

## **Case No. 16777 - Findings of Fact**

On a motion by Commissioner White, the following resolution was adopted:

**WHEREAS**, the Louisville Metro Planning Commission finds that the proposal meets the intents of Guideline 1 – Community Form. North of the railroad track is an area all designated as Suburban Workplace Form District; at the rate that Blankenbaker Stations I, II, III and IV have been proceeding, it could be completed within a decade. Blankenbaker Station, with infrastructure planned and largely built, especially in the area of this particular site, is thus a suitable location for a theatre and entertainment development like this. Guideline 1 says that Suburban Workplace is a form characterized by predominantly industrial and office uses where buildings are set back from the street in a landscaped setting; suburban Workplaces also often contain a cluster of uses within a master planned development; transportation and pedestrian facilities are also encouraged, as well as a strong, connected road network; the proposed theatre and entertainment development with associated retail and restaurants will constitute the cluster of uses within a master planned development that Guideline 1, the Suburban Workplace Form, contemplate; they will serve workers within this workplace form district and residents with good access to this area from I-64, I-265, Blankenbaker Parkway, the new Urton Lane Corridor, plus other existing area roads such as Bluegrass Parkway, Tucker Station Road, and Pope Lick Road; and

**WHEREAS**, the Commission further finds that the proposal meets the intents of Guideline 2 – Centers. Guideline 2 is intended to promote the efficient use of land and investment in existing infrastructure, to lower utility costs by reducing the need for extensions, to reduce commuting time and transportation related air pollution, to provide an opportunity for a mixture of different land uses, to provide an opportunity for a marketplace that includes a diversity of goods and services, to encourage vitality and a sense of place, and to avoid individual or isolated commercial uses from developing along streets and noncommercial areas; and

**WHEREAS**, the Commission further finds that the intents of Guideline 2 are met because the proposed theatre and entertainment development with associated retail and restaurants will provide added services to this burgeoning population area where significant residential growth has already occurred and where it can be expected to grow in the future; development of this site for a theater and entertainment development and associated retail and restaurants is the perfect place to expand the existing activity center next door which runs west to Blankenbaker Parkway and south to Plantside Drive where hotels, other restaurants and other retail already exist in close proximity to office and other workplace uses; sanitary sewers are now available as a consequence of what the Hollenbach-Oakley related entity did to spend close to \$10 million on a new pump station and several miles of force main to assure sewer service to this area at the East County/Floyds Fork Wastewater Treatment Plant at Miles Park; this activity center is able to use existing utilities and also capture existing traffic already on area roads; this reduces commuting times back and forth between places of work, residence and

shopping; and a sense of place will also be created by expanding the existing Blankenbaker Crossings/Blankenbaker Station activity center as explained above; and

**WHEREAS**, the Commission further finds that Policies 1 and 2 of Guideline 2 promote locating activities within existing or expanded existing activity centers which is what is proposed in this case; this proposal addresses Policy 2 of this Guideline 2 because it is of an intensity, size and mixture of uses and site design comparable to a designated center, and because it requires a special location in or near a specific land use (notably the existing Blankenbaker Station), along a transportation facility (the existing Bluegrass Parkway near Blankenbaker Parkway and I-64 and near the new Urton Lane Corridor); and

**WHEREAS**, the Commission further finds that Policies 3, 4, 5 and 7 all pertain to locating retail commercial development where a demonstrated support populations exist, and when a mixture of compatible land uses are included that allow alternative modes of travel and encourage vitality and senses of place that provide for desirable mixed uses; the proposed theatre and entertainment development with associated retail and restaurants address all of these Policies of this Guideline 2 because, as noted, there is a burgeoning population in the area; as shown on the overall development plan for Blankenbaker Stations I-IV, this activity center is compact, designed exactly as the policies of this Guideline 2 recommends; uses to the south and east within the Blankenbaker Stations I-IV and the new Tyler Town Center PDD to the south of the railroad track along Taylorsville Road include retail, hotels, offices, and, of course, uses already exist also of a “civic” nature, notably the St. Michael Church and School, which are being expanded at Taylorsville Road – all as a consequence of a significant population and workplace already evident in the area; and

**WHEREAS**, the Commission further finds that Policies 10, 11, 12, 13, 14 and 16 of Guideline 2 pertain to specific design aspects of this site, notably parking lot layout and usage, relationships of uses of buildings, inclusion of focal points, shared access and parking, shared utilities and access to parking by different forms of transportation, including pedestrian, bicycle and transit; as the development plan accompanying this application shows, buildings have been arranged so that they are compatible, one as to the other; at some point in time, it can be anticipated that transit will be available to the area, and so provisions for same have been included; parking has also been arranged so that it can be shared between buildings, although the theatre and entertainment development along with associated restaurants and retail will require its own significant parking area; utilities will be arranged in a manner so that they can be developed in a coordinated fashion, and, as noted, the applicant/developer through a related entity has already constructed a major pump station and force main to bring sanitary sewer service to this area; and

**WHEREAS**, the Commission further finds that the proposal meets the intents of Guideline 3 – Compatibility. The intent of this Guideline 3 is to allow a mixture of land uses and densities near each other as long as they are compatible to each other, to prohibit the location of sensitive land uses where accepted standards for noise, lighting,

odors or similar nuisances are violated or visual quality is significantly diminished, and to preserve the character of existing neighborhoods; and

**WHEREAS**, the Commission further finds that Blankenbaker Stations I - IV have covenants, conditions and restrictions (“CCRs”), plus specific binding elements agreed to with the Planning Commission, to assure quality development that has few, if any, negative impacts on nearby residential developments; much of this is evident on the proposed development plan; the existing Blankenbaker Station Master Plan will be followed with this application so that design measures are known from the beginning and will serve as a guide for future development of the projects included in both these applications; and

**WHEREAS**, the Commission further finds that Policies 1 and 2 of Guideline 3 refer to the use of building design measures, including building materials, to ensure compatibility; as at all of Blankenbaker Station developments, design and materials are important components; and as stated, CCRs were included before and will be incorporated in this development to assure design compatibility here as well; and since the time of the LD&T meeting the Main Event entertainment building has been redesigned to address LD&T committee comments; and

**WHEREAS**, the Commission further finds that Policy 4 of Guideline 3 addresses the issue of non-residential expansion into existing residential areas; this is appropriate when an applicant can demonstrate that adverse impacts of uses will be mitigated; Policies 5, 6, 7, 8 and 9 of this Guideline 3 mention some of those possible adverse consequences, notably odor and air quality emission, traffic, noise, lighting and visual impacts; all of these Policies of this Guideline 3 have been addressed in prior applications for Blankenbaker Stations I-IV and are again in this application, through the Master Plan documents filed previously for review of Blankenbaker Stations I-IV; most importantly, however, most of these impacts are now addressed by the Cornerstone 2020 Land Development Code (“LDC”), which established specific standards for many of these potential negative impacts; for example, lighting is now addressed in new lighting standards included in the LDC, where lighting was never addressed under the old Development Code; and traffic has previously been addressed through previous traffic analyses, all approved by Metro Public Works, and through internal street design, as is already evident on the development plan filed with this application; and

**WHEREAS**, the Commission further finds that Policies 20, 21, 22, 23, 24, 28 and 29 all further address issues of building design, transitions and buffers, including setbacks, parking, loading and delivery, and signage; the development plan filed with this application fully contemplates that the overall development will be integrated via traffic routes and site specific design measures; transitions from this proposed development to the adjoining developments as well as from the proposed uses to those on the outside will be sensitively addressed through setbacks, screening, buffering and the like; of course, the major transition between existing residential to the west of this Suburban Workplace development and this theatre and entertainment development with associated retail and restaurants are I-64 to the north and Tucker Station Road to the

west; and these highways and roads separate this development from nearby residential; and

**WHEREAS**, the Commission further finds that the proposal meets the intents of Guideline 6 – Economic Growth and Sustainability. The intents of this Guideline are to insure the availability of necessary usable land to facilitate commercial, industrial and residential development, to reduce public and private cost for land development, to insure that regional scale workplaces and industrial uses have access to people, goods and services and appropriate locations needed for them to conduct their business; and

**WHEREAS**, the Commission further finds that this application fully addresses the intents of this Guideline; it is very important to assure the opportunity for Metro Louisville to grow jobs, and the only way to do so is to have land available for new businesses to locate, whether they are existing businesses that need to expand or out of town businesses that wish to move to Louisville; the overall Blankenbaker Crossing/ Blankenbaker Station developments, plus the older Bluegrass Industrial Park located adjacent to these business parks, is generally considered to be one of the largest overall industrial/business parks in the United States, if not the world; it is an area to which businesses already located in Louisville and wishing to expand, and those coming to Louisville, have gravitated and continue to gravitate; they have good transportation access, and they are proximate to the locations where people desire to live; and without taking advantage of the available land that exists still within the Snyder Freeway adjacent to these existing business and industrial parks, Metro Louisville will not have ample opportunities to grow; and

**WHEREAS**, the Commission further finds that Policies 1, 2, 4, 6 and 8 of this Guideline 6 all further elaborate upon these Intent statements; these Policies of this Guideline 6 desire to preserve obvious land for workplace expansion where good access can be assured and where new industries should logically be located, near existing or proposed activity centers where transportation facilities are available; also, as respects this application, these Policies of this Guideline are addressed because of good access to the I-64, I-265, to the planned new Urton Lane Corridor and to Blankenbaker Parkway and ultimately Taylorsville Road; and

**WHEREAS**, the Commission further finds that the proposal meets the intents of Guidelines 7, 8, and 9 – Circulation, Transportation Facility Design, and Bicycle, Pedestrian and Transit. These Guidelines are intended to provide for safe and proper functioning of street networks to insure that new developments do not exceed the carrying capacity of streets, to assure that internal and external circulations provide for safe and efficient travel movements for all types of transportation, to address congestion and air quality issues, and to assure opportunities for transit and non-motorized methods of travel; as the development plan filed with this application demonstrates, and as explained above, the proposed new Urton Lane Corridor runs through the middle of this overall Blankenbaker I-IV development, providing future access from the Blankenbaker interchange with I-64 via Blankenbaker Parkway, Bluegrass Parkway and Plantside Drive to the north and to the Snyder Freeway/Taylorsville Road interchange to

the south, especially via the newly opened Blankenbaker Parkway and ultimately via the proposed new Urton Lane Corridor extension from Rehl Road to Taylorsville Road; good access will be provided via Bluegrass Parkway and Blankenbaker Parkway to the I-64 interchange and also via the Blankenbaker extension north to Shelbyville Road; and

**WHEREAS**, the Commission further finds that Policies 1, 2, 3, 4, 8, 9, 11, 12, 13, 14 and 16 of Guideline 7 all address various issues of impact mitigation as a consequence of new development proposals; street systems obviously need to be designed to adequately carry the proposed traffic, levels of service need to be maintained or possibly improved to better levels of service, oftentimes right-of-way needs to be dedicated, parking needs to be adequate, and such things as corner clearances, points of access and shared access must be addressed on any proposed development plan; all of these are routinely included in proposed development plan applications, and the development plan included with this application is no different than any; ultimately, a preliminary stamp of approval is needed from Louisville Metro Public Works, and it is anticipated that the preliminary stamp on this development plan will be received, because a large traffic analysis was recently completed and all of the traffic impacts of development in this area are mostly known; moreover, this proposed theater and entertainment development and associated with associated retail and restaurant is anticipated to lessen the am and pm peak hour traffic loads; and this should relieve some of the peak hour congestion that is otherwise anticipated by this traffic study, which has been added to an revised several times and which will be supplemented again as a consequence of this proposed change in use; and

**WHEREAS**, the Commission further finds that Policies 1, 2, 3, 4, 5, 6, 7, 8, 9, 10 and 11 of Guideline 8 primarily pertain to the issues addressed under the Policies of Guideline 7, notably in this instance with respect to specific design standards, especially if established corridors are designated as scenic or parkway, with adequate right-of-way, access to adjoining developments, and site distances and internal circulation; the development plan included with this application addresses all of the Policies of this Guideline 8 for reasons said above; street stubs, access, site distances and internal circulation, as engineering practices and normal requirements of Metro Transportation Planning and KTC determine, are addressed on the submitted development plans and received their preliminary stamp of approval; and

**WHEREAS**, the Commission further finds that the proposal meets the intents of Guidelines 10, 11, and 12 – Flooding and Stormwater, Water Quality, and Air Quality. The Intents and Policies of these Guidelines are to address specifically the titles of these Guidelines; Policies 1, 2, 7, and 11 of Guideline 10 pertain to water management which will be handled with stormwater directed through a series of catch basins within streets and parking lots to an existing detention facility or a new one on this site; existing drainage issues will be addressed; consequently, the proposed storm water management, plan has received the preliminary stamp of approval from MSD; the policies of Guideline 11 pertaining to water quality are addressed in this community through green infrastructure, and storm water management and through the temporary

construction arrangements of erosion and sediment and control basins – all of which will be addressed on construction plans for this development; and

**WHEREAS**, the Policies of Guideline 12 largely relate to commuting distances and use of alternative modes of transportation, all of which are fully addressed as set forth above; locating this expanded activity center, this theater and entertainment development with associated retail and restaurants next to an existing activity center and next to a large existing business and industrial park, reduces commuting distances for everyone and especially for residents who live nearby or who wish to locate proximate to places of work and shopping; and

**WHEREAS**, the Commission further finds that the proposal meets the intents of Guideline 13 – Landscape Character. The intent and Policies of Guideline 13 are to locate landscaping throughout any new development, whether it be via tree preservation, following the specifics of the tree canopy regulation, or to use new plantings to screen and buffer uses, one from the other; the proposed development plan submitted with this application includes all the appropriate landscape measures to assure compliance with the tree canopy and other landscape regulations included in the new LDC; and

**WHEREAS**, the Commission further finds that the proposal meets the intents of Guidelines 14 and 15 – Infrastructure and Community Facilities. These Guidelines are intended to assure that adequate infrastructure and other community facilities exist to support developments such as these; note again above the approximately \$10 million pump station and sewer force main constructed by an entity related to this applicant/developer; and in addition, the Urton Lane corridor proposed to run through Blankenbaker Stations I-IV, plus major parts of Bluegrass Parkway, Plantside Drive and even Tucker Station Road, have been paid for by the developers of these projects, and right-of-way has been dedicated; and

**WHEREAS**, the Commission further finds that, based on the evidence and testimony presented, the staff report, and the applicant's justification and findings of fact 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 proposed change in zoning from PEC Planned Employment Center to C-2 Commercial on property described in the attached legal description be **APPROVED**.