

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 ALL APPLICABLE GOALS, GUIDELINES AND POLICIES OF THE CORNERSTONE 2040 COMPREHENSIVE PLAN

<u>Applicant:</u>	Hagan Properties
<u>Owner:</u>	Paul Thieneman
<u>Location:</u>	4301 Westport Road
<u>Proposed Use:</u>	Multi-story, climate controlled, self-storage mini-warehouse
<u>Engineers, Land Planners and Landscape Architects:</u>	Land Design & Development, Inc.
<u>Request:</u>	Zone Change from R-4 to CM

INTRODUCTORY STATEMENT

This application is for a change in zoning from R-4 to CM on a 1.91-acre tract of land along the north side of Westport Road, west of I-64 (the Watterson Expressway) and east of downtown St. Matthews. The site is an unusually large one for a single-family residential home, given that houses behind it to the north and across Westport Road from it to the south are around 1/8 to 1/10 the size. Additionally, the immediate vicinity of this site has been transiting over time to a variety of other uses — for example the private school campuses and commercial/office center to the east. Because of that, the site was selected by the applicant for its arterial highway fronting proximity to the nearby neighborhood residents and businesses that self-storage is intended to serve. The applicant also found the site to be attractive because the proposed use is among the lowest of all possible traffic generators, causing no negative impacts like noise, odor and light trespass. Also, the nature of the design is such as to provide a good screen from Westport Road traffic.

Other self-storage facilities exist, and rezoning in recent times was approved to permit same, of the style and design proposed in areas, along corridors like this — for example, the one fronting Hurstbourne Parkway at Westport Road.

PLAN ELEMENT 4.1: COMMUNITY FORM

This Application complies with Plan Element 4.1, its 5 Goals and their Objectives plus the following applicable Policies.

As to Goal 1, applicable Policies 2, 2.1, 3.1.3, 4, 6, 7, 9 10, 11, 12 13, 14, 16, 17, 18, 19, 20 and 23, it complies as follows, in addition to the other ways set forth above and below: The site is located in the Neighborhood Form District which encourages compatible, neighborhood and area-serving commercial uses. The proposed self-storage facility is in fact a neighborhood and proximate small area serving business. People residing on relatively small lots with minimal or no basement or garage storage need facilities like this, very much the same as small businesses

do which often do not have sufficient storage capacity for supplies and extra equipment on site. Far better for air quality, traffic safety and personal time management to be able to travel short, instead of long, distances to haul “stuff” for storage, especially when the storage facility fronts a major arterial as will this one.

As to compatibility, this includes building design, not necessarily from the standpoint of whether a particular architect or particular choice of aesthetic design matches everyone’s tastes (which is an impossibility), but rather from the standpoint of heights, setbacks, building materials and design themes that maximize aesthetics and minimize negative visual impacts. In this particular case, the selection of building materials and design theme, as presented with this application, reflect and build upon the quality materials and design themes already evident along this stretch of Westport Road. Because one of the 3 floors of storage is proposed to be located below grade, the building will appear as if just 2 stories, a height similar to many residential homes and other structures in the area.

Furthermore, in the 2 neighborhood meetings that the applicant and its professional representatives hosted, the development team heard and attempted to address all manner of expressed compatibility concerns, some of which resulted in changes to the proposed Detailed District Development Plan (DDDP). For example, views from nearby residential properties of the inside of the site as well as refuse storage will be appropriately screened. Building entry points will be minimized.

As to the potential impacts of odors, noises and lighting, the proposed self-storage facility will produce absolutely none of these, perhaps unique among just about all other commercial enterprises. In that regard, it will be more like an office building, except generating far less traffic.

As to the potential impacts of traffic and air quality, the proposed use generates, as said, almost no traffic, indeed less than just about any other conceivable use, which is the nature of self-storage. Most customers drop their “stuff” off once and usually never or only infrequently return. Further, the site plan has been prepared to assure safe and easy access without disrupting existing Westport Road traffic patterns and flows.

As to parking, the proposed facility includes very little parking, given how infrequently facilities of this kind are visited.

As to lighting and signage, this use will be fully LDC compliant, as only minimal security lighting and signage are even needed, given the nature of the proposed use, as described herein.

As to Goal 2, applicable Policies 1, 2, 3, 4, 5, 6, 7, 9, 11, 15, 16 and 17, it complies as follows, in addition to the other ways set forth herein: For starters, this project is located in a Neighborhood Form District along a 4-lane stretch of Westport Road, which by all accounts has adequate traffic-carrying capacity. An existing activity center that includes a grocery, restaurants, large and small retail, office buildings and schools runs from the intersection area of Westport Road and Hubbards Lane east to this location.

Road access will be reviewed during the agency comments, following this official filing. MSD plus Metro Public Works and Transportation Planning (MPW&TP) will need to “stamp” this plan for preliminary approval prior to LD&T review, thereby demonstrating compliance with

those agencies' independent standards relative to their roadway, sanitary sewer and storm water infrastructure.

As to Goals 3 and 4, this application does not propose a use that requires usable open space, and the site and use itself do not negatively impact exiting open spaces, watersheds, or natural or historic resources. As to Goal 5, the site and proposed use are neither large enough nor appropriate for public art.

PLAN ELEMENT 4.2: MOBILITY

This application complies with Plan Element 4.2, its 3 Goals and their Objectives plus the following applicable Policies. As to Goal 1, applicable Policies 1 and 4; Goal 2, applicable Policies 1, 2, 3, 4, 5, 6, 7 and 8; and Goal 3, applicable Policies 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 14, 15, 17, 18, 20 and 21, it complies as follows, in addition to the other ways set forth above and below:

The traffic and transportation impacts of this proposed self-storage facility were evaluated by the land planners and engineers in their preparation of the DDDP accompanying this application. As such, the DDDP includes provisions for good and safe access, corner clearances, site distances and internal circulation. Adequate road right-of-way exists, or as need be and can be further provided. Frontage sidewalk and a pedestrian connection from sidewalk to building will be assured. Given the specific proposed use, customers are unlikely to access the facility via bicycle or transit. Instead it will be accessed by small trucks and cars, although users will be infrequent given the nature of the proposed use. So traffic impacts on the existing Westport Road street system will be truly minimal. In the end, as already stated, MPW&TP will have to "stamp" the DDDP for preliminary approval prior to docketing for LD&T review and public hearing. That will demonstrate, preliminarily at least, that the DDDP complies with all technical transportation design requirement of those agencies.

Adequate parking and delivery access will be accommodated as explained above and in the DDDP.

PLAN ELEMENT 4.3: COMMUNITY FACILITIES

This application complies with Plan Element 4.3, its Goals and their Objectives plus the following applicable Policies. As to Goal 2, applicable Policies 1, 2 and 3, it complies as follows, in addition to the other ways set forth above and below:

Sanitary sewer, water, electric and gas utilities exist within Westport Road and can readily be accessed as need be for this low demand use.

PLAN ELEMENT 4.4: ECONOMIC DEVELOPMENT

This application complies with Plan Element 4.4, its Goals and their Objectives, plus the following applicable Policies. As to Goal 1, applicable Policy 3 as follows, in addition to the other ways set forth above and below:

This location is part of an existing retail, office and school activity center and workplace today, and as such it will serve area residents and those visiting existing adjacent and nearby businesses along the busy Westport Road arterial corridor.

PLAN ELEMENT 4.5: LIVEABILITY

This application complies with Plan Element 4.5, its Goals and their Objectives plus the following applicable Policies. As to Goal 1, applicable Policies 5, 7, 8, 10, 12, 13, 15, 17, 23, 26, 27, 28, 29, 30, 31, 32, 33 and 35, and Goal 4, applicable Policies 1 and 2, it complies as follows, in addition to the other ways set forth above and below:

A stormwater detention basin is proposed at the front of the site, such that post development peak rates of runoff will not exceed pre-development conditions. Stormwater will enter the exiting storm system.

The main thing to think about in terms of air quality is that when opportunities exist, like in this case, to reduce vehicle miles traveled, air quality is positively impacted.

PLAN ELEMENT 4.6: HOUSING

This application complies with Plan Element 4.6, its Goals and their Objectives, plus the following applicable Policies. As to Goal 1, applicable Policies 1, 2 and 3 and Goal 2, applicable Policies 1 and 2, it complies as follows, in addition to the other ways set forth above:

Because the proposed self-storage facility is located proximate to existing residential neighborhoods, within an existing activity center, along a major arterial, it will readily serve people in nearby housing who have storage needs. That benefits housing and helps assure that the housing that exists serves the needs of the families that reside within them.

* * *

For all of the above-stated reasons, those shown on the DDDP and those explained elsewhere in this application, plus those that will be further explained at the LD&T meeting and Planning Commission public hearing, this application complies with all other applicable Goals, Objectives and Policies of the “Plan 2040” Comprehensive Plan.

Respectfully submitted,

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