

**CASE NUMBER 15ZONE1029
FINDINGS OF FACT**

Change in form district from Regional Center to Suburban Workplace, Change in zoning from R-4, C-2 and M-2 to CM and R-4 to C-2, and General/Detailed District Development Plan:

WHEREAS, the Louisville Metro Planning Commission finds that the community form district for this area is Regional Center which is characterized by major shopping and employment centers. This large piece of vacant property, although surrounded by a variety of uses, is really more in keeping with the workplace uses on large tracts of land otherwise located at various Snyder Freeway interchanges and along the Outer Loop in this area west of I-65 and the airport. The Suburban Workplace Form District is a form characterized by predominately distribution, warehouse, industrial and office uses where buildings are set back from the street in a landscaped setting, and Suburban Workplaces often contain one or several large scale uses, as proposed in the case of this application for large warehouse, distribution or light manufacturing buildings, and

WHEREAS, the Commission further finds that the Intents of this Guideline of the Comprehensive Plan are to promote an 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, and to encourage commercial revitalization in developing areas, and

WHEREAS, the Commission further finds that this application complies with these Intents of this Guideline because New Cut Road is an arterial highway with adequate traffic-carrying capacity for the proposed warehouse buildings, as evidenced by the letter submitted to DPDS by the District 5 Office of the Kentucky Transportation Cabinet (KTC). Utilities already exist to accommodate these warehouses. Whether the under-utilized or unutilized properties to the north of this one along New Cut Road are developed in a similar manner or commercially, development of this site will help assure those of site and utility access, including cross connectivity; as this larger area is already developed intensively in a similar Workplace Form or with major retail uses (e.g., the nearby Walmart), the area attracts large numbers of employees. As a variety of housing is also located nearby, commuting times can be reduced and transportation-related air pollution will not be exacerbated by this application; those already traveling from distant locations to this area will find more employment opportunities as a consequence of the proposed development of this large vacant property, whereas those residing nearby will shorten their commuting trips between home and work. This particular property was long underutilized as a par 3 golf course and recently has been vacant; and a high quality, attractive new employment opportunity on this site makes more sense than leaving the property unproductive, and

WHEREAS, the Commission further finds that applicable Policies 1, 2, 4, 5, 7, 9, 11, 14, 15 and 16 of this Guideline all pertain to where activity centers are located and how they are designed. This application complies with these applicable Policies of this Guideline

given that another warehouse/distribution/light industrial facility in an area and along an interstate highway where like-kind uses exist means that this location for these warehouses is site-appropriate. This application helps retain employment within an area where other workplace activities are located, and this development will include new buildings that are Land Development Code (LDC) design-compliant, as shown in the PowerPoint presentation at the Public Hearing, and

WHEREAS, the Commission further finds that the Intent of this Guideline is to allow a mixture of land uses near each other as long as they are designed to be compatible with each other, to prohibit the location of sensitive land uses in areas where accepted standards for noise, lighting, odors or similar nuisances might be violated, and to preserve the character of existing neighborhoods, and

WHEREAS, the Commission further finds that this application complies with these Intent of this Guideline given that the site plan accompanying this application, as further explained in the PowerPoint presentation shown at the Public Hearing, illustrates an attractive design of this site, with new and attractive buildings, with landscaped setbacks with suitable buffering and LDC compliant tree canopy, and

WHEREAS, the Commission further finds that applicable Policies 1, 2 and 4 of this Guideline pertain to the assurance of compatibility through design. The elevation renderings accompanying this application demonstrate that the proposed buildings will be attractive as LDC design-compliant; and the site plan shows how setback areas will be landscaped and new large open space will be retained where LDC required tree canopy will be provided, and

WHEREAS, the Commission further finds that applicable Policies 5, 6, 7, 8 and 9 of this Guideline all pertain to the potential nuisances caused by odors, traffic, noise, lighting and aesthetics; the LDC specifically addresses these issues, such as lighting by requiring that it be directed down and away from residential properties. The LDC also addresses aesthetics by requiring buildings, including ones of these kinds, be designed in ways to break up long expanses of non-descript facades. It is anticipated that no odors will be involved with the warehouse/distribution/light industrial activities that are expected in these buildings; and all activities, except trucks coming and going (mostly during normal working hours) will occur within the proposed buildings, and

WHEREAS, the Commission further finds that applicable Policies 17, 18 and 19 of this Guideline pertain to the location of industries near other industries and the handling of hazardous materials. This application complies with these applicable Policies of this Guideline because these proposed warehouse/distribution/light industrial buildings are located significant distances from nearby residential properties, and hazardous materials are not anticipated at this site, and

WHEREAS, the Commission further finds that applicable Policies 21, 22, 23, 24 and 29 pertain to transitions, screening, bufferings, setback and impacts from parking, loading and delivery. The development plan accompanying this application, especially the

colored site plan shown as part of the PowerPoint presentation shown at the Public Hearing, demonstrate that most of the LDC required setbacks are provided; and other facilities of this kind, which the principals of this applicant entity have developed and constructed elsewhere around Metro Louisville, exist and function in compatible, not disruptive ways with their neighbors, and

WHEREAS, the Commission further finds that the Intents of this Guideline are to assure the availability of necessary land to facilitate industrial development, to reduce public and private costs for land development, and to ensure that regional scale workplaces and industrial land uses have access to people, goods and services and appropriate locations to conduct their businesses, and

WHEREAS, the Commission further finds that this application complies with these Intents of this Guideline given that the Outer Loop west of I-65 and other Snyder Freeway interchanges are where facilities of this same kind proliferate; as evidenced by the above-referenced letter from KTC, New Cut Road has adequate traffic-carrying capacity for these two warehouse buildings, which is also as recent, previous traffic studies relative to this site have determined, and

WHEREAS, the Commission further finds that applicable Policies 1, 2, 3, 4, 5, 8 and 10 of this Guideline all pertain to preserving workplaces, assuring good access to them, locating industries proximate to transportation facilities and the redevelopment of older industrial areas. This application complies with all of these applicable Policies of this Guideline given that this property has remained underutilized or vacant for years. This site is a good one for the warehouse/distribution/light industrial buildings as proposed. This site's access off New Cut Road provides good access to the Snyder Freeway and thus to airport, I-65, I-64 and I-71; and the principals involved with the entity associated with this application have developed, constructed and managed facilities of this kind all over Metro Louisville, and this will be a new facility like the newest of the kind that it recently constructed, and

WHEREAS, the Commission further finds that the Intents of these Guidelines are to assure the safe and proper functioning of street systems, to assure that roads such as New Cut Road do not exceed their carrying capacities, and to ensure that internal and external circulations are safe, that transportation facilities have adequate carrying capacity and that alternative means of transportation are accommodated, and

WHEREAS, the Commission further finds that this application complies with these Intents of these Guidelines given all that is said above and given further that these proposed warehouse/distribution/light industrial buildings will be low-peak hour traffic generating uses. The New Cut Road access for these buildings has been approved by KTC as evidenced above. New Cut Road is a wide enough arterial highway that leads from Outer Loop to the Snyder Freeway to the Watterson Expressway, providing easy access to I-65, I-64 and I-71 as well as to the airport; and there are no serious current access issues as respects to the proposed use of this property for two warehouse buildings, and

WHEREAS, the Commission further finds that applicable Policies 1, 2, 3, 10, 11, 12, 13, 14, 16, 17 and 18 of Guideline 17; applicable Policies 7, 9, 10 and 11 of Guideline 8; and Policies 1, 2, 3 and 4 of Guideline 9 all pertain to the specific issues that Metro Public Works and Transportation Planning, in consultation with KTC District 5, have asked be addressed on the detailed district development plan filed with this application. Those agencies have their particular standards which elaborate more specifically as to these particular policies; this application complies with those standards and these applicable Policies of these Guidelines because Mindel Scott & Associates, Inc. and BTM Engineering have experience with the particular standards of these agencies, and accordingly MSA and BTM have designed the DDDP accompanying this application with particular attention to the issues of access, internal circulation, adequacy of parking, adequacy of loading and maneuvering, site design and alternative means of transportation to the extent applicable. These agencies have reviewed the DDDP in detail, and have given their preliminary stamp of approval, thus assuring compliance with these applicable Policies of these Guidelines, and

WHEREAS, the Commission further finds that the Intents and applicable Policies 1, 2, 3, 4, 5, 6, 7, 10, 11 and 12 of this Guideline pertain to the issues of assuring that the hydraulic capacity of natural systems is accommodated so to ensure that drainage systems designs minimize damage to streams and nearby properties and also that floodplains not be adversely affected so as to increase area flooding, and

WHEREAS, the Commission further finds that this application complies with these Intents and applicable Policies of this Guideline given that the DDDP has been designed to assure that drainage is captured by internal catch basins and delivered to side-saddle detention areas along the existing stream. Post development rates of runoff cannot exceed predevelopment conditions, which is the purpose of detention included within this DDDP. Floodplain filling and compensation will occur with this development, and in the Pond Creek watershed that requires compensation for fill for a 1.5 to 1.0 ratio. MSD has assured the adequacy of the stormwater management system and floodplain compensation, such that the DDDP has received MSD's preliminary stamp of approval, thus demonstrating compliance with these applicable Policies of this Guideline, and

WHEREAS, the Commission further finds that the Intents and applicable Policies of these Guidelines seek to assure that water and air quality are protected. This application complies with the Intents and applicable Policies of these Guidelines given that regulations promulgated by MSD and the Air Pollution Control District (APCD) as to water and air quality will be fully addressed if not on the submitted DDDP then pursuant to construction plans filed post approval. This application must assure eventual compliance with MSD's soil erosion and sedimentation control plus water quality ordinances. A large wetlands mitigation area is provided, which will be in compliance with MSD's Floodplain Management Ordinance; and as to air quality, locating this facility in close proximity to workforce housing as well as to commercial activities and

facilities of a like-kind assures minimizing vehicle miles traveled, thus reducing impacts on air quality, and

WHEREAS, the Commission further finds that the Intents and applicable Policies 1, 2, 4 and 6 of this Guideline seek to assure that facilities of this or any kind provide adequate screening, buffering and landscaping to protect adjoining uses. This application complies with these Intents and applicable Policies as demonstrated on the color site plan accompanying this application and given that a large open green space will be retained where LDC required tree canopy will be preserved and/or provided