

Louisville Metro Planning Commission – September 29, 2016

Land Development & Transportation Committee – September 8, 2016

Neighborhood Meeting – March 31, 2016

Docket No. 16ZONE1022

Proposed zone change from R-4, R-7, OR-3, MI, M2 & M3 to C-2 to allow office, practice fields and related facilities, plus stadium for intercollegiate and non-intercollegiate athletics on property located at 3408, 3416, 3420 & 3430 Newburg Rd. & 4300 Champions Trace Ln



University Administration: Bob Zimlich, VP for Administration and Finance;
Jeff Dean, Assistant VP for Facilities; Scott Wiegandt, Director of Athletics

Attorneys: Bardenwerper Talbott & Roberts, PLLC

Land Planners, Landscape Architects & Engineers: Heritage Engineering

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Tab I

Aerial illustration of existing Bellarmine
Campus and map showing distance
between campus and proposed new
athletic fields

BELLARMIINE UNIVERSITY





- | | | |
|---|----------------------------------|--|
| 1. Centro | 6. Norton Fine Arts Complex | 19. Siena Quarto Residence Hall |
| a. Horrigan Hall | a. Alumni Hall (Humanities) | 20. O.B. Frazier Stadium/Clayton Field |
| b. Treece Hall | b. Art | 21. Knights Hall |
| c. University and Enrollment Welcome Center | c. Music | 22. Sports, Recreation and Fitness Center (SuRF) |
| 2. Pasteur Hall | 7. W.L. Lyons Brown Library | 23. Eddie Weber Tennis Center |
| 3. Norton Health Science Center | 8. Miles Hall | 24. Custodial Services |
| 4. Wyatt Center for the Arts | 9. Petrik Residence Hall | 25. Facilities Management Office |
| a. McGrath Art Gallery | 10. Newman Residence Hall | 26. Athletic Concessions |
| b. Wyatt Black Box Theater | 11. Kennedy Residence Hall | 27. Nolen C. Allen Hall |
| c. Cralle Theater | 12. Anniversary Residence Hall | 28. Athletic Throws Venue |
| 5. George G. Brown Center | 13. Our Lady of the Woods Chapel | 29. Bellarmine Farm |
| a. Joseph P. Clayton Hall | 14. Piazza Clayton | 30. Flynn Building (1961 Bishop Lane) |
| b. Amelia Brown Frazier Convocation Hall | 15. Fontana di Verità | 31. St. Robert's Gate |
| c. University Dining Hall (UDH) | 16. Siena Primo Residence Hall | |
| | 17. Siena Secondo Residence Hall | |
| | 18. Siena Terzo Residence Hall | |

Distance between existing Bellarmine Campus and proposed athletic fields

Bellarmino
Campus

Proposed Bellarmine
Athletic Fields

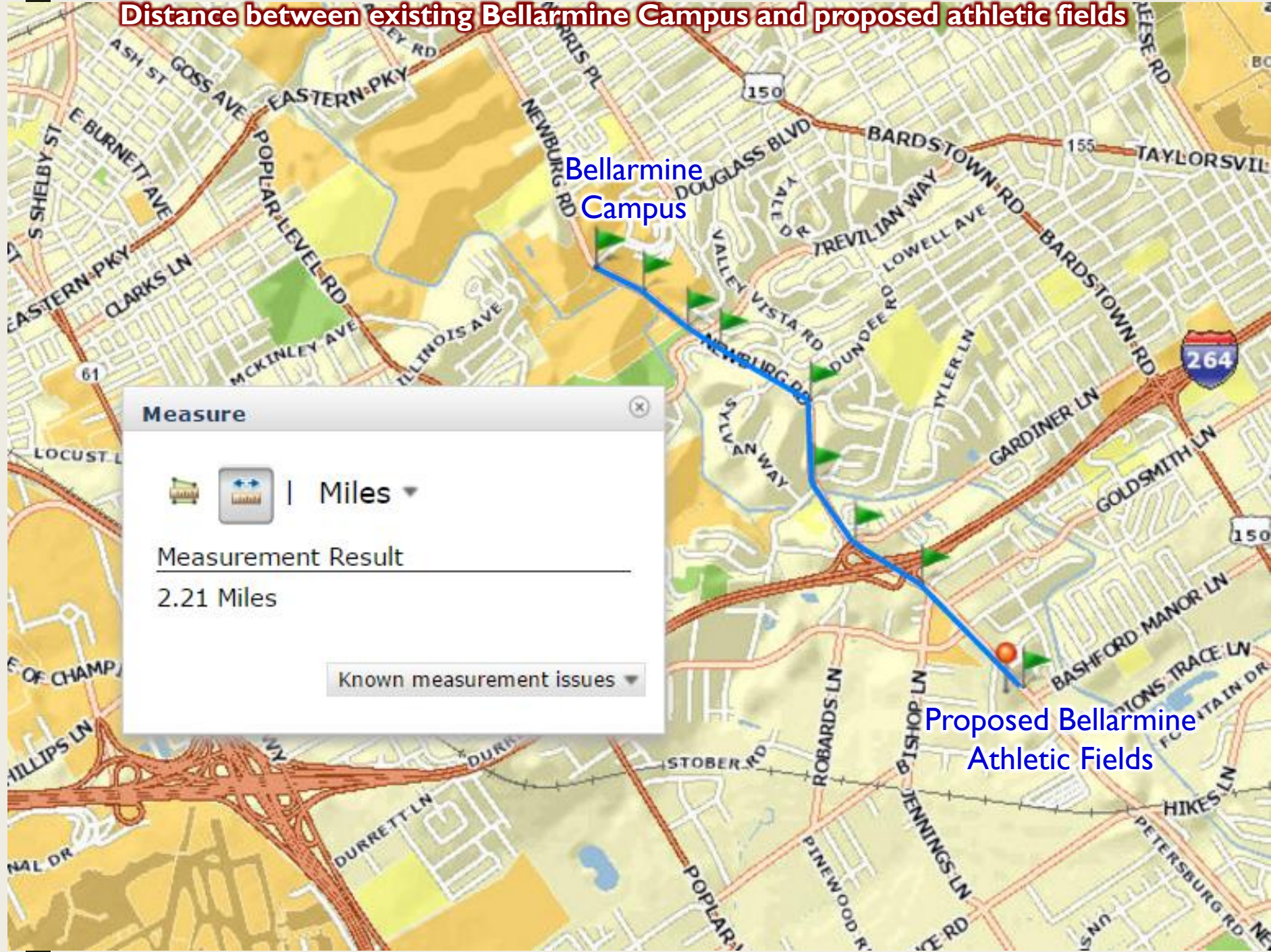
Measure

  | Miles

Measurement Result

2.21 Miles

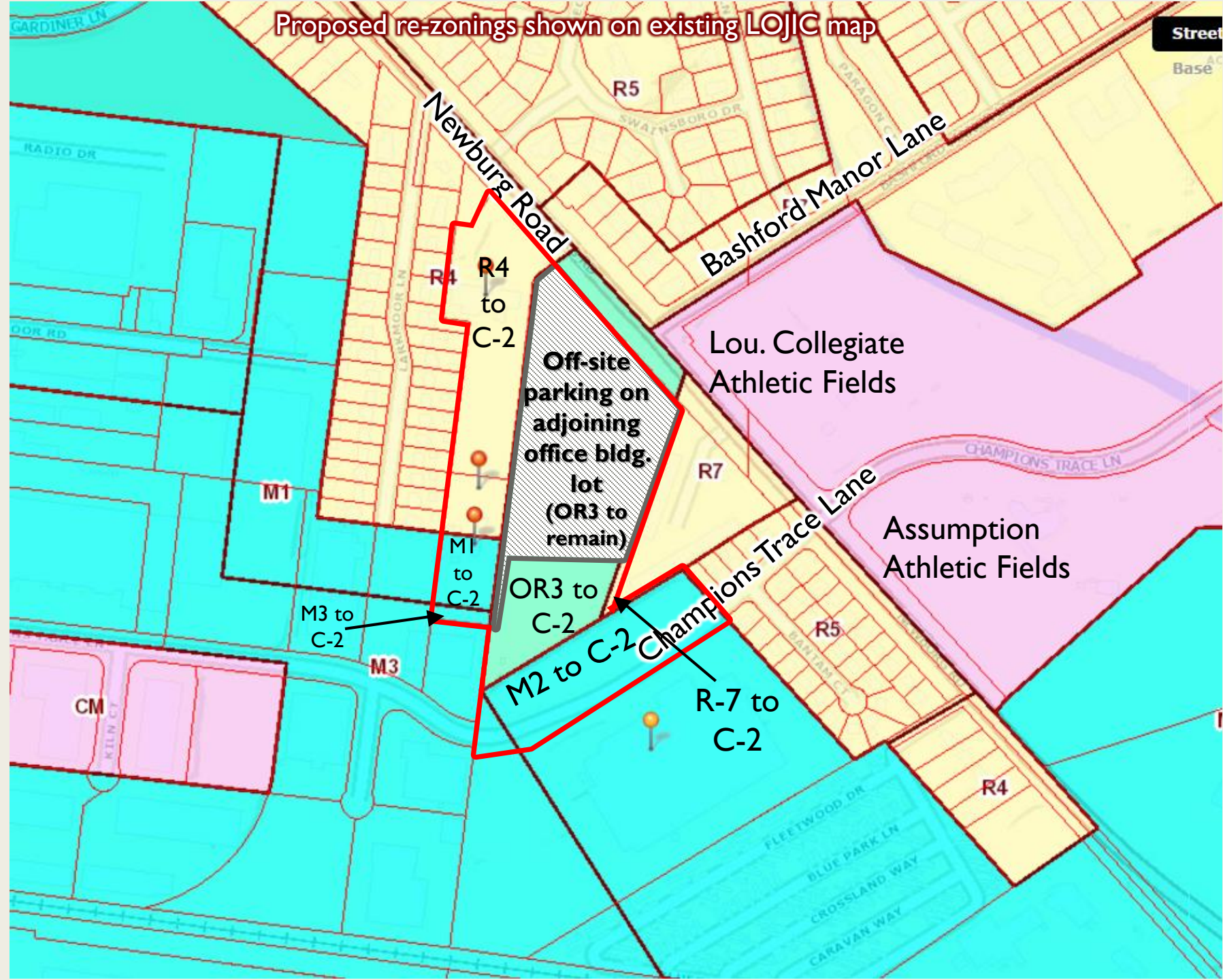
Known measurement issues



Tab 2
LOJIC Zoning Map

Proposed re-zonings shown on existing LOJIC map

Street
Base



Tab 3
**Aerial photograph of the site and
surrounding area**

Existing zoning map on aerial photograph



R-4

OR-3

M-1

M-3

OR-3

M-2

R-7

Lou. Collegiate Athletic Fields

Assumption Athletic Fields

New Newburg Road

Bashford Manor Lane

Champions Trace Lane

RADIO DR

EASTMOOR RD

CHAMPIONS TRACE LN

CM

OLD BRICKYARD CT

R5

R7

R5

R4

SPRING CREEK CT

BAHMAN CT

FLEETWOOD DR

BLUE PARK LN

CROSSLAND WAY

CARAVAN WAY

BLUEGRASS PARK DR

PARAGON CT

GLADDEN DR

SWAINSBORO DR

BETH LN

Tab 4
**Ground level photographs of the site
and surrounding area**



Existing Lifepoint Church, proposed for athletic office and locker room facility.



Lou. Collegiate Athletic Fields

Assumption Athletic Fields

Champions Trace Lane

Newburg Road

View of both the Louisville Collegiate and Assumption Athletic fields from the corner of Newburg Road and Champions Trace Lane.



Champions Trace Dr.

View of Louisville Collegiate Athletic fields from Champions Trace Lane.



View of Louisville Collegiate Athletic fields from Champions Trace Lane.



Corner of Champions Trace Lane and Newburg Road looking towards the Assumption athletic fields.

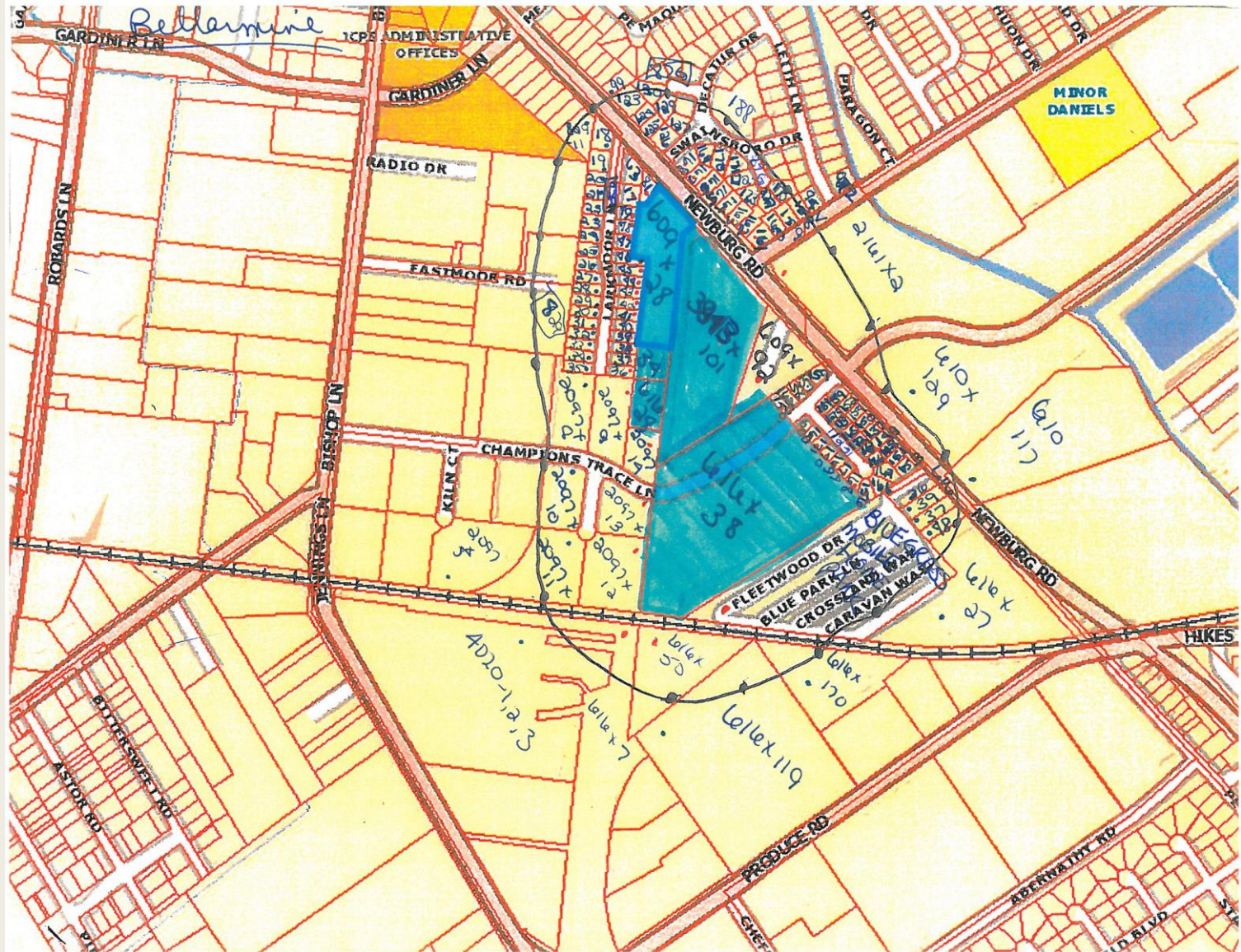


View of Assumption athletic fields from Newburg Road.

Tab 5

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

Adjoining property owner notice list map wherein 124 neighbors were invited to the various neighborhood meetings and the subsequent LD&T and Planning Commission public hearing.



BELLARMINE UNIVERSITY, INC.

2001 Newburg Road
Louisville, KY 40205

March 17, 2016

Dear Neighbor,

RE: Neighborhood meeting regarding a proposed zone change from R-4, R-7, OR-3, M2 & M3 to C-2 to allow offices, for intercollegiate and non-intercollegiate athletic practice fields and intercollegiate and non-intercollegiate athletic stadium on the north side of Champions Trace Lane, west of Newburg Road at 3416, 3420 & 3430 Newburg Rd. & 4200 Champions Trace Ln.

We are writing to invite you to a neighborhood meeting that has been scheduled in order to present our proposed zoning change and development plan as noted above.

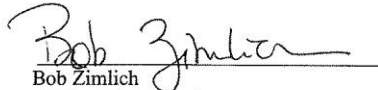
Accordingly, we will soon file a draft plan for pre-application review with the Division of Planning and Design Services (DPDS) that will be assigned a case number and case manager. We will have this information at the time of the neighbor meeting. At the meeting, we would like to show and explain to neighbors this draft plan so that we might hear what thoughts, issues and perhaps even concerns you may have.

In that regard, a meeting will be held on **Thursday, March 31st at 7:00 p.m.** at the **Caretenders/Almost Family Building** located at **4545 Bishop Lane**.

If you cannot attend the meeting but have questions or concerns, please call me, our zoning attorney Bill Bardenwerper at 426-6688, or our land planning and engineering firm representatives, Scott Hannah or John Campbell at (812) 280-8201.

We look forward to seeing you.

Sincerely,



Bob Zimlich
VP for Administration & Finance

cc: Hon. Pat Mulvihill, Councilman, District 10
Bill Bardenwerper, attorney with Bardenwerper, Talbott & Roberts, PLLC
Scott Hannah & John Campbell, land planners with Heritage Engineering, LLC
Brian Davis, Planning Supervisor with Division of Planning & Design Services

Neighborhood Meeting Summary

Bill Bardenwerper, counsel for the applicant, called the meeting to order at 7pm on March 31, 2016 in a conference room at the Care Tenders building located at 4545 Bishop Lane, a short distance from the site on Newburgh Road. He showed a PowerPoint presentation of the area, including all surrounding roads, relevant adjacent buildings and a site plan, including one superimposed on an aerial photograph. He gave an overview of the DPDS case management review process, the rezoning and development plan approval processes through an LD&T meeting, Planning Commission public hearing and final decision by the Louisville Metro Council. He explained what specific rezoning requests are being made on which particular parcels. He said that the Detailed District Development Plan (DDDP) seeks to avoid waivers and variances along property lines common with single-family homes. The only waivers are ones internal to the site and adjoining one apartment complex, he said. Even in areas where pavement already encroaches into certain setback areas, he said that the Bellarmine DDDP for its athletic facilities will seek to restore those areas with landscape buffers and also with fences if neighbors want them.

John Campbell with Heritage Engineering walked through the DDDP from property line to property line, talking about each setback and various levels of screening and buffering currently proposed in those areas. He and Mr. Bardenwerper talked about the various iterations of the DDDP leading to this meeting in an attempt to distribute the uses in a way that would have the least impacts on neighboring properties.

They showed the conversion of an old church to athletic offices, renovation of an old parking lot to add landscaping and possible fence screening, creation of a practice field and tennis courts, creation of a stadium for athletics, and shared use of an existing medical office building parking lot next-door for overflow parking purposes during game-day events when more parking may be needed.

These facilities will be used for both intramural and intercollegiate athletics and possibly eventually even an NCAA Division 2 football team, although that has not yet been decided by the Bellarmine Board of Trustees.

Bob Zimlich, Vice President of Finance and Administration, with help from Assistant Vice President of Facilities Jeff Dean, presented and answered questions with respect to the history and growth of the Bellarmine main campus, growth of its athletic programs, and the fact that Bellarmine desperately needs more fields for student athletes to participate in intramurals and intercollegiate athletic programs, both for practice and game purposes.

John Campbell explained how drainage will work and where principal access points will be and also about the likelihood that the only notable traffic impacts will be on game days which occur most likely on Saturdays and Sundays, not during weekday peak hour traffic events.

Different adjoining property owners on different sides of the site spoke about controlling lighting, which Bellarmine representatives agreed they would do through strict compliance with the lighting provisions of the Land Development Code. Some adjoining property owners next to the old church parking lot appeared to prefer that no fence be installed there because they currently enjoy use of the parking lot.

Bellarmine representative said they would consider not building the fence and possibly allowing those residents to continue using the parking lot. No decisions were made on that.

In another area of the site plan, there were some adjoiners who wanted to make sure they had good screening both in terms of landscaping and fencing.

Nearly everyone present expressed great respect for Bellarmine and support of this project. But the residential adjoiners wanted to make sure that they still had the ability to live in normal peace and quiet within their homes.

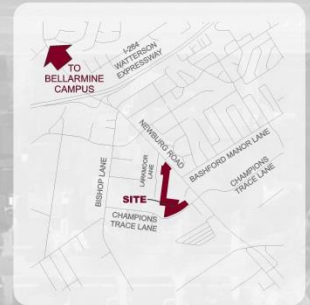
Respectfully submitted,

Bill Bardenwerper

e:\client folder\bellarmine\neighbor meeting\neighborhood meeting summary.doc

Tab 6 Development Plan

NEWBURG ROAD



LOCATION MAP



LARKMOOR LANE

CHAMPIONS TRACE LANE

HERITAGE ENGINEERING, LLC



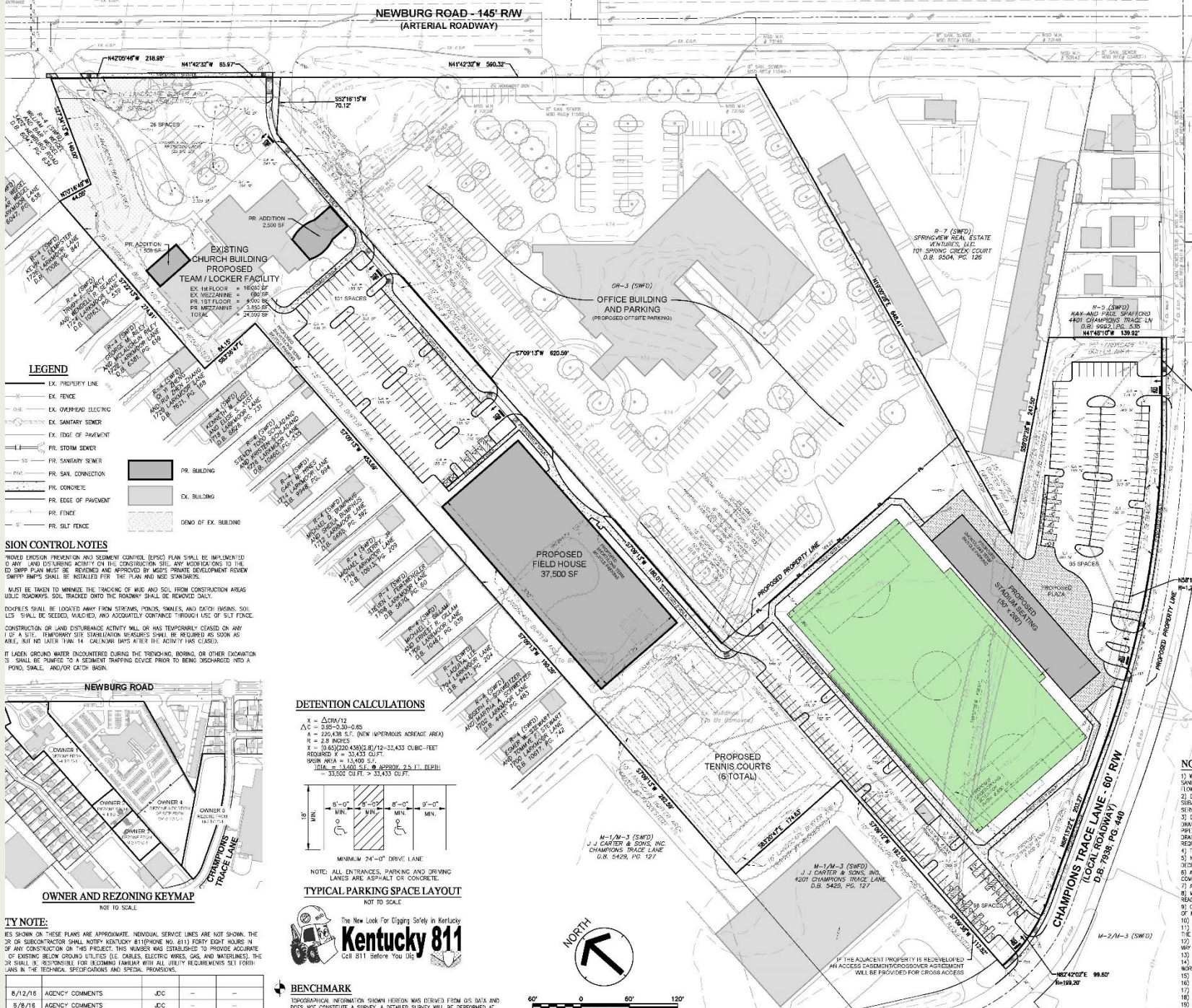
BELLARMINÉ UNIVERSITY

SPORTS PARK

NEWBURG ROAD / CHAMPIONS TRACE LANE

LOUISVILLE, KENTUCKY

**NEWBURG ROAD - 145' R/W
(ARTERIAL ROADWAY)**



LEGEND

- EX. PROPERTY LINE
- EX. FENCE
- OH-E EX. OVERHEAD ELECTRIC
- EX. SANITARY SEWER
- EX. EDGE OF PAVEMENT
- FR. STORM SEWER
- SS SANITARY SEWER
- FR. SAN. CONNECTION
- FR. CONCRETE
- FR. EDGE OF PAVEMENT
- FR. FENCE
- FR. SILT FENCE
- PR. BUILDING
- EX. BUILDING
- DEMO OF EX. BUILDING

SION CONTROL NOTES

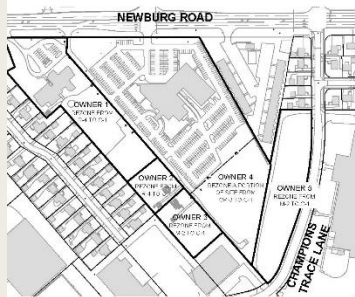
WORKER PROTECTION AND SEDIMENT CONTROL (SPCC) PLAN SHALL BE IMPLEMENTED TO ANY LAND DISTURBING ACTIVITY ON THE CONSTRUCTION SITE. ANY MODIFICATIONS TO THE SWPP PLAN MUST BE REVIEWED AND APPROVED BY MGS' PRIVATE DEVELOPMENT REVIEW DEPT. EMP'S SHALL BE INSTALLED FOR THE PLAN AND USED THROUGHOUT.

MUST BE TAKEN TO MINIMIZE THE TRACKING OF MUD AND SOIL FROM CONSTRUCTION AREAS INTO ROADWAYS. SOIL TRACKED ONTO THE ROADWAY SHALL BE REMOVED DAILY.

DUSTLES SHALL BE LOCATED AWAY FROM STREAMS, PONDS, SWALES, AND CATCH BASINS. SOIL LIES SHALL BE SEEDED, MULCHED, AND ADOQUALLY CONTAINED THROUGH USE OF SILT FENCE.

CONSTRUCTION OF LAND DISTURBANCE ACTIVITY WILL OR HAS TEMPORARILY CEASED ON ANY 1/2 A SITE. TEMPORARY SITE STABILIZATION MEASURES SHALL BE REQUIRED AS SOON AS AVAILABLE, BUT NO LATER THAN 14 CALENDAR DAYS AFTER THE ACTIVITY HAS CEASED.

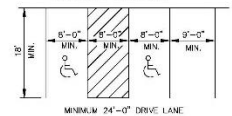
IF LAZEN GROUND WATER ENCOUNTERED DURING THE TRENCHING, BORING, OR OTHER EXCAVATION IT SHALL BE PUMPED TO A SEDIMENT TRAPPING DEVICE PRIOR TO BEING DISCHARGED INTO A POND, SWALE, AND/OR CATCH BASIN.



OWNER AND REZONING KEYMAP
NOT TO SCALE

DETENTION CALCULATIONS

$$\begin{aligned}
 X &= \frac{\Delta C I W}{12} \\
 \Delta C &= 2.50 - 0.00 = 0.05 \\
 A &= 220,438 \text{ S.F. (NEW IMPERVIOUS ACREAGE AREA)} \\
 W &= 2.8 \text{ INCHES} \\
 C &= (0.65)(220,438)(2.8)/12 = 32,433 \text{ CUBIC- FEET} \\
 \text{REQUIRED } X &= 32,433 \text{ CU FT.} \\
 \text{DESIGN AREA} &= 13,400 \text{ S.F.} \\
 \text{TOTAL } X &= (13,400 \text{ S.F.}) \times (\text{DESIGN } X) = 2.5 \text{ FT. (DEPTH)} \\
 &= 33,500 \text{ CU FT.} > 32,433 \text{ CU FT.}
 \end{aligned}$$



NOTE: ALL ENTRANCES, PARKING AND DRIVING LANES ARE ASPHALT OR CONCRETE.

TYPICAL PARKING SPACE LAYOUT
NOT TO SCALE

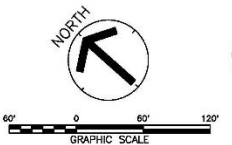
TY NOTE:
ES SHOWN ON THESE PLANS ARE APPROXIMATE. INDIVIDUAL SERVICE LINES ARE NOT SHOWN. THE DR OR SUBCONTRACTOR SHALL NOTIFY KENTUCKY 811 (PHONE NO. 811) FORTY EIGHT HOURS IN ADVANCE OF ANY CONSTRUCTION ON THIS PROJECT. THIS NUMBER WAS ESTABLISHED TO PROVIDE ACCURATE OF EXISTING BELOW GROUND UTILITIES (I.E. CABLES, ELECTRIC WIRING, GAS, AND WATERLINES). THE DR OR SHALL BE RESPONSIBLE FOR BECOMING FAMILIAR WITH ALL UTILITY REQUIREMENTS SET FORTH IN THE TECHNICAL SPECIFICATIONS AND SPECIAL PROVISIONS.

| | | | | |
|---------|-----------------|-----|--|--|
| 8/12/16 | AGENCY COMMENTS | JCC | | |
| 8/8/16 | AGENCY COMMENTS | JCC | | |

The New Look For Digging Safely in Kentucky

Kentucky 811
Call 811 Before You Dig

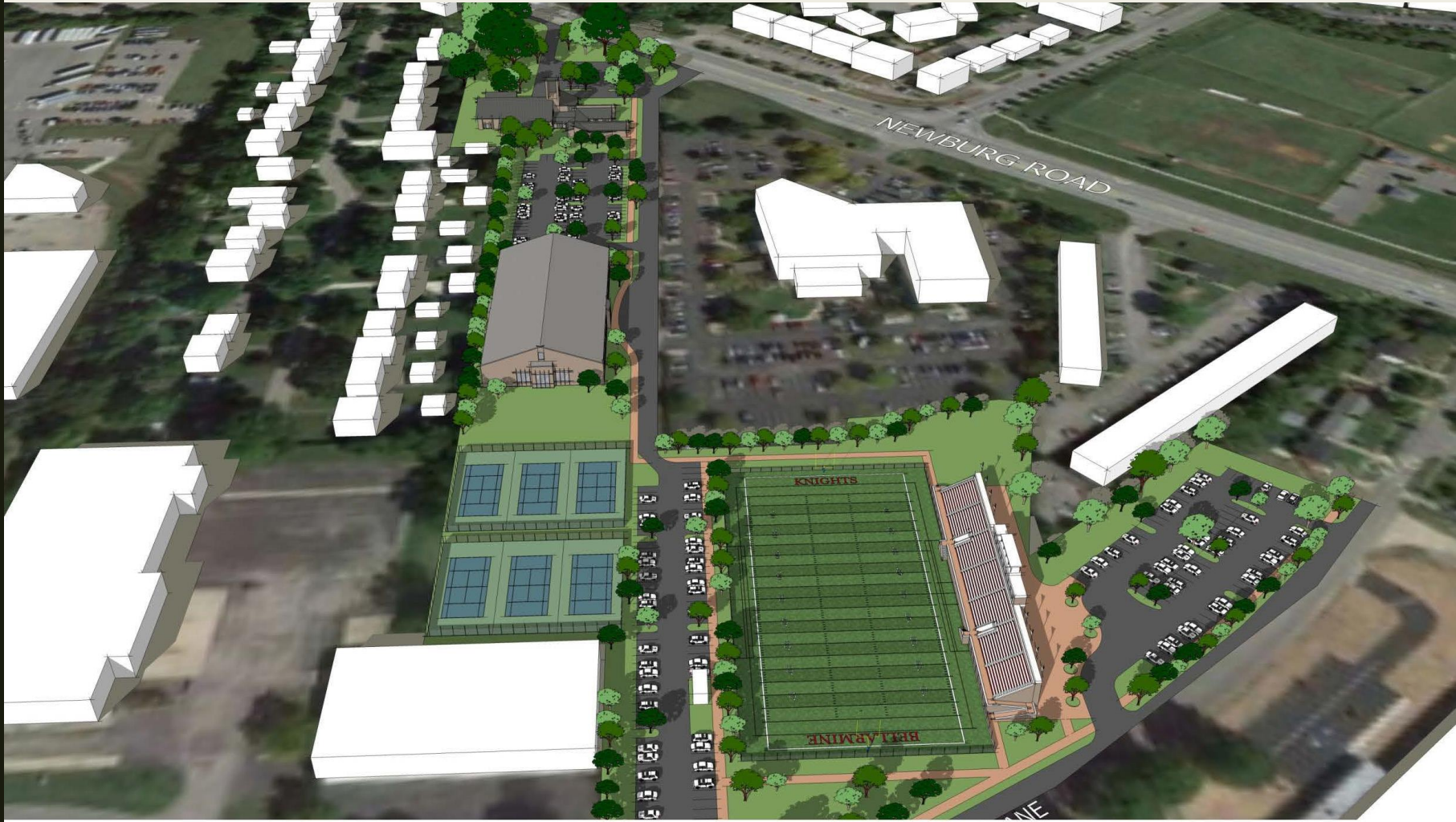
BENCHMARK
TOPOGRAPHICAL INFORMATION SHOWN HEREON WAS DERIVED FROM GIS DATA AND DOES NOT CONSTITUTE A SURVEY. A DETAILED SURVEY WILL BE PERFORMED AT THE TIME OF CONSTRUCTION PLAN PREPARATION.



- NO
- 1) M
- 2) N
- 3) S
- 4) W
- 5) E
- 6) A
- 7) L
- 8) M
- 9) C
- 10) T
- 11) C
- 12) I
- 13) J
- 14) A
- 15) C
- 16) I
- 17) J
- 18) J
- 19) C

Tab 7

3D site plan with athletic fields and buildings shown in color; other buildings in white

















Tab 8

Statement of Compliance filed with the original zone change application with all applicable Guidelines and Policies of the Cornerstone 2020 Comprehensive Plan and Waiver Justification

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

STATEMENT OF COMPLIANCE WITH THE APPLICABLE GUIDELINES AND POLICIES OF THE CORNERSTONE 2020 COMPREHENSIVE PLAN

Project: Bellarmine University Athletic Fields

Applicant: Bellarmine University, Inc.

Location: 3408, 3416, 3420 & 3430 Newburg Rd.
4200 Champions Trace Lane

Engineers, Land Planners
and Landscape Architects: Heritage Engineering

Request: Change in zoning from R-4, R-7, OR-3, M2,
M3 to C-1

Introductory Statement

This application is intended to address Bellarmine University's shortage of athletic facilities both for intramural and intercollegiate athletic play. The present Bellarmine campus is nearly fully built out, as the university has grown tremendously in recent years. There are no other properties near campus to address this already existing and ever growing demand for athletic facilities. This site is as close as the university can get in an area that seems compatible for the expansion of facilities as planned and shown on the development plan accompanying this application.

Guideline 1: Community Form

The Suburban Workplace, Suburban Marketplace, Regional Center and Suburban Neighborhood Form Districts in which this property is located or nearby all anticipate and/or accommodate facilities of these kinds.

Guideline 2: Activity Centers

The Intents and applicable Policies 1, 2, 4, 5, 7, 10, 11, 12, 13 and 15 of this Guideline as follows.

As noted in the PowerPoint presentation accompanying this application, this is an area intensely developed with workplace and commercial uses. Although there are some single family homes and subdivisions adjoining this site, the predominant uses in the area are commercial and industrial. Bellarmine University has worked closely with its engineers and land planners to ensure that its facilities nicely fit within the land that it has been able to acquire

showing good perimeter buffer for those properties that are potentially adversely affected. Bellarmine also expects to acquire rights to jointly utilize existing parking, such as from an adjoining office building, when that parking is not otherwise used for its principal purpose. Notably that would be game days at the proposed new stadium facility when the office building users would not need that parking lot.

Guideline 3: Compatibility

This application complies with the Intents and applicable Policies 1, 2, 3, 4, 5, 6, 7, 8, 9, 20, 21, 22, 23, 24, 28 and 29 of this Guideline as follows.

This project involves some new buildings, but mostly the reuse of old buildings, plus the construction of new ground level athletic facilities. Those buildings will be designed or re-designed, and the ground level athletic facilities will likewise be designed, to have a high quality look both from the streets accessing these properties and from residential neighborhoods surrounding them. Bellarmine University has been particularly sensitive to assuring that there is good quality screening and buffering along these athletic facilities.

Guideline 4, 5 & 13: Open Space, Natural Areas and Landscape Character

This application complies with Intents and applicable Policies 1, 3 and 6 of Guideline 4, Policy 1 of Guideline 7 and Policies 1, 2, 4, 5 and 6 Guideline 13 as follows:

Because this application involves athletic facilities, it involves the development of recreational open space. That open space will be mostly green, except for some additional parking brought to the area. But even that parking will be landscaped, screened and buffered unlike parking that already exists in this over industrial area.

Guideline 6: Economic Growth and Sustainability

This application complies with the Intents and applicable Policies 1, 2 3, 5 and 6 of this Guideline as follows:

Bellarmino University is a major employer as a nationally recognized higher education provided. As such, it needs to be able to provide recreation facilities and services to its students, both those competing on an intramural basis and those involved in intercollegiate sports. That is the purpose of this new athletic complex. The university will thus be enabled to continue to meet the demands of a growing student body and resulting University workforce.

Guidelines 7, 8 and 9: Circulation; Transportation Facility; Alternate Transportation Modes

This application complies with the Intents and applicable Policies 1, 2, 3, 4, 6, 9, 10, 11, 12, 13, 14 and 18 of Guideline 7, applicable Policies 5, 8, 9, 10 and 11 of Guideline 8 and applicable Policies 1, 2, 3, 4 and 5 of Guideline 9 as follows.

As shown on the development plan and in the PowerPoint presentation accompanying this application, this development will assure that street improvements are made as needed with good access, good site visibility and excellent internal circulation. Existing parking lots will be

improved with better circulation and with landscaping, screening and buffering, and the adjoining office parking lot is anticipated in time to be utilized under a joint parking arrangement such that during weekend ballgames at the new proposed stadium that office parking lot can be utilized for stadium users when it is not being utilized by office users. Sidewalks will be included in the development. To the extent that transit is available in the area, it will be accommodated. Also, Bellarmine contemplates shuttle services between the University and these athletic facilities for its students.

Guidelines 10 and 11: Stormwater; Water Quality

This application complies with Intents and applicable Policies 1, 3, 5, 6, 7, 9, 10, 11 and 12 of Guideline 10 and applicable Policies 1, 3, 4, 5, 8 and 9 of Guideline 11 as follows.

Post development rates of peak runoff will not exceed pre-development conditions. Detention basins will be provided as required by MSD, or otherwise existing facilities will be assured to accommodate storm water runoff in a way that will not have adverse consequences on downstream users. Steams, if any, nearby will be protected. One way to do that is by virtue of compliance with MSD's erosion and sedimentation control regulations. Additionally, MSD regulates water quality, so those measures will also be incorporated into development plans.

Guideline 12: Air Quality

The application complies with the Intents and applicable Policies 1 2, 3, 4, 5, 6, 7, 8 and 9 of this Guideline as follows.

It would be nice if these athletic facilities could be accommodated on the current Bellarmine University campus or close by; however, they cannot. Bellarmine is out of land on campus and in the area. But this location is located along Newburg Road close to the university campus. Consequently, vehicle miles traveled will be reduced as opposed to if this facility were located further away from campus. Also, Bellarmine hopes its students will utilize bicycles, transit and its own commuter service that it anticipates in order to make student access to this facility as convenient as possible.

* * * *

For all these and other reasons set forth hereinabove and on the development plan accompanying this application, the proposed Bellarmine University athletic facilities comply with all other relevant and applicable Guidelines and Policies of the Cornerstone 2020 Comprehensive Plan.

Respectfully submitted,

William B. Bardenwerper
Bardenwerper, Talbott & Roberts, PLLC
Building Industry Association of Greater Louisville Building
1000 North Hurstbourne Parkway, Second Floor
Louisville, KY 40223
(502) 426-6688

Tab 9

Proposed findings of fact pertaining to compliance with the Comprehensive Plan and Waiver criteria

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

PROPOSED FINDINGS OF FACT REGARDING COMPLIANCE WITH ALL APPLICABLE GUIDELINES AND POLICIES OF THE CORNERSTONE 2020 COMPREHENSIVE PLAN

Project: Bellarmine University Athletic Fields

Applicant: Bellarmine University, Inc.

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4200 Champions Trace Lane

Engineers, Land Planners
and Landscape Architects: Heritage Engineering

Request: Change in zoning from R-4, R-7, OR-3, M1,
M2, M3 to C-2

The Louisville Metro Planning Commission, having heard testimony before its Land Development & Transportation Committee, in the Public Hearing held on September 29, 2016 and having reviewed evidence presented by the applicant and the staff's analysis of the application, make the following findings:

Introductory Statement

WHEREAS, this application is intended to address Bellarmine University's shortage of athletic facilities both for intramural and intercollegiate athletic play; the present Bellarmine campus is nearly fully built out, as the university has grown tremendously in recent years; there are no other properties near campus to address this already existing and ever-growing demand for athletic facilities; and this site is as close as the university can get in an area that seems compatible for the expansion of facilities as planned and shown on the development plan accompanying this application; and

Guideline 1: Community Form

WHEREAS, the Suburban Workplace Form District in which this site is located, and the Suburban Marketplace and Suburban Neighborhood Form Districts located nearby all anticipate and/or accommodate facilities of these kinds; and

Guideline 2: Activity Centers

WHEREAS, the application complies with the Intents and applicable Policies 1, 2, 4, 5, 7, 10, 11, 12, 13 and 15 of this Guideline because, as noted in the PowerPoint presentation exhibit books shown and distributed at the neighborhood meeting and later at the LD&T and Planning Commission public hearing, this is an area intensely developed with workplace and commercial uses; although there are some single family homes and subdivisions adjoining this site, the

predominant uses in the area are commercial and industrial; Bellarmine University has worked closely with its engineers and land planners to ensure that its facilities nicely fit within the land that it has been able to acquire showing good perimeter buffer for those properties that are potentially adversely affected; Bellarmine also expects to acquire rights to jointly utilize existing parking, such as from an adjoining office building, when that parking is not otherwise used for its principal purpose; and notably that would be game days at the proposed new stadium facility when the office building users would not need that parking lot; and

Guideline 3: Compatibility

WHEREAS, this application complies with the Intents and applicable Policies 1, 2, 3, 4, 5, 6, 7, 8, 9, 20, 21, 22, 23, 24, 28 and 29 of this Guideline because this project involves some new buildings, but mostly the reuse of old buildings, plus the construction of new ground level athletic facilities; those buildings will be designed/re-designed to have a high quality look both from the streets accessing these properties and from residential neighborhoods surrounding them; and Bellarmine University has been particularly sensitive to assuring that there is good quality screening and buffering along these athletic facilities; and

Guideline 4, 5 & 13: Open Space, Natural Areas and Landscape Character

WHEREAS, this application complies with Intents and applicable Policies 1, 3 and 6 of Guideline 4, Policy 1 of Guideline 7 and Policies 1, 2, 4, 5 and 6 Guideline 13 because, as this application involves athletic facilities, this means the development of recreational open space; that recreational space will be mostly green, except for some additional parking brought to the area; and even that parking will be landscaped, screened and buffered unlike parking that already exists in this over industrial area; and

Guideline 6: Economic Growth and Sustainability

WHEREAS, this application complies with the Intents and applicable Policies 1, 2, 3, 5 and 6 of this Guideline because Bellarmine University is a major employer as a nationally recognized higher education provider; as such, it needs to be able to provide recreation facilities and services to its students, both those competing on an intramural basis and those involved in intercollegiate sports, which is the purpose of this new athletic complex; and the University will thus be enabled to continue to meet the demands of a growing student body and resulting University workforce; and

Guidelines 7, 8 and 9: Circulation; Transportation Facility; Alternate Transportation Modes

WHEREAS, this application complies with the Intents and applicable Policies 1, 2, 3, 4, 6, 9, 10, 11, 12, 13, 14 and 18 of Guideline 7, applicable Policies 5, 8, 9, 10 and 11 of Guideline 8 and applicable Policies 1, 2, 3, 4 and 5 of Guideline 9 because, as shown on the development plan, in the PowerPoint presentation and in the public hearing presentation booklets, this development will assure that street improvements are made as needed with good access, good site visibility and excellent internal circulation; existing parking lots will be improved with better circulation and with landscaping, screening and buffering, and the adjoining office parking lot is anticipated in time to be utilized under a joint parking arrangement such that during weekend ballgames at the new proposed stadium that office parking lot can be utilized for stadium users when it is not being utilized by office users; sidewalks will be included in the development; to the extent that

transit is available in the area, it will be accommodated; and also, Bellarmine contemplates shuttle services between the University and these athletic facilities for its students; and

Guidelines 10 and 11: Stormwater; Water Quality

WHEREAS, this application complies with Intents and applicable Policies 1, 3, 5, 6, 7, 9, 10, 11 and 12 of Guideline 10 and applicable Policies 1, 3, 4, 5, 8 and 9 of Guideline 11 because post development rates of peak runoff will not exceed pre-development conditions; detention basins will be provided as required by MSD, or otherwise existing facilities will be assured to accommodate storm water runoff in a way that will not have adverse consequences on downstream users; streams, if any, nearby will be protected; one way to do that is by virtue of compliance with MSD’s erosion and sedimentation control regulations; and MSD regulates water quality, so those measures will also be incorporated into development plans; and

Guideline 12: Air Quality

WHEREAS, the application complies with the Intents and applicable Policies 1 2, 3, 4, 5, 6, 7, 8 and 9 of this Guideline because it would be nice if these athletic facilities could be accommodated on the current Bellarmine University campus or close by; however, they cannot; Bellarmine is out of land on campus and in the area, and this location is located along Newburg Road close to the university campus; consequently, vehicle miles traveled will be reduced as opposed to if this facility were located further away from campus; and Bellarmine hopes its students will utilize bicycles, transit and its own commuter service that it anticipates in order to make student access to this facility as convenient as possible; and

* * * * *

WHEREAS, for all the reasons explained at LD&T and the Planning Commission public hearing and also in the public hearing exhibit books and on the approved detailed district development plan, this application also complies with all other applicable Guidelines and Policies of the Cornerstone 2020 Comprehensive Plan;

NOW, THEREFORE, the Louisville Metro Planning Commission hereby recommends to the Louisville Metro Council that it rezone the subject property from R-4, R-7, OR-3, MI, M2, M3 to C-2, and it approves the Detailed District Development Plan.

Waiver Findings of Fact

Waiver of Section 10.2.4.A, Table 10.2.1 to reduce the required property perimeter LBA long a portion of the western property line to allow encroachment of the existing building.

WHEREAS, the waiver will not adversely affect adjacent property owners because additional landscaping will be placed in the area where the encroachment exists and where the waiver is proposed; and

WHEREAS, the waiver will not violate the Comprehensive Plan for all the reasons set forth in the Detailed Statement of Compliance with all applicable Guidelines and Policies of the Cornerstone 2020 Comprehensive Plan filed with the original rezoning application; and

WHEREAS, the extent of waiver of the regulation is the minimum necessary to afford relief to the applicant because this particular encroachment only exists along a very short stretch along this particular parking lot's northeast property line; and

WHEREAS, strict application of the provisions of the regulation would deprive the applicant of a reasonable use of the land or would create an unnecessary hardship on the applicant because the applicant would have to remove and reconfigure existing parking; and

NOW, THEREFORE, the Louisville Metro Planning Commission hereby approves this Waiver.

Waiver Findings of Fact

Waiver of Section 10.2.10, Table 10.2.6 to reduce the required VUA LBA along a portion of the western property line to allow parking to encroach

WHEREAS, this is where a church building, to be converted to team locker rooms and administrative office facilities, already exists; and

WHEREAS, the waiver will not adversely affect adjacent property owners because additional landscaping will be placed in the area where the encroachment exists and where the waiver is proposed; and

WHEREAS, the waiver will not violate the Comprehensive Plan for all the reasons set forth in the Detailed Statement of Compliance with all applicable Guidelines and Policies of the Cornerstone 2020 Comprehensive Plan filed with the original rezoning application; and

WHEREAS, the extent of waiver of the regulation is the minimum necessary to afford relief to the applicant because this particular encroachment only exists along a very short stretch along the east property line; and

WHEREAS, strict application of the provisions of the regulation would deprive the applicant of a reasonable use of the land or would create an unnecessary hardship on the applicant because the applicant would have to remove an existing building encroachment; and

NOW, THEREFORE, the Louisville Metro Planning Commission hereby approves this Waiver.

Waiver Findings of Fact

Waiver of Section 10.2.10, Table 10.2.6 to reduce the required property perimeter and VUA LBA along a portion of the eastern Property line adjoining the R-7 property to allow encroachment of parking and proposed plaza.

WHEREAS, this is where a parking lot already exists, to be improved with landscaping and sidewalk; and

WHEREAS, the waiver will not adversely affect adjacent property owners because additional landscaping and sidewalk will be placed in the area where the encroachment exists and where the waiver is proposed; and

WHEREAS, the waiver will not violate the Comprehensive Plan for all the reasons set forth in the Detailed Statement of Compliance with all applicable Guidelines and Policies of the Cornerstone 2020 Comprehensive Plan filed with the original rezoning application; and

WHEREAS, the extent of waiver of the regulation is the minimum necessary to afford relief to the applicant because this particular encroachment only exists along a very short stretch along the east property line; and

WHEREAS, strict application of the provisions of the regulation would deprive the applicant of a reasonable use of the land or would create an unnecessary hardship on the applicant because the applicant would have to remove existing parking which adjoins other office building parking; and

NOW, THEREFORE, the Louisville Metro Planning Commission hereby approves this Waiver.