

**Planning Commission Minutes  
April 21, 2016**

**Public Hearing**

**Case No. 16AREA1000**

**Request:** Areawide change in zoning from R-4, C-1 and C-2 to EZ-1 Enterprise Zone

**Project Name:** Renaissance South Business Park  
**Location:** Multiple properties within the Renaissance South Business Park

**Owner:** Louisville Renaissance Zone Corporation and Others

**Applicant:** Louisville Metro Council

**Representative:** Greg Ehrhard  
Stites & Harbison, PLLC  
400 West Market Street Suite 1800  
Louisville, KY 40202

Patrick Dominic  
Sabak, Wilson & Lingo  
608 South Third Street  
Louisville, KY 40202

**Jurisdiction:** Louisville Metro

**Council District:** 13 – Vicki Welch

**Case Manager:** Jon E. Crumbie, Planning and Design Coordinator

Notices were sent by first class mail to those adjoining property owners whose names were supplied by the applicants.

The staff report prepared for this case was incorporated into the record. The Commissioners received this report in advance of the hearing, and this report was available to any interested party prior to the public hearing. (Staff report is part of the case file maintained in Planning and Design Services offices, 444 S. 5th Street.)

**An audio/visual recording of the Land Development and Transportation Committee meeting related to this case is available on the Planning &**

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**Design Services website, or you may contact the Customer Service staff to view the recording or to obtain a copy.**

**Agency Testimony:**

00:48:59 Jon Crumbie presented the case and showed a Power Point presentation (see staff report and recording for detailed presentation.) In response to a question from John Carroll, Legal Counsel for the Planning Commission, Mr. Crumbie said that no property owners had requested to be exempt from this areawide rezoning.

**The following spoke in favor of the proposal:**

Greg Ehrhard, Stites & Harbison PLLC, 400 West Market Street Suite 1800, Louisville, KY 40202

Patrick Dominic, Sabak, Wilson & Lingo, 608 South Third Street, Louisville, KY 40202

Linda Solley-Kanipe, 4320 Park Boulevard, Louisville, KY 40209

**Summary of testimony of those in favor of the proposal:**

00:52:54 Greg Ehrhard, attorney for the Louisville Renaissance Zone Corporation, introduced the case. He noted that there is no specific development plan associated with this request, but it came from the Noise Mitigation Program.

00:54:32 Patrick Dominic, a representative for the Louisville Renaissance Zone Corporation, presented the request and showed a Power Point presentation (see recording for detailed presentation.)

01:02:16 Linda Solley-Kanipe was called but declined to speak, unless anyone had questions.

**The following spoke in opposition to the proposal:**

No one spoke.

**The following spoke neither for nor against the proposal ("Other"):**

No one spoke.

**Rebuttal:**

There was no rebuttal, since no one spoke in opposition.

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**Deliberation:**

01:02:39 Commissioners' deliberation.

01:04:37 On a motion by Commissioner Jarboe, seconded by Commissioner Turner, the following resolution was adopted:

**WHEREAS**, the Louisville Metro Planning Commission finds that, on February 11, 2016, the Louisville Metro Council (the "Council") passed Resolution No. 16, Series 2016, requesting that the Louisville Metro Planning Commission (the "Commission") consider rezoning portions (collectively, the "Subject Area") of the 3,000 acre Louisville Renaissance Zone from R-4, C-1, and C-2 to EZ-1; and

**WHEREAS**, the Commission further finds that, based on the staff report, evidence and testimony presented at the public hearing and the proposed findings of fact submitted by the Louisville Renaissance Zone Corporation ("LRZC") that the Subject Area consists of 24 parcels of real estate and includes 26.2 acres, as more particularly described in the materials presented during the public hearing, and that the Subject Area is located in close proximity to the Louisville International Airport at Standiford Field (the "Airport"), Interstate 65, the Gene Snyder Freeway, the CSX rail line, and CSX's Osborn Yard, and is located within the Louisville Renaissance Zone; and

**WHEREAS**, the Commission further finds that Resolution No. 16, Series 2016, was based principally on the changes to the Subject Area arising from:

- The expansion of the Airport, known as the Louisville Airport Improvement Program ("LAIP"), which began in 1991 and which included the construction of two new parallel runways (concluded in 1998), together with full parallel taxiways and new instrument landing systems for each runway, as well as the construction of a new aircraft rescue and fire-fighting facility and other improvements.
- The significantly increased noise in the Minors Lane residential area resulting from the completion of the new runways that were part of the LAIP.
- The policy decision made by the Louisville Regional Airport Authority (the "Authority"), the City of Louisville, Jefferson County, the Commonwealth of Kentucky and the Federal Aviation Administration, working together with local

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business and community leaders, to relocate voluntarily the incompatible residential uses in areas surrounding the Airport.

- The public investment of more than \$150 million in the Minors Lane voluntary residential relocation program to acquire homes in the vicinity of the Subject Area and to relocate residents to other areas better suited for residential use; and

**WHEREAS**, the Commission further finds that, as a result of the Minors Lane voluntary residential relocation program described above, the following changes have occurred in and around the Subject Area:

- More than 98% of the 1,064 residences that were located within the Minors Lane voluntary residential relocation area have been acquired by the Authority and are no longer used for residential purposes.
- In addition to the acquisition of residences in the Minors Lane voluntary residential relocation area, the Authority has acquired 40 vacant residential lots and several properties used for various neighborhood-dependent operations in the area, including two churches, a convenience store, and the City Hall for the former city of Minor Lane Heights.
- The majority of the residences that were acquired through the Minors Lane voluntary residential relocation program have been taken down, with the result that the Subject Area is largely unimproved and not currently appropriate for future residential uses.
- Approximately 141.6 acres bordering the northwest portion of the Subject Area was involved in a prior area-wide rezoning (the "2006 Area-wide Rezoning") that culminated in the Council's adoption of Ordinance No. 220, Series 2006, pursuant to which the Council approved a change to that property's zoning classification from R-4 and R-5 to EZ-1. The UPS Centennial Hub is now located on a portion of the 2006 Area-wide Rezoning site and that area has been improved with significant infrastructure intended to accommodate large scale industrial and commercial operations rather than residential and neighborhood-serving uses.
- Approximately 595 acres of property in the vicinity of the Subject Area was involved in a prior area-wide rezoning that culminated in the Council's adoption of Ordinance No. 112, Series 2011, pursuant to which the Council approved a change to that property's zoning classification from R-4, R-5, R-6, R-7, C-1, and C-2 to EZ-1, enabling the construction of new infrastructure

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(including the extension of Air Commerce Drive to South Park Road and the dedication of Export Drive) and the development of multiple acres of land for airport- compatible industrial uses; and

**WHEREAS**, the Commission further finds that:

- In 2000, the Kentucky General Assembly enacted KRS 65.490 et seq. which provides for economic incentive programs based on what is known as tax increment financing, the function of these programs being to return a percentage of new tax revenues generated in designated development areas to a taxing authority for use in building infrastructure in the designated area.
- KRS 65.493 provides for the creation of development areas for the purpose of creating pilot programs to utilize tax increment financing.
- The Governor of Kentucky, the Mayor of Louisville Metro, and the Authority proposed that the area south of the Airport be designated as the pilot program area to be called the Renaissance Zone to leverage the investments in the Airport and UPS Worldport.
- The Subject Area is part of a development area that was established by the Council through its enactment of Ordinance No. 199, Series 2003, and through such ordinance the LRZC was designated the development agency for this area.
- The Council enacted Ordinance No. 135, Series 2004, which, among other things, contracted for the release of tax increment financing funds and recognized the need for a rational plan for the optimal revitalization and redevelopment of the Renaissance Zone to accomplish the recommendations set forth in the November 2003 Pilot Program Preliminary Planning report of projects (the "Preliminary Planning Report"); and

**WHEREAS**, the Commission further finds that the Preliminary Planning Report anticipated that the uses of this portion of the Renaissance Zone would include airport-related and airport- compatible uses; and

**WHEREAS**, the Commission further finds that an area that includes the Subject Area was designated as a Suburban Workplace Form District in the Cornerstone 2020 Comprehensive Plan adopted June 15, 2000, by the Commission, and that the Subject Area is near other airport- compatible uses appropriate for a Suburban Workplace Form District, including a landfill across Outer Loop from the Subject Area, the UPS Centennial Hub and other industrial developments on

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Air Commerce Drive, Transglobal Drive, and Export Drive within the Renaissance South Business Park, the Louisville Metro Commerce Center industrial park, and the UPS Supply Chain Solutions warehouse/distribution complex located to the west of the Subject Area on Outer Loop, and the Ford Louisville Assembly Plant and the Knopp-Melton Industrial Area to the north of the Subject Area; and

**WHEREAS**, the Commission further finds that the Council's inclusion of the Subject Area within the development area created by Ordinance No. 199, Series 2003, and the Council's recognition and acceptance of the Preliminary Planning Report's expectation that the uses of this portion of the Louisville Renaissance Zone would include airport-related and airport-compatible uses provide evidence that major changes have occurred in the area which have substantially altered the residential character of the area that existed when the Subject Area was first zoned R- 4, C-1, and C-2; and

**WHEREAS**, the Commission further finds that major changes have occurred in the area which have substantially altered the residential character of the area that existed when the Subject Area was first zoned R-4, C-1, and C-2, which changes include (i) the public policy decision to eliminate the residential uses in certain areas surrounding the Airport, including this area, (ii) the actual removal of the vast majority of the residences from this area, (iii) the designation of the area as a Suburban Workplace Form District, (iv) the increased industrial uses in the vicinity, including the expansion of the landfill across Outer Loop from the Subject Area, the development of the UPS Centennial Hub and other industrial developments on Air Commerce Drive, Transglobal Drive, and Export Drive within the Renaissance South Business Park, and the development of the Louisville Metro Commerce Center industrial park and the UPS Supply Chain Solutions warehouse/distribution complex located to the west of the Subject Area on Outer Loop, and (v) the requirement that the land acquired through the Minors Lane voluntary residential relocation program be used only for purposes which are compatible with noise levels and safety associated with operation of the Airport; and

**WHEREAS**, the Commission further finds that the R-4, C-1, and C-2 zoning classifications are inappropriate given (i) the public policy decision to eliminate the residential uses in certain areas surrounding the Airport, including this area, and (ii) the requirement that the land acquired through the Minors Lane voluntary residential relocation program be used only for purposes which are compatible with noise levels and safety associated with operation of the Airport; and

**WHEREAS**, the Commission further finds that the EZ-1 zoning classification is appropriate given (i) the industrial uses in the vicinity, including the landfill across

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Outer Loop from the Subject Area, the UPS Centennial Hub and other industrial developments on Air Commerce Drive, Transglobal Drive, and Export Drive within the Renaissance South Business Park, the Louisville Metro Commerce Center industrial park and the UPS Supply Chain Solutions warehouse/distribution complex located to the west of the Subject Area on Outer Loop, and the Ford Louisville Assembly Plant and the Knopp-Melton Industrial Area to the north of the Subject Area, (ii) the site's proximity to CSX's Osborn Yard, (iii) the Council's inclusion of the property within the development area created by Ordinance No. 199, Series 2003, and (iv) the Council's recognition and acceptance of the Preliminary Planning Report and its expectation that the uses of this portion of the Louisville Renaissance Zone would include airport-related and airport-compatible uses; and

**WHEREAS**, the Commission further finds that the proposal is in agreement with Cornerstone 2020 Comprehensive Plan Community Form Strategy Goal A1 because it will advance identified land use policies and economic planning initiatives (as set forth in the Preliminary Planning Report) and will contribute to the creation of an environment that is compatible with the site, building and community design characteristics of the Suburban Workplace Form District; and

**WHEREAS**, the Commission further finds that this proposal is in agreement with Comprehensive Plan Community Form Strategy Goal G1 because it ensures the full use of an industrial area existing within the Suburban Workplace Form District and capitalizes on the site's proximity to the Airport, Interstate 65 and the Gene Snyder Freeway; and

**WHEREAS**, the Commission further finds that this proposal is in agreement with Comprehensive Plan Marketplace Strategy Objective A1.5 because the classification of the subject property as EZ-1 would allow for development that would serve the community's commercial and industrial needs; and

**WHEREAS**, the Commission further finds that this proposal is in agreement with Comprehensive Plan Marketplace Strategy Objective C1.4 because the classification of the subject property as EZ-1 would allow for the implementation of the economic development strategy promulgated by the Council's enactment of Ordinances No. 199, Series 2003 and No. 135, Series 2004; and

**WHEREAS**, the Commission further finds that the proposal is in agreement with Comprehensive Plan Guideline 1 because the uses permitted by EZ-1 are compatible with the scale, rhythm, form and function of development in the area, and because the rezoning advances the emerging pattern of redevelopment recognized through the Council's enactment of Ordinance No. 199, Series 2003,

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Ordinance No. 135, Series 2004, Ordinance No. 220, Series 2006, and Ordinance No. 112, Series 2011; and

**WHEREAS**, the Commission further finds that according to Part B(I 0) of Guideline 1, suburban workplaces often contain a single large-scale use or a cluster of uses within a master planned development, and part of this site will have the potential of later becoming part of the Renaissance South Business Park; and

**WHEREAS**, the Commission further finds that the proposal is in agreement with Comprehensive Plan Guideline 3, Policy 17, because it will encourage industries to locate in this Suburban Workplace Form District rather than in isolated industrial sites; and

**WHEREAS**, the Commission further finds that the proposal is in agreement with Guideline 6, Policy 4, because it would allow industries to locate adjacent to existing industry and would take advantage of the Subject Area's proximity to the Airport, Interstate 65 and the Gene Snyder Freeway; and

**WHEREAS**, the Commission further finds that, based on the evidence and testimony presented, the staff report, and the applicant's justification that all of the applicable Guidelines of Cornerstone 2020 and the Comprehensive Plan are being met; now, therefore be it

**RESOLVED**, the Louisville Metro Planning Commission does hereby **RECOMMEND** to the Louisville Metro Council that the requested areawide change in zoning from R-4, C-1, and C-2 to EZ-1 on property located in the attached legal description be **APPROVED**.

**The vote was as follows:**

**YES:** Commissioners Brown, Turner, Blake, Kirchdorfer, Tomes, Jarboe, Peterson, and Howard.

**NO:** No one.

**NOT PRESENT:** Commissioners White and Lewis.

**ABSTAINING:** No one.