

Board of Zoning Adjustment Staff Report

September 11, 2023



Case No:	23-MCUP-0004
Project Name:	KO Storage of Louisville
Location:	8213 Nash Rd.
Owner(s):	KOSF II Louisville LLC
Applicant:	KO Construction, LLC, Aaron Hess
Jurisdiction:	Louisville Metro
Council District:	13- Dan Seum, Jr.
Case Manager:	Amy Brooks, Planner I

REQUEST(S)

- **Modified Conditional Use Permit** for Mini-warehouses (LDC 4.2.35).

CASE SUMMARY

The applicant has requested the modification of an approved conditional use permit (CUP) for mini-warehouses. The development site includes the property at 8204 National Turnpike and 8213 Nash Road. In 2016, the parcel fronting Nash Road was approved for expansion under a modified conditional use permit. However, that approved expansion of the self-storage facility was never built. The applicant is now proposing to construct three non-climate controlled self-storage buildings on the vacant parcel that will total 32,900 square feet. Access to the site will be from National Turnpike with the existing gate off Nash Road to remain closed and only used for emergency and maintenance access. The applicant is proposing to consolidate the two parcels after the modified conditional use permit is approved.

Related Cases

B-105-89: conditional use permit for mini-warehouses. Approved in August 1989 and modified in 1996.
16CUP1009: modified conditional use permit and landscape waiver to allow additional storage units.
16CUP1040: modification of a conditional use permit to allow an expansion of mini-warehouse development.

STAFF FINDING

The proposal appears to be adequately justified for approval and meets the standards of the conditional use permit, except standard 'B' which was granted relief under the 2016 modified conditional use permit.

STANDARD OF REVIEW AND STAFF ANALYSIS FOR CONDITIONAL USE PERMITS

1. Is the proposal consistent with applicable policies of the Comprehensive Plan?

STAFF: The proposal is consistent with applicable policies of the Comprehensive Plan, Plan 2040.

2. Is the proposal compatible with surrounding land uses and the general character of the area including factors such as height, bulk, scale, intensity, traffic, noise, odor, drainage, dust, lighting and appearance?

STAFF: The proposal is compatible with surrounding land uses and the general character of the area including factors such as height, bulk, scale, intensity, traffic, noise, odor, drainage, dust, lighting and appearance. The site is located in an area that is surrounded by commercial and industrially zoned properties. There are residential uses along Nash Road; however, the site will not be accessible from Nash Road, except in the case of emergencies, thereby mitigating any traffic impact on those neighboring residential uses.

3. Are necessary on-site and off-site public facilities such as transportation, sanitation, water, sewer, drainage, emergency services, education and recreation adequate to serve the proposed use?

STAFF: All necessary on-site and off-site public facilities such as transportation, sanitation, water, sewer, drainage, emergency services, education and recreation adequate to serve the proposed use are available or will be provided.

4. Does the proposal comply with the following specific standards required to obtain the conditional use permit requested?

Mini-warehouses may be allowed in the C-2 District where the premises abut on a roadway classified as a collector or major or minor arterial as designated on Comprehensive Plan Core Graphic 11, Roadway Classification, or by the Director of Works, upon the granting of a Conditional Use Permit and compliance with the listed requirements.

- A. The property shall be landscaped so as to blend in with the surrounding area and shall be screened and buffered from adjacent uses of a non-industrial nature.
- B. No building, structure or pavement shall be located closer than 30 feet to side property lines or property lines abutting residential areas. This area is reserved as a landscape buffer area.
- C. No outside storage shall be allowed on the property.
- D. No storage of toxic or hazardous materials shall be allowed on the property.
- E. There shall be no retail or wholesale sales or distributing activities on site.
- F. Loading doors and vehicle maneuvering areas shall be located away from the exterior of the property.
- G. No structure on the site shall be taller than one story and shall not exceed 15 feet in height (except for one freestanding sign as allowed in H below)
- H. Signs - Only one freestanding sign shall be allowed and shall conform to limits established for the form district in which the sign is located.

STAFF: The proposed buildings are in compliance with each of the standards for mini-warehouses, except for standard B which was granted relief under the 16CUP1040. However, the current applicant does not intend to construct a warehouse on top of the concrete pad that is encroaching within the 30 feet landscape buffer area on the southern property line. The applicant is providing

landscaping and screening that will minimize the impact of the proposal on the residential properties to the north and west of the subject site.

REQUIRED ACTIONS

- **APPROVE** or **DENY** the **Modified Conditional Use Permit** for mini-warehouses (LDC 4.2.35)

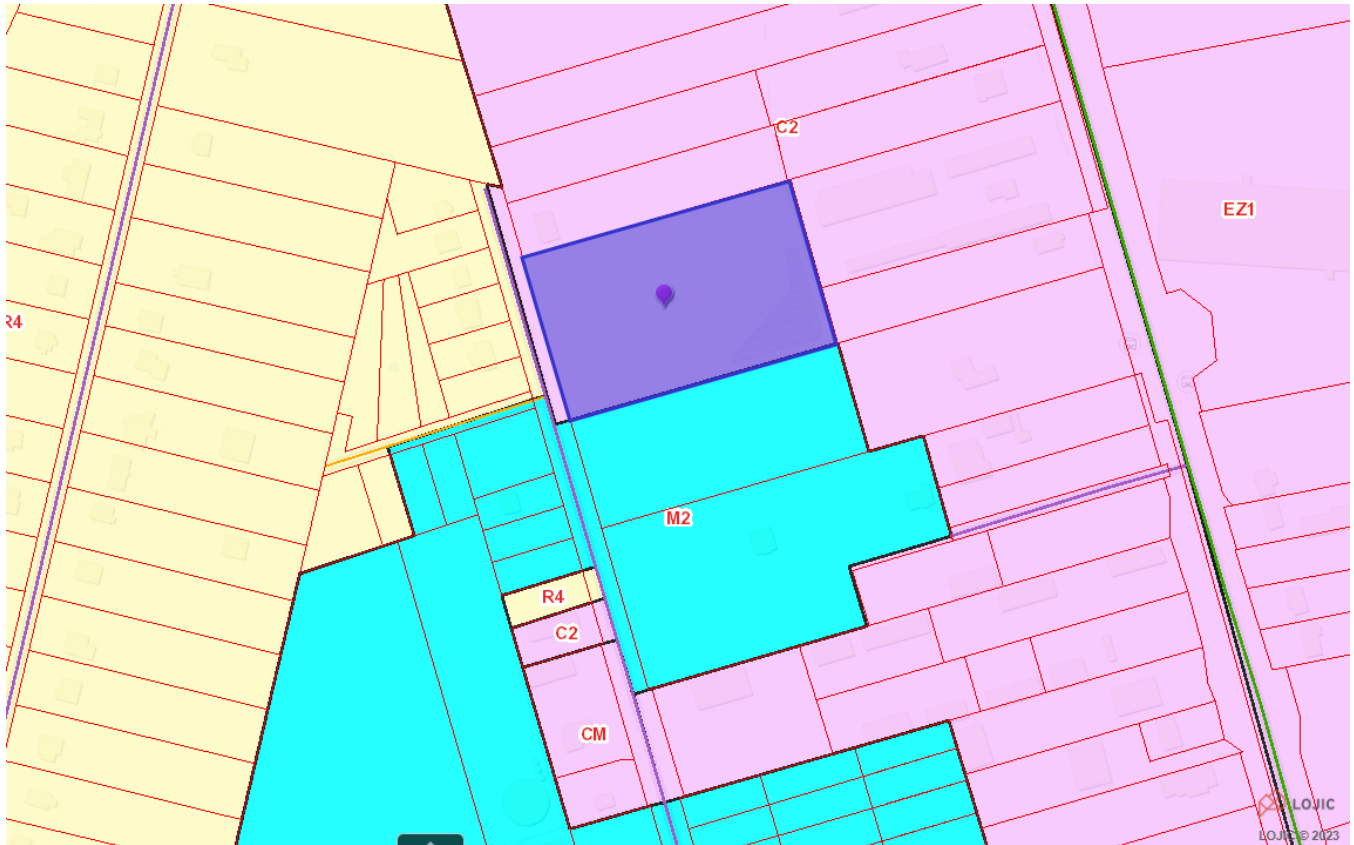
NOTIFICATION

Date	Purpose of Notice	Recipients
08/28/2023	Hearing before BOZA	1 st and 2 nd tier adjoining property owners and residents Registered Neighborhood Groups in Council District 13

ATTACHMENTS

1. Zoning Map
2. Aerial Map
3. Proposed Conditions of Approval

1. Zoning Map



2. Aerial Map



4. Conditions of Approval

1. The site shall be developed in strict compliance with the approved development plan. No further development shall occur on site without the prior review and approval by the Board.
2. The site shall be landscaped in accordance with the requirements of Chapter 10 of the Land Development Code.
3. Loading doors and vehicle maneuvering area shall be located away from the exterior of the property.
4. No storage of toxic or hazardous materials shall be allowed on the property.
5. There shall be no retail or wholesale sales or distributing activities on site.
6. No outdoor storage shall be allowed on the property.
7. Only one free standing sign shall be allowed. Such sign may be illuminated but shall be non-flashing and stationary in all components. Such sign shall not exceed 20 feet in height nor exceed a total of 64 square feet in area per side.
8. The Conditional Use Permit shall be "exercised" as described in KRS 100.237 within 2 years of the Board's vote on this case. Upon written application, filed at least thirty calendar days prior to said expiration date, the Board may, for cause shown, renew such Conditional Use Permit for one period of up to one year. If the Conditional Use Permit is not so exercised, the site shall not be used for a mini-warehouse without further review and approval by the Board.