

Louisville Metro Planning Commission Public Hearing -  
July 21, 2022

Louisville Metro Land Development & Transportation Committee June 23, 2022  
Neighborhood Meeting - February 24, 2022

## Docket No. 22-ZONE-0032

Proposed change in zoning from PEC to C-2 to allow an  
Acura Dealership and Auto Service Center  
on property located at  
11700 Plantside Drive, in the City of Jeffersontown

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Attorneys: Bardenwerper Talbott & Roberts, PLLC  
Land Planner, Landscape Architects & Engineers: Milestone Design Group, Inc.

# Index

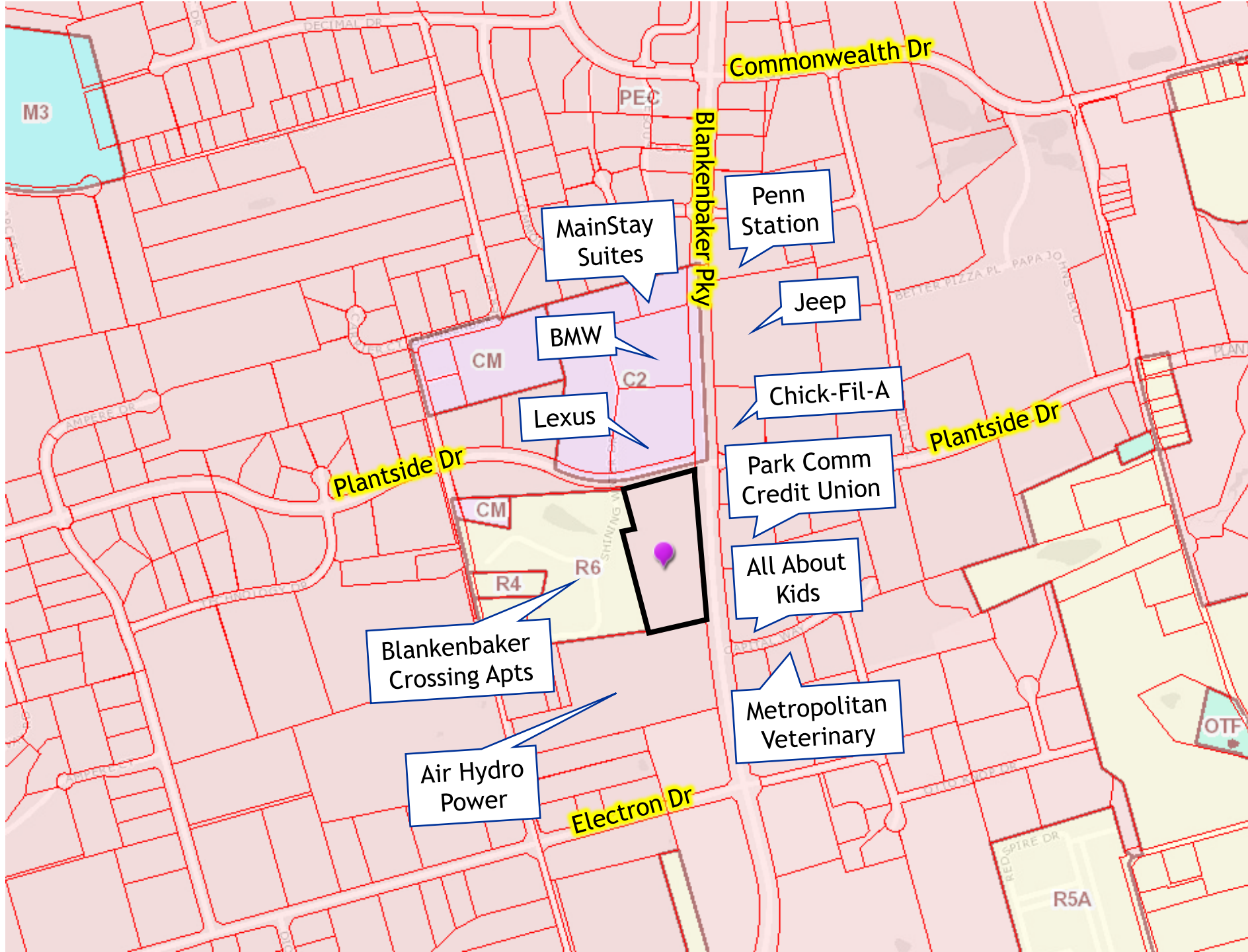
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1. LOJIC Zoning Map
2. Aerial photographs of the site and surrounding area
3. Ground level photographs of the site and surrounding area
4. Neighborhood Meeting notice list map, letter to neighbors inviting them to the meeting and summary of meeting
5. Development Plan
6. Building elevations
7. Proposed additional binding elements
8. Statement of Compliance filed with the original zone change application with all applicable Goals of the 2040 Plan
9. Proposed findings of fact pertaining to compliance with the 2040 Plan

# LOJIC Zoning Map

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Tab 1



Commonwealth Dr

Blankenbaker Pky

Plantside Dr

Electron Dr

Penn Station

Jeep

Chick-Fil-A

Park Comm Credit Union

All About Kids

Metropolitan Veterinary

MainStay Suites

BMW

Lexus

Blankenbaker Crossing Apts

Air Hydro Power

M3

PEC

CM

C2

CM

R4

R6

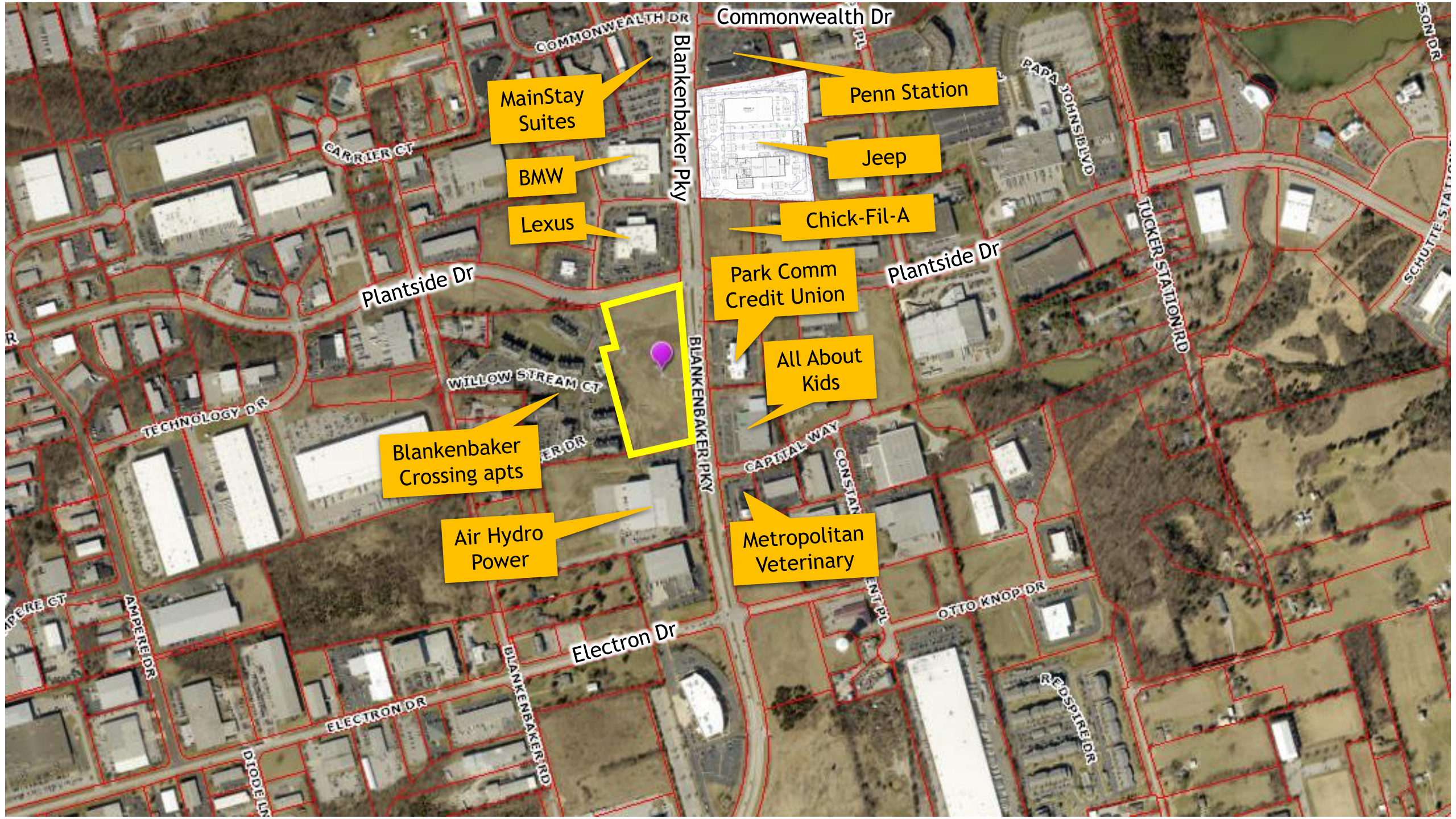
R5A

OTF

Aerial  
photograph of  
the site and  
surrounding  
area

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Tab 2



Commonwealth Dr

MainStay Suites

Penn Station

BMW

Jeep

Lexus

Chick-Fil-A

Plantside Dr

Park Comm Credit Union

plantside Dr

WILLOW STREAM CT

All About Kids

Blankenbaker Crossing apts

Air Hydro Power

Metropolitan Veterinary

Electron Dr

Blankenbaker Pkwy

TECHNOLOGY DR

BLANKENBAKER PKWY

CAPITAL WAY

OTTO KNOP DR

ELECTRON DR

BLANKENBAKER RD

RESPIRE DR

TUCKER STATION RD

SCHUTTE STATION RD

PAPA JOHN'S BLVD

AMPERE CT

AMPERE DR

DOODLE DR

CONSTANT DR

Ground level  
photographs of  
the site and  
surrounding  
area

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Tab 3

Plantside Dr  
Jeffersontown, Kentucky  
Google  
Street View - Aug 2021



SITE

Blankenbaker Pkwy

Plantside Dr

Google

Looking southwest down Blankenbaker Pkwy from the intersection with Plantside Drive.





View of site from Plantside Drive.



SITE

Plantside Dr

Shining Water Drive

Blankenbaker  
Crossings  
APARTMENTS

View of site and entrance to Blankenbaker Crossings from Plantside Drive.



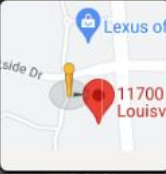
Lexus

Park Comm  
Credit Union

SITE

Shining Water Drive

Google



View of site looking east from Shining Water Drive.



View of site and existing curb cut from Blankenbaker Pkwy.



View of site looking northwest down Blankenbaker Pkwy.

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

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Tab 4

Adjoining property owner notice list map wherein 180 neighbors plus those on the DPDS “interested party list” were invited to the neighborhood meeting and subsequent LD&T and Planning Commission public hearing.



# 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

John C. Talbott  
Email: [JOHN@BARDLAW.NET](mailto:JOHN@BARDLAW.NET)  
Mobile: (502) 741-8783

February 10, 2022

RE: Neighborhood meeting for proposed change in zoning from PEC to C-2 to allow a car dealership and auto service center on approximately 8.83 acres on property located in the City of Jeffersontown at 11700 Plantside Drive

Dear Neighbor:

We are writing to notify you about an upcoming virtual neighborhood meeting regarding the above referenced project. The details are set forth in this letter and the supporting attachments. If you cannot obtain access to the virtual meeting, we may be able to assist you in that regard or otherwise assure a telephone or in-person conversation.

The applicant, Buffalo Construction, Inc. is seeking to rezone the property referenced above from PEC to C-2 to allow a 28,872 sf Acura dealership and auto service center on approximately 8.83 acres. The plan is proposing 397 parking spaces for both outdoor display and employee parking. Two entrances to the site are proposed, one on Blankenbaker Parkway which is an existing curb cut, and the other on Plantside Drive. Accordingly, we have filed a plan for pre-application review with Planning and Design Services (PDS) that has been assigned case number **22-ZONEPA-0007** and case manager **Jay Luckett**.

The virtual meeting will be held on **Thursday, February 24, 2022** beginning at **6:00 p.m.**

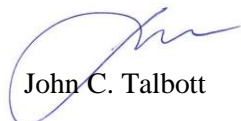
Enclosed for your review are the following:

1. The development plan sheet
2. LOJIC site location zoning map sheet showing the location of the site
3. Detailed summary sheet of the project
4. Contact information sheet
5. Instruction sheet on how to join the virtual meeting.
6. Information sheet on how to obtain case information online from PDS's online customer service portal.
7. PDS's "After the Neighborhood Meeting" sheet

If you are unable to attend the virtual meeting, or have any questions or comments, please feel free to email or call me or contact the PDS case manager listed on the attached contact information sheet.

We look forward to our opportunity to visit virtually or by phone.

Sincerely,



John C. Talbott

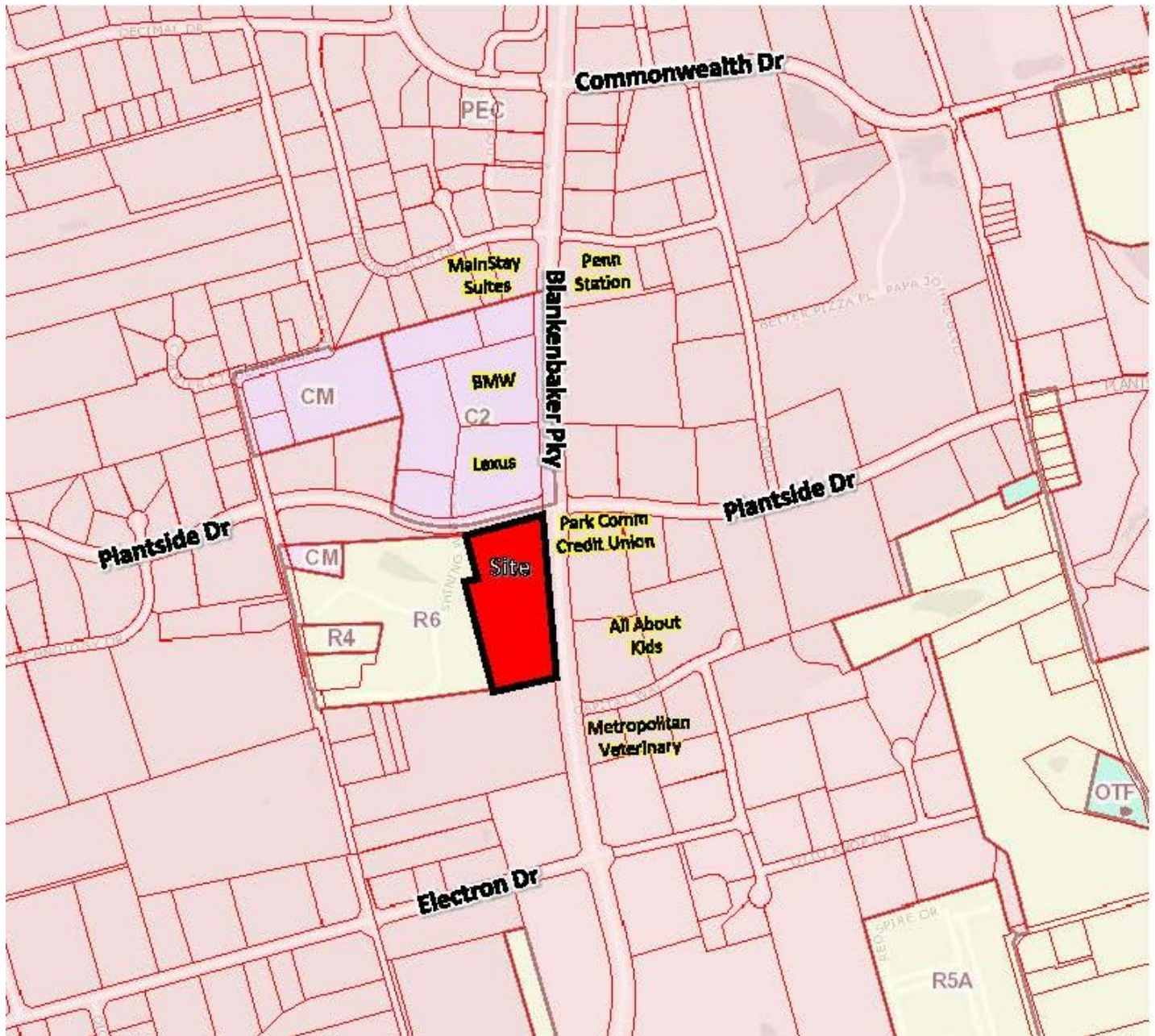
cc: Hon. Bill Dieruf, Mayor, City of Jeffersontown  
Hon. Kevin Kramer, Councilman, District 11  
Jay Luckett, case manager with Division of Planning & Design Services  
Mark Madison, engineer with Milestone Design Group  
Tim Fishburn, Applicant with Buffalo Construction, Inc.  
Michael Smith, CFO Neil Huffman Auto Group



DEVELOPMENT PLAN



# LOJIC SITE LOCATION SHEET



## **DETAILED SUMMARY SHEET**

The applicant, Buffalo Construction, Inc. is seeking to rezone the property referenced above from PEC to C-2 to allow a 28,872 sf Acura dealership and auto service center on approximately 8.83 acres. The plan is proposing 397 parking spaces for both outdoor display and employee parking. Two entrances to the site are proposed, one on Blankenbaker Parkway which is an existing curb cut, and the other on Plantside Drive. Accordingly, we have filed a plan for pre-application review with Planning and Design Services (PDS) that has been assigned case number **22-ZONEPA-0007** and case manager **Jay Luckett**.

The property is located in the City of Jeffersontown at the southwestern corner of Plantside Drive and Blankenbaker Pkwy as shown on the attached "LOJIC Site Location" attachment.

The property is in the Suburban Workplace District, with no proposed change thereto. The landscaping, screening and buffering will generally be as shown on the colored development plan which is the minimum amount required by Chapter 10 of the Louisville Metro Land Development Code (LDC). The site is required to have a minimum of 195 parking spaces and a maximum of 315 parking spaces with 397 being provided.

A stormwater detention basin will be provided as shown on the plan. "Sanitary sewer service provided by new P3C.

**NOTICE OF POTENTIAL DEVELOPMENT PLAN CHANGES.** Please be advised that this "Detailed Summary" is being provided early in the application process. As such, whereas every effort has been made to assure accuracy, changes may be made to the development plan before the now scheduled neighborhood meeting and also after it based on public comments and those of various agencies and PDS staff review. Any changes will be available for public review on the PDS Online Customer Service Portal. Instructions on how to access this information is provided in the PDS's online customer service portal information sheet. Additionally, those changes with the final plan would be presented at the time of the public hearing(s). You may also contact the PDS case manager if you have any questions, or contact any others listed on the Contact Information Sheet where contact information is provided.

## **CONTACT INFORMATION SHEET**

### **1. PRIMARY CONTACT**

*Bardenwerper, Talbott & Roberts, PLLC  
1000 N. Hurstbourne Pkwy., 2<sup>nd</sup> Floor  
Louisville, KY 40223  
Attn: John Talbott – (502) 741-8783  
[john@bardlaw.net](mailto:john@bardlaw.net)*

### **2. ENGINEERING FIRM**

*Milestone Design Group  
108 Daventry Lane, Ste. 300  
Louisville, Kentucky 40223  
Attn: Mark Madison - (502) 327-7073  
[markmadison@milestonedesign.org](mailto:markmadison@milestonedesign.org)*

### **3. APPLICANT**

*Buffalo Construction, Inc.  
Tim Fishburn, Senior Project Mgr.  
[tim.fishburn@buffaloconstruction.com](mailto:tim.fishburn@buffaloconstruction.com)*

### **4. CASE MANAGER OR SUPERVISOR**

*Jay Lockett, Case Manager  
Planning & Design Services  
444 South Fifth Street, Suite 300  
Louisville, KY 40202  
(502) 574-5159  
[Jay.Lockett@louisvilleky.gov](mailto:Jay.Lockett@louisvilleky.gov)*

# INSTRUCTION SHEET ON HOW TO JOIN THE VIRTUAL MEETING

You may join the meeting using a computer, tablet, smart phone, or standard telephone.

JCT-Buffalo/Plantside NM  
Thu, Feb 24, 2022 6:00 PM - 8:00 PM (EST)

**Please join my meeting from your computer, tablet or smartphone.**

<https://meet.goto.com/367856717>

**You can also dial in using your phone.**

United States (Toll Free): [1 877 309 2073](tel:18773092073)

United States: [+1 \(646\) 749-3129](tel:+16467493129)

**Access Code:** 367-856-717

Get the app now and be ready when your first meeting starts: <https://meet.goto.com/install>

Note: If anyone would like the connection link emailed to them, or a set of the meeting slides, please email Anna Martinez at [anna@bardlaw.net](mailto:anna@bardlaw.net) or Nanci Dively at [nsd@bardlaw.net](mailto:nsd@bardlaw.net)

**IF YOU ARE UNABLE TO ATTEND THE VIRTUAL MEETING AND HAVE QUESTIONS, PLEASE FEEL FREE TO CONTACT ANY OF THE FOLLOWING:**

***John C. Talbott, Esq.*** – (502) 741-8783  
[john@bardlaw.net](mailto:john@bardlaw.net)  
*Bardenwerper, Talbott & Roberts, PLLC*

***Mark Madison*** - (502) 327-7073  
[markmadison@milestonedesign.org](mailto:markmadison@milestonedesign.org)  
*Milestone Design Group*

***Jay Luckett***  
*Case Manager, Planning & Design Services*  
(502) 574-5159  
[Jay.Luckett@louisvilleky.gov](mailto:Jay.Luckett@louisvilleky.gov)

**PLANNING & DESIGN SERVICES (PDS's)  
ONLINE CUSTOMER SERVICE PORTAL INFORMATION SHEET**

To view details of the zone change online, use the link at:

<https://aca-louisville.accela.com/LJCMG/Welcome.aspx?TabName=Home&TabList=Home>

Click on the "Search" tab

Then "Planning Applications"

Enter case number in "Record Number" box

Click on "Record Info" tab

## AFTER THE NEIGHBORHOOD MEETING SHEET

### **After the Neighborhood Meeting**

This Neighborhood Meeting is an opportunity for the applicants and surrounding neighbors to discuss and develop an understanding of the proposal prior to a public hearing. At the conclusion of this neighborhood meeting, the applicant has 90 days to file a formal application with Planning & Design Services. If the formal application is not filed within 90 days, the applicant will be required to have another neighborhood meeting.

Once the formal application is filed, a public hearing will be scheduled to consider the application. This public meeting is your official opportunity to speak in support or opposition to the proposal. If you received a notice regarding this neighborhood meeting, or did not receive a notice but signed the sign in sheet, you will receive a notice of the public meeting.

If you are interested in staying informed about this proposal, or have any questions about the formal review process, you may call the Planning & Design Services office at **(502) 574-6230**. Please refer to the case number in your inquiry. You may also go to **<https://louisvilleky.gov/government/planning-design>** to view meeting agendas, search case information, or obtain other Planning & Design Services information.

## Neighborhood Meeting Summary

A virtual neighborhood meeting was held on Thursday, February 24th, 2022, beginning at 6:00 p.m. Those in attendance included the applicant's representatives, John Talbott, attorney with Bardenwerper, Talbott & Roberts, and Mark Madison, land planner and engineer with Milestone Design Group as well as the applicants Tim Fishburn with Buffalo Construction and Michael Smith with Neil Huffman Auto Group.

The meeting began with John Talbott showing a PowerPoint presentation of the area, nearby development, LOJIC mapping and aerial photographs of the site and area. He showed the nearby streets, entrances, and surrounding area. Additionally, renderings of the building were shown.

He described the process this application would go through, starting with the pre-app and neighborhood meeting, the formal filing, LD&T, Planning Commission, and ultimately the decision from the City of Jeffersontown. The new proposed development plan was shown superimposed on aerials and separately so that everyone present was fully familiar with exactly how the plans would look on the site. He and Mark Madison described the proposed plan for this site as an auto dealership. Mr. Madison provided information specific to the trees along the western perimeter which would be preserved to mitigate any impacts to the neighboring property, as well as the detention on the property, which was also placed to keep the improvements and business activity as far away from the neighboring property as possible.

Only two people joined the meeting, one being a representative from NTS, and the second being Scott Harrington from Councilman Kramer's office. Mr. Harrington asked questions about the noise, traffic circulation, and landscaping. We informed him that the site would not have an outdoor PA system to reduce noise and because the applicant does not prefer them. Mr. Madison advised that they will have at least a 35 foot radius to make the entrance and exit of trucks easier. Lastly, he was informed that the applicant will have trees as shown to reduce the heat island affect on the impervious surfaces. The NTS representative did not have any questions, and both attendees indicated that they were satisfied with the presentation and information.

Mr. Talbott also explained how the DPDS "Case Management Review Process" works, how agencies such as those mentioned above, will review the submitted plan and how those agencies' preliminary stamps of approval are required prior to this application being docketed for public meetings and hearings. He said that those attending this meeting, and who have received notice thus far, will receive official notice of those meetings so that they can appear to comment on the application finally filed. Finally, Mr. Talbott explained the process for preliminary subdivision review, hearing, and approval. He further explained the likely review time frame. He said they would probably officially file a week after this coming Monday.

Mr. Talbott also provided those present with information relative to contacts at DPDS and Metro Transportation Planning.



# Development Plan

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Tab 5



Lexus

Chick-Fil-A

Plantside Dr

Blankenbaker Parkway

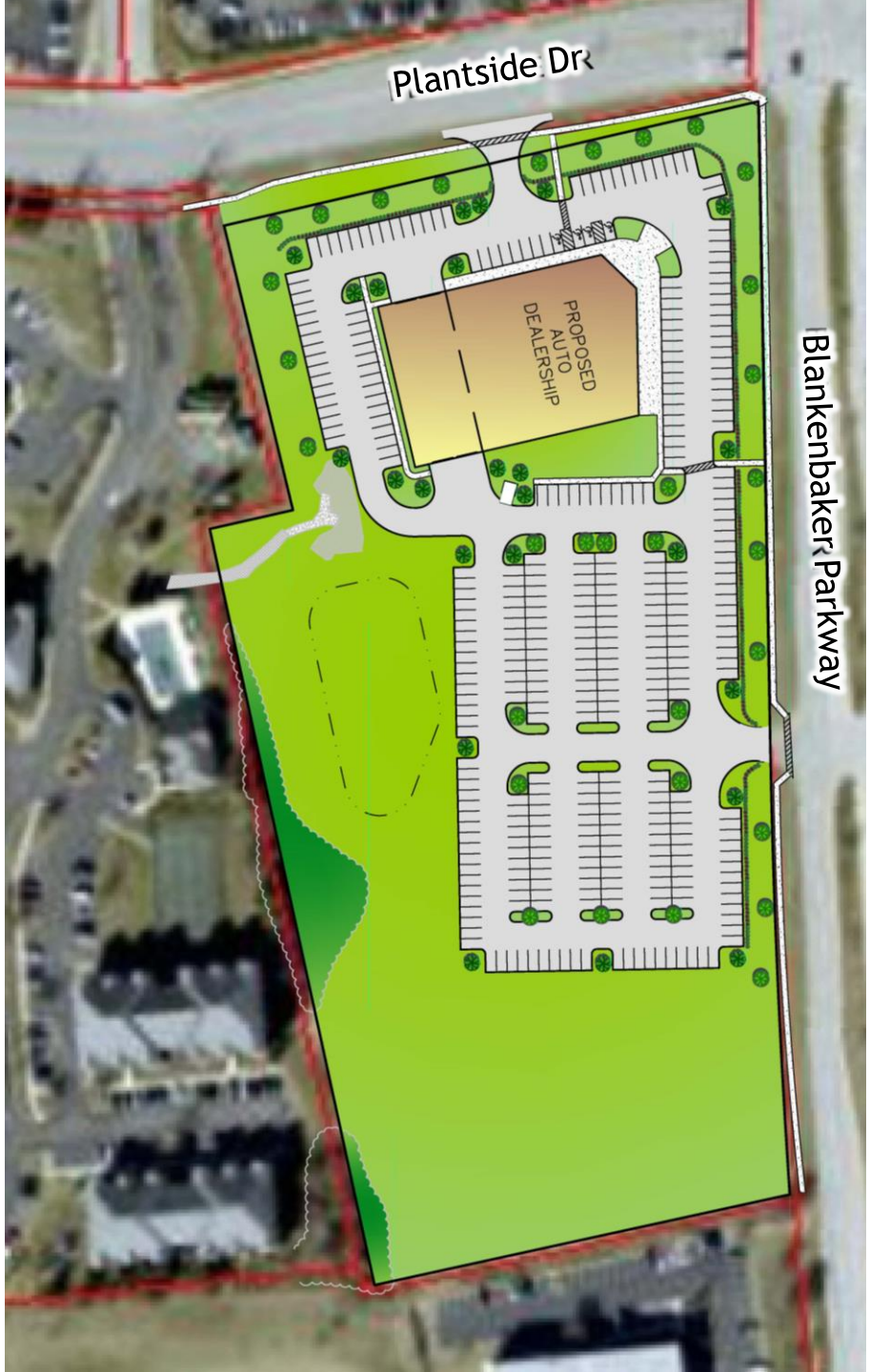
Park Comm  
Credit Union

Blankenbaker  
Crossing

All About  
Kids

Metropolitan  
Veterinary

Air Hydro  
Power



# Building Elevations

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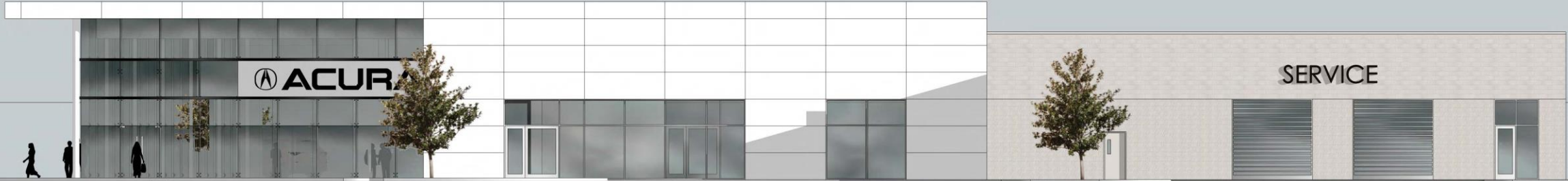
Tab 6



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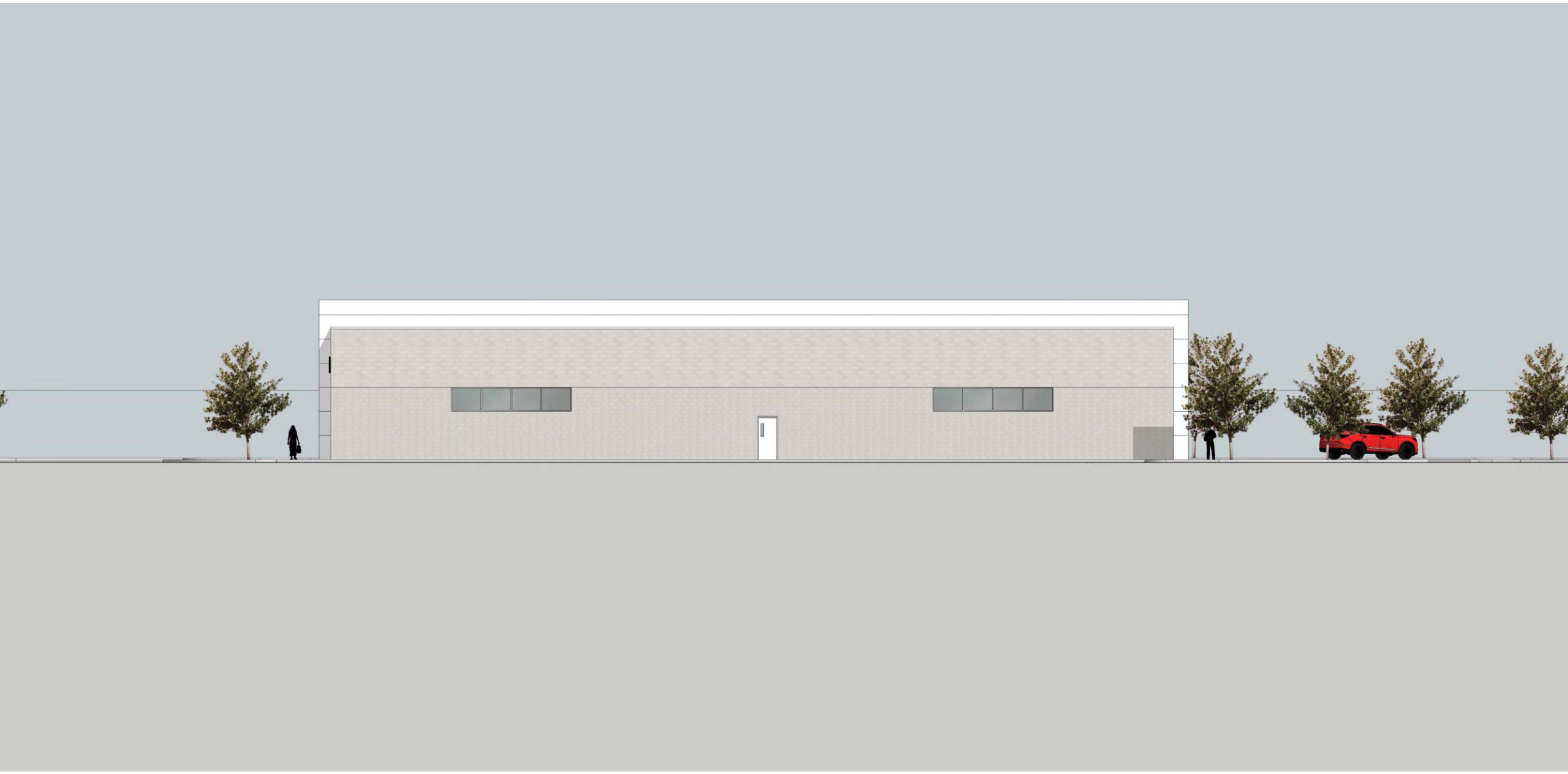
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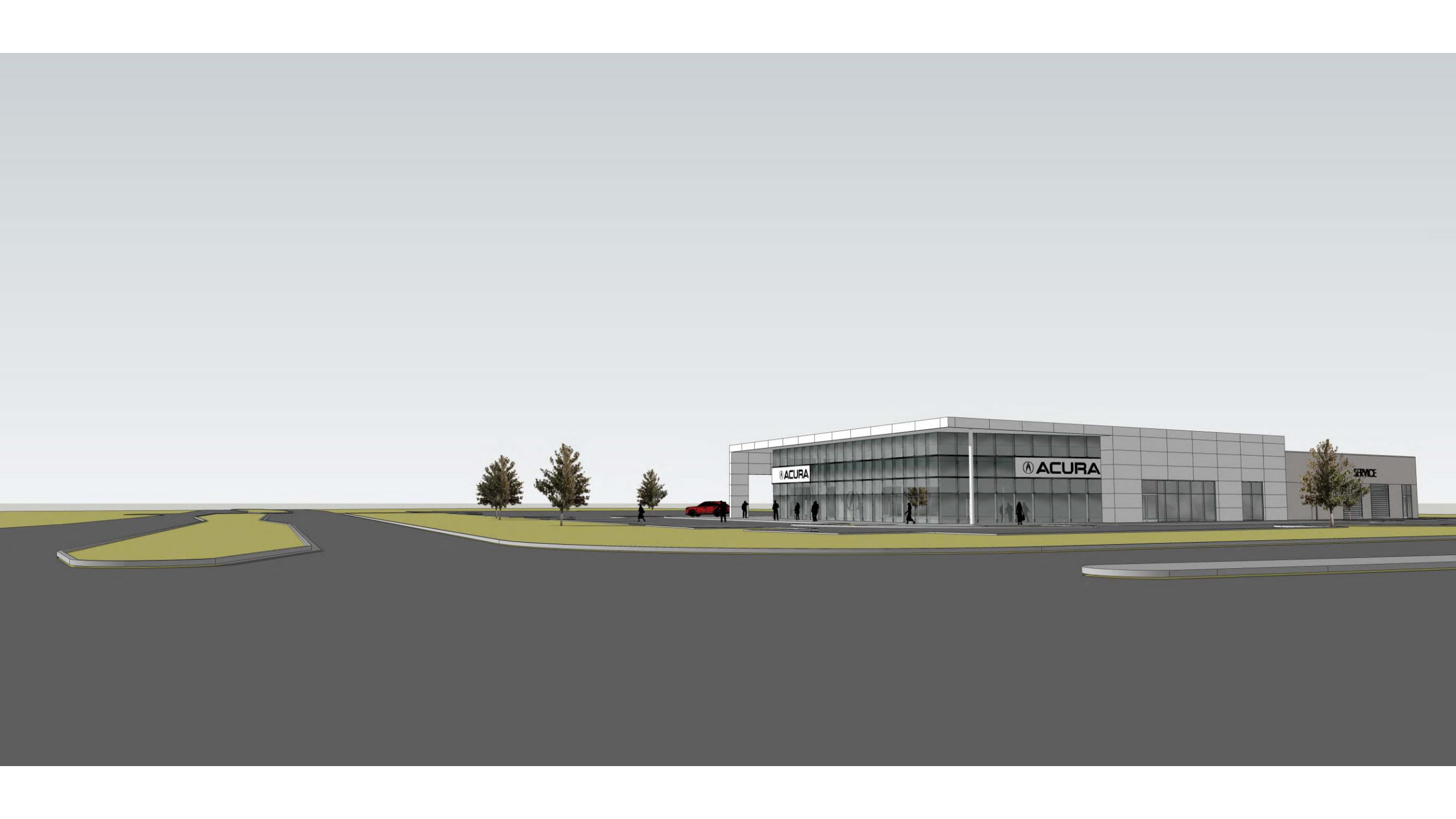
 **ACURA**

**SERVICE**









ACURA

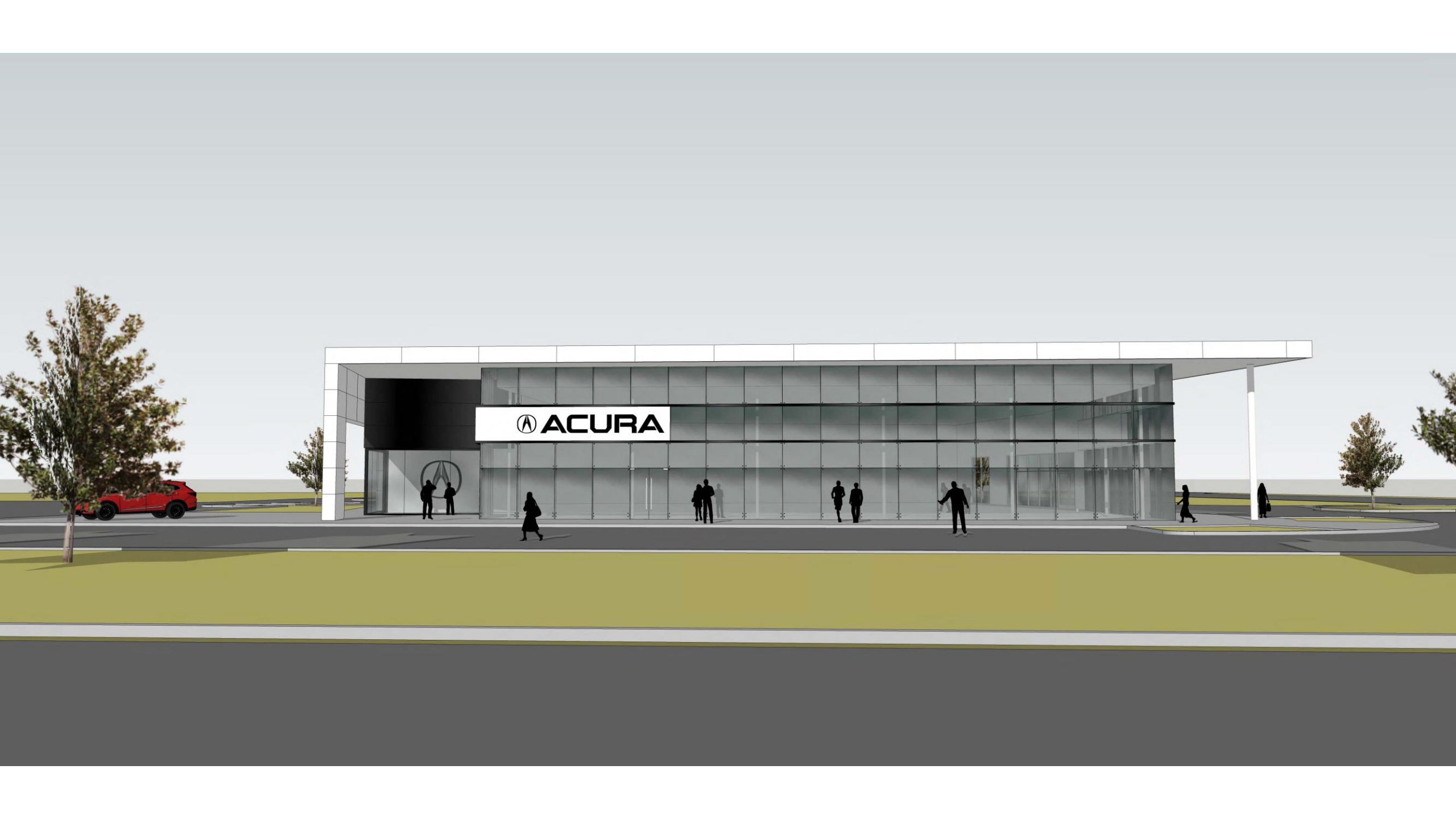
ACURA

SERVICE



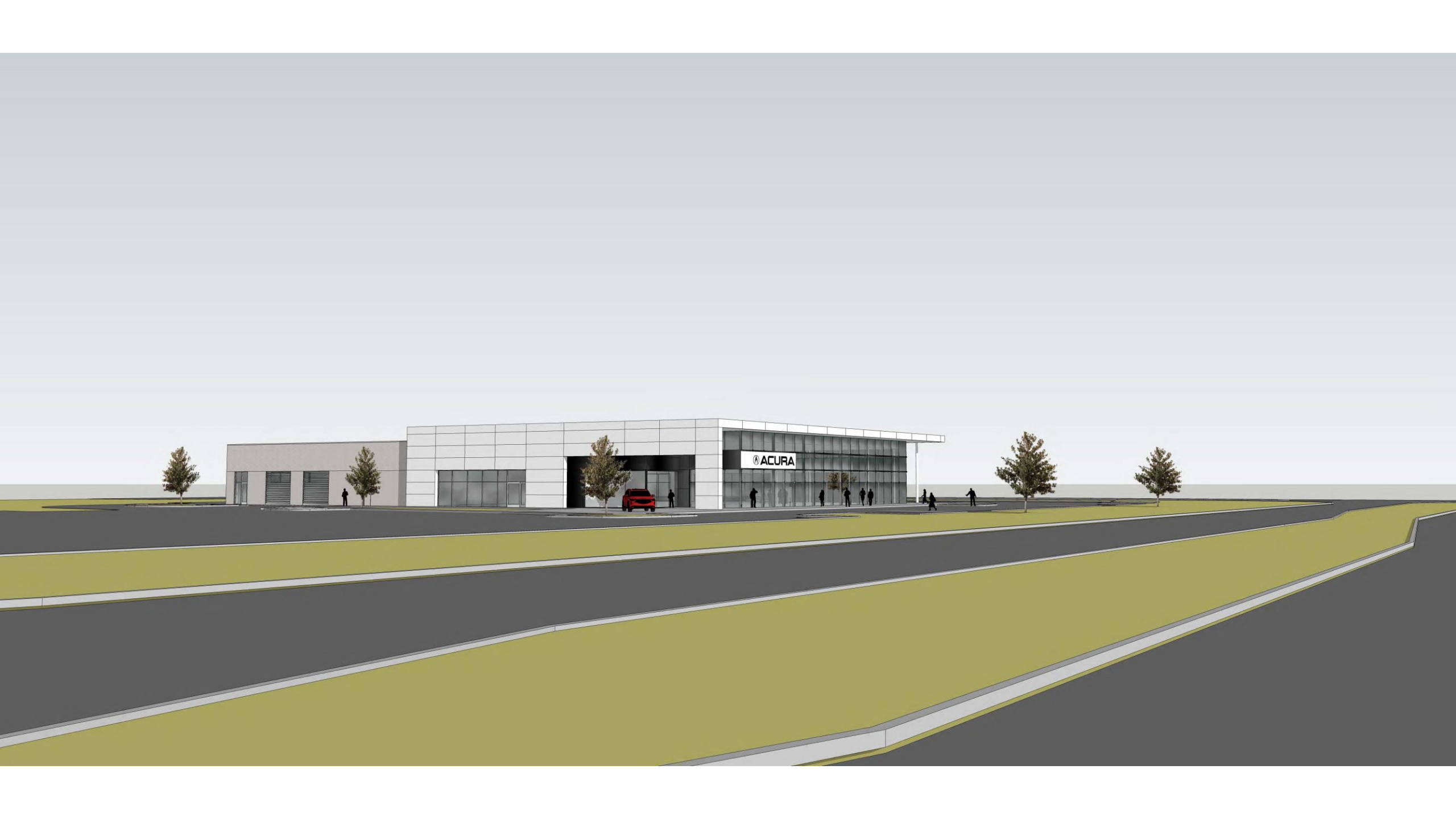
ACURA

ACURA



 **ACURA**







 **ACURA**





# Proposed Additional Binding Elements

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Tab 7

## Lighting

- All exterior lighting, whether freestanding or attached to any structure, including parking lot lights, shall be fully shielded, shall utilize flat or hidden lenses, and shall be pointed directly to the ground. The following are exceptions to this requirement:
  - Low voltage landscape lighting aimed away from adjacent properties and not exceeding 2000 lumens in output per fixture.
- No LED or metal halide lighting shall have a correlated color temperature (CCT) exceeding 4000 degrees Kelvin.
- No parking lot light fixtures shall be more than twenty-three feet high, measured from ground level.
- One hour after closing time for the dealership, parking lot lighting shall be reduced by at least fifty percent (50%).
- Interior lighting visible from the street shall be reduced by at least fifty percent at least one hour after closing.

## Signage

- No lighted signage shall be placed above the building height,
- All lighted signage shall be backlit or halo lit.
- No changing image or moving signs shall be permitted.
- Stand-alone signage shall be no taller than approximately twenty feet in height.

# Proposed Additional Binding Elements



Statement of  
Compliance filed with  
the original zone  
change application  
with all applicable  
Goals of the 2040 Plan

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Tab 8

# 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

## **STATEMENT OF COMPLIANCE WITH ALL APPLICABLE GOALS, OBJECTIVES AND POLICIES OF THE “PLAN 2040” COMPREHENSIVE PLAN**

Applicant: Buffalo Construction, Inc.  
Owners: NTS Crossings Corp.  
Location: 11700 Plantside Drive  
Proposed Use: Automobile dealership  
Request: Zone change from PEC to C-2  
Engineers, Land Planners, Landscape  
Architects: Milestone Design Group

### **INTRODUCTION**

The Applicant proposes a change in zoning from PEC to C-2 in the Suburban Workplace Form District at the corner of Blankenbaker Parkway and Plantside Drive, both arterials, to construct an automobile (Acura) dealership and auto service center. The site is an 8.83-acre vacant tract in the City of Jeffersontown. The service center will have 20 bays and the dealership will be in a 28,872 square foot building. The area is a prime growth area for development because of these principal factors: (a) the availability of sanitary sewers which MSD spent major taxpayer money to accommodate environmentally positive growth; (b) the presence of significant and growing commercial site activity; (c) the location near major arterials in close proximity to an interstate highway system which moves traffic to and from this major employment center; and (d) the close proximity to residential communities, thereby making employee commuting distances and times relatively short and appealing.

### **PLAN ELEMENT 4.1: COMMUNITY FORM**

**This “Application Package” complies with Plan Element 4.1, its 5 Goals and their Objectives plus the following Policies.**

**As to Goal 1, Policies 2, 2.1, 3.1.10, 4, 6, 7, 8, 9 10, 11, 12, 14, 15, 16, 17, 18, 19, 20, 21, 22 and 23, it complies as follows, in addition to the other ways set forth above and below:**

The site is located in the Suburban Workplace Form District which is characterized by mostly industrial and office buildings which are set back from streets in a landscaped setting. These

buildings are often large scale uses, significant in size, which is consistent with the area and which this plan proposes. Public transportation is always desirable but not necessarily always fully available because of limited government funding. Here public transportation is available, although to a limited extent. Pedestrian and bicycle access to nearby retail is desired, and the infrastructure here has and will provide for it.

The required size and height restrictions, interior and perimeter landscaping, minimum parking, maximum lighting, and signage, and required setbacks will all be met pursuant to the Land Development Code.

Also, this proposed auto dealership and service center is located just a short drive in all directions from sizeable and ever-growing population centers, travel distances for workers are reduced, and walking and biking become very real possibilities, especially over time as sidewalk extensions are completed. This helps contribute to improved air quality, livability, and quality of life.

Quality building components and a design, compatible in size, scale and character with other buildings and car dealerships along Blankenbaker Parkway and surrounding area, will assure compatibility with nearby commercial and workplace buildings, development sites and also the residentially occupied properties. Quality landscaping and effective screening and buffering also help assure context-appropriateness and design-compatibility for the larger area and proximate residential neighborhoods.

Partly as a consequence of what surrounds this proposal and the fact that this is a proposed automobile dealership, much like its surrounding land uses, impacts such as traffic, odors, lighting, noise, and aesthetic factors will not prove to be nuisance factors. The dealership will not for instance even utilize an outside PA system. This area has been almost entirely built out as Suburban Workplace development. This development will not cause an expansion of non-residential uses into residential areas as the existing PEC zoning already zoned for a variety of non-residential uses and buffering and screening will be provided adjacent to residential development. Access to the site is not through residential areas and no industrial uses will be allowed in the proposed C-2 district.

**As to Goal 2, Policies 1, 2, 5, 7, 8 and 9, it complies as follows, in addition to the other ways set forth above and below:**

As said, the proposed automobile dealership and service center will be located in a Suburban Workplace Form District and will adjoin already developed industrial and commercial activity center with facilities of a similar kind to this one. As such and with good and improving pedestrian and vehicular access along Blankenbaker and Bluegrass Parkways, Plantside Drive and other area streets, there already exist convenient vehicular, bicycle and pedestrian connections to other like-kind developments, commercial establishments, and nearby residential neighborhoods. Indeed, the

proposed automobile dealership and service center is part of a large mixed use activity center served by adequate infrastructure and transportation facilities that extends from Middletown south down Blankenbaker Parkway, to Jeffersontown, west along Shelbyville Road and I-64 to Hurstbourne, St. Matthews and downtown Louisville, and east to Middletown, Frankfort, and Lexington. Thus, it will access the mix of diverse residential communities nearby that provide a workforce. Plus, this development will have easy access to Louisville's interstate highway system, which leads to and from the UPS Worldport facility and is within a day's drive of a significant portion of the United States.

This location adds to the opportunities existing and planned in this high growth area to work in close and convenient proximity to places of residence, food, and shopping within easy driving distances in all directions along I-64 and the Snyder Freeway.

**As to Goal 3, Policies 9, 10, 11 and 12, it complies as follows, in addition to the other ways set forth above and below:**

The vacant site does not contain any significant natural resources and does not have any environmental constraints such as wet soils, steep slopes construction on which would cause environmental degradation. It is not located in the Ohio River corridor and is not in a flood plain or flood prone area as will be evaluated by MSD.

**As to Goal 4, Policies 1 and 2,** the applicant/developer submits that no historic structures or cultural features exist on this site.

#### **PLAN ELEMENT 4.2: MOBILITY**

**This Application Package complies with Plan Element 4.2, its 3 Goals and their Objectives plus the following Policies.**

**As to Goal 1, Policy 4 and Goal 3, Policies 2, 3, 4, 5, 6, 9 and 10, it complies as follows, in addition to the other ways set forth above and below:**

This proposed automobile dealership and service center (located as it is within an existing and growing mixed use Suburban Workplace area proximate to other large facilities of this kind, with good access off both arterial and collector level streets, and thereby well connected as it is proposed to be close to restaurants, retail shopping and other nearby residential developments and communities) is plainly part and parcel of good pedestrian, bicycle and road networks, locating its development along and with access to and from those networks. The applicant, at its cost, will assure the provision of sidewalks and to-be-determined frontage improvements. In doing

so, it will prepare construction plans that will assure safe access with good site distances and turning radii for its entrances off Blankenbaker Parkway and Plantside Drive.

Also, bike racks and handicapped parking spots will be installed as and where required near buildings, and all drive lanes, parking spaces and stub connections will be designed in accordance with Metro Public Works and Transportation Planning (MPW&TP) requirements. These are preliminarily depicted on the DDDP filed with this application.

Also, an updated Traffic Impact Study (TIS) can be prepared and submitted as part of this application if determined to be needed by MPW&TP. Existing TARC service is generally available in this area. Further, all necessary utilities are located proximate to this site and accessible by it via public right of way or easements.

### **PLAN ELEMENT 4.3: COMMUNITY FACILITIES**

**This Application Package complies with Plan Element 4.3, Goal 2, and its Objectives plus Policies 1, 2 and 3, it complies as follows, in addition to the other ways set forth above and below:**

The suburban cities of Jeffersontown and Middletown have assured that necessary community facilities are located nearby, including sewage treatment by private service connection, police, and fire stations.

### **PLAN ELEMENT 4.4: ECONOMIC DEVELOPMENT**

**This Application Package complies with Plan Element 4.4, Goal 1, and its Objectives, plus the following Policies.**

**As to Goal 1, Policies 1, 2, 3, 4 and 5, it complies as follows, in addition to the other ways set forth above and below:**

The proposed development is in a workplace form district in an area with a mix of industrial, office and commercial uses readily served by infrastructure and transportation facilities at the intersection of two minor arterial roadways (Blankenbaker Parkway and Plantside Drive). It also increases the tax base essential to the provision of government services, especially important after the worst economic setback since the Great Depression which has resulted from the current COVID crisis. If Louisville and Kentucky are to fully economically rebound from this devastating occurrence, it will be because new growth opportunities are afforded like this one. That is why this Plan Element of the Comp Plan takes on such overriding significance at this point in Louisville's history.

#### **PLAN ELEMENT 4.5: LIVABILITY**

**This Application Package complies with Plan Element 4.5, its 4 Goal 1 and its Objectives plus its Policies.**

**As to Goal 1, Policies 17, 21 and 24, it complies as follows, in addition to the other ways set forth above and below:**

Soil erosion is not an issue with this site which is also not located in a floodplain. The DDDP filed with this application contemplates that storm water will be accommodated with on-site detention to be sized in conjunction with MSD's review. Sanitary sewer service is available at the nearby Floyds Fork regional wastewater treatment plant. It can be accessed via lateral extension to and from an existing nearby manhole.

Measures will also be taken during construction to assure that erosion and sediment impacts are fully controlled and/or mitigated.

As mentioned above, given the location of this proposed automobile dealership and service center in and near a large existing and expanding activity center, and nearby residential living opportunities, air quality impacts will be minimized because vehicle miles travelled are reduced.

#### **PLAN ELEMENT 4.6: HOUSING**

**This Application Package complies with Plan Element 4.6, its 3 Goals and their Objectives, and Policies 1, 2 and 3 as follows:**

The proposed zoning permits a variety of residential and mixed-use development in the future which is directly served by transit along Plantside Drive and well-connected to the area transportation network. No residents will be displaced by this development.

\* \* \*

For all the above-stated reasons, those shown on the detailed district development plan and those explained at the LD&T meeting and Planning Commission public hearing, this application

complies with all other applicable Goals, Objectives, and Policies of the “Plan 2040” Comprehensive Plan.

Respectfully submitted,

---

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

Proposed findings  
of fact pertaining  
to compliance  
with the 2040  
Plan

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Tab 9



# BARDENWERPER, TALBOTT & ROBERTS, PLLC

ATTORNEYS AT LAW

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## PROPOSED FINDINGS OF FACT REGARDING COMPLIANCE WITH ALL APPLICABLE GOALS OF THE 2040 PLAN

Applicant: Buffalo Construction, Inc.  
Owners: NTS Crossings Corp.  
Location: 11700 Plantside Drive  
Proposed Use: Automobile dealership  
Request: Zone change from PEC to C-2  
Engineers, Land Planners, Landscape  
Architects: Milestone Design Group

**WHEREAS**, the Louisville Metro Planning Commission, having heard testimony before its Land Development & Transportation Committee, in the Public Hearing held on July 21, 2022, and having reviewed evidence presented by the applicant and the staff's analysis of the application, make the following findings:

**WHEREAS**, the Applicant proposes a change in zoning from PEC to C-2 in the Suburban Workplace Form District to construct an automobile (Acura) dealership and auto service center on an 8.83-acre vacant tract in the City of Jeffersontown; the service center will have 20 bays and the dealership will be in a 28,872 square foot building in an area is also a prime growth area for development because of these principal factors: (a) the availability of sanitary sewers which MSD spent major taxpayer money to accommodate environmentally positive growth; (b) the presence of significant and growing commercial activity; (c) the location near major arterials in close proximity to an interstate highway system which moves traffic to and from this major employment center; and (d) the close proximity to residential communities, thereby making employee commuting distances and times relatively short and appealing; and

**WHEREAS**, as to Community Form Goal 1, Policies 2, 2.1, 3.1.10, 4, 6, 7, 8, 9 10, 11, 12, 14, 15, 16, 17, 18, 19, 20, 21, 22 and 23, it complies because the site is located in the Suburban Workplace Form District which is characterized by mostly industrial and office buildings which are set back from streets in a landscaped setting which are often large scale uses, significant in size, which this plan proposes; and public transportation is available, although to a limited extent; and pedestrian and bicycle access to nearby retail is desired, and the infrastructure here has and will provide for it; and

**WHEREAS**, Land Development Code required size and height restrictions, interior and perimeter landscaping, minimum parking, maximum lighting, and signage, and required setbacks will all be met; and

**WHEREAS**, this proposed auto dealership and service center is just a short drive in all directions from sizeable and ever-growing population centers, travel distances for workers are reduced, and walking and biking become available as sidewalk extensions are completed which helps contribute to improved air quality; and

**WHEREAS**, quality building components and a design, compatible in size and scale with other buildings and car dealerships along Blankenbaker Parkway and surrounding area, will assure compatibility with nearby commercial and workplace buildings, development sites and also the residentially occupied properties; and quality landscaping and effective screening and buffering also help assure context-appropriateness and design-compatibility for the larger area and proximate residential neighborhoods; and

**WHEREAS**, in context with surrounding land uses and as this is a proposed automobile dealership, impacts such as traffic, odors, lighting, noise, and aesthetic factors will not prove to be nuisance factors; and this area has been almost entirely built out as Suburban Workplace development; a number of binding elements have been proposed to address lighting and signage to mitigate potential adverse effects to the area; this development will not cause an expansion of non-residential uses into residential areas as the existing PEC zoning already zoned for a variety of non-residential uses and buffering and screening will be provided adjacent to residential development; and access to the site is not through residential areas and no industrial uses will be allowed in the proposed C-2 district; and

**WHEREAS**, to Community Form Goal 2, Policies 1, 2, 5, 7, 8 and 9, it complies because the proposed automobile dealership and service center will be located in a Suburban Workplace Form District and will adjoin already developed industrial and commercial activity center with facilities of a similar and with good and improving pedestrian and vehicular access along Blankenbaker and Bluegrass Parkways, Plantside Drive and other area streets, there are convenient vehicular, bicycle and pedestrian connections to other like-kind developments, commercial establishments, and nearby residential neighborhoods and the proposed automobile dealership and service center is part of a large mixed use activity center served by adequate infrastructure and transportation facilities extending from Middletown south down Blankenbaker Parkway to Jeffersontown, west along Shelbyville Road and I-64 to Hurstbourne, St. Matthews and downtown Louisville, and east to Middletown, Frankfort, and Lexington and will have access to diverse residential communities nearby that provide a workforce; and this development will have easy access to Louisville's interstate highway system, which leads to and from the UPS Worldport facility and is within a day's drive of a significant portion of the United States; and

**WHEREAS**, this location adds to the opportunities existing and planned in this high growth area to work in close and convenient proximity to places of residence, food, and shopping within easy driving distances in all directions along I-64 and the Snyder Freeway; and

**WHEREAS**, to Community Form Goal 3, Policies 9, 10, 11 and 12, this proposal complies because the vacant site does not contain any significant natural resources and does not have any environmental constraints such as wet soils or steep slopes, construction on which, would cause

environmental degradation; and it is not located in the Ohio River corridor and is not in a flood plain or flood prone area as confirmed by MSD; and

**WHEREAS**, to Community Form Goal 4, Policies 1 and 2, there are no historic structures or cultural features on this site; and

**WHEREAS**, as to Mobility Goal 1, Policy 4 and Goal 3, Policies 2, 3, 4, 5, 6, 9 and 10, it complies because this proposed automobile dealership and service center (located as it is within an existing and growing mixed use Suburban Workplace area proximate to other large facilities of this kind, with good access off both arterial and collector level streets and thereby well connected as it is proposed to be close to restaurants, retail shopping and other nearby residential developments and communities) is served by good pedestrian, bicycle and road networks, locating its development along and with access to and from those networks; the applicant, at its cost, will provide sidewalks and frontage improvements in conjunction with its construction plans that will assure safe access with good sight distances and turning radii for its entrances off Blankenbaker Parkway and Plantside Drive; and

**WHEREAS**, bike racks and handicapped parking spots will be installed and all drive lanes, parking spaces and stub connections are designed in accordance with Metro Public Works and Transportation Planning (MPW&TP) requirements which are preliminarily approved on the DDDP filed with this application; and

**WHEREAS**, trip generation data for the proposed use at this site were submitted to KYTC which approved the plan; and

**WHEREAS**, existing TARC service is available in this area; and

**WHEREAS**, all necessary utilities are located proximate to this site and accessible by it via public right of way or easements; and

**WHEREAS**, this Application Package complies with Community Facilities Goal 2, and its Objectives plus Policies 1, 2 and 3, because the suburban cities of Jeffersontown and Middletown have assured that necessary community facilities are located nearby, including sewage treatment by private service connection, police, and fire stations; and

**WHEREAS**, as to Economic Development Goal 1, Policies 1, 2, 3, 4 and 5, it complies because the proposed development is in a workplace form in an area with a mix of industrial, office and commercial uses readily served by infrastructure and transportation facilities at the intersection of two minor arterial roadways (Blankenbaker Parkway and Plantside Drive); and

**WHEREAS**, it also increases the tax base essential to the provision of government services, especially important after the worst economic setback since the Great Depression which has resulted from the current COVID crisis; and

**WHEREAS**, as to Livability Goal 1, Policies 17, 21 and 24, it complies because soil erosion is not an issue with this site which is also not located in a floodplain and the DDDP filed with this application contemplates that storm water will be accommodated with on-site detention to be sized in conjunction with MSD's review and approval and sanitary sewer service is available at the nearby Floyds Fork regional wastewater treatment plant which can be accessed via lateral extension to and from an existing nearby manhole; and

**WHEREAS**, measures will also be taken during construction to assure that erosion and sediment impacts are fully controlled and/or mitigated; and

**WHEREAS**, given the location of this proposed automobile dealership and service center in a large existing and expanding activity center, and nearby residential living opportunities, air quality impacts will be minimized because vehicle miles travelled are reduced; and

#### **PLAN ELEMENT 4.6: HOUSING**

**WHEREAS**, this Application Package complies with the 3 Housing Goals and their Objectives, and Policies 1, 2 and 3 because the proposed zoning permits a variety of residential and mixed-use development in the future which is directly served by transit along Plantside Drive and well-connected to the area transportation network; and no residents will be displaced by this development; and

\* \* \*

**WHEREAS**, for all the reasons explained at LD&T and the Planning Commission public hearing and in the public hearing exhibit books, on the approved detailed district development plan, this application also complies with all other applicable Goals of the 2040 Comprehensive Plan.

**NOW, THEREFORE**, the Louisville Metro Planning Commission hereby recommends to the City Council of the City of Jeffersontown, Kentucky that it rezone the subject property from PEC to C-2 and approve the Detailed District Development Plan.