

Received
2/5/19

Applicant's

PROPOSED FINDINGS OF FACT FOR ZONE CHANGE
5540 Minor Lane

DOCKET NO. 18ZONE1049

February 7, 2019

DISCUSSION:

A transcript of the public hearing is on file in this docket.

In business session subsequent to the public hearing on this request, the Commission took the following action:

On motion by Commissioner _____, seconded by Commissioner _____, the following resolutions were adopted:

WHEREAS, the Planning Commission finds that the proposal conforms with KRS 100.213 because it agrees with the Comprehensive Plan of Metro Louisville and Jefferson County, its goals, objectives, guidelines and policies (sometimes called "Cornerstone 2020") as further detailed in these Findings; and

WHEREAS, the Planning Commission finds that the existing zoning classification and Form District is inappropriate and the proposed zoning classification and proposed Form District is appropriate as further detailed in these findings; and

WHEREAS, the Planning Commission finds that there have been major changes of an economic, physical or social nature within the area involved which were not anticipated in the adopted comprehensive plan and which have substantially altered the basic character of the area as further detailed in these findings; and

WHEREAS, the Planning Commission further finds that the Suburban Work Place Form Area as identified by Core Graphic 1, is a more consistent and appropriate form area for this property; and is consistent with Guideline 1.B.10. because the proposal is characterized by predominately industrial and office uses where the buildings are set back from the street in a landscaped setting; because this proposal will contain uses or a cluster of uses within a master planned development; because adequate transportation access to, from, and throughout the proposal has been designed in agreement with this Guideline 1.B.10.; because significant buffering from abutting uses is provided naturally and as shown on the proposal; because the development is located at the intersection of an arterial (Outer Loop) and a collector (Minor Lane) near an expressway (I-65), as identified by Core Graphic 10, and is of a scale that is appropriate for the nearby neighborhoods, businesses and industrial uses, all as shown on the Detailed District Development Plan prepared by Milestone Design

Group, Incorporated and last updated on updated and provided to the Land Design and Transportation Committee on January 17, 2019 (“Development Plan”); and

WHEREAS, the Planning Commission further finds that the proposal complies with Compatibility Guideline 3 and all applicable Policies adopted thereunder, including Policies 3.1, 3.2, 3.4, 3.7, 3.8, 3.9, 3.12, 3.21, 3.22, 3.23, 3.24, 3.28 and 3.29 because the proposed development is of a scale and site design compatible with nearby existing development and with the pattern of development within the adjacent Suburban Work Place Form Area; because the type of building materials is appropriate for the character of the area and surrounding structures; because any adverse impact on adjacent residential uses, including traffic, parking, signs, and lighting, will be mitigated through the binding elements that have been proposed and agreed upon by the applicant; because appropriate transitioning from residential to non-residential uses will be provided through the use of natural vegetative buffers and landscaping, landscaped buffer yards, vegetative berms, compatible building design and materials, height restrictions and setbacks, which will also protect the character of residential areas, roadway corridors, and public spaces from visual intrusions; because the proposed development is designed to provide accessibility to people with disabilities; because the parking, loading and delivery areas are adequate for the proposed uses and are designed to minimize any adverse impact on adjacent residential areas, with the parking and circulation areas adjacent to the street screened and buffered; because proposed signage will be compatible with the Suburban Work Place Form Area and will be integrated with or attached to structures wherever possible; and

WHEREAS, the Planning Commission further finds that the proposal complies with Natural Areas and Scenic and Historic Resources Guideline 5 and all applicable Policies adopted thereunder including 5.1, 5.2, 5.3 and 5.6 because cultural and historic resources located on this site will be preserved and protected; because according to Core Graphic 5 there are also no severe or steep slopes or soils unsuitable for development on this site that could contribute to environmental degradation; and because the area proposed for development is not located in a regulatory floodplain.

WHEREAS, the Planning Commission further finds that the proposal complies with Economic Growth and Sustainability Guideline 6 and all applicable Policies thereunder including 6.1, 6.4, and 6.8 because the development is appropriately located to meet the needs of this proposed workplace district and its employees, and because, as stated previously, this development is in close proximity to other existing facilities serving the Ford Motor Company Plant, United Parcel Service (UPS) and the Louisville International Airport and their collective employees; because the proposed development has chosen to locate on a site that will enable primary and secondary job creation in close proximity to existing social and economic infrastructures; because the proposed development adheres to the policies designed to promulgate the intentions of this Guideline; because the development will help keep dollars in the immediate community; because the

development will have the ability to spread tax burden for public facilities maintenance and neighborhood programs; because the development will attract new investment dollars adjacent to major economic engines in Louisville, (Ford Plant, UPS, Louisville International Airport); because the development may provide management level and entry-level positions; because the development will offer flexible working hours; because the development will assist in preserving existing standards of living over time; because the development will provide new services and products not previously available in a timely manner to nearby industries; and

WHEREAS, the Planning Commission further finds that the proposed site is one of the most significant development sites in the Louisville Metro, and possesses unique characteristics unmatched by other alternatives, and It is located adjacent to the most traveled section of interstate highway in the Commonwealth of Kentucky with nearly 330,000 vehicles traveling past the site on a daily basis; and

WHEREAS, the Planning Commission further finds that the proposed development of this property is positioned in one of the nation's best performing areas for industrial development--the I-65 & South Louisville Airport sub-market in Louisville. From standing as the hub of UPS' WorldPort, Louisville's Airport is the 7th busiest cargo airport in the world, between Dubai International Airport of the United Arab Emirates, and the Charles de Gaulle Airport outside Paris, France; and

WHEREAS, the Planning Commission further finds that the proposal allows for the required strategic positioning of buildings to possess a floor area equating to approximately 1 million leasable square feet, enabling easy subdivision to match the high demand for industrial space within the market, and Furthermore, the supply for available buildings and developments consisting of such flexible market ready space in excess of 500,000 square feet and above, which typically cater to larger tenants, is limited according to real estate brokerage experts CBRE Louisville; and

WHEREAS, the Planning Commission further finds that the Property is exceptionally well-located off Interstate 65, and is in immediate proximity to the Louisville International Airport and UPS's WorldPort, and that the Louisville International Airport has stood as UPS's WorldPort, the state's largest employer of over 20,000 employees, for over 3 decades, and furthermore, UPS has demonstrated its commitment to Louisville and the surrounding area by investing over \$5 billion in UPS' operations infrastructure, and therefore this Property and the associated development plan, benefits from standing less than 2 miles from the Airport and less than 3 miles to Ford Motor Company's distribution plant (which houses more than 8,500 employees), and that the I-65 and Outer Loop location offers excellent operational benefits to Third Party Logistics providers and e-commerce retailers, and that the Property's location is easily accessible via the Outer Loop Exit off Interstate 65, and that the Property is in walking and/or short driving distance to other amenities which directly benefit the tenancy

and its employees, including economy hotels, neighborhood restaurants, and fueling stations; and

WHEREAS, the Planning Commission further finds that the end result enables the development of needed industrial buildings within one of the best performing industrial sub-markets in the world, and this noteworthy property will long stand as a cornerstone for the I-65 corridor, and the project will also be one of the few in the Louisville market offering tenants the ability for subdivision or expansion within a new state of the art industrial park in such close proximity to logistical and intermodal end users; and

WHEREAS, the Planning Commission further finds that the Applicant has researched other sites and the proposed development site is the only developable interchange site from Elizabethtown, Kentucky to Clarksville, Indiana, and interchange locations south of this development site are constrained by the absence of available sewers (KY 245, Lebanon Junction and Brooks) or located within areas impacted by severe flooding (KY 44 in Shepherdsville), and other sites at the Outer Loop interchange are already developed (Waste Management Sanitary Landfill) or located in severely flood prone areas or regulatory wetlands, and interchanges immediately north of the development site are already developed for industrial uses (UPS and Ford Fern Valley Truck Plant) or are under redevelopment, and interchange sites along the 15-miles of I-65 that extends north of Fern Valley Road through downtown Louisville and Southern Indiana are completely developed; and

WHEREAS, the Planning Commission further finds that the proposal complies with Circulation Guideline 7 and all applicable Policies thereunder including 7.1, 7.2, 7.3, 7.5, 7.6, 7.9, 7.10, 7.14, and 7.15 because proposed design provides good internal circulation as well as connections to major thoroughfares and adjacent roadway networks; because it has been demonstrated that the development will not cause adverse impacts to the traffic-carrying capacity of the existing roadway network as Stated in the Applicants traffic study; because roadway improvements will be made by the Applicant, along Minor Lane and the Outer Loop which will include signalization improvements, road widening and new turning lanes, as well as, shoulder improvements, and the aforesaid improvements are located on roadways with ample right of way, pavement width and carrying capacity; because sidewalks constructed throughout the development to the adjacent properties will facilitate pedestrian access to, from and throughout the development; because on-site parking is sufficient to serve the development and is set back and screened away from nearby existing residential areas; because the access point is located as reviewed and approved by the Louisville and Jefferson County Metro Department of Public Works and will not pose any safety hazards, as the Department's approval indicates; and because the access points are located as reviewed and preliminarily approved by the Louisville and Jefferson County Metro Department of Public Works and will not pose any safety hazards; and because the agreed connection of this site to the existing roadway provides for a safe and reliable ingress and egress for truck traffic at the request of the Louisville and Jefferson County Metro Department of

Public Works to better ensure safe maneuvering of trucks; and

WHEREAS, the Planning Commission further finds that the proposal complies with Transportation Facility Design Guideline 8 and all applicable Policies adopted thereunder including Policies 8.8 and 8.10 because primary truck access to the site is off Minor Lane via the signal at Minor Lane and Outer Loop, and will lessen any traffic through areas of lower intensity; because the primary access points have adequate sight distance and have been constructed and approved by the Louisville and Jefferson County Metro Department of Public Works; because the system of internal traffic circulation as shown on the plan will be constructed after being reviewed and approved by the Department, and has appropriate linkages between parking areas which have been located so as to avoid creating nuisances to surrounding uses; and

WHEREAS, The Planning Commission finds that the proposal complies with Bicycle, Pedestrian and Transit Guideline 9 because adequate roadways provide safe and reliable access, sidewalks will be provided; and because bicycle racks will be located where appropriate; and

WHEREAS, The Planning Commission further finds that the proposal complies with Flooding and Storm water Guideline 10 and all applicable Policies adopted thereunder including Policies 10.1, 10.2, 10.5, 10.6 and 10.7 because the site has no blue line steams; because the proposed plan has been approved by the Metropolitan Sewer District ("MSD"); because preliminary drainage conceptual plans have been approved and future plans will meet or exceed MSD requirements as determined in the construction plan design process; because the detention and drainage facilities will be constructed in dedicated sanitary sewer and drainage easements and will ensure that peak storm water runoff will not exceed predevelopment conditions; and

WHEREAS, The Planning Commission finds that the proposal complies with Water Quality Guideline 11 and all applicable Policies adopted thereunder including Policy 11.3 because prior to any construction activity on site, a soil erosion and sediment control plan shall be submitted to and approved by MSD. See Erosion Prevention and Sediment Control Notes on the Development Plan.

WHEREAS, The Planning Commission finds that the proposal complies with Air Quality Guideline 12 and all applicable Policies adopted thereunder including Policies 12.1, 12.3, 12.4 and 12.8 because the plan was reviewed by and approved by the Louisville and Jefferson County Metro Air Pollution Control District; and because mass transit service is available and sidewalks are provided as appropriate; and

WHEREAS, The Planning Commission finds that the proposal complies with Landscape Character Guideline 13 and all applicable Policies adopted thereunder including Policies 13.1, 13.2, 13.5 and 13.6 because landscaping in compliance with Article 12 will be provided and construction fencing shall be erected prior to any construction activities on site to prevent compaction of the

root systems of trees; and

WHEREAS, The Planning Commission further finds that the granting of General Landscape Buffer Area (LBA) Waiver of Section 5.5.4.B to reduce the required 50 feet to 35 feet, and that the granting of a Variance from the Land Development Code section 4.8 to allow proposed "Building B" to encroach upon the 100 foot protected waterway buffer a maximum of 38.6 feet; because the requested waiver and variance will not adversely affect adjacent property owners; because this property will preserve existing trees as much as possible, and extensive landscaping and berming will be created; because tenants will be identified who will choose this location because of the proximity to other manufacturing facilities and the Ford Motor plant and UPS; because the proposed building is the minimum size needed and the granting of the waiver and variance would allow for the location of this business(s) at this site; because the property is located in an area that is a major industrial corridor and employment base; because this proposal complies with the Comprehensive Plan in that the Goals and Objectives Goal A1, Objectives 1.4 & 1.5, Goal D1 Objectives D 1.1, 1.2, 1.3, and 1.4 support economic development and jobs; because the waiver and variance requested are the minimum necessary to allow the proposed buildings and structures and to remain in compliance with other sections of the Land Development Code; and because where relief is sought from the LDC, the applicant has sufficiently attempted to comply with the LDC and has not attempted to circumvent the requirements; and because the Louisville Metro Staff Findings and Analysis, contained within the Staff Report, support the granting of the waiver and variance; and

WHEREAS, The Planning Commission finds that the proposal complies with Infrastructure Guideline 14 and all applicable Policies adopted thereunder including Policies 14.2, 14.3 and 14.4 because the site is served by all necessary utilities including water and sewerage facilities; and

WHEREAS, The Planning Commission finds that the proposal complies with Community Facilities Guideline 15 and all applicable Policies adopted thereunder including Policy 15.9 because the site is located within the Okolona Fire Protection District; and

WHEREAS, the Planning Commission further finds that the proposal complies with all other applicable Guidelines and Policies of the Jefferson County Comprehensive Plan;

RESOLVED, that the Louisville Metro Planning and Design Services does hereby **RECOMMEND** to the Louisville / Jefferson County Metro Government that the change in zoning **from R-4 and R-7 Residential, and C-2 Commercial to PEC Planned Employment Center** be **APPROVED**; and

RESOLVED, that the Louisville Metro Planning and Design Services does hereby **RECOMMEND** to the Louisville / Jefferson County Metro Government that the change in form districts from **Suburban Market Place and**

Neighborhood to Suburban Work Place be **APPROVED**; and

RESOLVED, that the Louisville Metro Planning and Design Service does hereby **APPROVE** the requested Landscape Waiver and Waterway setback Variance to allow for the as shown on the Detailed District Development Plan and detailed in these Findings of Fact because the adjacent properties will not be adversely affected, the granting of the waiver and the variance will not violate the Comprehensive Plan, the requested waiver and variance are the minimum necessary to afford relief to the applicant and adjacent property owners, and the strict application of the regulations would deprive the applicant of the reasonable use of the land, and the waivers are supported by the Louisville Metro Planning and Design Department Staff Report; and

RESOLVED, that the Louisville Metro Planning and Design Service does hereby **APPROVE** the Detailed District Development Plan for Docket No. 18ZONE1049 **SUBJECT** to the following binding elements:

PROPOSED BINDING ELEMENTS:

1. The development shall be in accordance with the approved district development plan, all applicable sections of the Land Development Code (LDC) and agreed upon binding elements unless amended pursuant to the Land Development Code. Any changes/additions/alterations of any binding element(s) shall be submitted to the Planning Commission or the Planning Commission's designee for review and approval; any changes/additions/alterations not so referred shall not be valid.

2. Prior to development (includes clearing and grading) of each site or phase of this project, the applicant, developer, or property owner shall obtain approval of a detailed district development plan in accordance with Chapter 11, Part 6. Each plan shall be in adequate detail and subject to additional binding elements. The façade elevations submitted at this time shall be in accordance with applicable form district standards and shall be approved by PDS staff prior to construction permit approval.

3. No outdoor advertising signs, small freestanding signs, pennants, balloons, or banners shall be permitted on the site.

4. Before any permit (including but not limited to building, parking lot, change of use, site disturbance, alteration permit or demolition permit is requested:

a. The development plan must receive full construction approval from Louisville Metro Department of Codes and Regulations Construction Permits and Transportation Planning Review and the Metropolitan Sewer District.

b. Encroachment permits must be obtained from the Kentucky Department of Transportation, Bureau of Highways.

c. The property owner/developer must obtain approval of a detailed plan for

screening (buffering/landscaping) as described in Chapter 10 prior to requesting a building permit. Such plan shall be implemented prior to occupancy of the site and shall be maintained thereafter.

d. A minor plat shall be approved and recorded creating the lots as shown on the approved development plan.

5. A certificate of occupancy must be received from the appropriate code enforcement department prior to occupancy of the structure or land for the proposed use. All binding elements requiring action and approval must be implemented prior to requesting issuance of the certificate of occupancy, unless specifically waived by the Planning Commission.

6. The applicant, developer, or property owner shall provide copies of these binding elements to tenants, purchasers, contractors, subcontractors and other parties engaged in development of this site and shall advise them of the content of these binding elements. These binding elements shall run with the land and the owner of the property and occupant of the property shall at all times be responsible for compliance with these binding elements. At all times during development of the site, the applicant and developer, their heirs, successors; and assignees, contractors, subcontractors, and other parties engaged in development of the site, shall be responsible for compliance with these binding elements.

7. No idling of trucks shall take place within 200 feet of single-family residences. No overnight idling of trucks shall be permitted on-site.

8. No deliveries shall be permitted by any commercial use between 10:00 pm and 7:00 am

9. A reciprocal access and crossover easement agreement in a form acceptable to the Planning Commission legal counsel shall be created between the development site and the adjoining property owner(s) to the North and recorded prior to development of that site for any non-residential use. A copy of the recorded instrument shall be submitted to the Division of Planning and Design Services.

10. A reciprocal access and crossover easement agreement in a form acceptable to the Planning Commission legal counsel shall be created between all parcels shown on the approved development. Rights of access shall be retained for the benefit of the public to access the archaeological feature on lot 2. A copy of the recorded instrument shall be submitted to the Division of Planning and Design Services. Such agreement shall be recorded prior to construction plan approval.

11. A unified signage plan shall be created that sets consistent standards for the design, appearance and location of signs within the development. This plan shall be submitted for review and approval by Planning Commission Staff prior to issuance of certificate of occupancy.

12. Landscaping shall be provided which is substantially similar to that described on the applicant's landscape exhibit presented at the 2/7/19 public hearing of the Planning Commission.

13. The materials and design of proposed structures shall be substantially the same as depicted in the rendering as presented at the 2/7/19 Planning Commission meeting. One tree shall be planted within 15 feet of the building, for each 50 feet of façade length facing public streets or residentially used property. Trees may be clustered but distance between trees shall not exceed 100 feet. Tree species shall be selected from the Preferred Plant List that will equal or exceed the height of the adjacent building, at maturity. This shall be in addition to trees required in parking lot interior landscape areas.

14. The developer shall be responsible for maintenance of all drainage facilities and undeveloped lots ensuring prevention of mosquito breeding, until such time as the drainage bond is released.

15. The following roadway improvement shall be made prior to the occupancy of the subject site unless these improvements are changed by Metro Government:

Outer Loop Road at Minor Lane

A. Remove the existing raised median on the west leg of the intersection to provide dual left turns from Outer loop Road to Minor Lane.

B. Add an additional southbound lane on the north leg of the intersection to provide 1 right turn lane, 1 shared through-left turn lane and 1 exclusive left turn lane. Widening on this leg will require significant shoulder widening to provide positive off-tracking for heavy making a right turn from Minor Lane to Outer Loop Road.

C. Widen the northbound approach of Briarcliff Road north of the Old Outer Loop Road to provide full pavement width for two lanes. Reconfigure the northbound lanes to provide 1 exclusive left turn lane and 1 shared through right turn lane.

D. Provide a westbound right turn lane on Outer Loop Road to Minor Lane.

Minor Lane Extension at Development Drive

Configure the newly created intersection with stop control on the southbound approach of Minor Lane.

All binding elements stated in this report are accepted in total without exception by the entity requesting approval of these development items.

Name

Title

Date
