

Planning Commission

Staff Report

February 4, 2009



Case:	13644
Project Name:	Shelbyhurst
Location:	100, 310 & 312 N Whittington Pkwy 950 N Hurstbourne Pkwy
Owner(s):	University of Louisville
Applicant:	Metro Planning & Design Services
Representative:	Frost Brown Todd, LLC
Project Size/Area:	189.6 Acres
Jurisdiction:	Metro Louisville
Council District:	18 – Jon Ackerson
Case Manager:	Joseph Reverman, Planner II

REQUEST

- Change in zoning from R-4 to OR-3 for a research and office park

CASE SUMMARY/BACKGROUND

Existing Zoning District: R-4, Single Family Residential

Proposed Zoning District: OR-3, Office Residential

Form District: C, Campus

Existing Use: College/Institutional

Proposed Use: College/Institutional; Research/Office Park

This property is currently used as the Shelby Campus of the University of Louisville. The University is proposing to subdivide the property into 5 lots for development as a research and office park. Further subdivision may occur in the future as development occurs.

The University does not need a zoning change to develop this property with additional University uses, since the University is a State institution.

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Planning for this development began in 2001, with the goal of converting the campus into a revenue-producing asset to enhance the academic mission of the University.

More recently, development has commenced with the construction of Whittington Pkwy from Shelbyville Rd to Whipps Mill Rd. Three connections were made from the new Whittington Pkwy to N Hurstbourne Pkwy. The site has also been subdivided into 5 lots, one of which will remain for University of Louisville use.

Center for Predictive Medicine

In 2004, the National Institute for Allergy and Infectious Diseases chose the northeast corner of the Shelby campus for 1 of 3 state of the art laboratory facilities to develop methods for fighting infectious diseases. Construction began on the Center for Predictive Medicine in 2007.

Karst

A karst feature survey was conducted on the site in 2008. None of the features observed on the site in this survey were rated of high significance, and, in the opinion of the surveyors, can be easily remedied and filled during site grading activities.

OR-3 zoning district

Uses not permitted in other, less intense OR zoning districts:

- Fraternities, sororities, clubs and lodges excluding those the chief activity of which is a service customarily carried on as a business
- Medical laboratories, excluding for-profit blood collection centers
- Photographic portrait studios

Maximum Floor Area Ratio (FAR): 4.0

Maximum Density:

- a. For 0 bedroom dwelling units only.....435 dwellings per acre
- b. For 1 bedroom dwelling units only.....217 dwellings per acre
- c. For 2 or more bedroom dwelling units only...145 dwellings per acre

Campus form district

Cornerstone 2020 definition:

Campus form districts typically contain a mixture of uses that are clustered for a single or predominant function, often of regional importance, such as a university, a hospital complex or an office development for corporate headquarters. A mixture of uses is encouraged and may include residential (e.g., student housing) or commercial, but the uses primarily should serve the people whom work or live on the Campus. The form should be compact and walkable, with multiple buildings, central gathering areas, extensive open space, internal shared parking, private walkways and roadways, and shared utilities and signage. Some Campus form districts may need significant buffering from abutting uses. Campuses may include entry roads as part of an internal system of interconnected streets.

Setbacks:

- Shelbyville Rd: 50 feet
- Hurstbourne Pkwy: 30 feet (also a 30 ft LBA for parkway designation)
- Whipps Mill Rd: 50 feet
- Adjacent to residential properties: 25 feet
- Adjacent to commercial development at corner of Hurstbourne and Shelbyville: 20 feet
- Along internal private access easements: 25 feet
- * Note: Additional setbacks and landscape buffer areas may be provided by the applicant as indicated on the development plan and binding elements.

Building height: 150 feet

- * A more restrictive height may be provided by the applicant as indicated in the binding elements.

Binding Elements

Binding elements will be attached to the General District Development Plan.

Development of each lot will go through the Detailed District Development Plan process, which will require a hearing before a Committee of the Planning Commission.

Each lot will be subject to additional binding elements specific to those lots.

**LAND USE/ZONING DISTRICT/FORM
DISTRICT TABLE**

	Land Use	Zoning	Form District
<i>Subject Property</i>			
Existing	College/Institutional	R-4	C
Proposed	College/Institutional	OR-3	C
	Research/Office Park	OR-3	C
<i>Surrounding Properties</i>			
North		R-1	C
South	Multi-Family Residential	R-6	N
	Commercial	C-1 & C-2	TC
East	Single Family Residential	R-4 & R-5	N
	Commercial	C-1	N
West	Single Family Residential	R-4	N

INTERESTED PARTY COMMENTS

City of Bellemeade

Attorney Steve Porter is representing the City of Bellemeade and has been in communications with the applicant in drafting a set of binding elements.

Email from Fabian Lipp

Question/Description:

Last night I attended the Neighborhood Meeting concerning the development of U of L's Shelby Campus. My main concern is the impact this development will have to the traffic on the surrounding roads. In response to questions, the developers admitted that ALL the road modifications have already been made. Therefore, as anyone can see, traffic congestion is currently a problem and congestion will only get worse as the site is developed. In addition, when Oxmoor Farm is developed, traffic conditions will be even worse.

Before the property is rezoned, I believe a comprehensive traffic study should be done, BY AN INDEPENDENT THIRD PARTY, which includes both the Shelby Campus and Oxmoor Farm developments. Obviously, relying on the study that indicated traffic flow on eastbound Shelbyville Road would be reduced by 1000 cars per day, and a study performed by an engineering firm paid for by the developer, does not provide an accurate or unbiased opinion.

This may not be accurate, but somewhere along the line, I thought that the comprehensive traffic study that was performed for the Shelbyville Road and Hurstbourne Lane corridor concluded that the roads could not accommodate ANY development until changes were made.

APPLICABLE PLANS AND POLICIES

Cornerstone 2020

Land Development Code

Hurstbourne Transportation Study and Small Area Plan (2006)

- The study concluded that the construction of the roads on the subject site would decrease the eastbound volumes on Shelbyville Road at Hurstbourne Pkwy by about 1000 vehicles a day.

STANDARD OF REVIEW FOR REZONING AND FORM DISTRICT CHANGES

Criteria for granting the proposed form district change/rezoning:

1. The proposed form district/rezoning change complies with the applicable guidelines and policies Cornerstone 2020; **OR**
2. The existing form district/zoning classification is inappropriate and the proposed classification is appropriate; **OR**
3. There have been major changes of an economic, physical, or social nature within the area involved which were not anticipated in Cornerstone 2020 which have substantially altered the basic character of the area.

STAFF ANALYSIS FOR REZONING AND FORM DISTRICT CHANGES

- The proposed rezoning meets all 40 applicable policies of the Comprehensive plan
 - Sidewalks are proposed on both sides of all private access easements throughout the development. Open spaces will be required of each development as required in the Land Development Code.
 - The streets have already been constructed on site and make additional connections that will benefit the community.
 - The development is centered around the existing University. Other open space will be required with future development of each lot.
 - An extensive buffer area has been proposed along the west property line adjoining residential properties that should significantly reduce any adverse effects to the residential properties.
 - Traffic and air quality studies have been conducted in the area, and preliminary approvals have been given by the Air Pollution Control District and the Department of Public Works.
 - Lighting will be required to meet Land Development Code requirements. There may be a binding element restricting lighting on the site even further.
 - Beargrass creek and the newly constructed detention basin on the north end of the property help preserve natural systems on the site. There are no other significant natural features on the site.
 - An existing cemetery is being preserved as required by the Land Development Code. There are no other known cultural or historic resources on the site.
 - Roadways have been constructed through the site that provides additional routes through the area. A binding element is also proposed to require additional roadway improvements in the future.

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TECHNICAL REVIEW

- Additional traffic and air quality data are available to be discussed by Public Works and the Air Pollution and Control District, as well as the applicant's representatives.

STAFF CONCLUSIONS

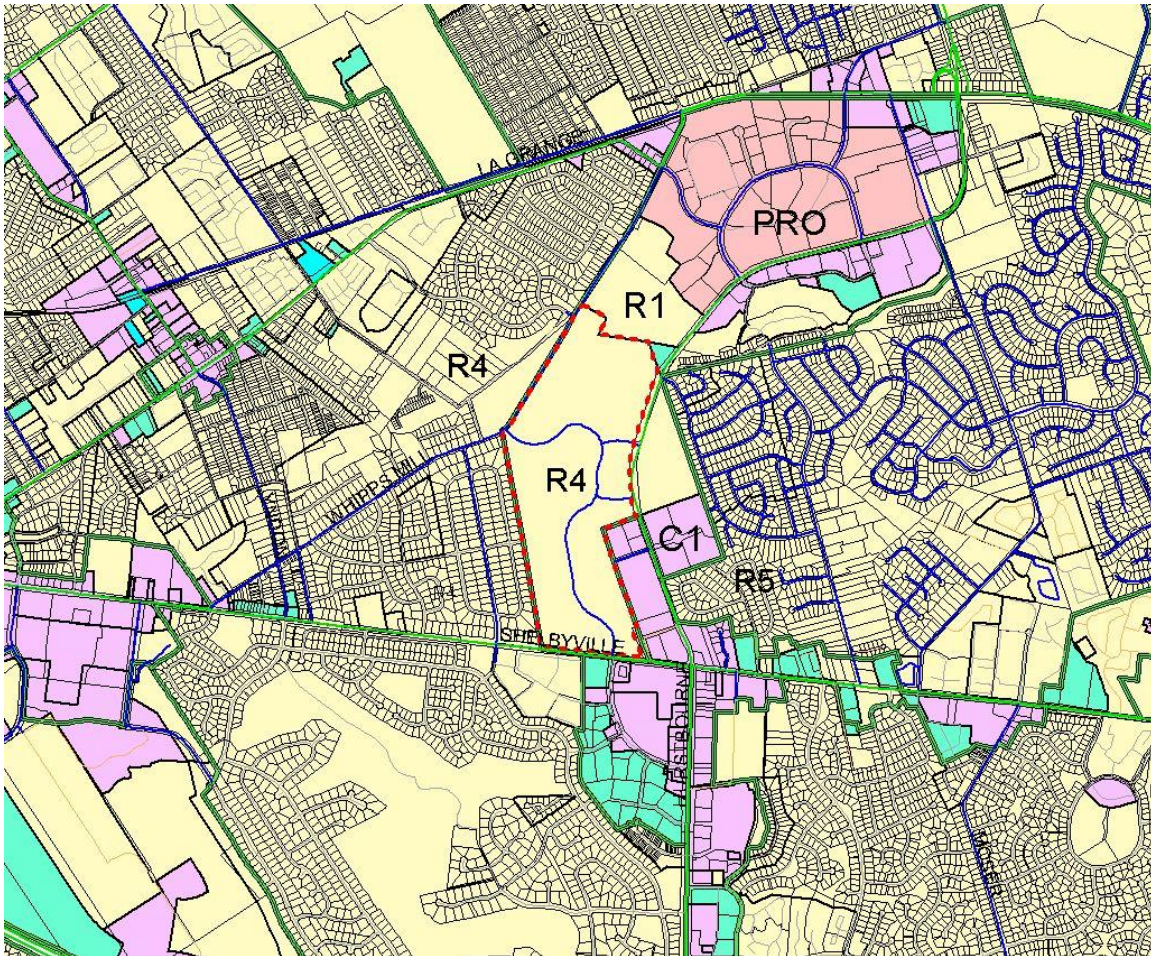
- The proposal appears to meet the guidelines and policies of the Comprehensive Plan.
- The proposed future development of the property meets the intent of the Campus form district.
- Roadways and utility easements have already been constructed on the site.
 - The roadways provide additional routes for motorists.
- The applicant has made a good faith effort to protect the residential properties to the west of the site with an expansive buffer area and binding elements.
- Traffic appears to be the main concern with this proposal.
 - The site is located at a major intersection with high traffic volumes.
- Additional development on the property will require review by a committee of the Planning Commission and the applicant will have to demonstrate compliance with the Land Development Code.
- Additional binding elements may be attached by the Planning Commission as they are developed.

NOTIFICATION

Date	Purpose of Notice	Recipients
12/28/2009	Hearing before LD&T Hearing before the Planning Commission	1 st and 2 nd tier adjoining property owners Registered Neighborhood Groups

ATTACHMENTS

1. Zoning Map



2. **Aerial Photograph**



3. **Cornerstone 2020 Staff Checklist**
Attached

4. **Proposed Binding Elements, U of L Foundation**

1. **Bellemeade Protection Area.** (a) Within the Bellemeade Protection Area [see “Bellemeade Protection Area Exhibit”] a copy of any application for, or modification to, a (i) development plan, (ii) conditional use permit, (iii) variance, or (iv) waiver, any of which is required to be heard by the Planning Commission or a committee thereof or by the Louisville Board of Zoning Adjustment (“BOZA”) shall be presented to the mayor of the city of Bellemeade by delivery of a copy thereof to the mayor by hand-delivery or mail postmarked on the same calendar date or on a calendar date in advance of the date the application is filed with the Louisville Metro Division of Planning and Design Services (“DPDS”).

(b) For any application referred to in (a) above, and with at least ten (10) days prior notice to the mayor of the city of Bellemeade given as specified in (a) above, in addition to notice otherwise required, a neighborhood meeting shall be held at least thirty (30) days prior to the hearing or meeting at which the proposal is considered for final decision by the Planning Commission or a committee thereof or by BOZA.

(c) This Binding Element shall not apply to applications or modifications which may be approved by the Director of Planning and Design Services or his/her designee pursuant to the Land Development Code or the Policies of the Louisville Metro Planning Commission or BOZA.

2. **120-foot perimeter landscape buffer area.** (a) The 120-foot perimeter landscape buffer area within the Bellemeade Protection Area shall consist of (i) a minimum of 10.7 trees per 100 linear feet (a minimum of 353 planted trees) and a 6-foot high landscaped/irrigated berm, and (ii) the preservation of the existing mature tree canopy except to the extent trees are dead, diseased or hazardous.

(b) The 120-foot perimeter landscape buffer area shall be maintained by the University of Louisville Foundation, Inc., its successor in interest or designee,

(c) If agreed upon by the owner of Subject Property and the city of Bellemeade, a pedestrian and bicycle passageway may be cut through the 120-foot perimeter landscape buffer area referred to in (a) for access directly to the city of Bellemeade at Charing Cross Road.

3. **Building height maximum.** (a) Except as provided for in (b) hereof and excluding walk-out basements or underground parking, no building on Subject Property shall exceed five (5) floors or ninety (90) feet in height.

(b) No portion of any building within the Bellemeade Protection Area shall exceed three (3) stories or forty-five (45') feet in height.

(c) Building height shall be determined pursuant to the Land Development Code.

4. **Sidewalks along Shelbyville Road frontage.** At the time of development of each site abutting Shelbyville Road, sidewalks shall be installed and maintained along Shelbyville Road to the extent each such site abuts Shelbyville Road.

5. **Residential limitation.** Except for university housing, no two-family or multi-family residential uses shall be permitted on Subject Property.

6. **Limitation of external construction hours in Bellemeade Protection Area.** No external building construction within the Bellemeade Protection Area shall be conducted during the hours of 10 PM – 7 AM.
7. **Rooftop mechanical equipment.** Rooftop mechanical equipment located in the Bellemeade Protection Area shall be screened from properties within the city of Bellemeade abutting the Subject Site.
8. **Ground-based mechanical equipment and building trash receptacles.** All ground-based mechanical equipment and building trash receptacles (excluding temporary construction waste receptacles) within the Bellemeade Protection Area shall be shielded or hidden from view from properties in the city of Bellemeade that abut the Subject Property.
9. **Stormwater runoff.** Stormwater runoff exiting Subject Property and entering the city of Bellemeade shall not exceed stormwater runoff volumes entering the city of Bellemeade from Subject Property existing as of July 1, 2010.
10. **Lighting limitation.** (a) Within the Bellemeade Protection Area, permanent parking lot lighting and permanent building-mounted lighting designed to illuminate the ground and parking lot areas, whether freestanding or attached, shall be fully shielded, shall utilize flat or hidden lenses, and shall be pointed directly to the ground or otherwise down and away from the city of Bellemeade.

(b) Except for sites fronting on Shelbyville Road, lighted attached building signage within the Bellemeade Protection Area shall not be visible from the city of Bellemeade.
11. **Freestanding sign limitation.** Except for development identification signs, leasing signs, wayfinding signs, construction-related signs, traffic-related signs or directional signs, freestanding signs on Subject Property shall be monument-style.
5. **Proposed Binding Elements, City of Bellemeade**
 1. Any development proposal, pre-application or formal application or a change to any previously approved development plan, whether preliminary, informal, formal or final, shall be submitted to the Mayor and the Clerk of the City of Bellemeade within two days after the time it is submitted to the Louisville Metro Department of Planning and Design Services if it concerns any portion of the property which is within 600 feet from the City of Bellemeade. This shall include detailed district

development plans, Category 3 reviews, conditional use permits, binding elements, variances and waivers or any changes to those items.

In addition, any proposals, as listed in the previous paragraph, which require approval by the Planning Commission or BOZA, shall require a neighborhood meeting with normal notices (including notice to the City of Bellemeade) at least thirty (30) days prior to any meeting or hearing of BOZA or of the Louisville Metro Planning Commission or committee thereof which is scheduled to review such a proposal.

2. No garbage or recyclables collection services, no deliveries, no loading or unloading, and no mechanical parking lot sweeping or cleaning (except for ice or snow removal) shall be conducted between the hours of 10:00 PM and 7:00 AM. within the Bellemeade Protection Area.
3. No external construction or remodeling shall occur within the Bellemeade Protection Area between the hours of 7:00 PM and 7:00 AM nor shall it occur on Saturdays or Sundays.
4. Except for emergency fire or public safety considerations or for occasional cultural and musical events, no outdoor public announcement or speaker systems or outdoor music shall be allowed on the subject property.
5. No skylights shall be allowed on any buildings on the subject property unless they are constructed or operated in a manner so that they do not emit any light or allow any light to be seen through them between dusk and dawn.
6. All exterior lighting on the subject property, including street lights, parking lot lighting and building lighting, whether freestanding or attached, shall be fully shielded, shall utilize flat or hidden lenses, and shall be pointed directly to the ground. No light sources or luminaires shall be visible from any street or any adjacent or adjoining property. Low-voltage landscape lighting shall be excluded from this requirement.
7. Monument-style signs in the Bellemeade Protection Area shall not exceed six feet in height.
8. No noise from mechanical systems, HVAC equipment, coolers, or similar permanent devices shall be audible beyond the property line along the western boundary of the property with the City of Bellemeade.
9. No changes to these binding elements or restrictions may be made without approval by the Louisville Metro Planning Commission and the Louisville Metro Council.

6. DEMONSTRATION OF APPROPRIATENESS

Based on the information outlined in this Preliminary Planning and Rezoning Study, it is appropriate for the Louisville Metro Planning Commission to support a recommendation to the Louisville Metro Council to change the zoning from R-4 Single Family to OR-3 Office/Residential. Specifically, the following summary of actions demonstrates a consistent pattern of legislative and university actions that support the redevelopment of the University of Louisville ShelbyHurst Research and Office Park:

- The resolutions in September 2001 through May 2008 that (1) undertook planning studies for the Shelby Campus property, (2) established the University of Louisville Development Company, LLC to oversee the development of the property, (3) established an internal business and leasing structure necessary to implement the development of the property, (4) committed financial resources toward the development of the property, and (5) entered into a public/private partnership with NTS Development Company for development of the initial building.
- The classification of the property as a “Campus” form district in 2000 as part of the preparation and adoption of the Cornerstone 2020 Comprehensive Plan, recognizing the unique opportunity at the Shelby Campus property to support mixed uses around a university core.
- The appropriation of funding through the Kentucky Transportation Cabinet for roadway improvements necessary to develop the property for office and research uses.
- The preparation and adoption by Louisville Metro Council of the Hurstbourne Transportation Study and Small Area plan in October 2007, which re-affirmed the University of Louisville’s intent to develop the property for office and research uses with appropriate policies and guidelines for implementation.
- The construction of roadway, drainage, and site improvements necessary to support the development of the site for office and research uses.
- The preservation of a 20-acre academic core to provide both on-going educational and community services and space for expansion of facilities and services.

I. The proposal conforms to the Comprehensive Plan for Louisville and Jefferson County, Kentucky.

The proposed zone change from R-4 Single Family to OR-3 Office/Residential (the “proposal”) conforms to KRS 100.213 because it is in agreement with the adopted Comprehensive Plan for Louisville and Jefferson County, Kentucky,

within which this property lies. Compliance with the specific Comprehensive Plan Goals, Objectives, Guidelines and Policies are summarized as follows.

Community Form Guideline 1. The proposal conforms to Community Form Guideline 1 and all applicable Policies adopted thereunder, including Policy 1.B.11, Campus Form District Goal H1 and Objective H1.1, Community Design Goal H2 and Objective H2.2, H2.3, H2.4, H2.5 and H2.6, Land Use Goal H3 and Objectives H3.2 and H3.3, and People, Jobs and Housing Transportation and Infrastructure Goal K4 and Objective K4.1. The site lies wholly within the Campus Form District. The 189.6-acre site will comprise the University of Louisville's ShelbyHurst Research and Office Park, and is intended to contain a mixture of uses which are both compact and walkable. There will be multiple buildings with gathering areas, open space, internally shared parking, and sidewalks and bikeways on all boulevards within the development. A 120-foot buffer extends along the entire west side of the property. A 23-acre Metropolitan Sewer District ("MSD") easement is situated near the northerly property line and will not be built on. Fifty-foot buffers are located along the Hurstbourne Parkway and Shelbyville Road frontages of the property.

Centers Guideline 2. The proposal conforms to Centers Guideline 2 and all applicable Policies adopted thereunder, including Policies 2.1, 2.4, 2.5, 2.12, 2.13, 2.14, 2.15 and 2.16. The development of the site will constitute an activity center because it comprises an area of concentrated, mixed-use activity. The development will consist of a mix of academic buildings, research and office buildings designed to minimize land consumption and reduce vehicle trips. The academic core of the site will form the central focal point of the development. Shared parking and access will be available throughout the site at appropriate locations in relation to the use they serve. Access and parking will be situated so as to provide for safe and efficient movement of vehicles, pedestrians and bicycles throughout the campus. All necessary utilities are available on-site and are situated underground within utility easements. Alternative transportation modes are encouraged through the provision of sidewalks throughout the development, bikeways on major roads and bicycle storage facilities located either within the buildings or via bicycle storage racks.

Compatibility Guideline 3. The proposal conforms to Compatibility Guideline 3 and all applicable Policies adopted thereunder, including Policies 3.1, 3.2, 3.5, 3.6, 3.7, 3.8, 3.9, 3.11, 3.12, 3.21, 3.22, 3.23, 3.24 and 3.28. Development of this site will be consistent with its intended function under Campus Form District guidelines. The development will be compatible with the scale and site design of nearby nonresidential development. Adjacent residential development is protected through the use of substantial buffers. A 120-foot buffer provides a suitable transition area to protect homes on Dorchester Road in Bellemeade. Building heights will be limited to five stories. Architectural controls will be established to govern the design and materials of each building via Master Declaration of Restrictions. Building materials will be determined at the time of

development of each site or phase. The development will not introduce unanticipated traffic volumes into the transportation network in the vicinity of the site. Noise impacts are not associated with office development. Lighting will be appropriate for campus development. Shelbyville Road and Hurstbourne Parkway are existing transit routes for the Transit Authority of River City ("TARC"). All buildings and facilities on-site will be accessible to persons with disabilities and will comply with all local, state and federal laws applicable to persons with disabilities. Appropriate transitions and buffers presently exist, and will exist in the future, as necessary, between sites, phases and adjacent uses. Setbacks, lot dimensions, building heights and signage will be appropriate for the campus.

Open Space Guideline 4. The proposal conforms to Open Space Guideline 4 and all applicable Policies adopted thereunder, including Policies 4.1, 4.4, 4.5, 4.6, 4.7 and 4.9. A 9.3-acre open space exists along the entire western buffer strip, 120-feet in width. A 23-acre MSD easement area to the north of the site will remain open and unbuilt. Open space will be considered throughout the development of each site or phase. The on-site 100-year floodplain area is predominantly protected by easement. Maintenance of open space will be provided for through Master Declaration of Restrictions. Bikeways constructed along the major streets of the development will enable access to the new area bikeway located on Whipps Mill Road.

Natural Areas and Scenic and Historic Resources Guideline 5. The proposal conforms to Natural Areas and Scenic and Historic Resources Guideline 5 and all applicable Policies adopted thereunder, including Policies 5.1, 5.2 and 5.6 and Social and Cultural Resources Goal D1 and Objective D1.1. The 100-year flood plain as it exists on-site will be predominantly protected in the MSD easement. An existing cemetery on the western side of the property will be protected; appropriate access to the cemetery will be provided. There are no steep or severe slopes on site. On-site soils drain well and are highly permeable. No soils on-site are classified as wet soils.

Economic Growth and Sustainability Guideline 6. The proposal conforms to Economic Growth and Sustainability Guideline 6 and all applicable Policies adopted thereunder, including Policy 6.2 because Core Graphic 10 designates Hurstbourne Parkway and Shelbyville Road as major arterial roadways, and designates Whipps Mill Road as a primary collector roadway.

Circulation Guideline 7. The proposal conforms to Circulation Guideline 7 and all applicable Policies adopted thereunder, including Policies 7.1, 7.2, 7.3, 7.4, 7.6, 7.8, 7.10, 7.12, 7.13, 7.14, 7.16 and 7.19 and Pattern of Development Goal E3. When requested by the Louisville Metro Department of Public Works, a right-of-way addition to Whipps Mill Road and US 60 (Shelbyville Road) will be provided in a timely manner (such action must be approved pursuant to state legislation as required by law). A Traffic Impact Study dated July, 2008, and

prepared by Qk4 Architects and Engineers for the University of Louisville, anticipates an overall development build-out of 1,400,000 square feet on this site by year 2023. The Study concludes that “[t]raffic added to the network causes little impact to the study area. In most cases the LOS [level of service] is maintained or helped by scheduled improvements planned for the development.” A transit shelter is presently located on Shelbyville Road within the development site. Adequate access to surrounding developments is provided on-site, although no access is planned into the developed residential areas of Bellemeade to the west of the site. The development will provide adequate parking throughout. Joint and cross access agreements will be provided as necessary to ensure adequate vehicular flow among sites within the development. Internal roadway connections and median openings are spaced in anticipation of future development. The roadways presently in place provide for uniform access and circulation.

Transportation Facility Design Guideline 8. The proposal conforms to Transportation Facility Design Guideline 8 and all applicable Policies adopted thereunder, including Policies 8.1, 8.2, 8.4, 8.6, 8.7, 8.9, 8.10, 8.11 and 8.12. The location, size and multi-modal function of major and minor roadways within the development are appropriate for the Campus Form District in which the site lies. Street designs include significant landscaping and tree planting along all boulevards within the development, including within median strips. Hurstbourne Parkway is a designated parkway; the development observes parkway standards on both its Hurstbourne Parkway frontage and Shelbyville Road frontage. Adequate sight distance has been provided on all existing roadways, and will be provided during the development of each site or phase.

Bicycle, Pedestrian and Transit Guideline 9. The proposal conforms to Bicycle, Pedestrian and Transit Guideline 9 and all applicable Policies adopted thereunder, including Policies 9.1, 9.2, 9.3 and 9.4, Moving People and Goods Goal A1, Goal A2 and Objectives A2.1 and A2.2, Bicycle and Pedestrian Circulation Plan Planning Goal H1, Goal H2 and Objective H2.2 and H2.5, Safety Goal H3 and Objective H3.1, Promotion Goal H4, Site Design Standards for Alternative Transportation Modes Goal I1 and Objective I1.1, Goal I2 and Objective I2.1, Goal I3 and Objective I3.1, Goal I4 and Objective I4.1, Goal I5 and Objective I5.1, and Goal I7 and Objective I7.1. Sidewalks are located on both sides of all streets within the development. Both Shelbyville Road and Hurstbourne Parkway adjacent to the site are transit routes. An existing transit shelter is located on-site on Shelbyville Road. Bikeways are located on each major street in the development, and bicycle storage facilities will be located throughout the campus, either within buildings or at bike racks, or both.

Flooding and Stormwater Guideline 10. The proposal conforms to Flooding and Stormwater Guideline 10 and all applicable Policies adopted thereunder, including Policies 10.1, 10.2, 10.3, 10.4, 10.6, 10.7, 10.10 and 10.11 and Water Goal B1. The development of the ShelbyHurst Research and Office Park

minimizes the potential for the impacts of flooding, and effectively manages stormwater runoff. Storm sewers were designed throughout the development, and have been sized appropriately for the full development of the site as an office park. The storm sewers discharge into a newly constructed stormwater detention facility at the low end of the system along Whipps Mill Road. Similarly, a drainage corridor is located within the 120-foot buffer along the western (Bellemeade) perimeter of the property, and diverts 54-acres of drainage which previously impacted the northwest corner of the Bellemeade neighborhood, and caused periodic and seasonal flooding prior to the construction of this improvement. No buildings are proposed to be located within the 100-year FEMA regulatory floodplain. There is no impact to existing stream valleys and no disturbance to jurisdictional waters of the United States as defined by the U.S. Army Corp of Engineers. These construction plans were reviewed and approved by MSD prior to construction. The development of individual sites and phases of development will involve a public review process and will similarly be reviewed by MSD. The detention facilities on site will adequately accommodate stormwater from the site, based on a fully developed watershed. The on-site drainage system will likewise accommodate the “through” drainage system of water flows on-site and off-site. Peak stormwater runoff rates post-development will not exceed pre-development rates.

Water Quality Guideline 11. The proposal conforms to Water Quality Guideline 11 and all applicable Policies adopted thereunder, including Policies 11.3, 11.4, 11.6 and 11.7, Land Goals E1, E2 and E3. A sediment and erosion control plan will be implemented for the development of each site or phase. The Blue Ridge Branch of the Middle Fork of Beargrass Creek will be protected by MSD easement as it meanders through the site. Karst features on site will be carefully addressed during the development of each site or phase.

Air Quality Guideline 12. The proposal conforms to Air Quality Guideline 12 and all applicable Policies adopted thereunder, including Policies 12.1, 12.2, 12.3, 12.5, 12.6, 12.7 and 12.8 and Air Goal C1. The Traffic Impact Study prepared by Qk4 Architects and Engineers, and referenced earlier in this Demonstration of Appropriateness, indicates that through the build year of 2023 the major intersections surrounding the development operate at acceptable levels of service. Adverse air quality impacts are not anticipated, and the development will not cause an exceedence of ambient air quality standards. Shelbyville Road and Hurstbourne Parkway are transit routes. An existing transit shelter is located on-site on Shelbyville Road. Sidewalks and bikeways are located throughout the development and are situated to encourage the use of these alternate modes of transportation.

Landscape Character Guideline 13. The proposal conforms to Landscape Character Guideline 13 and all applicable Policies adopted thereunder, including Policies 13.1, 13.2, 13.4, 13.5, 13.6 and 13.7, Habitat and Biodiversity Goal F1 and Objective F1.1 and Goal F2. A street tree plan for the entire project will be

implemented; on boulevards street trees will be located on either side and within the median. Native plant species will be installed. A planting and buffering plan along Shelbyville Road and Hurstbourne Parkway will be implemented. An adequate tree canopy will be provided for the campus. Buffers, as previously described, exist along the western perimeter and along Hurstbourne Parkway and Shelbyville Road. The 23-acre MSD easement is a no-build area containing an abundance of trees.

Infrastructure Guideline 14. The proposal conforms to Infrastructure Guideline 14 and all applicable Policies adopted thereunder, including Policies 14.2, 14.3, 14.4, 14.6 and 14.7. The proposal has adequate service for all necessary utilities. A common utility corridor exists in the development that includes gas, electric, water, telephone, cable and telecommunications. An adequate water supply for domestic and fire-fighting purposes serves the site. New utilities have been located underground and have been situated where recommended by each utility for appropriate maintenance and repair access.

Community Facilities Guideline 15. The proposal conforms to Community Facilities Guideline 15 and all applicable Policies adopted thereunder, including Policy 15.9. Adequate fire fighting services will be provided by the Middletown Fire Protection District.

The proposal conforms to all other applicable Goals, Objectives, Guidelines and Policies of the Comprehensive Plan.

- II. All necessary utilities, including gas, electric, water, telephone, cable and telecommunications, presently exist on-site. Essential public services, including public transit, bikeways and sidewalks presently serve the site as described above.**
- III. Provided that the map amendment is approved, implementation of proposed uses is anticipated to begin with the development of a site on Hurstbourne Parkway between Porter Place and Weakley Way; thereafter, site development is anticipated to continue through year 2023.**