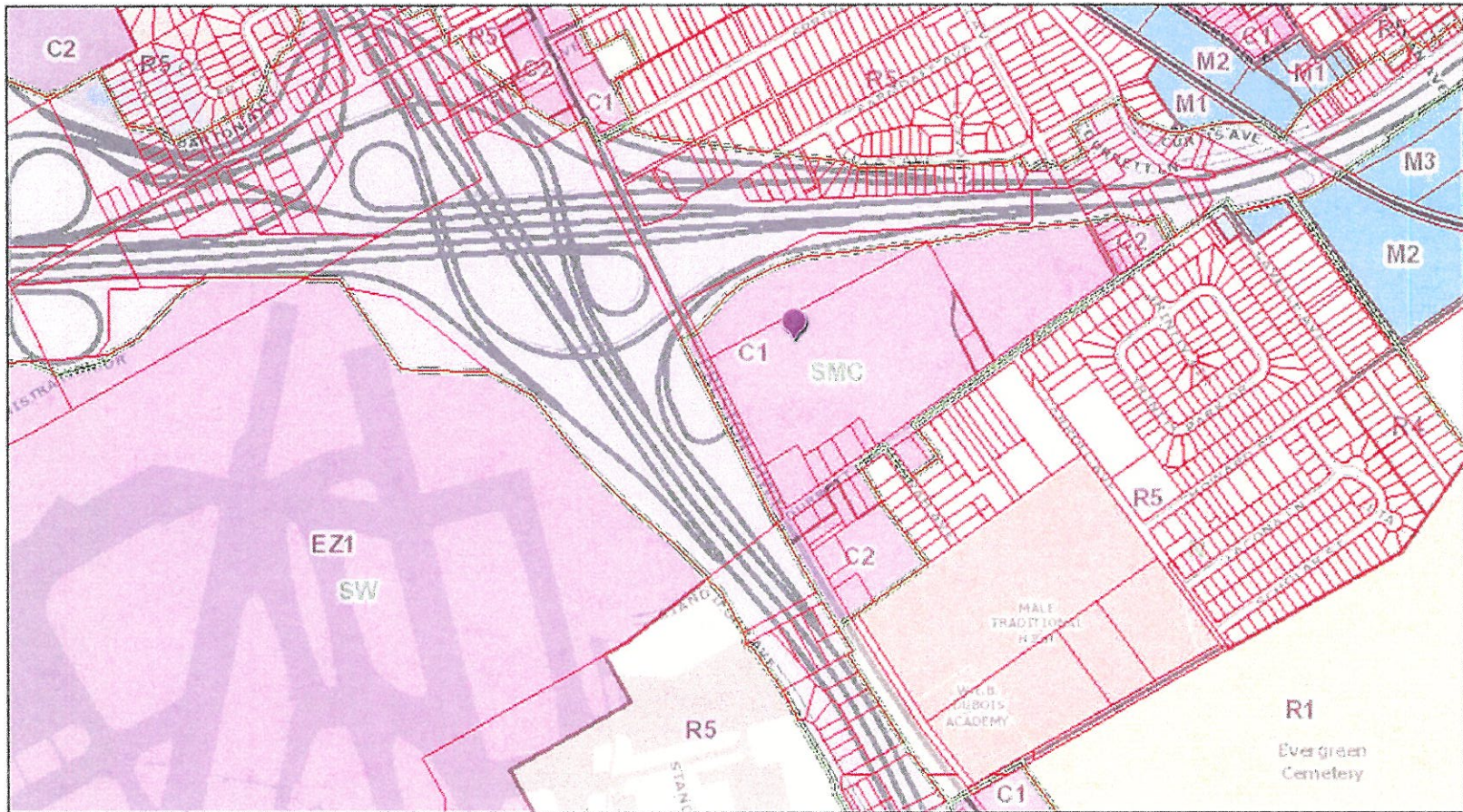


**EXHIBITS FOR APPLICANT
Poe Companies
1231 - 1241 Durrett Lane**

**Louisville Metro Planning Commission
Case No. 19-Zone-0080**

- 1) Zoning Map
- 2) Aerial Photography
- 3) Development Plan, prepared by LD&D, Inc.
- 4) Waiver Justifications
- 5) Zoning Change Demonstration of Appropriateness
- 6) Zoning Change Proposed Findings of Fact

**Glenn Price, Attorney for Applicant
Frost Brown Todd LLC
400 West Market Street, 32nd Floor
Louisville, Kentucky 40202
502/779-8511
gaprice@fbtlaw.com**

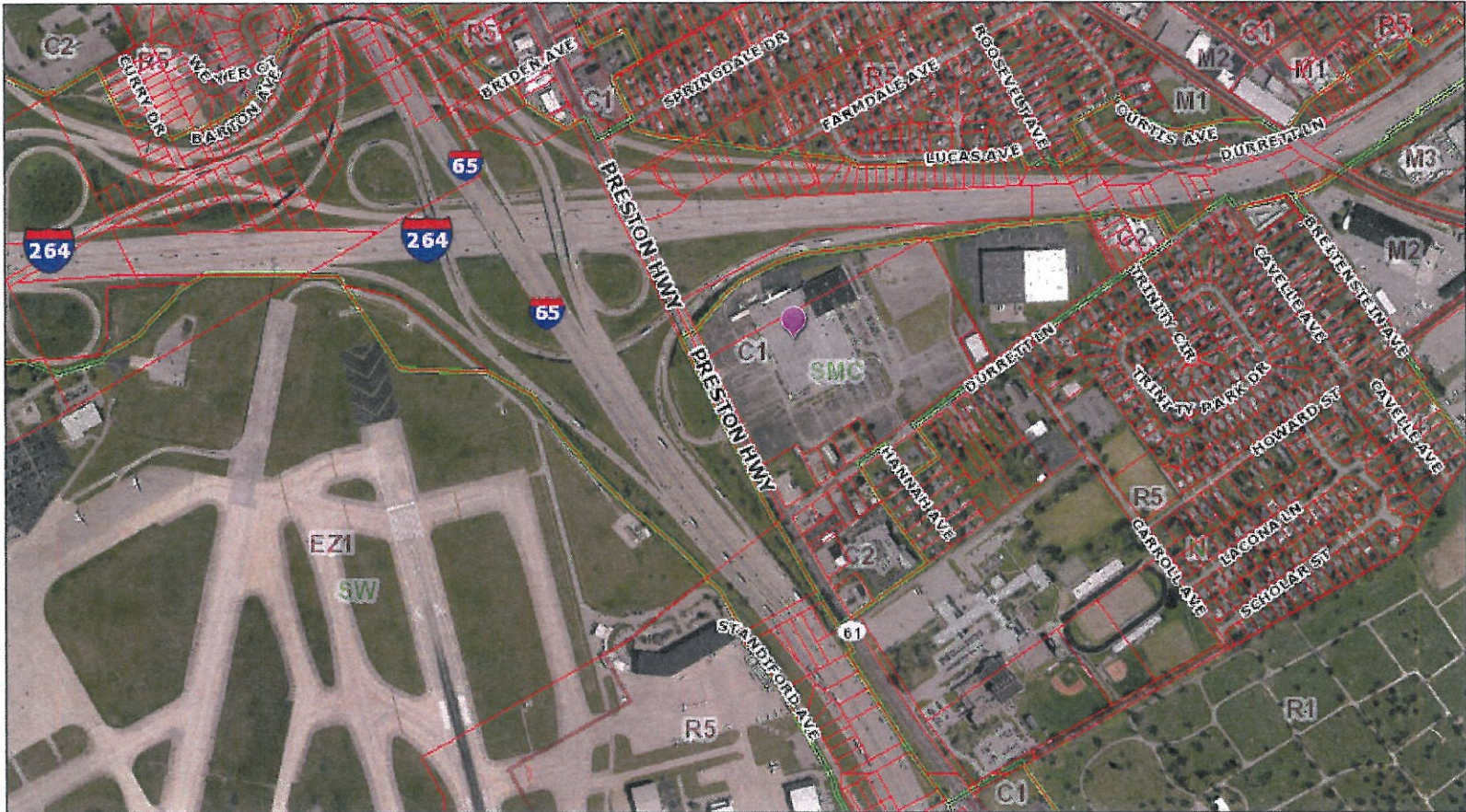


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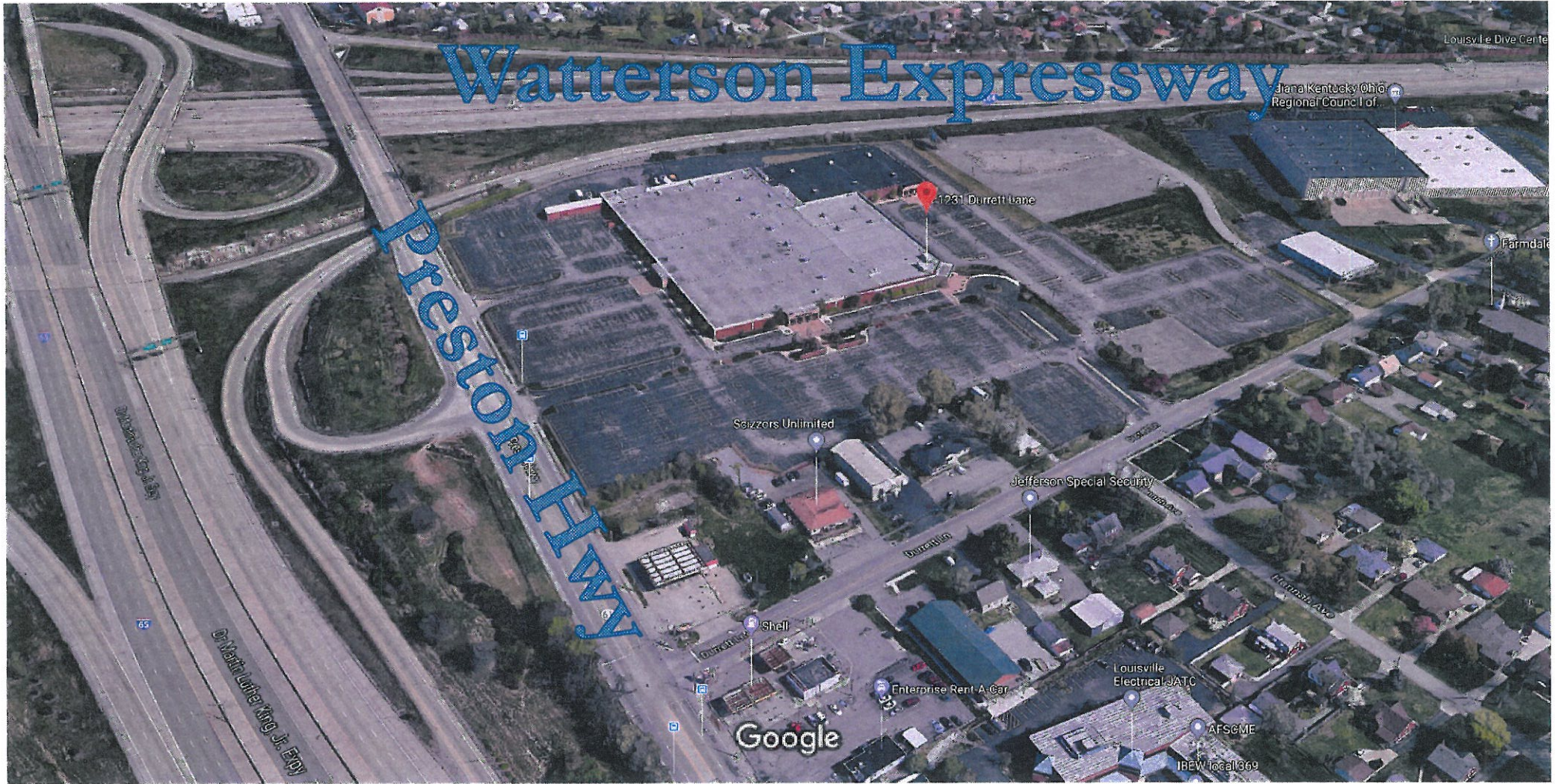
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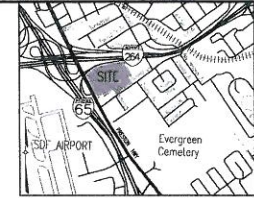
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 This map is not a legal document and should only be used for general reference and identification.











LEGEND

EX. BOLLARD
EX. UTILITY POLE
EX. GUY ANCHOR
EX. LIGHT POLE
EX. CATCH BASIN
EX. DRAIN SILEX
EX. FIRE HYDRANT
EX. WATER METER
EX. SANITARY SEWER CLEAN-OUT
EX. UNDERGROUND GAS LINES
EX. UNDERGROUND WATER LINES
EX. OVERHEAD ELECTRIC LINES
EX. FENCE
EXISTING STORM SEWER CATCH BASIN
BY INLET PROTECTION AND REPAIR
EXISTING SEWER AND MANHOLE
EX. DITCH/DRAIN
EX. ZONING LINE



WAIVER REQUESTED

1. A WAIVER IS REQUESTED FROM THE LOUISVILLE LAND DEVELOPMENT CODE SECTION 10.2.7 & 10.2.10 TO WAIVE THE ENCROACHMENT OF THE EXISTING PERIMETER INTO THE 10 FT LANDSCAPE BUFFER AREAS ADJACENT TO ALL PERIMETER PROPERTY LINES.

PROJECT DATA

TOTAL SITE AREA	= 25.57 ACRES (1,113,898 SF)
EXISTING ZONING	= C-1 & C-2
FORM DISTRICT	= SUBURBAN MARKETPLACE CORRIDOR
PROPOSED ZONING	= REC
EXISTING USE	= VACANT
PROPOSED USE	= OFFICE/WAREHOUSE
EXISTING BUILDING AREA	= 217,292 SF
EXISTING BUILDING HEIGHT	= 22.7' (60' MAX. ALLOWED) ONE STORY
F.A.R.	= 0.2 (5.0 ALLOWED)
TOTAL PARKING REQUIRED	= REFER TO GENERAL NOTE 5
TOTAL PARKING PROVIDED	= 3,289 (48 ADA SP INCLUDED)
TOTAL VEHICULAR USE AREA	= 613,432 SF
I.A. REQUIRED	= 48,907 SF (7.8%)
I.A. PROVIDED	= 105,971 SF
EXISTING IMPERVIOUS AREA	= 845,468 SF
PROPOSED IMPERVIOUS AREA	= 961,221 SF (4.67% DECREASE)

GENERAL NOTES:

1. Parking areas and drive lanes are existing asphalt pavement.
2. No increase in drainage run off to street roofedge.
3. There shall be no commercial signs in the right-of-way.
4. Site lighting shall not cause the eyes of others. If it does it shall be re-sited, shielded, or turned off.
5. Compliance with loading/unloading area for non-compliance to be determined at time of occupancy. Parking and loading area shall be confirmed with Planning and Design Services prior to occupancy. The plan and file shall be updated to reflect these requirements.
6. Shared access agreement will be established with 1243 Durrett Lane prior to Certificate of Occupancy approval.

MSD NOTES:

1. Sanitary sewer service is provided by an existing connection.
2. No portion of the site is within the 100-year flood plain per FIRM Map No. 21110007E & 21110008E dated December 5, 2006.
3. Drainage patterns depicted by arrows (msw) is for conceptual purposes.
4. If the site has thru drainage an assessment plan will be required prior to MSD granting construction plan approval.
5. No site construction equipped with this zoning application.
6. Any future site construction requires what is shown on this development plan shall meet all MSD water quality regulations established by MSD.

SITE ADDRESS:
 1231 & 1241 DURRETT LANE
 LOUISVILLE, KY 40213
 TAX BLOCK 85K, LDT 186
 TAX BLOCK 85K, LDT 185
 D.B. 9758, PG. 278

CASE: 19-30NE 0080
 RELATED: 19-30NE PA0001,
 09-039-04,
 WA# 41374

REVISIONS	
NO.	DATE
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2	11-12-20
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PROJECT DATA

DATE	12-28-18
SCALE	AS SHOWN
DATE	11-12-20
SCALE	AS SHOWN
DATE	09-03-18
SCALE	AS SHOWN

LAND DESIGN & DEVELOPMENT, INC.
 DEVELOPER
 1700 HARRIS EDGE WAY
 SUITE 715
 LOUISVILLE, KY 40206

DETAILED DISTRICT DEVELOPMENT PLAN
1231 & 1241 DURRETT LANE
 181.22

SHEET
1
 OF 1

WAIVER JUSTIFICATION ADDENDUM
Land Development Code Sec. 10.2.10
Durrett, LLC, Applicant

This is a request for a waiver from Land Development Code (“LDC”) Section 10.2.10 to allow existing asphalt pavement/parking to encroach into the proposed 15-foot expressway landscape buffer area.

1. The waiver will not adversely affect adjacent property owners.

The waiver would only affect the extent of the 15-foot expressway landscape buffer and will not affect any adjacent property owners.

2. Will the waiver violate the Comprehensive Plan?

No. There is no provision of Cornerstone 2040 that would be violated by the grant of the waiver allowing a one-story building at this location. The proposal conforms to Community Form Goal 1 and Policies 20 and 23. Even though the existing asphalt pavement will encroach into the expressway buffer area adequate plantings to provide the necessary visual screen will be provided in the buffer area.

3. Is the extent of the waiver of the regulation the minimum necessary to afford relief to the applicant?

Yes. The waiver is requested only to the extent of the existing asphalt pavement.

4. Has either (a) the applicant incorporated other design measures that exceed the minimums of the district and compensate for non-compliance with the requirements to be waived (net beneficial effect) or would (b) the strict application of the provisions of the regulation deprive the applicant of the reasonable use of the land or would create an unnecessary hardship on the applicant?

The waiver request, if granted, would allow for a waiver of the expressway landscape buffer only to the extent of the existing asphalt encroachment. Additional plantings will be incorporated to create a net beneficial effect. The strict application of the regulation would deprive the applicant of the reasonable use of the land because the pavement area has historically been utilized and will continue to be utilized.

WAIVER JUSTIFICATION ADDENDUM
Land Development Code Sec. 10.2.7
Durrett, LLC, Applicant

This is a request for a waiver from Land Development Code (“LDC”) Section 10.2.7 to allow existing asphalt pavement to encroach into the proposed 15-foot expressway landscape buffer area.

1. The waiver will not adversely affect adjacent property owners.

The waiver would only affect the extent of the 15-foot expressway landscape buffer and will not affect any adjacent property owners.

2. Will the waiver violate the Comprehensive Plan?

No. There is no provision of Cornerstone 2040 that would be violated by the grant of the waiver allowing a one-story building at this location. The proposal conforms to Community Form Goal 1 and Policies 20 and 23. Even though the existing asphalt pavement will encroach into the expressway buffer area adequate plantings to provide the necessary visual screen will be provided in the buffer area.

3. Is the extent of the waiver of the regulation the minimum necessary to afford relief to the applicant?

Yes. The waiver is requested only to the extent of the existing asphalt pavement.

4. Has either (a) the applicant incorporated other design measures that exceed the minimums of the district and compensate for non-compliance with the requirements to be waived (net beneficial effect) or would (b) the strict application of the provisions of the regulation deprive the applicant of the reasonable use of the land or would create an unnecessary hardship on the applicant?

The waiver request, if granted, would allow for a waiver of the expressway landscape buffer only to the extent of the existing asphalt encroachment. Additional plantings will be incorporated to create a net beneficial effect. The strict application of the regulation would deprive the applicant of the reasonable use of the land because the pavement area is presently in use and will continue to be utilized.

**AMENDED DEMONSTRATION OF APPROPRIATENESS
ZONE CHANGE
1231 – 1241 Durrett Lane, Louisville, Kentucky
Durrett, LLC, Property Owner**

The property owner, Durrett, LLC, hereby applies for (1) a change in zoning classification from C-1 Commercial District and C-2 Commercial District to PEC-Planned Employment Center 25.57-acre site, bearing a street address of 1231 – 1241 Durrett Lane, in Louisville, Jefferson County, Kentucky.

An existing 217,082 square foot building, which has been used as a call center, is proposed to remain on site.

I. The Proposal conforms to the Plan 2040 Comprehensive Plan, effective in Louisville, Jefferson County, Kentucky.

Community Form Goal 1. The Proposal conforms to Community Form Goal 1 and all applicable Objectives and Policies adopted thereunder, including Policies 6, 7, 8, 15, 16, 17, 18 and 21. The site is presently used as a commercial call center and has been used historically for large-scale office uses. Hence, the proposed zone change would not constitute a non-residential expansion into a residential area. Located on a major arterial roadway and transit corridor (i.e., Preston Highway), the Proposal would allow for higher density and intensity uses. Preston Highway is a Kentucky state highway (State Highway Route 61). Although the site lies within a Suburban Marketplace Form District, as opposed to a Workplace Form District, the proposal is nevertheless located near adequate infrastructure and transportation facilities. All air and noise ordinances will be complied with. Lighting provisions of the Land Development Code will be complied with. Uses on the subject site will conform to all air quality regulations promulgated by the Louisville Air Pollution Control District. The development and all uses on the subject site will conform to water quality regulations promulgated by the Metropolitan Sewer District. The proposed zoning district will not result in the displacement of residents or the loss of affordable housing units, nor will it create a strain on parking facilities in the area. It is not anticipated that the employee traffic will adversely impact the traffic-carrying capacity of Durrett Lane.

Community Form Goal 2. The Proposal conforms to Community Form Goal 2 and all applicable Objectives and Policies adopted thereunder, including Policies 1, 5, 6, 7, 8, 9 and 10. The proposal results in the reuse of developed land. The development has the potential for future outlot development along a commercial corridor with adequate connectivity. The site has no apparent natural features thereon. The proposed PEC Planned Employment Center District will allow for commercial development and light and medium intensity industrial development.

Community Form Goal 3. The Proposal conforms to Community Form Goal 3 and all applicable Objectives and Policies adopted thereunder, including Policies 9, 10, 11 and 12. There are no natural features or natural systems on the site that should be respected. No wet or highly permeable

- II. Utilities and essential public services will be provided to 1231-1241 Durrett Lane.** All necessary utilities and essential public services including public transit will be provided to 1231 – 1241 Durrett Lane.

- III. Provided the proposal is approved, the anticipated time period in which implementation of the proposed uses will be initiated is upon final approval and the expiration of the running of the statute of limitation.**

0142220.0720708 4843-3402-9235v2

**PROPOSED FINDINGS OF FACT
SUBMITTED BY APPLICANT**

WHEREAS, The Planning Commission Finds That the proposal to change the zoning classification from C-1 Commercial District and C-2 Commercial District to PEC-Planned Employment Center 25.57-acre site, bearing a street address of 1231 – 1241 Durrett Lane, in Louisville, Jefferson County, Kentucky (the “Proposal”) is in agreement with KRS 100.213 because it is in conformance with the 2040 Comprehensive Plan effective in Louisville, Jefferson County, Kentucky for the reasons stated further in these Findings of Fact; and

WHEREAS, The Planning Commission Further Finds that the Proposal conforms to Community Form Goal 1 and all applicable Objectives and Policies adopted thereunder, including Policies 6, 7, 8, 15, 16, 17, 18 and 21 because the site is presently used as a commercial call center and has been used historically for large-scale office uses so that the proposed zone change would not constitute a non-residential expansion into a residential area; because the site is located on a major arterial roadway and transit corridor (i.e., Preston Highway), the Proposal would allow for higher density and intensity uses; because Preston Highway is a Kentucky state highway (State Highway Route 61) the proposal is located nearby with adequate infrastructure and transportation facilities; because all air and noise ordinances will be complied with; because lighting provisions of the Land Development Code will be complied with; because uses on the subject site will conform to all air quality regulations promulgated by the Louisville Air Pollution Control District; because the development and all uses on the subject site will conform to water quality regulations promulgated by the Metropolitan Sewer District; because the proposed zoning district will not result in the displacement of residents or the loss of affordable housing units, nor will it create a strain on parking facilities in the area; because even though employee vehicles will utilize Durrett Lane, it is not anticipated that the employee traffic will adversely impact the traffic-carrying capacity of Durrett Lane; and

WHEREAS, The Planning Commission Further Finds That the Proposal conforms to Community Form Goal 2 and all applicable Objectives and Policies adopted thereunder, including Policies 1, 5, 6, 7, 8, 9 and 10 because the Proposal results in the adaptive reuse of developed land; because the development has the potential for future outlot development along a commercial corridor with adequate connectivity; because the site has no apparent natural features thereon; and because the proposed PEC Planned Employment Center District will allow for commercial development and light and medium intensity industrial development; and

WHEREAS, The Planning Commission Further Finds That The Proposal conforms to Community Form Goal 3 and all applicable Objectives and Policies adopted thereunder, including Policies 9, 10, 11 and 12 because there are no natural features or natural systems on the site that should be respected; because no wet or highly permeable soils or severe, steep or unstable slopes are present on-site; because the site is not located within the Ohio River corridor; and because all comments from the Metropolitan Sewer D have been satisfactorily addressed; and

- I. **Utilities and essential public services will be provided to 1231-1241 Durrett Lane.** All necessary utilities and essential public services including public transit will be provided to 1231 – 1241 Durrett Lane.

- II. **Provided the proposal is approved, the anticipated time period in which implementation of the proposed uses will be initiated is upon final approval and the expiration of the running of the statute of limitation.**

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