

Louisville Metro Planning Commission  
March 3, 2016

Docket No. 15ZONE1053

Zone change from R-4 to EZ-1 and OR-1 and a  
Form District Change from Sub. Neighborhood to  
Sub. Workplace to allow an expansion of the  
existing Dynacraft facility building plus three,  
2-story office condos on property located at  
7205 Johnsonstown Road

**PACCAR**

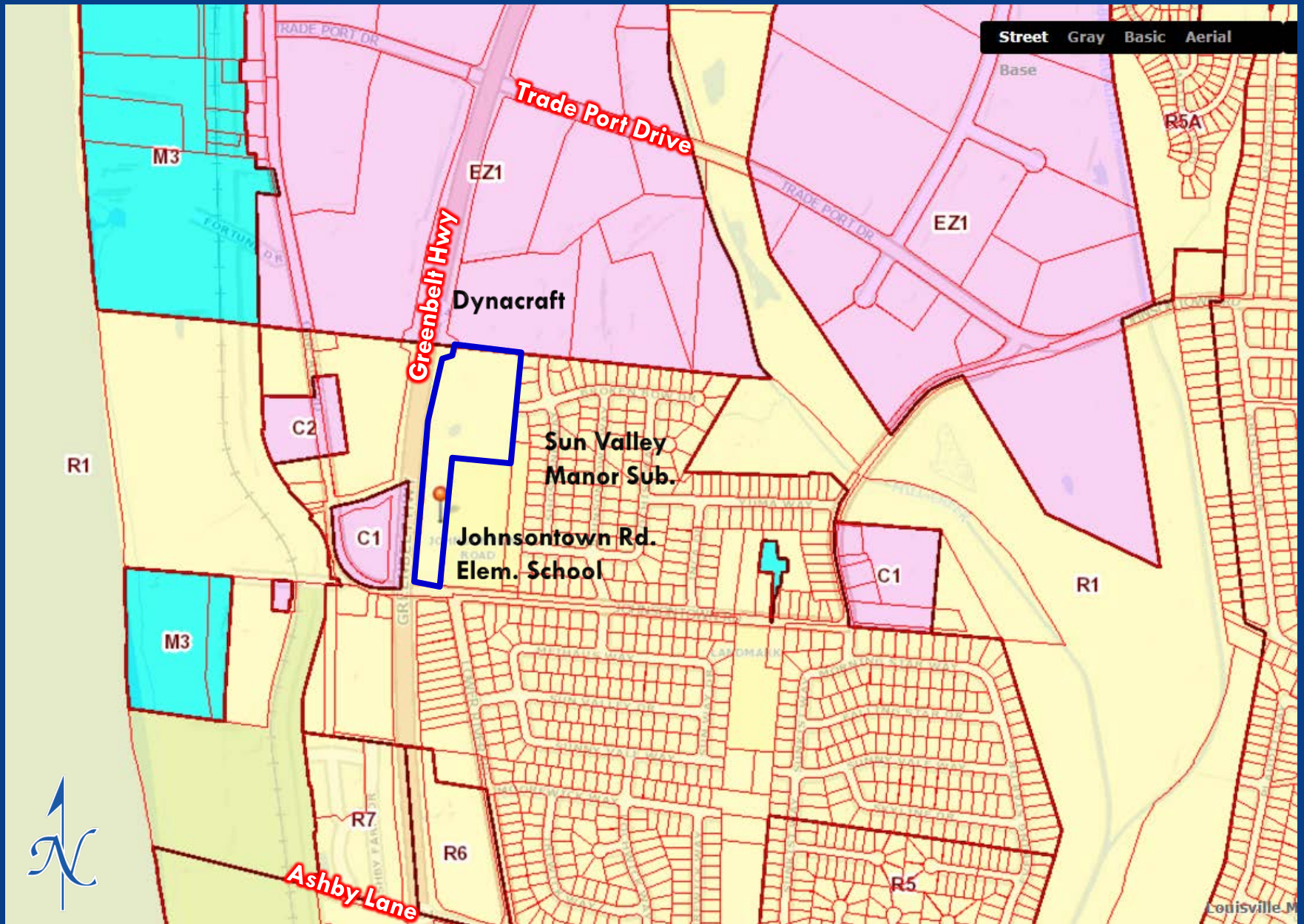
Attorneys: Bardenwerper Talbott & Roberts, PLLC

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

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**Tab 1**  
**LOJIC Zoning Map**



Street Gray Basic Aerial

Base

R5A

M3

EZ1

EZ1

Greenbelt Hwy

Dynacraft

R1

C2

Sun Valley Manor Sub.

C1

Johnsonstown Rd. Elem. School

C1

R1

M3

GR

ASOMALK

R7

R6

R5

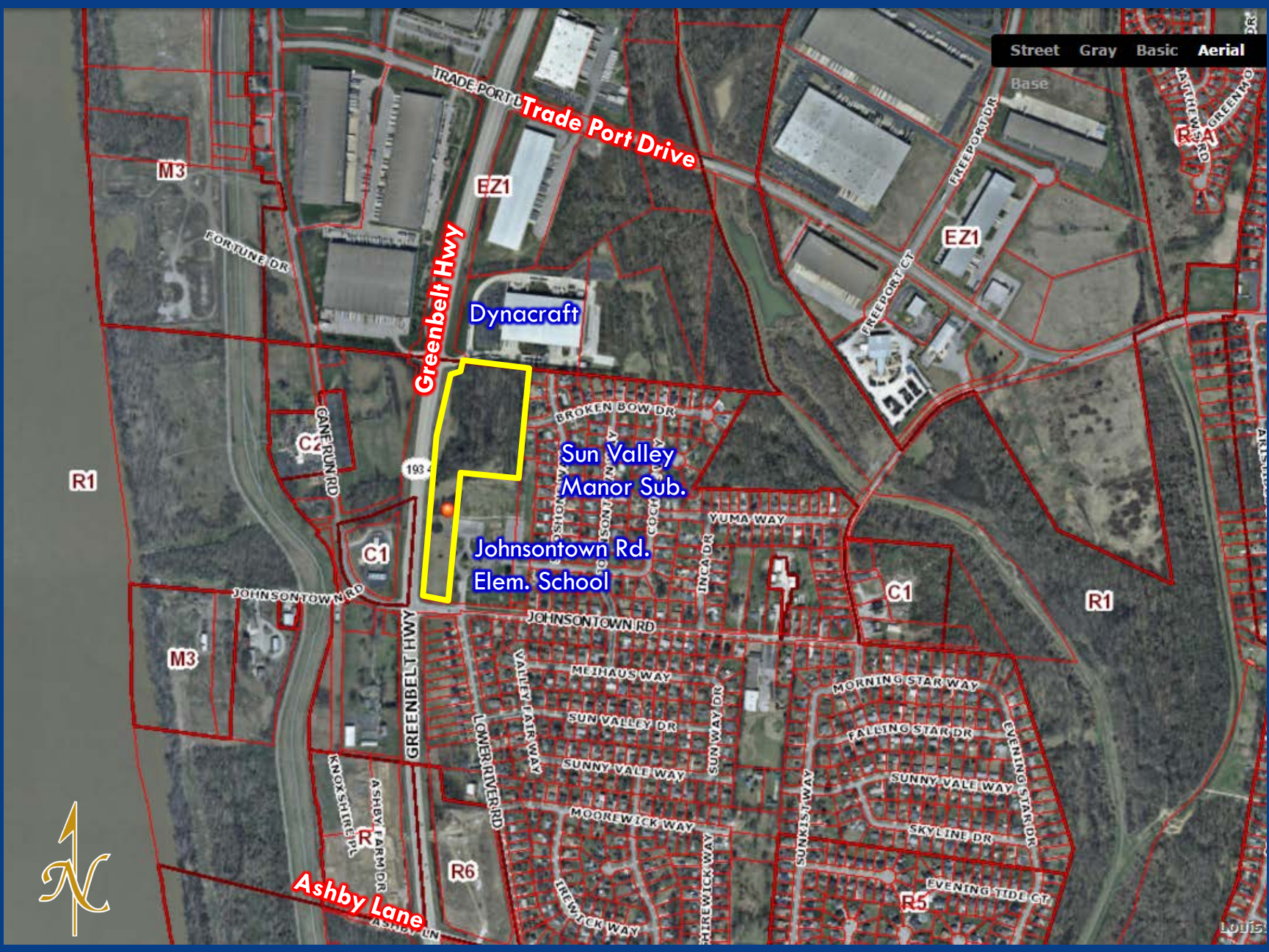
Ashby Lane

Louisville, M



**Tab 2**

**Aerial photograph of the site and  
surrounding area**



Trade Port Drive

Greenbelt Hwy

Dynacraft

Sun Valley Manor Sub.

Johnsonstown Rd. Elem. School

Ashby Lane





Aerial photograph of the site and surrounding area with new site plan superimposed.

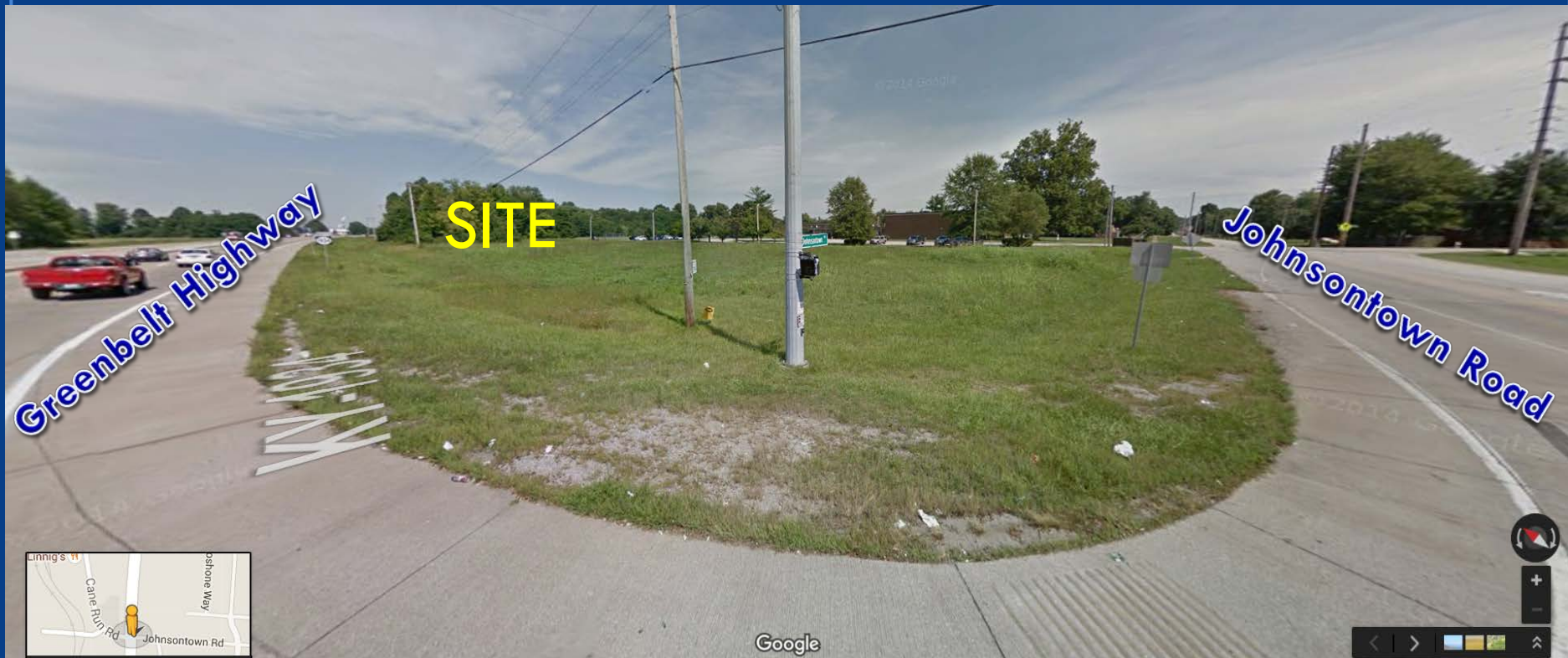
## **Tab 3**

**Ground level photographs of the site and surrounding area**





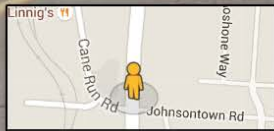
View of the office building portion of the overall site from corner of Johnsonstown Road and Greenbelt Highway, looking north.



Another view of the office building portion of the overall site from corner of Johnsonstown Road and Greenbelt Highway, looking north.

Greenbelt Highway

SITE



Google



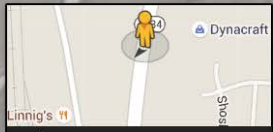
View of Greenbelt Highway, looking north. Office portion of the overall site is to the right (east).



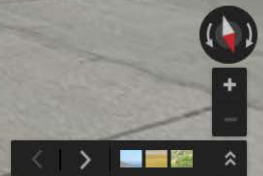
View of adjoining Dynacraft building, to the left (north) of the industrial facility portion of the overall site, which is to the right (south) on this photograph.

**SITE**

**Greenbelt Highway**



Google



View Greenbelt Highway, looking south. Industrial portion of the overall site is to the left (east).

## **Tab 4**

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



**PACCAR, INC.**  
777 – 106<sup>th</sup> Ave., NE  
Bellevue, WA 98004

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October 7, 2015

Dear Neighbor,

**RE: Zone change from R-4 residential to EZ-1 and OR-1 to allow a 115,500 sf office/warehouse and manufacturing building to expand upon our company's Dynacraft facility to the north of the proposed site. Plus three, 2-story office condos on property located on approximately 11.67 +/- acres located at 7205 Johnstontown Road.**

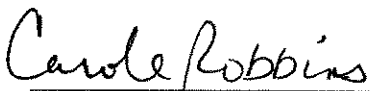
We are writing to invite you to a meeting we have scheduled to present neighbors with our plan for an office/warehouse and manufacturing building, plus office condominiums, to be located as above.

Accordingly, we have filed a plan for pre-application review with the Division of Planning and Design Services (DPDS) that has been assigned to case manager, Julia Williams, Case No. 15ZONE1053. We would like to show and explain our plan to neighbors so that we might hear what thoughts, issues and perhaps even concerns you may have. In that regard, a meeting will be held on **Wednesday, October 21<sup>th</sup> at 7:00 p.m.** at the **Sun Valley Community Center** located at **6505 Bethany Lane**.

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

We look forward to seeing you.

Sincerely,



Carole Robbins

cc: Hon. Rick Blackwell, Metro Councilman, District 12  
Bill Bardenwerper, attorney with Bardenwerper, Talbott & Roberts, PLLC  
Kevin Young and Ann Richard, land planners with Land Design & Development, Inc.  
Julia Williams, Planning & Design Services case manager  
Jim Clack, Esq., Paccar, Inc.



## **Neighborhood Meeting Summary**

The neighborhood meeting was called to order by Bill Bardenwerper at the Sun Valley Community Center on Bethany Lane on Wednesday, October 21<sup>st</sup> at 7:00 PM. Also attending were Kevin Young, land planner with Land Design and Development, Inc., and the applicant representatives Carole and Melissa with PACCAR INC.

Mr. Bardenwerper showed a PowerPoint presentation which included aerial photographs of the area, both close up and farther out, the site plan superimposed on aerial views, LOJIC zoning maps and photographs of the existing Dynacraft Building.

Kevin Young next explained the site plan, specifically issues relating to the building positions, access, circulation, presently proposed screening and buffering and storm water management.

Following a presentation, those present, mostly the immediate adjoining property owners spoke specifically to the issues of impacts of this new industrial facility on their quality of life, particularly as respects noise.

They said that, whereas, the existing Dynacraft facility is very nice and does not bother them much, if at all, this new one would be right in their backyards, so to speak. They wondered if PACCAR could purchase their homes, and if not, whether the proposed building could be moved farther away and whether, in addition to that, a better setback buffer, with better screening could be interposed in that area between them and the industrial facility.

No specific conditions were made, but Mr. Bardenwerper and Mr. Young said, in front of the applicant's representatives, that they would look at such possibilities as moving the building, shrinking the building or something else that would allow for a greater setback. Then, within that setback area, they would try a fence 6 feet in height with something like a 6 to 8 foot high sound fence on top of that berm with landscaping as well to soften the look. Mr. Young also threw out the possibility that, perhaps the drive lane behind the building could be eliminated so that that area could be used for referenced amended plan for buffering and screening.

There were also questions about standing water and drainage. Mr. Young explained how drainage would be handled and the use of detention basins, with no storm water directly draining, as at present, on neighbors' properties.

Other than these main issues (raised and addressed at this meeting) the usual impact issues of lighting, access and circulation were asked and answered in terms of Land Development Code and Metro Transportation Planning and Standards.

Mr. Bardenwerper also explained the process for rezoning and developer view and ultimate decision.

# BARDENWERPER, TALBOTT & ROBERTS, PLLC

ATTORNEYS AT LAW

1000 N. HURSTBOURNE PARKWAY • BUILDING INDUSTRY ASSOCIATION OF GREATER LOUISVILLE BLDG. • SECOND FLOOR • LOUISVILLE, KENTUCKY 40223  
(502) 426-6688 • (502) 425-0561 (FAX) • WWW.BARDLAW.NET

William B. Bardenwerper  
Direct dial: 426-0388, ext. 125  
Email: WBB@BARDLAW.NET

November 23, 2015

**RE: Zone change from R-4 residential to EZ-1 and OR-1 to allow a new 100,500 sf office/warehouse and manufacturing building to expand upon the existing Dynacraft facility to the north of the proposed site. Plus three, 2-story office condos on property located on approximately 11.67 +/- acres located at 7205 Johnsonstown Road.**

Dear Neighbor:

This letter follows our October 21<sup>st</sup> neighbor meeting wherein we presented our draft plan for an office/warehouse and manufacturing building, plus office condominiums, to be located as above.

Based on neighbor input, especially as respects setbacks, screening and buffering, the enclosed revised plan shows the following, which is different than the plan shown at the neighbor meeting.

### Previous Plan

1. Setback from prop. line to bldg. 87 ft
2. No berm
3. No privacy fence
4. Existing drainage ditch to remain the same
5. Bldg size = 115,500 sf

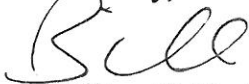
### Revised Plan

1. Setback from prop. line to bldg. – 110 ft
2. 6 ft berm with plantings on top of berm
3. 8 ft double-sided privacy fence w/foam board center on top of berm
4. Existing drainage ditch to be reworked to direct stormwater to the proposed detention basins
5. Bldg. size = 100,500 sf (5000 sf less)

Accordingly, we have enclosed our updated colored development plan detailing the setbacks, berm and fencing.

If you have any questions or concerns, please call me at 426-6688, or our land planning and engineering firm representatives Kevin Young and Ann Richard at 426-9374.

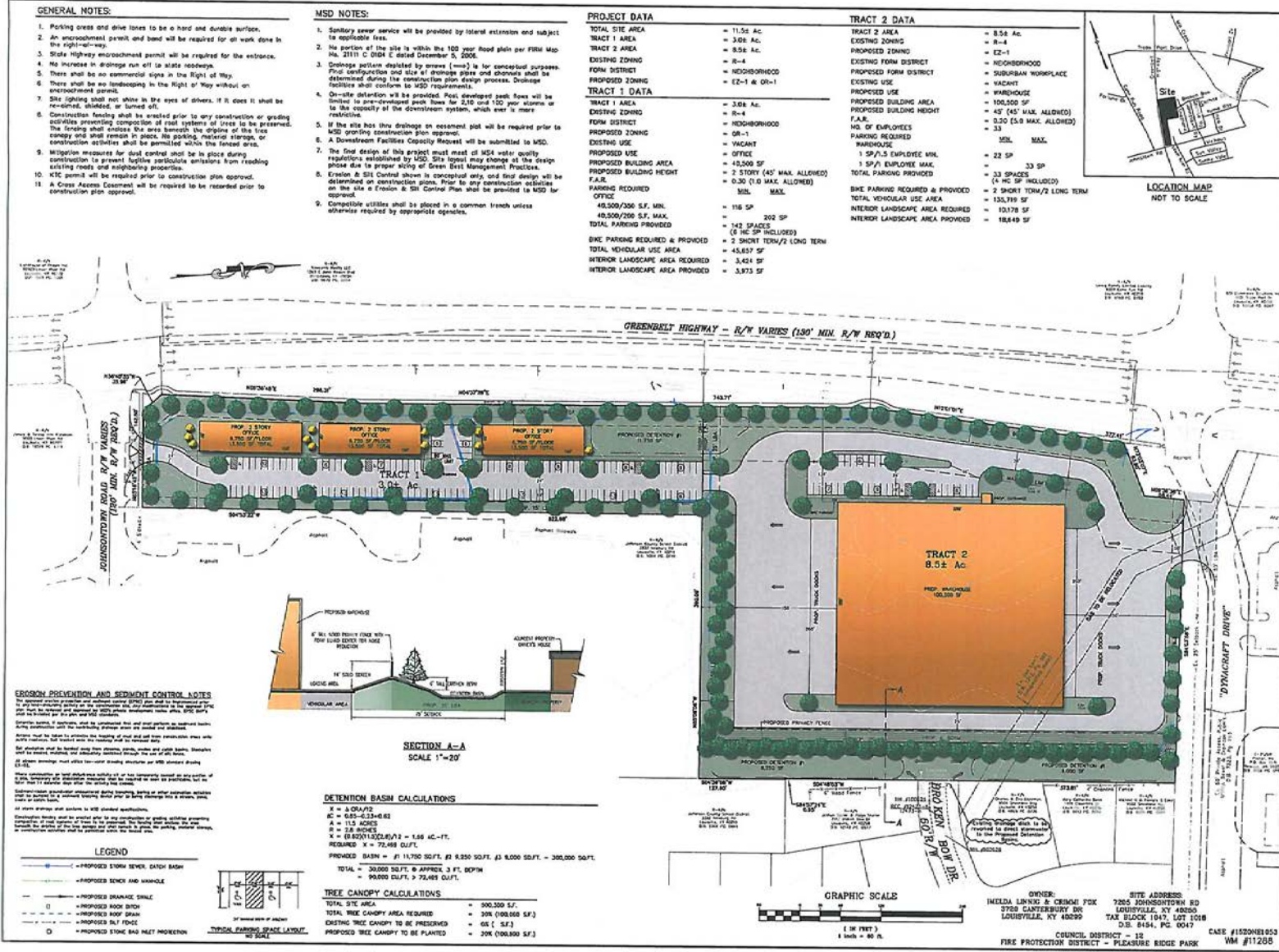
Sincerely,



William B. Bardenwerper

cc: Hon. Rick Blackwell, Metro Councilman, District 12  
Carole Robbins, Paccar, Inc.  
Kevin Young and Ann Richard, land planners with Land Design & Development, Inc.  
Julia Williams, Planning & Design Services case manager  
Jim Clack, Esq., Paccar, Inc.

# Attachment to the November 23<sup>rd</sup> "Dear Neighbor" letter



REVISIONS

NO.	DATE	DESCRIPTION

PROJECT DATA

DATE: 12/17/09  
 DRAWN BY: [ ]  
 CHECKED BY: [ ]  
 DESIGNED BY: [ ]

ENGINEER'S SEAL

PROJECT DATA

PROJECT NO.: 09-001  
 PROJECT NAME: 7265 JOHNSONTOWN ROAD  
 CLIENT: DYNACRAFT  
 DATE: 12/17/09

DETAILED DISTRICT DEVELOPMENT PLAN

7265 JOHNSONTOWN ROAD  
 LOUISVILLE, KY 40258

OWNER: MELISSA LINKER & CROUCH FOX  
 3702 CANTERBURY DR  
 LOUISVILLE, KY 40299

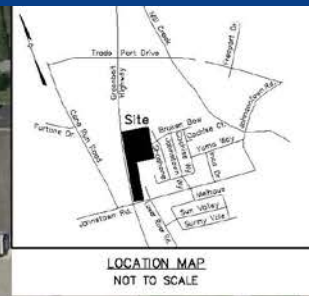
DEVELOPER: DYNACRAFT  
 10901 GREENBELT HIGHWAY  
 LOUISVILLE, KY 40258

COUNCIL DISTRICT - 12  
 FIRE PROTECTION DISTRICT - PLEASURE RIDGE PARK

DATE: 12/17/09  
 SHEET: 1 OF 1

**Tab 5**

**Original Proposed Development Plan**



**Greenbelt Hwy**

**Johnsontown Rd.  
Elem. School**

**Sun Valley  
Manor Sub.**

**Dynacraft**

Original proposed development plan with lesser rear (east) setback/screening/buffering



LOCATION MAP  
NOT TO SCALE



CANE RUN RD.

**Greenbelt Hwy** BELT HIGHWAY

JOHNSONTOWN ROAD

Johnsonstown Rd.  
Elem. School

Dynacraft

Sun Valley  
Manor Sub.

LOWER RIVER RD.

VALLEY FAIR WAY

MEHAUS WAY

NANISINH WAY

SHOSHONE WAY

BROKEN BOW DR.

JOHNSONTOWN WAY

COCHISE WAY

Graphic Scale  
1" = 100' ±  
1" = 100' ±

INTERIOR LANDSCAPE AREA PROVIDED = 3,973 SF

R-4/A  
Newcomer Agency LLC  
1902 E. Pine Street, Suite 200  
Bismarck, ND 58103  
D.S. 9910 PG. 0024

R-4/A  
Living Family Limited Liability  
3008 Core Run Rd  
Lakeland, FL 33558  
D.S. 9910 PG. 0102

GREENBELT HIGHWAY - R/W VARIES (130' MIN. R/W REQ'D.)



JOHNSONTOWN ROAD R/W VARIES (120' MIN. R/W REQ'D.)

"DYNACRAFT DRIVE"

**PREVENTION AND SEDIMENT CONTROL NOTES**

- 1. Erosion prevention and sediment control (SPCC) plans shall be implemented during all earthmoving and construction activity on the construction site. Any modifications to the approved SPCC plan shall be approved by MDC's private development review office, DPDS, BMR's or the plan and MSD standards.
- 2. Sedimentation basins shall be constructed first and shall perform as sediment basins until the contributing drainage areas are seeded and stabilized.
- 3. Measures to minimize the tracking of mud and soil from construction areas onto adjacent streets and the roadway shall be reviewed daily.
- 4. Sedimentation basins shall be located away from streams, ponds, swales and catch basins. Sedimentation basins, and adjacent catchments through the use of silt fences.
- 5. All structures shall be constructed per MDC standards drawing.
- 6. All structures shall be constructed per MDC standards drawing.
- 7. All structures shall be constructed per MDC standards drawing.
- 8. All structures shall be constructed per MDC standards drawing.
- 9. All structures shall be constructed per MDC standards drawing.
- 10. All structures shall be constructed per MDC standards drawing.

**DETENTION BASIN CALCULATIONS**

See EDC Private Access, Public Utility, D.S. 9923, PG. 783



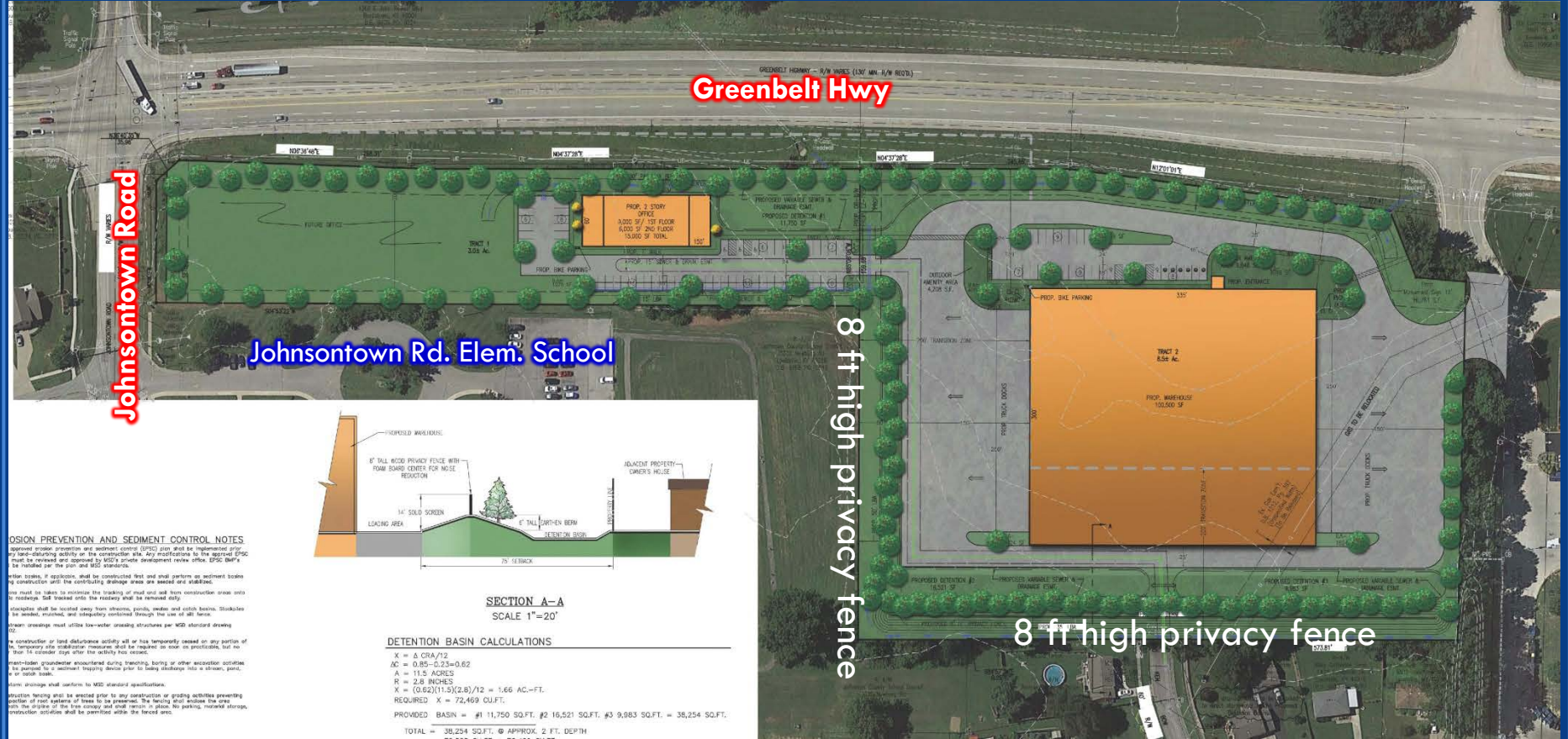
**Tab 6**

**Revised Proposed Development Plan**





Aerial photograph of the site and surrounding area with new site plan superimposed.



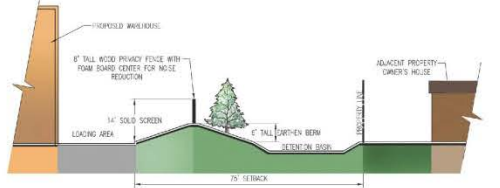
**Greenbelt Hwy**

**Johnsonstown Road**

**Johnsonstown Rd. Elem. School**

**8 ft high privacy fence**

**8 ft high privacy fence**



**SECTION A-A**  
SCALE 1"=20'

**EROSION PREVENTION AND SEDIMENT CONTROL NOTES**  
 approved erosion prevention and sediment control (EPSC) plan shall be implemented prior to any land-disturbing activity on the construction site. Any modifications to the approved EPSC plan to be reviewed and approved by MDOT's private development review office, EPSC BMP's to be installed per the plan and MDOT standards.  
 When erosion, if applicable, shall be constructed first and shall perform as sediment basins by construction until the contributing drainage areas are seeded and established.  
 One must be taken to minimize the tracking of mud and soil from construction areas onto the roadway. MUD TRAPPED ON THE ROADWAY SHALL BE REMOVED DAILY.  
 Siltstacks shall be located away from streams, ponds, meadows and catch basins. Siltstacks to be sealed, mounded, and adequately contained through the use of all fence.  
 When structures must utilize low-water crossing structures per MDOT standard drawing 02.

**DETENTION BASIN CALCULATIONS**

$$X = \frac{A \text{ CRA}}{12}$$

$$AC = 0.85 - 0.23 = 0.62$$

$$A = 11.5 \text{ ACRES}$$

$$R = 2.8 \text{ INCHES}$$

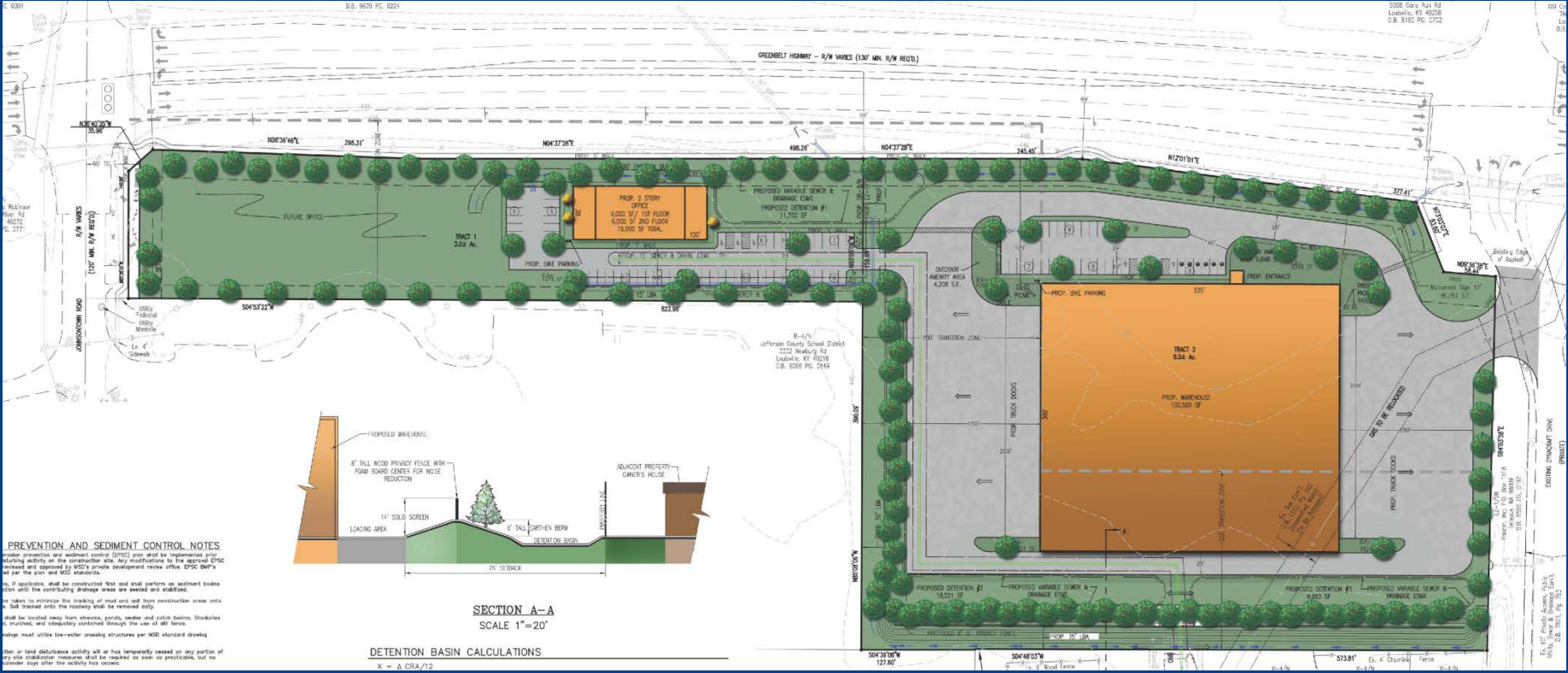
$$X = (0.62)(11.5)(2.8)/12 = 1.66 \text{ AC.-FT.}$$

$$\text{REQUIRED } X = 72,469 \text{ CU.FT.}$$

$$\text{PROVIDED BASIN} = \#1 \text{ 11,700 SQ.FT. } \#2 \text{ 16,521 SQ.FT. } \#3 \text{ 9,983 SQ.FT.} = 38,204 \text{ SQ.FT.}$$

$$\text{TOTAL} = 38,204 \text{ SQ.FT. @ APPROX. 2 FT. DEPTH}$$

Construction or land disturbance activity shall not be temporarily ceased on any portion of the temporary site stabilization measures. It shall be maintained in place on precipitation, but no later than 15 minutes after the activity has occurred.  
 When erosion, if applicable, shall be constructed first and shall perform as sediment basins by construction until the contributing drainage areas are seeded and established.  
 One must be taken to minimize the tracking of mud and soil from construction areas onto the roadway. MUD TRAPPED ON THE ROADWAY SHALL BE REMOVED DAILY.  
 Siltstacks shall be located away from streams, ponds, meadows and catch basins. Siltstacks to be sealed, mounded, and adequately contained through the use of all fence.  
 When structures must utilize low-water crossing structures per MDOT standard drawing 02.  
 When erosion, if applicable, shall be constructed first and shall perform as sediment basins by construction until the contributing drainage areas are seeded and established.  
 One must be taken to minimize the tracking of mud and soil from construction areas onto the roadway. MUD TRAPPED ON THE ROADWAY SHALL BE REMOVED DAILY.  
 Siltstacks shall be located away from streams, ponds, meadows and catch basins. Siltstacks to be sealed, mounded, and adequately contained through the use of all fence.  
 When structures must utilize low-water crossing structures per MDOT standard drawing 02.



**PREVENTION AND SEDIMENT CONTROL NOTES**

Prevention and sediment control (P&SC) plan shall be implemented prior to any earthmoving or construction activity on the construction site. Any modifications to the approved P&SC plan shall be approved by the local authority having jurisdiction. P&SC BMP's shall be installed and maintained in accordance with the approved P&SC plan.

1. If applicable, shall be constructed first and shall perform as sediment basins until the contributing drainage area is seeded and established.

2. Shall be located away from streams, ponds, wetlands and other sensitive areas.

3. Shall be located away from structures, roads, and other buildings. Stockpiles of materials, and equipment shall be covered with tarpaulins.

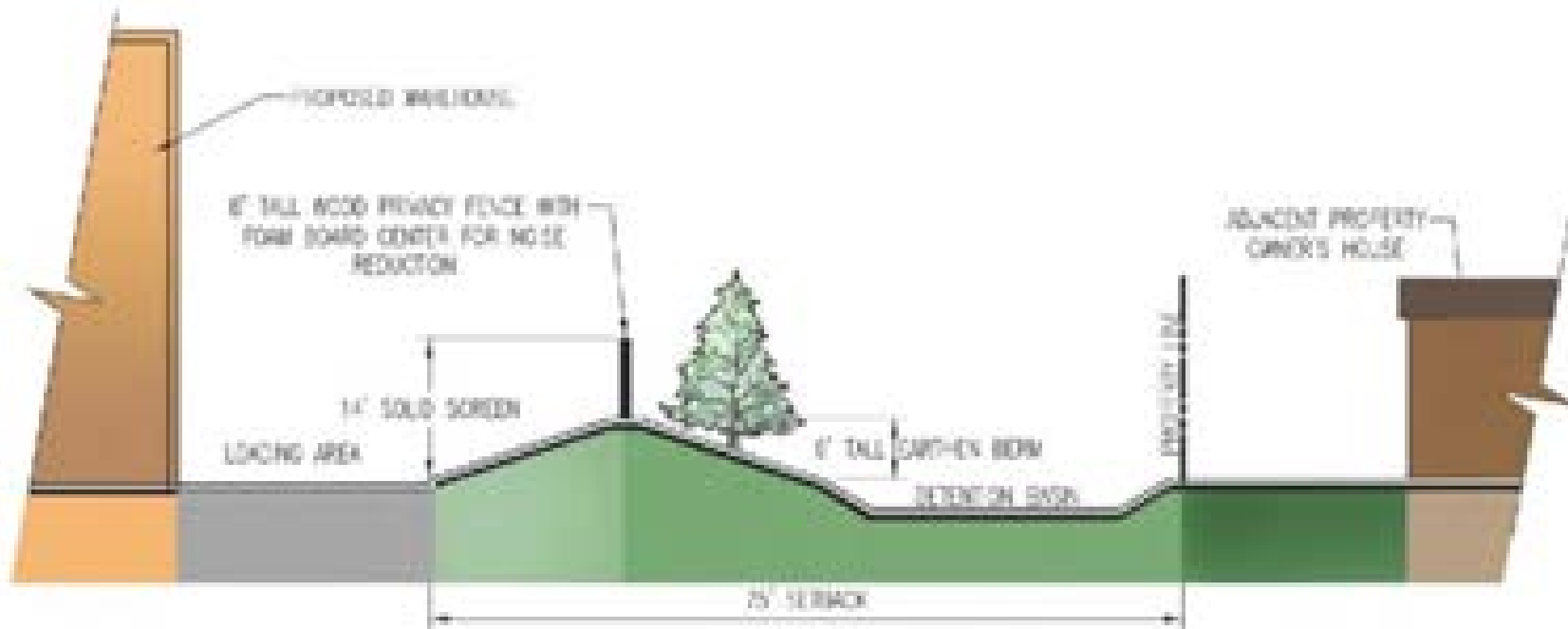
4. Storage shall utilize low-water creating structures per MS4 standard drawing.

5. Soil or land disturbance activities will not be temporarily ceased on any portion of any site until such measures that are required in order to protect, but no later than 30 days after the activity has ceased.

**SECTION A-A**  
SCALE 1"=20'

**DETENTION BASIN CALCULATIONS**  
X = A CRA/12





# **Tab 7**

## **Building Elevation**



## **Tab 8**

**Statement of Compliance filed with the original zone change 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: PACCAR Inc

Owners: Marjorie Linnig Finn, unmarried; Imelda Linnig Fox, unmarried; Carolyn O'Rourke, unmarried; MaryAnn Elliott and spouse Stanley Tucker; Gerald O. Hoffman II and spouse Mary Hoffman; Christopher M. Hoffman and spouse Donnice Hoffman; Angela H. Board and spouse David Board; Matthew M. Hoffman and spouse Bela Patel; Jacqueline H. Alvey and spouse Jeff Alvey; Anthony M. Hoffman and spouse Jennifer Hoffman; and

The following heirs of Dorothy L Crimmins: Michael Crimmins and spouse AnnMarie Crimmins; Patrick K. Crimmins and spouse Alice Rea Crimmins; Bernard A. Crimmins, unmarried; Marilyn C. Benkelman and spouse Jeffrey Robert David Benkelman; Maureen C. Marzano, unmarried; Mari Colleen Foster and spouse James D. Foster

Location: 7205 Johnsontown Road

Proposed Use: Warehouse and manufacturing building as well as office condos

Request: Zone change from R-4 to EZ1 and OR1 and from Suburban Neighborhood to Suburban Workplace Form District

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

### **SUMMARY STATEMENT**

This is an application for PACCAR to construct an additional industrial facility on vacant adjoining property next to its currently operating Dynacraft facility. PACCAR is one of the world's largest producers of truck tractors and parts through subsidiaries, such as Dynacraft. Facilities are located around the world. Some of the major brands owned by PACCAR include Kenworth and Peterbilt, and the Dynacraft subsidiary also builds under these iconic brands.



This site is at the southern end of an area generally known as Riverport Industrial Park area, with three or four single-family residential houses and an elementary school located to the east on it. As a result of meetings with the immediate adjoining property owners and JCPS officials, a good plan for screening and buffering, as well as lower intensity office use along the narrow strip adjoining the JCPS property, have been devised. Indeed, since the time of the initial neighborhood meeting, a new plan for the industrial building property has been proposed, resulting in more significant setbacks with a screen and buffer that includes a 6-foot high berm with 8-foot high fence and landscaping installed on top of it. The fence will actually be a noise buffering fence, with two sides of wood that include a Styrofoam material inserted in between to dampen sounds. A cross-section elevation accompanying this application and recently sent to nearby residential property owners was designed to provide a high quality visual and noise screen/buffer, hopefully addressing their major questions, comments and concerns.

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

This application complies with this Suburban Workplace Form District Guideline because this area is characterized by predominantly industrial uses to the north and west with but a few adjoining residential uses and a school to the east, impacts which are mitigated by virtue of good plans for setback, screening and buffering, as well as lower impact uses adjoining the JCPS property.

### **GUIDELINE 2 - CENTERS**

This application complies with the Intents and Policies 1, 2, 4, 5, 7, 9, 11, 14 and 15 of the Guideline as follows.

This land is a vacant site at the southern end of an area generally known as the Riverport Industrial Park area. It is vacant and not going to be utilized for an expansion or creation of a new residential subdivision. All along the Greenbelt Highway are other fairly intense, though often well designed, screened and buffered, warehouse and industrial facilities. That means that this site is a good one because utilities already exist close by, workers are already commuting to this area of Metro Louisville, and land, which is increasingly scarce for industrial development in Metro Louisville, remains available at this site right next door to a facility already owned by this same company. Because of the large Riverport Industrial Park (running north from the intersection of Greenbelt Highway and Cane Run Road south to Greenbelt Highway at the Snyder Freeway), this is a major workplace center of intense activity. Nonresidential uses, such as these, are appropriate where compatibility can be assured as discussed hereinabove and at Guideline 3. This development is compact in that it is a proposal by the same company that adjoins the industrial facility on the tract to the north. Utilities are already located at this site.

### **GUIDELINE 3: COMPATIBILITY**

This application complies with the Intents and Policies 1, 2, 3, 4, 5, 6, 7, 8, 9, 21, 22, 24 and 29 of this Guideline as follows.

As explained above and as shown in the PowerPoint presentation presented at the neighborhood meeting and in the colored-up site plan with cross-sections subsequently sent to nearby property owners (both accompanying this application), this site plan and the anticipated building located

on it have been designed taking into account residential compatibility, to the maximum extent practicable, given that this is an industrial area. Screening, buffering and landscaping in excess of Land Development Code (LDC) requirements, enhanced not just with fencing but with a berm on which the fencing is placed and also with a fence of a kind that can provide noise mitigation, assures use and location compatibility. Because the building will also be designed in accordance with LDC standards, the building will be compatible with other high quality industrial buildings in the area.

Specific impacts from an industrial facility involving odors, traffic, noise, lighting and visual are mitigated by virtue of the setback, screening and buffering described above and in the attachments accompanying this application. Also, the LDC requires that certain minimum standards be met with respect to lighting and aesthetics.

Also, as mentioned, the site plan accompanying this application shows how the berm with fencing and landscaping atop provide for a good transition to the adjoining small number of single-family homes. This buffer will exceed LDC requirements and assure that these properties are protected to the maximum extent possible, considering that this will be an industrial use next door in an area that is along the Greenbelt Highway, already a heavy warehouse/industrial corridor.

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

This application complies with the Intents and Policies 2, 3, 4, 5, 6, 7, 8, 10 and all of this Guideline as follows.

As noted, this property exists near the southern end of an area generally termed the Riverport Industrial Park. Large scale warehouses and manufacturing facilities are located along this stretch of highway. This area was designed for these kinds of uses beginning back in 1960s, which has continued to fill out with new businesses ever since in part because of its river location for those businesses requiring river access and also in part because of its good access to the Snyder Freeway to the south and Watterson Expressway to the north. Greenbelt Highway has adequate traffic-carrying capacity for new businesses like this one to locate here. This location becomes especially important to Metro Louisville as the new east-end bridge, once open, will attract evermore industrial uses to the abundant and relatively inexpensive land already available in southern Indiana. If Kentucky doesn't capture every facility of this kind that it can when opportunities, like this one present themselves, Kentucky's tax base will erode and Kentucky's economy surely not grow as new industry moves to the southern Indiana area which will have better interstate access. This sadly means a loss of jobs and both property and occupational taxes to another community and a different state, over time.

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

This application complies with the Intents and Policies 1, 2, 3, 4, 6, 10, 11, 12, 13, 14, 16 and 18 of Guideline 7 and Policies 7, 9, 10 and 11 of Guideline 8 as follows.

First and foremost, the detailed district development plan (DDDP) accompanying this application has been designed by Land Design & Development (LDD), taking into account Metro

Transportation Planning and Public Works standards for internal circulation and both access to and from the major arterial, i.e., the Greenbelt Highway, serving this site. Indeed, this DDDP will require the preliminary “stamp” of approval from Metro Transportation Planning/Public Works prior to public review by the Planning Commission at LD&T and in public hearing. Local agencies will take into account the specific Policies addressed by these Guidelines, especially relating to adequacy of parking, access, corner clearances, potential need for cross access between this and the Dynacraft facility to the north, internal circulation and site distances when entering or exiting the facility.

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

This application complies with the Intents and Policies 1, 2, 3 and 4 of this Guideline in that sidewalks will be provided along the Greenbelt Highway as required, and even bicycles will be accommodated, although it is highly unlikely that anyone will access this workplace facility along an arterial of this kind in a major suburban workplace via bicycle or by foot. To the extent that transit is available along the Greenbelt Highway, this new facility can be served in that way, too.

#### **GUIDELINE 10: FLOODING, STORMWATER**

This application complies with Intents and Policies 1, 3, 6, 7, 10 and 11 of Guideline 10 as follows.

First and foremost, post-development rates of runoff may not exceed predevelopment conditions. Typically, this is handled, as in this case, through the provision of detention facilities. Some of the adjoining residential property owners suggested that they may have standing water problems at present. To the extent that this is true, storm water from this site will no longer run in the direction of their residential properties, but rather to the detention basin and from there to the existing drainage system along Greenbelt Highway. Hopefully, this will help address any existing problems on residential properties.

#### **GUIDELINE 11: WATER QUALITY**

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

At time of construction, the developer of this site will be required to comply with MSD’s soil erosion and sedimentation control regulations. Also, new water quality standards have been implemented by MSD which must be addressed as well at time of construction plan approval.

#### **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.

Because this is already a large Workplace area, employees are already commuting to this area. Some of these employees already traveling to this area may be employed by this new facility. Other new employees may access the Greenbelt Highway from the Snyder Freeway to the south

and Watterson Expressway to the north, thus assuring good transportation access to this facility such that it will not cause traffic congestion and resulting air quality problems.

**GUIDELINE 13: LANDSCAPE CHARACTER**

This application complies with the Intents and Policies 1, 2, 4, 5 and 6 of this Guideline as follows.

The LDC requires tree canopies as well as both perimeter and interior landscaping of all sites. This application will comply with LDC standards, and indeed it will exceed those standards because of the enhanced setback together with good plan for screening and buffering along the east property line to protect residential neighbors and the JCPS property as shown on the colored-up site plan and cross-section accompanying this application.

\* \* \*

For all of the above-stated reasons, plus those that will be further explained at the public hearing, this application complies with all applicable Guidelines and Policies of the Cornerstone 2020 Comprehensive Plan.

Respectfully submitted,

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William B. Bardenwerper  
Bardenwerper Talbott & Roberts, PLLC  
Building Industry Association of Greater Louisville Building  
1000 N. Hurstbourne Parkway, Second Floor  
Louisville, KY 40223

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## **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  
(502) 426-6688 • [WWW.BARDLAW.NET](http://WWW.BARDLAW.NET)

## PROPOSED FINDINGS OF FACT REGARDING COMPLIANCE WITH ALL APPLICABLE GUIDELINES AND POLICIES OF THE CORNERSTONE2020 COMPREHENSIVE PLAN

Applicant: PACCAR Inc

Owners: Marjorie Linnig Finn, unmarried; Imelda Linnig Fox, unmarried; Carolyn O'Rourke, unmarried; MaryAnn Elliott and spouse Stanley Tucker; Gerald O. Hoffman II and spouse Mary Hoffman; Christopher M. Hoffman and spouse Donnice Hoffman; Angela H. Board and spouse David Board; Matthew M. Hoffman and spouse Bela Patel; Jacqueline H. Alvey and spouse Jeff Alvey; Anthony M. Hoffman and spouse Jennifer Hoffman; and

The following heirs of Dorothy L Crimmins: Michael Crimmins and spouse AnnMarie Crimmins; Patrick K. Crimmins and spouse Alice Rea Crimmins; Bernard A. Crimmins, unmarried; Marilyn C. Benkelman and spouse Jeffrey Robert David Benkelman; Maureen C. Marzano, unmarried; Mari Colleen Foster and spouse James D. Foster

Location: 7205 Johnsontown Road

Proposed Use: Warehouse and manufacturing building as well as office condos

Request: Zone change from R-4 to EZ1 and OR1 and from Suburban Neighborhood to Suburban Workplace Form District

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

The Louisville Metro Planning Commission, having heard testimony before its Land Development & Transportation Committee, in the Public Hearing held on March 3, 2016 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 for PACCAR to construct an additional industrial facility on vacant adjoining property next to its currently operating Dynacraft facility; PACCAR is one of the world's largest producers of truck tractors (under brand names Kenworth and Peterbilt) and parts through subsidiaries, such as Dynacraft, with facilities located around the world; and

**WHEREAS**, this site is at the southern end of an area generally known as Riverport Industrial Park area, with three or four single-family residential houses and an elementary school located to the east on it; as a result of meetings with the immediate adjoining property owners and JCPS officials, a good plan for screening and buffering, as well as lower intensity office use along the narrow strip adjoining the JCPS property, have been devised; since the time of the initial neighborhood meeting, a new plan for the industrial building property has been proposed, resulting in more significant setbacks with a screen and buffer that includes a 6-foot high berm with 8-foot high fence and landscaping installed on top of it; the fence will actually be a noise buffering fence, with two sides of wood that include a Styrofoam material inserted in between to dampen sounds; and a cross-section elevation was sent to nearby residential property owners which is designed to provide a high quality visual and noise screen/buffer, addressing their major questions, comments and concerns; and

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

**WHEREAS**, this application complies with this Suburban Workplace Form District Guideline because this area is characterized by predominantly industrial uses to the north and west with but a few adjoining residential uses and a school to the east, impacts which are mitigated by virtue of good plans for setback, screening and buffering, as well as lower impact uses adjoining the JCPS property; and

### **GUIDELINE 2 - CENTERS**

**WHEREAS**, this application complies with the Intents and Policies 1, 2, 4, 5, 7, 9, 11, 14 and 15 of the Guideline as follows; and

**WHEREAS**, this land is a vacant site at the southern end of an area generally known as the Riverport Industrial Park area; it is vacant and not going to be utilized for an expansion or creation of a new residential subdivision; all along the Greenbelt Highway are other fairly intense, though often well designed, screened and buffered, warehouse and industrial facilities; that means that this site is a good one because utilities already exist close by, workers are already commuting to this area of Metro Louisville, and land, which is increasingly scarce for industrial development in Metro Louisville, remains available at this site right next door to a facility already owned by this same company; because of the large Riverport Industrial Park (running north from the intersection of Greenbelt Highway and Cane Run Road south to Greenbelt Highway at the Snyder Freeway), this is a major workplace center of intense activity; nonresidential uses, such as these, are appropriate where compatibility can be assured as discussed hereinabove and at Guideline 3; and this development is compact in that it is a proposal by the same company that adjoins the industrial facility on the tract to the north; and

### **GUIDELINE 3: COMPATIBILITY**

**WHEREAS**, this application complies with the Intents and Policies 1, 2, 3, 4, 5, 6, 7, 8, 9, 21, 22, 24 and 29 of this Guideline as follows; and

**WHEREAS**, as explained above and as shown in the PowerPoint presentation presented at the public hearing and in the colored-up site plan with cross-sections subsequently sent to nearby property owners and presented at the public hearing, this site plan and the anticipated buildings located on it have been designed taking into account residential and school compatibility, to the maximum extent practicable, given that this is an industrial area; screening, buffering and landscaping in excess of Land Development Code (LDC) requirements, enhanced not just with fencing but with a berm next to the residential subdivision on which the fencing is placed and also with a fence of a kind that can provide noise mitigation, assures use and location compatibility; and because the building will also be designed in accordance with LDC standards, the building will be compatible with other high quality industrial buildings in the area; and

**WHEREAS**, specific impacts from an industrial facility involving odors, traffic, noise, lighting and visual are mitigated by virtue of the setback, screening and buffering described above and discussed at the public hearing; and the LDC requires that certain minimum standards be met with respect to lighting and aesthetics; and

**WHEREAS**, the site plan and public hearing exhibits show how the berm with fencing and landscaping atop provide for a good transition to the adjoining small number of single-family homes; this buffer will exceed LDC requirements and assure that these properties are protected to the maximum extent possible, considering that this will be an industrial use next door in an area that is along the Greenbelt Highway, already a heavy warehouse/industrial corridor; and

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

**WHEREAS**, this application complies with the Intents and Policies 2, 3, 4, 5, 6, 7, 8, 10 and all of this Guideline as follows; and

**WHEREAS**, this property exists near the southern end of an area generally termed the Riverport Industrial Park; large scale warehouse and manufacturing facilities are located along this stretch of highway; this area was designed for these kinds of uses beginning back in 1960s, which has continued to fill out with new businesses ever since in part because of its river location for those businesses requiring river access and also in part because of its good access to the Snyder Freeway to the south and Watterson Expressway to the north; Greenbelt Highway has adequate traffic-carrying capacity for new businesses like this one to locate here; this location becomes especially important to Metro Louisville as the new east-end bridge, once open, will attract evermore industrial uses to the abundant and relatively inexpensive land already available in southern Indiana and so, if Kentucky doesn't capture every facility of this kind that it can when opportunities, like this one, present themselves, Kentucky's tax base will erode and Kentucky's economy surely not grow as new industry moves to the southern Indiana area which will have better interstate access; and this would mean a loss of jobs and both property and occupational taxes to another community and a different state, over time; and



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

**WHEREAS**, this application complies with the Intents and Policies 1, 2, 3, 4, 6, 10, 11, 12, 13, 14, 16 and 18 of Guideline 7 and Policies 7, 9, 10 and 11 of Guideline 8 as follows; and

**WHEREAS**, the detailed district development plan (DDDP) has been designed by Land Design & Development (LDD), taking into account Metro Transportation Planning and Public Works standards for internal circulation and both access to and from the major arterial, i.e., the Greenbelt Highway, serving this site; this DDDP received the preliminary “stamp” of approval from Metro Transportation Planning/Public Works prior to LD&T and public hearing; and local agencies have taken into account the specific Policies addressed by these Guidelines, especially relating to adequacy of parking, access, corner clearances, potential need for cross access between this and the Dynacraft facility to the north, internal circulation and site distances when entering or exiting the facility; and

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

**WHEREAS**, this application complies with the Intents and Policies 1, 2, 3 and 4 of this Guideline in that sidewalks will be provided along the Greenbelt Highway as required, and even bicycles can be accommodated, although it is highly unlikely that anyone will access this workplace facility along an arterial of this kind in a major suburban workplace via bicycle or by foot; and to the extent that transit is available along the Greenbelt Highway, this new facility and office buildings can be served in that way, too; and

**GUIDELINE 10: FLOODING, STORMWATER**

**WHEREAS**, this application complies with Intents and Policies 1, 3, 6, 7, 10 and 11 of Guideline 10 as follows; and

**WHEREAS**, the post-development rates of runoff may not exceed predevelopment conditions; typically, this is handled, as in this case, through the provision of detention facilities; some of the adjoining residential property owners suggested that they may have standing water problems at present; to the extent that this is true, storm water from this site will no longer run in the direction of their residential properties, but rather to the detention basin and from there to the existing drainage system along Greenbelt Highway; and this will help address any existing problems on residential properties; and

**GUIDELINE 11: WATER QUALITY**

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

**WHEREAS**, at time of construction, the developer of this site will be required to comply with MSD’s soil erosion and sedimentation control regulations; new water quality standards have been implemented by MSD which must be addressed as well at time of construction plan approval; 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**, because this is already a large Workplace area, employees are already commuting to this area; some of these employees already traveling to this area may be employed by this new facility and other new employees may access the Greenbelt Highway from the Snyder Freeway to the south and Watterson Expressway to the north, thus assuring good transportation access to this facility such that it will not cause traffic congestion and resulting air quality problems; and

**GUIDELINE 13: LANDSCAPE CHARACTER**

**WHEREAS**, this application complies with the Intents and Policies 1, 2, 4, 5 and 6 of this Guideline as follows; and

**WHEREAS**, the LDC requires tree canopies as well as both perimeter and interior landscaping of all sites; this application will comply with LDC standards and as presented at the public hearing, will exceed those standards because of the enhanced setback together with plan for screening and buffering along property lines adjoining residential JCPS property lines, as shown on the colored-up site plan and cross-section presented at the public hearing; and

\* \* \* \* \*

**WHEREAS**, for all the reasons explained at LD&T and the Planning Commission public hearing and also in the public hearing exhibits and 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 Planning Commission hereby recommends to the Louisville Metro Council that it rezone the subject property from Zone change from R-4 to EZ1 and OR1.

**NOW, THEREFORE**, the Louisville Metro Planning Commission hereby recommends to the Louisville Metro Council that it change the Form District from Suburban Neighborhood to Suburban Workplace.