all other Intents, Policies and Guidelines of the Cornerstone 2020 Comprehensive Plan.

Respectfully submitted,

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William B. Bardenwerper  
Bardenwerper Talbott & Roberts, PLLC  
Building Industry Association of Greater Louisville Building  
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 to exceed the 80 ft maximum setback on Reamers Road.

1. The variance will not adversely affect the public health, safety or welfare because this setback requirement is an aesthetic not a safety or welfare one.
2. The variance will not alter the essential character of the general vicinity because this property pretty much stands alone, surrounded as it is by disparate uses – for example, a historic subdivision across La Grange Road also significantly set back because of large lots and a rail road track parallel to La Grange Road and newer subdivisions not subject to this setback requirement. Also, the design of this office site was sensitively undertaken to avoid the objections and concerns of prior more intense commercial developments proposed for this site which might have been able to locate closer to La Grange Road.
3. The variance will not cause a hazard or a nuisance to the public because this variance does not involve a hazard or nuisance issue but rather an aesthetic one.
4. The variance will not allow an unreasonable circumvention of the requirements of the zoning regulations for reasons set forth above and elsewhere in this overall rezoning application, which intends to protect much of the perimeter vegetation, especially high quality trees, and to avoid an intense, close to the arterial roadway commercial look.

Additional consideration:

1. The Variance arises from special circumstances, which do not generally apply to land in the general vicinity because of what is said above, notably the special design efforts being made to keep this development from having an intense commercial appeal.

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 the applicant would be forced to design the site entirely differently, giving it the more intense commercial look that everyone is seeking to avoid.

3. 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 special design efforts explained above.



**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.B to not provide the interior landscape islands every 120 feet.

Explanation of Waiver:

1. The waiver will not adversely affect adjacent property owners because the plan is to develop this site in as environmentally sensitive a way as possible, thus avoiding curb and gutter and interior landscape islands in the parking lots in favor of less pervious surface and more perimeter landscape and saved plus, as necessary, planted additional trees.
2. The waiver will not violate the Comprehensive Plan because for all the set forth in the Detailed Statement of Compliance with all applicable Guidelines and Policies of the Cornerstone 2020 Comprehensive Plan filed with the rezoning application.
3. The extent of waiver of the regulation the minimum necessary to afford relief to the applicant because the proposed parking lot is small, so the number of landscape islands eliminated are few.
4. Strict application of the provisions of the regulation will not deprive the applicant of the reasonable use of the land or would create an unnecessary hardship on the applicant because the applicant would not be able to develop this site in the same aesthetically attractive and environmentally sensitive way as it presently plans.

## TAB 7

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



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

Owner: Star Properties, LLC

Applicant: Hagan Properties, Inc

Project Name: La Grange Road Office

Location: 12610 La Grange Road

Proposed Use: Office

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

Request: Rezoning from R-4 to OR-3 and Amendment to existing binding elements to comport with new zoning plan

The Louisville Metro Planning Commission, having heard testimony before its Land Development & Transportation Committee, in the Public Hearing held on December 4, 2014 and having reviewed evidence presented by the applicant and the staff's analysis of the application, make the following findings:

### **INTRODUCTORY STATEMENT**

**WHEREAS**, the subject property has been of great interest to multiple commercial developers especially since the time that LaGrange and Westport Roads became a major interchange; that occurred in conjunction with several events, notably the closing of Old Reamers Road and creation of the new Reamers Road and widening of Reamers Road at its intersection with LaGrange Road and also the development of a large new Forest Springs retail center along LaGrange Road west of this location; and, growing development has occurred in this area, residential and industrial alike, bringing residents and workforce to the area in search of services; and

**WHEREAS**, most recently a gas and food mart presented an application to rezone this property to C-1 at which time, it ran into considerable amount of public resistance; previous to that, at least one pharmacy also began the process of rezoning and also ran into considerable public opposition; and opposition was based on multiple factors, including added traffic, the linear extension of commercial development down LaGrange Road, impacts on nearby residential subdivisions, etc.; and

**WHEREAS**, this developer has chosen a different path in order to take advantage of the high visibility of this location along a well-trafficked arterial thoroughfare; this property, having been controversial with neighbors, appears to fit the developer's intended use; and as a recent neighborhood meeting appears to indicate, this is a view shared by neighbors – which is for a small, site-sensitive, office facility; and

**WHEREAS**, this developer has proposed, in accordance with the development plan and elevation renderings presented at the public hearing, a low scale, architecturally significant building for its single, small headquarters use; in addition to the proposed office building, likely to have a basement beneath it (which may be used in part for office use and part for storage), the applicant is also proposing a barn- like garage building on the property that will be utilized as an accessory building to the main use – to park some vehicles and store office files and equipment; and

### **COMMUNITY FORM – GUIDELINE 1**

**WHEREAS**, this application complies with the Intents and applicable Policies of this Guideline of the Comprehensive Plan because it is located in a Suburban Neighborhood Form District, which is characterized by predominantly residential uses but also uses that blend compatibility in existing landscape and neighborhood areas; the Suburban Neighborhood Form District also contains open space and, at appropriate locations, offices as well as retail shops, restaurants and services; this proposed small individual corporate office use is one of those uses contemplated for this particular form district, and the design of the site plan as well as the architecture of the building take into account, as recommended by this Guideline, a blending of compatibility with the inclusion of open space; it also has good access that will not negatively impact the traffic-carrying capacity of LaGrange or Reamers Roads; and sidewalks will be provided and trees will be retained; and

### **CENTERS – GUIDELINE 2**

**WHEREAS**, this application complies with the Intents and applicable Policies of this Guideline because, as set forth in the Intent statements of this Guideline, this use will efficiently utilize vacant land and existing infrastructure and will even address the issue of commuting times and distances because the owners of the proposed corporate headquarters building live a short distance away; and the site design and building architecture that are evident on the drawings presented at the public hearing evidence the fact that this application creates an appropriate use of space which will fit well within the larger neighborhood; and

**WHEREAS**, this application also complies with Policies 1, 2, 4, 5, 7, 8, 11, 12, 13, 14 and 15 of this Guideline for these reasons: this location is at the intersection of an arterial (LaGrange Road) and a major collector (Reamers Road) street; considering the size and location of this property (which is really too large and at a busy intersection for a new residential use to replace the dilapidated residential structure existing on this site) and considering the fact that the particular small corporate headquarters use proposed for this location is comparable to its own small designated center, this is an appropriate location for what is proposed; further, development of this site is compact, leaving lots of existing trees; it adds an office, not a commercial, use to this major arterial, which is a corridor connecting the Eastpoint Business Park and nearby large commercial Forest Springs center to Oldham County as well as to residential and workplace developments nearby; also, as opposed to prior commercial uses proposed for this site, this small corporate headquarters use is a desirable one, as far as meetings with neighbors have determined; also, a small office headquarters use such as this is appropriate in an area where people reside, especially given the fact that the business owners reside nearby; also, as evident on the development plan and in the architectural renderings presented at the public hearing, it is evident that significant design detail is at play in this case; the focal point is the high level of architectural design in the headquarters building as well as the key elements of landscape that have been retained on this site; parking utilizes the already existing asphalt area which has been further designed in an environmentally sensitive way as will be further explained by the land planners and engineers (Land Design and Development – LDD) at the LD&T meeting and public hearing; and utilities are available and parking is surrounded by attractive intensive landscaping; and



### **COMPATIBILITY – GUIDELINE 3**

**WHEREAS**, this application complies with the Intents and applicable Policies of this Guideline of the Comprehensive Plan because it evidences in both site design and building architecture that the proposed land use is sensitive to nearby neighborhoods; it also helps preserve the character of the site, which is heavily treed and of a high visual quality, not emitting noise, lighting, odors or the kinds of nuisances that would adversely affect nearby neighbors; and

**WHEREAS**, this application also complies with Policies 1, 2, 4, 5, 6, 7, 8, 9, 12, 20, 21, 22, 23, 24, 25 and 28 of this Guideline for reasons set forth as follows: the design of the building, evident from the architectural renderings accompanying this application, is one that has involved great care and planning; blending with the landscape; earth tone colors are evident in the building façade; windows have a tendency to reflect the outdoors; the low rise of the principal office building combined with the barn style design of the accessory garage building will go well with the type of architecture as well as the size and scale of the buildings in the area; also, this particular small, corporate headquarters use will not cause odors, traffic, noise, lighting or other visual impacts that will negatively impact the neighborhood; that is because an office use of this size does not create much traffic, there are no odors associated therewith, and lighting will only consist of an amount necessary for security and perhaps some minimal amount of building and landscaping accent; accessibility to the site has been approved by Metro Transportation Planning; protection of existing landscape assures good transition between this and adjoining or nearby residential uses; they also assure protective buffers; buildings are adequately set back; parking is minimized and the only sign will be attractive and within size and height limitations of the sign regulations of the Land Development Code (LDC); and

### **OPEN SPACE - GUIDELINE 4, NATURAL AREAS, SCENIC AND HISTORIC RESOURCES - GUIDELINE 5, and LANDSCAPE CHARACTER – GUIDELINE 13**

**WHEREAS**, this application complies with the Intents and applicable Policies of these Guidelines because, as noted hereinabove, the site plan clearly evidences a design that enhances the quality of the aesthetic environment and it assures that trees will be protected as noted on the concept tree preservation plan filed with this application; and

**WHEREAS**, this application also complies with Policies 1, 2, 5, 6 and 7 of Guideline 4, with Policies 1 and 2 of Guideline 5 and Policies 1, 2, 3, 4, 5 and 6 of Guideline 13 as follows: this site, as evidenced from the site plan accompanying this application, has been designed with the idea that much of it has been retained as open space, respecting significant trees, including natural features; further, the interest of historic preservationists in this property or the existing structure can be accommodated with photographs of same; it is not an old enough building to have historic value; and also landscaping will help to screen and buffer nearby residences and protect the property's aesthetic quality; and

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

**WHEREAS**, this application complies with the Intents and applicable Policies of this Guideline because, located as this site is along a major arterial in close proximity to residential, commercial and workplace properties in a form district where a low intensity office use of this kind is deemed appropriate, it promotes a business at a location where adequate infrastructure and sufficient support population are available; and

**CIRCULATION – GUIDELINE 7, TRANSPORTATION FACILITY DESIGN – GUIDELINE 8, and BICYCLE, PEDESTRIAN TRANSIT – GUIDELINE 9**

**WHEREAS**, this application complies with the Intents and applicable Policies of these Guidelines of the because the detailed district development plan (DDDP) filed was prepared in compliance with all Metro Transportation Planning and Public Works requirements as respects Policies 9, 10, 11, 14, 15, 16 and 19 of Guideline 7, Policies 5, 9, 10 and 11 of Guideline 8, and Policies 1, 3 and 4 of Guideline 9; that is to say that the DDDP addresses adequacy of right-of-way and parking, corner clearance and site distance standards, access and parking lot design, internal circulation, and the provision of bicycle and sidewalk facilities; and furthermore, LaGrange and Reamers Roads have adequate traffic-carrying capacity for a small corporate office facility of this kind; and

**STORMWATER – GUIDELINE 10 and WATER QUALITY - GUIDELINE 11**

**WHEREAS**, this application complies with the Intents and applicable Policies these Guidelines because on-site detention and water quality measures will be provided in accordance with MSD regulations; and

**AIR QUALITY - GUIDELINE 12**

**WHEREAS**, this application complies with the Intents and applicable Policies this Guideline because locating a small corporate office building in close proximity to residential properties reduces commuting time and distance; and

\* \* \*

**WHEREAS**, for all the reasons explained at LD&T and the Planning Commission public hearing and also in the public hearing exhibit book and 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 OR-3.



## **VARIANCE FINDINGS OF FACT**

Variance of Section 5.3.1.C.5 to exceed the 80 ft maximum setback on Reamers Road.

**WHEREAS**, the variance will not adversely affect the public health, safety or welfare because this setback requirement is an aesthetic not a safety or welfare one; and

**WHEREAS**, the variance will not alter the essential character of the general vicinity because this property pretty much stands alone, surrounded as it is by disparate uses – for example, a historic subdivision across La Grange Road also significantly set back because of large lots and a rail road track parallel to La Grange Road and newer subdivisions not subject to this setback requirement; also, the design of this office site was sensitively undertaken to avoid the objections and concerns of prior more intense commercial developments proposed for this site which might have been able to locate closer to La Grange Road; and

**WHEREAS**, the variance will not cause a hazard or a nuisance to the public because this variance does not involve a hazard or nuisance issue but rather an aesthetic one; and

**WHEREAS**, the variance will not allow an unreasonable circumvention of the requirements of the zoning regulations for reasons set forth above and elsewhere in this overall rezoning application, which intends to protect much of the perimeter vegetation, especially high quality trees, and to avoid an intense, close to the arterial roadway commercial look; and

**WHEREAS**, the Variance arises from special circumstances, which do not generally apply to land in the general vicinity because of what is said above, notably the special design efforts being made to keep this development from having an intense commercial appeal; and

**WHEREAS**, strict application of the provisions of the regulation will deprive the applicant of a reasonable use of the land or create unnecessary hardship because the applicant otherwise would be forced to design the site entirely differently, giving it the more intense commercial look that everyone is seeking to avoid; 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 special design efforts explained above;

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

## **WAIVER FINDINGS OF FACT**

Waiver of Section 10.2.12.B to not provide the interior landscape islands every 120 feet.

**WHEREAS**, the waiver will not adversely affect adjacent property owners because the plan is to develop this site in as environmentally sensitive a way as possible, thus avoiding curb and gutter and interior landscape islands in the parking lots in favor of less pervious surface and more perimeter landscape and saved plus, as necessary, planted additional trees; and

**WHEREAS**, the waiver will not violate the Comprehensive Plan because for all the set forth in the Detailed Statement of Compliance with all applicable Guidelines and Policies of the Cornerstone 2020 Comprehensive Plan filed with the rezoning application; and

**WHEREAS**, the extent of waiver of the regulation the minimum necessary to afford relief to the applicant because the proposed parking lot is small, so the number of landscape islands eliminated are few; and

**WHEREAS**, strict application of the provisions of the regulation will deprive the applicant of a reasonable use of the land or create an unnecessary hardship on the applicant because the applicant would not otherwise be able to develop this site in the same aesthetically attractive and environmentally sensitive way as it presently plans;

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