

Docket No. 15CUP1044

Proposed Conditional Use Permit  
(CUP) for parking (per previously  
approved, but expired plan) with a  
Revised Detailed District  
Development Plan (RDDDP) to  
allow the 2 office buildings to  
remain but with re-configured  
parking, on property located at  
11901 and 11909 Shelbyville Road  
(in the City of Middletown)





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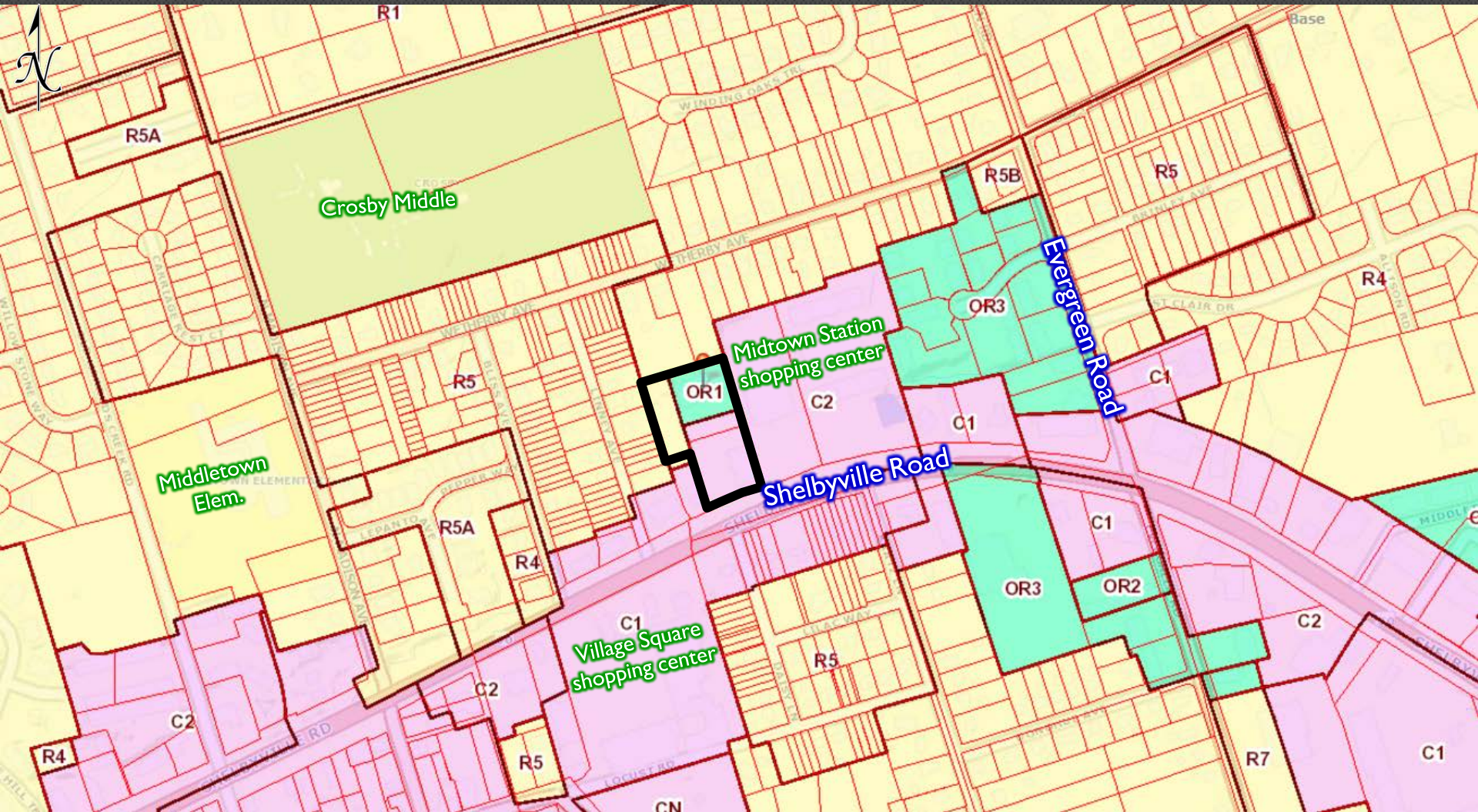
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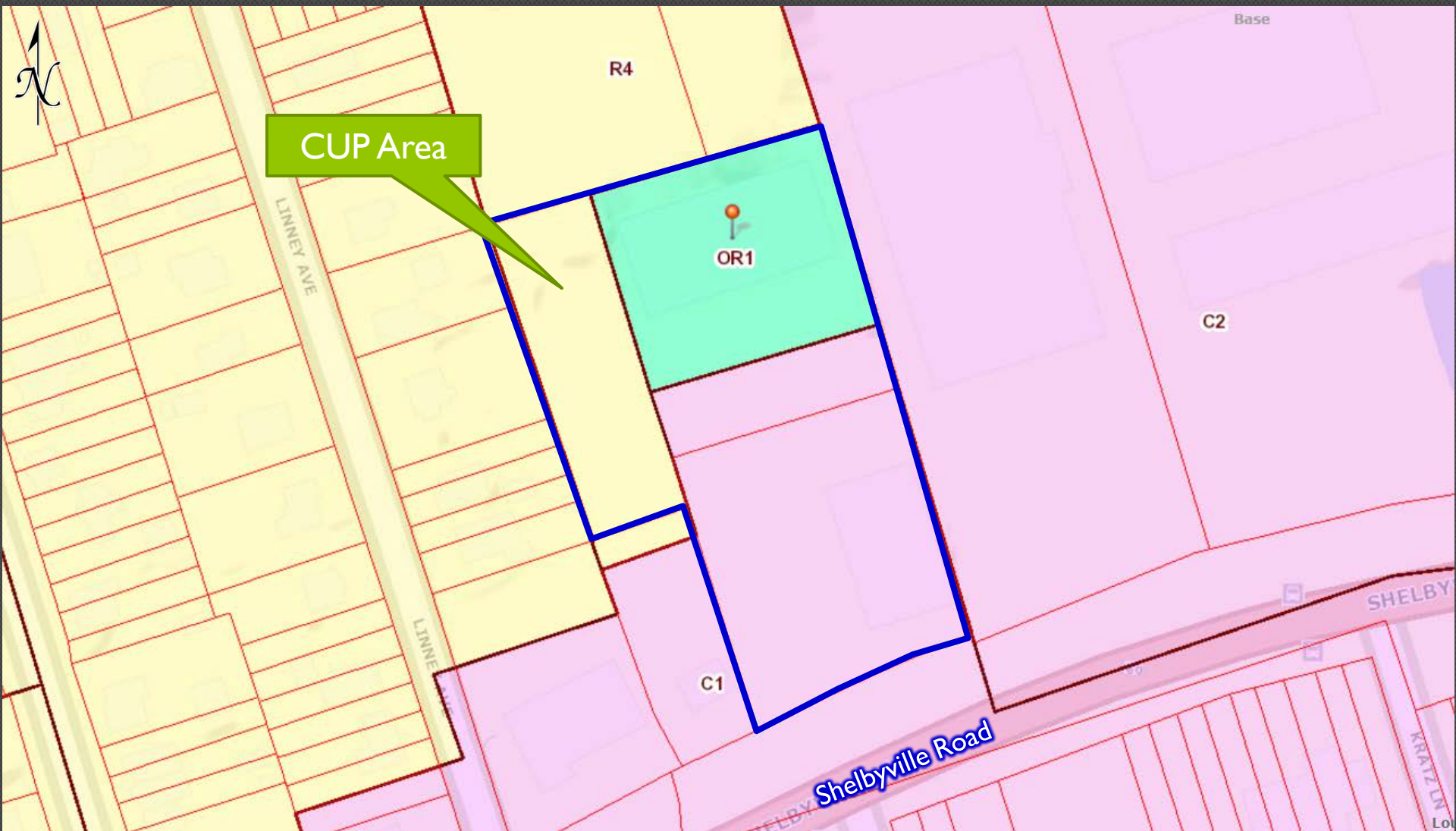
# Tab 1

## LOJIC Zoning Map













Tab 2

Previously approved, but expired RDDDP  
and December 18, 2000 BOZA minutes



# NOTES

1. WASTEWATER: SANITARY SEWERS ARE EXISTING ON THIS SITE.
2. DOMESTIC WATER SUPPLY: WATER IS EXISTING ON THIS SITE.
3. DRAINAGE / STORM WATER DETENTION: DETENTION TO BE PROVIDED IN THE PROPOSED BASIN AS DEPICTED ON THE PLAN SUBJECT TO MSD FACILITY FEES. POST-DEVELOPED PEAK FLOWS WILL NOT EXCEED PRE-DEVELOPED PEAK FLOWS FROM DEVELOPMENT FOR THE 2.10 & 100 YEAR STORMS. ( ) IS FOR CONCEPT PURPOSES ONLY. FINAL DRAINAGE PATTERN DEPICTED BY ARROWS ( ) IS FOR CONCEPT PURPOSES ONLY. FINAL CONFIGURATION AND SIZE OF DRAINAGE PIPES AND CHANNELS SHALL BE DETERMINED DURING THE CONSTRUCTION PLAN DESIGN PROCESS. DRAINAGE FACILITIES SHALL CONFORM TO MSD REQUIREMENTS.
4. EROSION & SILT CONTROL: A SOIL AND SEDIMENTATION CONTROL PLAN SHALL BE DEVELOPED AND IMPLEMENTED IN ACCORDANCE WITH MSD AND THE USDA NATURAL RESOURCES CONSERVATION SERVICE RECOMMENDATIONS. DOCUMENTATION OF MSD'S APPROVAL OF THE PLAN SHALL BE SUBMITTED TO THE PLANNING COMMISSION PRIOR TO GRADING AND CONSTRUCTION ACTIVITIES.
5. TREE PRESERVATION: A TREE PRESERVATION PLAN SHALL BE PROVIDED TO THE PLANNING COMMISSION'S STAFF LANDSCAPE ARCHITECT FOR APPROVAL PRIOR TO BEGINNING ANY CONSTRUCTION ACTIVITIES ON THE SITE.

NOV 09 2008  
PLANNING &  
DEVELOPMENT SERVICES

6. PROTECTION OF TREES TO BE PRESERVED: "CONSTRUCTION FENCING SHALL BE ERECTED PRIOR TO ANY GRADING OR CONSTRUCTION ACTIVITIES- PREVENTING COMPACTION OF ROOT SYSTEMS OF TREES TO BE PRESERVED. THE FENCING SHALL ENCLOSE THE AREA BENEATH THE Drip LINE OF THE TREE CANOPY AND SHALL REMAIN IN PLACE UNTIL ALL CONSTRUCTION IS COMPLETE. NO PARKING, MATERIAL STORAGE OR CONSTRUCTION ACTIVITIES SHALL BE PERMITTED WITHIN THE FENCED AREA."
7. THE DEVELOPMENT LIES IN THE MIDDLETOWN FIRE DISTRICT.
8. THE SUBJECT PROPERTY DOES NOT LIE WITHIN A FLOOD HAZARD AREA PER FEMA'S FIRM MAPPING, (211100 115 D).
9. ALL SITE LIGHTING SHALL BE DIRECTED DOWNWARD AND AWAY FROM ALL ADJUTING RESIDENTIAL AREAS.
10. ALL DUMPSTER PADS, TRANSFORMERS, AC UNITS TO BE SCREENED.
11. K.D.O.T. APPROVAL REQUIRED FOR ALL WORK IN THE SHELBYVILLE ROAD RIGHT-OF-WAY.
12. VOID VEGETATION AREAS IN THE PROPOSED MPA WILL HAVE NEW PLANTINGS THAT ARE ACCEPTABLE TO EACH PROPERTY OWNER THAT ADJUTS THE NORTH AND WEST PROPERTY LINES. HOWEVER, IT WILL BE UP TO EACH PROPERTY OWNER WHETHER THEY WANT ADDITIONAL PLANTINGS IN THE VOID AREA.

## HANDICAP PARKING SPACES

NO SCALE

## LOCATION MAP

NO SCALE

WEATHERLY LANE

LINNEY AVE.

EVERGREEN ROAD

DAISY LANE

SHELBYVILLE ROAD

EXISTING SHELBYVILLE ROAD 130' R/W

SRP: PRIMARY APPROVAL  
DEVELOPMENT PLAN  
SHALL COMPLY WITH ORDINANCE 609  
CONDITIONS:  
BY: George J. Calvert  
DATE: 11/2/08  
JEFFERSON COUNTY  
DEPT. OF PUBLIC WORKS

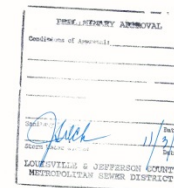
## PROJECT DATA

EXISTING ZONING: R-4 & C-1  
EXISTING LAND USE: OFFICE/MEDICAL  
TOTAL LAND AREA: 2.67± AC.  
TOTAL BUILDING AREA: 45,170± S.F.  
PARKING SPACES REQUIRED: 62 SPACES  
-OFFICE AREA (27,600 S.F.)  
-MEDICAL AREA (17,570 S.F.)  
TOTAL PARKING REQUIRED: 88 SPACES  
PARKING SPACES PROVIDED: 150 SPACES  
FLOOR AREA RATIO: 179 SPACES  
0.39

DETENTION CALCULATION  
 $2.9/12 (0.72-0.23) 2.67 = 0.32 \text{ AC.FT.}$

## LEGEND

- PROPOSED DECIDUOUS TREE (12'-14' HT.)
- PROPOSED EVERGREEN TREE (7'-8' HT.)
- PROPOSED SHRUB (30'-36' HT.)



GRAPHIC SCALE 1"=20'  
MSD WM# 288

REVISED DETAILED DISTRICT DEVELOPMENT PLAN  
AND  
CONDITIONAL USE PLAN

HAMERON PROPERTY, SHELBYVILLE ROAD

MINDEL, SCOTT & ASSOCIATES, INC.  
PLANNING & DEVELOPMENT SERVICES  
P.O. BOX 7744 LEXINGTON, KENTUCKY 40577-0744  
PHONE: (606) 481-0888 FAX: (606) 481-0889 E-MAIL: mindelscott.com

OWNER/DEVELOPER  
HAMERON PROPERTIES, LLC  
1500 S. POPE LICK ROAD  
JEFFERSONTOWN, KY. 40299

Revised

DATE

BY

DATE

SHEET

1

OF 1

B-257-00



**JEFFERSON COUNTY BOARD OF ZONING ADJUSTMENT**

**DECEMBER 18, 2000**

**DOCKET NO B-257-00**

**Applicant:** Ronald J. Hamm

**Subject:** An application for a Conditional Use Permit to allow proposed off-street parking in the R-4 zone.

**Premises affected:** On property known as 11901 Shelbyville Road and being in the City of Middletown.

**Appearances For Applicant:**

Cliff Ashburner, 8311 Shelbyville Road, Louisville, Kentucky 40222

Joe Helm, 8401 Shelbyville Road, Louisville, Kentucky 40222

**Appearances Against Applicant:**

No one.

**Interested Parties:**

No one.

On November 9, 2000, Ronald J. Hamm, applied for a Conditional Use Permit to allow proposed off-street parking in the R-4 zone.

On December 18, 2000, at a meeting of the Board, a hearing was held on this case. A drawing showing the premises affected and the existing and proposed construction was presented to each Board member.

In accordance with the Board Bylaws, the staff report prepared for this case was incorporated into the record. The Board Members had received this report in advance of the hearing and it was available to any interested party prior to the public hearing. See Addendum for staff report in full.

A video of the site and surrounding area was shown.

Wendy McLaughlin, Court Reporter, recorded the testimony given in the public hearing.

After the public hearing and a further discussion of the case by the members of the Board in open executive session, on a motion by Member Kline, seconded by Member Tonini, the following resolution was unanimously adopted:

**WHEREAS**, the Board finds that the applicant is requesting a Conditional Use Permit to allow 39 additional parking spaces to be added to an existing parking lot that serves two medical office buildings; the proposed parking lot will use the



# JEFFERSON COUNTY BOARD OF ZONING ADJUSTMENT

DECEMBER 18, 2000

## **DOCKET NO. B-257-00 (continued)**

existing access points; the area is located within 200 feet of the property on which the building to be served is located; a 25 foot landscape buffer will be installed on the north side of the site and 36 foot buffer with a 7 foot high solid wood fence will be placed on the west side next to a residential area; therefore, the proposal is in compliance with Article 15, D, 15; and

**WHEREAS**, the proposal finds that the subject property lies within the Town Center Form District; the expanded off-street parking complies with the Town Center form because the parking lot is designed to accommodate parking needs of the already existing office buildings located on the property; the existing office site is part of a larger community serving center with retail, office, government, cultural and residential uses, the most intense uses of which exist along U.S. 60, a 5-lane arterial highway; the proposed parking lot will retain some 36 feet of the natural vegetation that currently exists between the proposed parking lot addition and the existing residences; the parking lot will make efficient use of the land for a needed purpose and will be located within an activity center; the parking lot will provide a level of off-street parking to serve the clientele and accommodate the needs of tenants of the new medical office building presently stands largely vacant because of inadequate parking; that by making parking available to those utilizing the services offered by the existing offices, the proposed use limits the impact of overflow parking on the adjacent therefore, the proposal meets the goals and objectives of the Cornerstone 2020 Comprehensive Plan; and

**WHEREAS**, the Board finds that the proposal is in compliance with the Comprehensive Plan because it complies with all other applicable guidelines, principles and objectives of the Comprehensive Plan, and that the conditions attached to the permit will ensure compatibility with the surrounding neighborhood, and

**WHEREAS**, the Board finds that the proposal will promote and will not adversely affect the public health, safety or general welfare, as it has received preliminary approval from the Jefferson County Department of Public Works and the Louisville and Jefferson County Metropolitan Sewer District;

**NOW, THEREFORE, BE IT RESOLVED**, that the Conditional Use Permit is hereby **APPROVED ON CONDITION**.

The conditions are as follows:

1. The site shall be developed in strict compliance with the approved development plan (including all notes thereon). No further development shall occur on the site without prior review and approval by the Board.
2. The parking lot shall be used exclusively for the medical offices.



**JEFFERSON COUNTY BOARD OF ZONING ADJUSTMENT**

**DECEMBER 18, 2000**

**DOCKET NO. B-257-00 (continued)**

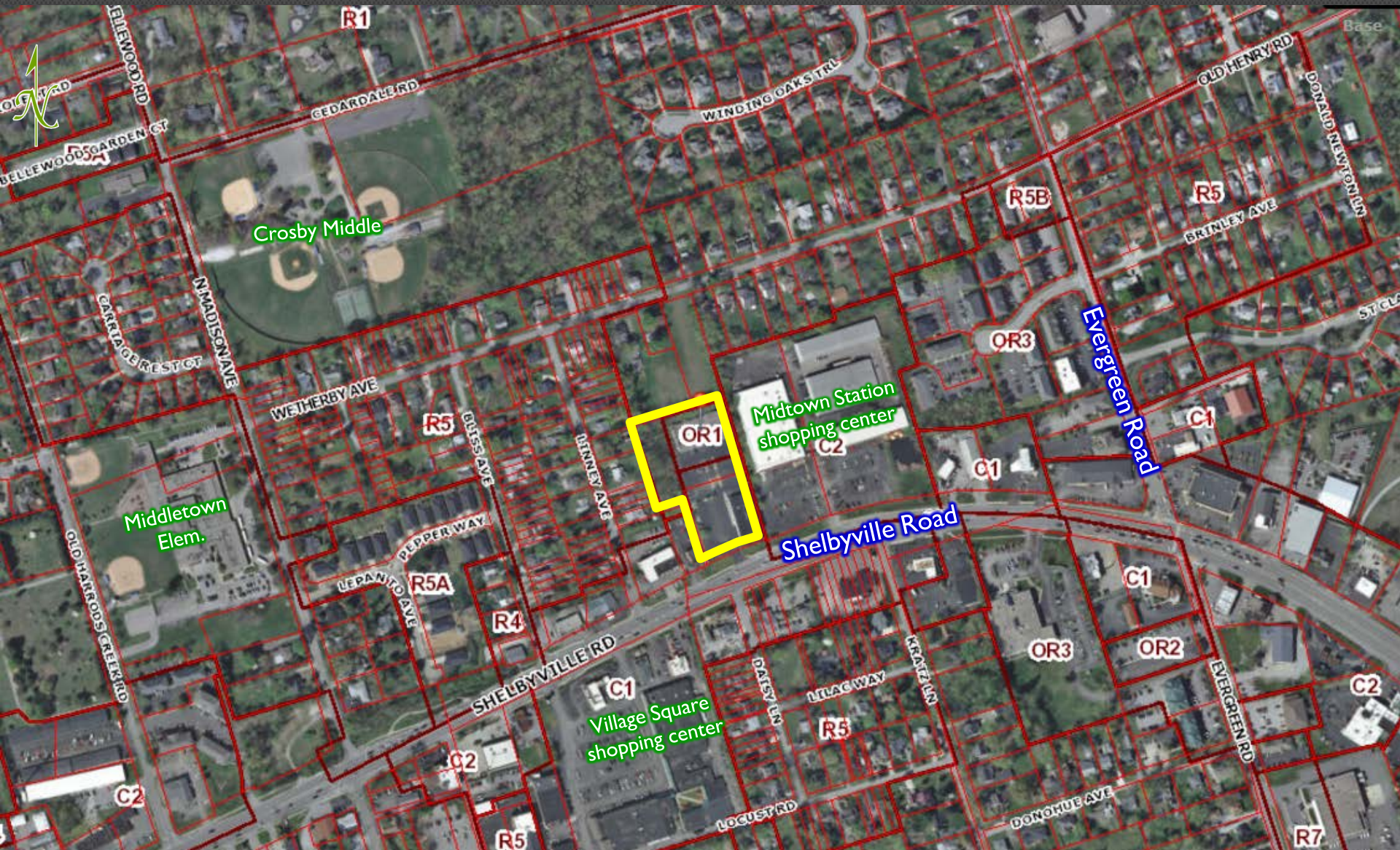
3. The site shall be landscaped in accordance with the requirements of Article 12 of the Zoning District Regulations.
4. The Conditional Use Permit shall be "exercised" as described in KRS 100.237 within one year of the Board's vote on this case. If the Conditional Use Permit is not so exercised, the site shall not be used for off-street parking without further review and approval by the Board.



# Tab 3

## Aerial photograph of the site and surrounding area









Tab 4

Ground level photographs of the site and surrounding area





< > Hide imagery ▾

View of site from across Shelbyville Road.







View of 2 existing office buildings on the RDDDP portion of the site from near entrance on Shelbyville Road.





View of proposed Café Press relocated corporate office building, which is towards the rear of the RDDDP site.





View of CUP area west of the RDDDP site.





View of existing parking lot on RDDDP site.





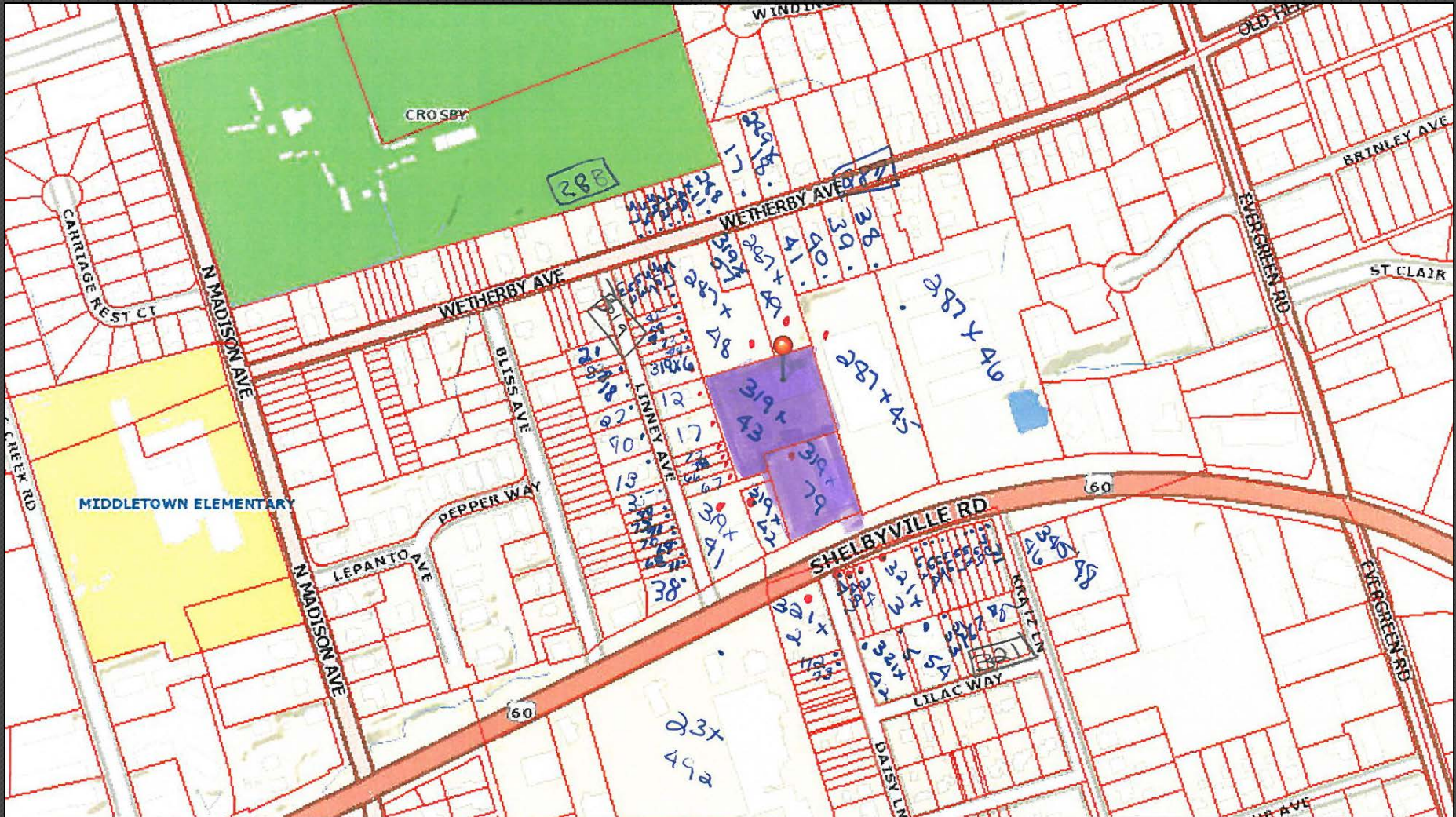
View of business to the west of site behind which is located the CUP parking area.



## Tab 5

Neighborhood Meeting notice list map,  
letter to neighbor inviting them the  
meeting and summary of meeting





Neighborhood meeting notice list map wherein 48 adjoining neighbors were invited to the meeting to discuss the Conditional Use Permit and staff approvable Revised Detailed District Development Plan



**Café Press**  
**6901A Riverport Road**  
**Louisville, KY 40258**

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November 2, 2015

Dear Neighbor,

**RE: Proposed Conditional Use Permit for parking (per previously approved, but expired plan) and Revised Detailed District Development Plan to allow the 2 office buildings to remain but with re-configured parking, all on approximately 2.6 +/- acres located at 11901 and 11909 Shelbyville Road**

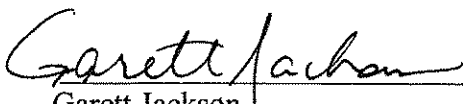
We are writing to invite you to a meeting we have scheduled to present neighbors with our CUP and RDDDP plans at the location above.

We have filed these for pre-application review with the Division of Planning and Design Services (DPDS) that we would like to show and explain to neighbors so that we might hear what thoughts, issues and perhaps even concerns you may have. The plan has been assigned Case Numbers 15CUP1044 and 15DEVPLAN1182 and will be assigned a case manager, which we will inform you of the night of the meeting. In that regard, a meeting will be held on **Monday, November 16<sup>th</sup> at 7:00 p.m.** at the **Middletown Fire Station #1** located at **108 Urton Lane**.

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

We look forward to seeing you.

Sincerely,

  
Garrett Jackson

cc: Hon. Byron Chapman, Mayor, City of Middletown  
Hon. Julie Denton, Metro Councilwoman, District 19  
Bill Bardenwerper & Nick Pregliasco, attorneys with Bardenwerper, Talbott & Roberts  
Kevin Young & Ann Richard, land planners with Land Design & Development, Inc.  
Brian Davis, Planning & Design Supervisor with Division of Planning & Design Services



## Neighborhood Meeting Summary

A neighborhood meeting was held on Monday, November 16th at 7:00 p.m. at the Middletown Fire Station #1 located at 108 Urton Lane. Those present for the applicant included attorney Nick Pregliasco and Land Design & Development land planner Kevin Young, as well as Garrett Jackson on behalf of CafePress.

Nick Pregliasco began the meeting showing a PowerPoint presentation of the Proposed Conditional Use Permit for parking (per previously approved, but expired plan) and Revised Detailed District Development Plan to allow the 2 office buildings to remain but with re-configured parking. Mr. Pregliasco explained the previously approved CUP and the very minor changes thereto, mainly the addition of detention for drainage. Mr. Pregliasco explained that the CUP and RDDDP are to provide needed parking for CafePress to purchase the rear building and to relocate its corporate headquarters to this building which has never been fully occupied. Garrett Jackson explained CafePress' business and that the location will be only for office use and not production. Mr. Jackson explained that office operations will be consolidated to one location upon purchase, including relocating jobs from Southern California. One adjoining property owner was in attendance with concerns about drainage. Kevin Young explained that all additional runoff from the new parking will be addressed with the new detention basin proposed. Mr. Young explained that the applicant will consider increasing the size of the detention basin to overdetain water to not only deal with the proposed CUP area, but to also help improve the current existing condition. Kevin Young also explained the proposed buffering with the residential properties adjoining the CUP area despite those residents not being in attendance.



## Tab 6

# CUP and RDDDD Plans







Midtown Station  
shopping center

TRACT 2

TRACT 1  
Ex. 2 Story  
Medical Office Bldg  
To Remain

Valvoline

Ken Towery  
Auto Care Center

Shelbyville Road

DDD and CUP plans with a variable @ 28 – 34 ft west side yard parking setback, which includes 8 ft high double-sided solid wood fence plus landscaping in buffer setback area.





DDD and CUP plans with a variable @ 28 – 34 ft west side yard parking setback, which includes 8 ft high double-sided solid wood fence plus landscaping in buffer setback area.

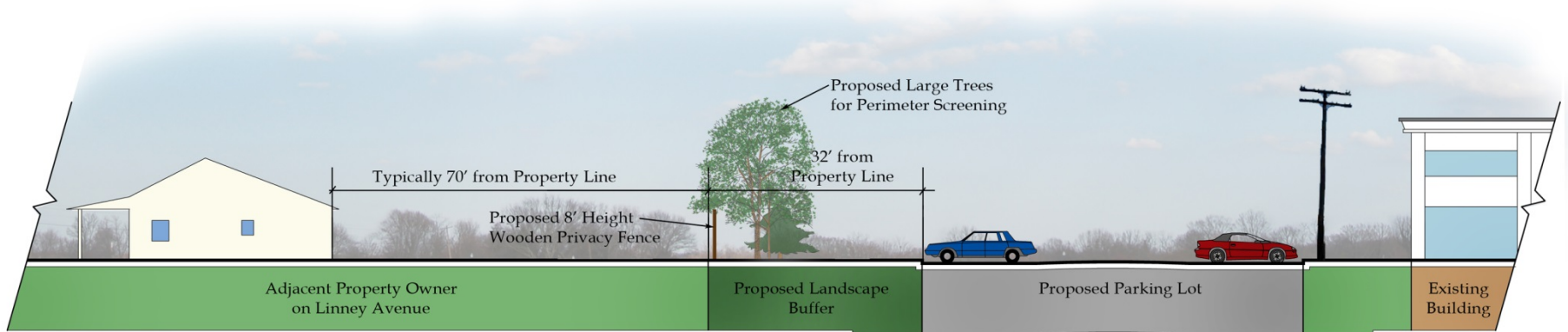




Tab 7

Cross Section showing west property line  
area







## Tab 8

Statement of Compliance filed with the Conditional Use Permit application with all applicable Guidelines and Policies of the Cornerstone 2020 Comprehensive Plan



# BARDENWERPER, TALBOTT & ROBERTS, PLLC

ATTORNEYS AT LAW

BUILDING INDUSTRY ASSOCIATION OF GREATER LOUISVILLE BLDG • 1000 N. HURSTBOURNE PARKWAY • SECOND FLOOR • LOUISVILLE, KENTUCKY 40223  
(502) 426-6688 • [WWW.BARDLAW.NET](http://WWW.BARDLAW.NET)

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

Applicant: Café Press, Inc.

Owner: Hameron Properties I, LLC

Location: 11901 and 11909 Shelbyville Road

Proposed Use: Office

Request: Conditional Use Permit to allow off-street parking  
in an R-4 zone

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

### **SUMMARY STATEMENT**

This application is a combined one for a Conditional Use Permit (CUP) to allow parking in an area that was previously granted a CUP for off-street parking, but which was never exercised and so therefore expired. Combined with this CUP application is an application for a revised detailed district development plan (RDDDP) because of the fact that the existing configuration, circulation and cross-connectivity between the existing parking and new parking will be modified somewhat to make sure that the overall parking field better suits the needs of the intended users while further serving to better circulate internal traffic from one site to the other. This application is basically a redo of the CUP that had been approved before, although since expired as a consequence of non-exercise, and an RDDDP—both of which must demonstrate compliance with all applicable Guidelines and Policies of the Cornerstone 2020 Comprehensive Plan.

### **GUIDELINE 1 –COMMUNITY FORM: SUBURBAN NEIGHBORHOOD**

The form district of this overall property is part Suburban Workplace and part Suburban Neighborhood. This application complies with both of those form districts because, for starters, the Suburban Workplace Form clearly contemplates uses of the kinds occupying the principal properties, those being office buildings, and parking is always essential in an adequate supply to serve those uses.

Within the Suburban Neighborhood context, this application complies with that form district because, among other things, this particular form contemplates a mixture of uses, such as offices, retail, restaurants and services, so long as they are accessible and connected, providing for good automobile, pedestrian, bicycle and even transit access use and usage.

### **GUIDELINE 2 - CENTERS**



The CUP and RDDDP applications complies with the Intents and Policies 1, 2, 3, 4, 5, 7, 8, 9, 10, 11, 13 and 15 of this Guideline as follow.

Infrastructure already exists at the site, including a large parking lot in between the two existing office buildings which will be split into two lots. The added parking area is to provide more space for the corporate headquarters user (Café Press) which is purchasing the rear building. Because Middletown is a small city with a support population of its own that is all surrounded by many more subdivisions, there is the opportunity to reduce commuting time and transportation-related air pollution by better utilizing this property than at present, in its underutilized condition. Repurposing the rear building on this site with a corporate headquarters also helps create vitality along the US 60 corridor and a better sense of place in the community than on an underutilized property.

Also, this site is already part of an activity center, surrounded in all directions except north, by additional commercial activity. By improving utilization of this site, that adds to compact development. By helping assure a better, stronger, longer term corporate user of the rear building, that adds to a strong mixture of uses—office and retail that feed off one another.

Also, the parking lots between the two lots will look as one, although each lot will have the parking reserved unto itself in order to satisfy the demands of tenants located in these buildings.

Recall again that this is an already built site except for the additional parking that is subject of the CUP application. Parking is mostly located between and to the west of the existing office buildings where other commercial uses (most notably to the southwest, where a tire store exists.

### **GUIDELINE 3: COMPATIBILITY**

The CUP and RDDDP applications comply with the Intents and Policies 1, 3, 4, 5, 6, 7, 8, 9, 20, 21, 22, 23, 24 and 29 of this Guideline as follows.

Because these applications simply represent an addition to and rearrangement of parking to meet the parking demands of a new corporate headquarters user, the proposed added use on the CUP site is compatible with what already exists to the east of it. Residential compatibility resulting from the new CUP parking lot is assured because of good transitions, including appropriate screening and buffering as determined throughout the course of the Board of Zoning Adjustment (BOZA), the Planning Commission, the Division of Planning and Development Services (DPDS) staff, and City of Middletown reviews of transitions, buffers, screening and buffering to make sure that the added parking does not adversely impact the few adjoining residential properties to the west and north.

Also, because this is just a small addition to an existing parking lot, with minor redesign of what already exists, the CUP and RDDDP applications do not involve odor, traffic, noise, lighting or visual impact issues, especially in light of the screening and buffering of adjoining residential properties that will be provided as determined throughout the agency review and ultimately City of Middletown approval processes.

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



The CUP and RDDDP applications comply with the Intents and Policies 1, 2, 5, 6 and 11 of this Guideline as follows.

This is currently an underutilized office site, with buildings that have existed at this property for a long time, yet at times having been vacant or not fully occupied. Café Press is a significant corporate citizen, and relocating its headquarters to this site will assure that available property is put to productive use. It also helps reduce public and private costs for new land development when existing and underutilized buildings, like this, can be utilized instead. Because the City of Middletown and surrounding areas include major population bases, locating a corporate headquarters here insures adequate access between employment centers and population centers. As noted above, this stretch of Shelbyville Road is also an activity center where a variety of office, service and commercial uses already exist. Again, by repurposing the rear building on this site, and improving the parking layout and adding to the amount, this helps to adaptively reuse this older office location.

### **GUIDELINES 7 AND 8: CIRCULATION AND TRANSPORTATION FACILITY DESIGN**

These CUP and RDDDP applications comply with the Intents and Policies 1, 2, 3, 4, 10, 11, 12, 13, 14, 15 and 16 of Guideline 7 and Policies 4, 9, 10 and 11 of Guideline 8 as follows.

First and foremost, the CUP Site Plan and RDDDP accompanying this application has been designed taking into account Metro Transportation Planning and Metro Public Works standards with respect to safe, proper functioning of the Shelbyville Road street system, ensuring that this repurposed use of the rear most building will not result in traffic exceeding the traffic-carrying capacity of Shelbyville Road, that access and parking should prove adequate, and that there are good corner clearances and sight distances. Prior to BOZA and Planning Commission or DPDS staff approvals, along with recommendations, to the Middletown City Commission with respect to the CUP site and plan and RDDDP, Metro Transportation Planning and Metro Public Works must provide their preliminary “stamp” of approval on these plans, demonstrating compliance with those agencies’ traffic and transportation design standards.

### **GUIDELINE 9: BICYCLE, PEDESTRIAN AND TRANSIT**

The CUP and RDDDP applications comply with the Intents and Policies 1, 2 and 3 of Guideline 9 as follows.

Sidewalks will be provided along Shelbyville Road. Bike racks will be provided next to the two office buildings. Transit already exists along Shelbyville Road.

### **GUIDELINES 10 AND 11: FLOODING, STORMWATER, AND WATER QUALITY**

The CUP and RDDDP applications comply the Intents and Policies 1, 3, 6, 10 and 11 of Guideline 10 and Policies 1, 3 and 4 of Guideline 11 as follows.

Among other things, post-development rates of runoff may not exceed predevelopment conditions. To the extent that detention is needed or inadequate at present, it will be provided.



Also, in all DDDP and RDDDP instances like this, because this is a discretionary review, it provides opportunities for potential existing problems to be reviewed and possibly addressed as well. If parts of the existing storm water system involving these properties are not presently operating according to regulation, those systems will have to be improved. Also, at time of construction, erosion and sedimentation control regulations of MSD must be satisfied. The same is true of MSD's new water quality standards which will have to be addressed within any new parking lots.

### **GUIDELINE 12: AIR QUALITY**

This application complies with the Intents and Policies 1, 2, 3, 5, 6, 8 and 9 of this Guideline as follows.

As stated above, because these office buildings are located in the City of Middletown, surrounded by significant support populations, this repurposed and better utilized office development will help reduce vehicle miles traveled because residents will have added opportunities to work in close proximity to where they live. Also, a CUP site plan and RDDDP that are designed in ways to provide good circulation and ease of access to and from Shelbyville Road will assure that traffic will not back up and that congestion will not be caused as a result of the small amount of added parking to serve the corporate headquarters of Café Press to be located in the rearmost building on this overall site.

### **GUIDELINE 13: LANDSCAPE CHARACTER**

The CUP and RDDDP applications comply with the Intent and Policies 1, 2, 4, 5 and 6 of this Guideline as follows.

First and foremost, the application will need to comply with the Land Development Code (LDC) requirements as respects landscaping, screening and buffering both in and around the perimeter of the parking lot and along Shelbyville Road. Tree canopy requirements will be met. Screening and buffering will be provided, along with landscaping, as determined throughout the review processes, ending at the Middletown City Commission.

\* \* \*

For all of the above-stated reasons, plus those that will be further explained at the public reviews, this application complies with all 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 Building  
1000 N. Hurstbourne Parkway, Second Floor  
Louisville, KY 40223



## Tab 9

Proposed findings of fact pertaining to compliance with the Comprehensive Plan



# BARDENWERPER, TALBOTT & ROBERTS, PLLC

ATTORNEYS AT LAW

BUILDING INDUSTRY ASSOCIATION OF GREATER LOUISVILLE BLDG • 1000 N. HURSTBOURNE PARKWAY • SECOND FLOOR • LOUISVILLE, KENTUCKY 40223  
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## PROPOSED FINDINGS OF FACT REGARDING COMPLIANCE WITH ALL APPLICABLE GUIDELINES AND POLICIES OF THE CORNERSTONE 2020 COMPREHENSIVE PLAN

<u>Applicant:</u>	Café Press, Inc.
<u>Owner:</u>	Hameron Properties I, LLC
<u>Location:</u>	11901 and 11909 Shelbyville Road
<u>Proposed Use:</u>	Office
<u>Request:</u>	Conditional Use Permit to allow off-street parking in an R-4 zone
<u>Engineers, Land Planners and Landscape Architects:</u>	Land Design & Development, Inc.

The Louisville Metro Board of Zoning Adjustment, having heard testimony in the Public Hearing held on December 21, 2015 and having reviewed evidence presented by the applicant and the staff's analysis of the application, make the following findings:

### **SUMMARY STATEMENT**

**WHEREAS**, this application is a combined one for a Conditional Use Permit (CUP) to allow parking in an area that was previously granted a CUP for off-street parking, but which was never exercised and so therefore expired, as well as an application for a revised detailed district development plan (RDDDP) because of the fact that the existing configuration, circulation and cross-connectivity between the existing parking and new parking will be modified somewhat to make sure that the overall parking field better suits the needs of the intended users while further serving to better circulate internal traffic from one site to the other; this application is basically a redo of the CUP that had been approved before, although since expired as a consequence of non-exercise, and an RDDDP—both of which must demonstrate compliance with all applicable Guidelines and Policies of the Cornerstone 2020 Comprehensive Plan and the RDDDP modification to the existing approved RDDDP are minor enough DPDS staff have determined the RDDDP to be staff approvable; and

### **GUIDELINE 1 – COMMUNITY FORM: SUBURBAN NEIGHBORHOOD**

**WHEREAS**, the form district of this overall property is part Suburban Marketplace and part Suburban Neighborhood; this application complies with both of those form districts because, for starters, the Suburban Marketplace Form clearly contemplates uses of the kinds occupying the principal properties, those being office buildings, and parking is always essential in an adequate supply to serve those uses; and



**WHEREAS**, within the Suburban Neighborhood context, this application complies with that form district because, among other things, this particular form contemplates a mixture of uses, such as offices, retail, restaurants and services, so long as they are accessible and connected, providing for good automobile, pedestrian, bicycle and even transit access use and usage; and

### **GUIDELINE 2 - CENTERS**

**WHEREAS**, the CUP and RDDDP applications complies with the Intents and Policies 1, 2, 3, 4, 5, 7, 8, 9, 10, 11, 13 and 15 of this Guideline as follows:

**WHEREAS**, infrastructure already exists at the site, including a large parking lot in between the two existing office buildings which will be split into two lots; the added parking area is to provide more space for the corporate headquarters user (Café Press) which plans to purchase the rear building; Middletown is a small city with a support population of its own that is all surrounded by many more subdivisions, there is the opportunity to reduce commuting time and transportation-related air pollution by better utilizing this property than at present, as Café Press chose this location for its headquarters due to the number of employees living in Middletown; and repurposing the rear building on this site with a corporate headquarters also helps create vitality along the US 60 corridor and a better sense of place in the community than on an underutilized property; and

**WHEREAS**, this site is already part of an activity center, surrounded in all directions except north, by additional commercial activity; by improving utilization of this site, that adds to compact development; by helping assure a better, stronger, longer term corporate user of the rear building, that adds to a strong mixture of uses - office and retail that feed off one another; and

**WHEREAS**, the parking lots between the two lots will look as one, although each lot will have the parking reserved unto itself in order to satisfy the demands of tenants located in these buildings; and

**WHEREAS**, this is an already built site except for the additional parking that is subject of the CUP application; and parking is mostly located between and to the west of the existing office buildings where other commercial uses (most notably to the southwest, where a tire store exists; and

### **GUIDELINE 3 - COMPATIBILITY**

**WHEREAS**, the CUP and RDDDP applications comply with the Intents and Policies 1, 3, 4, 5, 6, 7, 8, 9, 20, 21, 22, 23, 24 and 29 of this Guideline as follows; and

**WHEREAS**, these applications simply represent an addition to and rearrangement of parking to meet the parking demands of a new corporate headquarters user, the proposed added use on the CUP site is compatible with what already exists to the east of it; residential compatibility resulting from the new CUP parking lot is assured because of good transitions, including appropriate screening and buffering as determined throughout the course of the Board of Zoning Adjustment (BOZA), the Division of Planning and Development Services (DPDS) staff, and City of Middletown reviews of transitions, buffers, screening and buffering to make sure that the



added parking does not adversely impact the few adjoining residential properties to the west and north; and

**WHEREAS**, this is just a small addition to an existing parking lot, with minor redesign of what already exists, the CUP and RDDDP applications do not involve odor, traffic, noise, lighting or visual impact issues, especially in light of the screening and buffering of adjoining residential properties that will be provided as determined throughout the agency review and ultimately City of Middletown approval processes; and

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

**WHEREAS**, the CUP and RDDDP applications comply with the Intents and Policies 1, 2, 5, 6 and 11 of this Guideline as follows; and

**WHEREAS**, this is currently an underutilized office site, with buildings that have existed at this property for a long time, yet at times having been vacant or not fully occupied; Café Press is a significant corporate citizen, and relocating its headquarters to this site will assure that available property is put to productive use; it also helps reduce public and private costs for new land development when existing and underutilized buildings, like this, can be utilized instead; the City of Middletown and surrounding areas include major population bases, locating a corporate headquarters here insures adequate access between employment centers and population centers; this stretch of Shelbyville Road is also an activity center where a variety of office, service and commercial uses already exist; and by repurposing the rear building on this site, and improving the parking layout and adding to the amount, this helps to adaptively reuse this older office location; and

#### **GUIDELINES 7 AND 8 - CIRCULATION AND TRANSPORTATION FACILITY DESIGN**

**WHEREAS**, these CUP and RDDDP applications comply with the Intents and Policies 1, 2, 3, 4, 10, 11, 12, 13, 14, 15 and 16 of Guideline 7 and Policies 4, 9, 10 and 11 of Guideline 8 as follows; and

**WHEREAS**, the CUP Site Plan and RDDDP accompanying this application has been designed taking into account Metro Transportation Planning and Metro Public Works standards with respect to safe, proper functioning of the Shelbyville Road street system, ensuring that this repurposed use of the rear most building will not result in traffic exceeding the traffic-carrying capacity of Shelbyville Road, that access and parking should prove adequate, and that there are good corner clearances and sight distances; prior to BOZA and DPDS staff approvals, Metro Transportation Planning and Metro Public Works have provided their preliminary “stamp” of approval on these plans, demonstrating compliance with those agencies’ traffic and transportation design standards; and

#### **GUIDELINE 9 - BICYCLE, PEDESTRIAN AND TRANSIT**

**WHEREAS**, the CUP and RDDDP applications comply with the Intents and Policies 1, 2 and 3 of Guideline 9 as follows; and



**WHEREAS**, sidewalks will be provided along Shelbyville Road; bike racks will be provided next to the two office buildings; and transit already exists along Shelbyville Road; and

#### **GUIDELINES 10 AND 11 - FLOODING, STORMWATER, AND WATER QUALITY**

**WHEREAS**, the CUP and RDDDP applications comply the Intents and Policies 1, 3, 6, 10 and 11 of Guideline 10 and Policies 1, 3 and 4 of Guideline 11 as follows; and

**WHEREAS**, the post-development rates of runoff may not exceed predevelopment conditions; detention will be provided for the new CUP area and will over-detain to improve the existing overall property conditions; at time of construction, erosion and sedimentation control regulations of MSD must be satisfied; and the same is true of MSD's new water quality standards which will have to be addressed within any new parking lots; and

#### **GUIDELINE 12 - AIR QUALITY**

**WHEREAS**, this application complies with the Intents and Policies 1, 2, 3, 5, 6, 8 and 9 of this Guideline as follows; and

**WHEREAS**, these office buildings are located in the City of Middletown, surrounded by significant support populations, this repurposed and better utilized office development will help reduce vehicle miles traveled because residents will have added opportunities to work in close proximity to where they live; a CUP site plan and RDDDP that are designed in ways to provide good circulation and ease of access to and from Shelbyville Road will assure that traffic will not back up and that congestion will not be caused as a result of the small amount of added parking to serve the corporate headquarters of Café Press to be located in the rearmost building on this overall site; and

#### **GUIDELINE 13 - LANDSCAPE CHARACTER**

**WHEREAS**, the CUP and RDDDP applications comply with the Intent and Policies 1, 2, 4, 5 and 6 of this Guideline as follows; and

**WHEREAS**, the application will need to comply with the Land Development Code (LDC) requirements as respects landscaping, screening and buffering both in and around the perimeter of the parking lot and along Shelbyville Road; tree canopy requirements have been met; and screening and buffering will be provided, along with landscaping, as determined throughout the review processes, ending at the Middletown City Commission; 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 Board of Zoning Adjustment hereby approves the Conditional Use Permit on the subject site for off-street parking in an R-4 zone.