

Louisville Metro Planning Commission
April 16, 2014

Docket No. 14ZONE1061

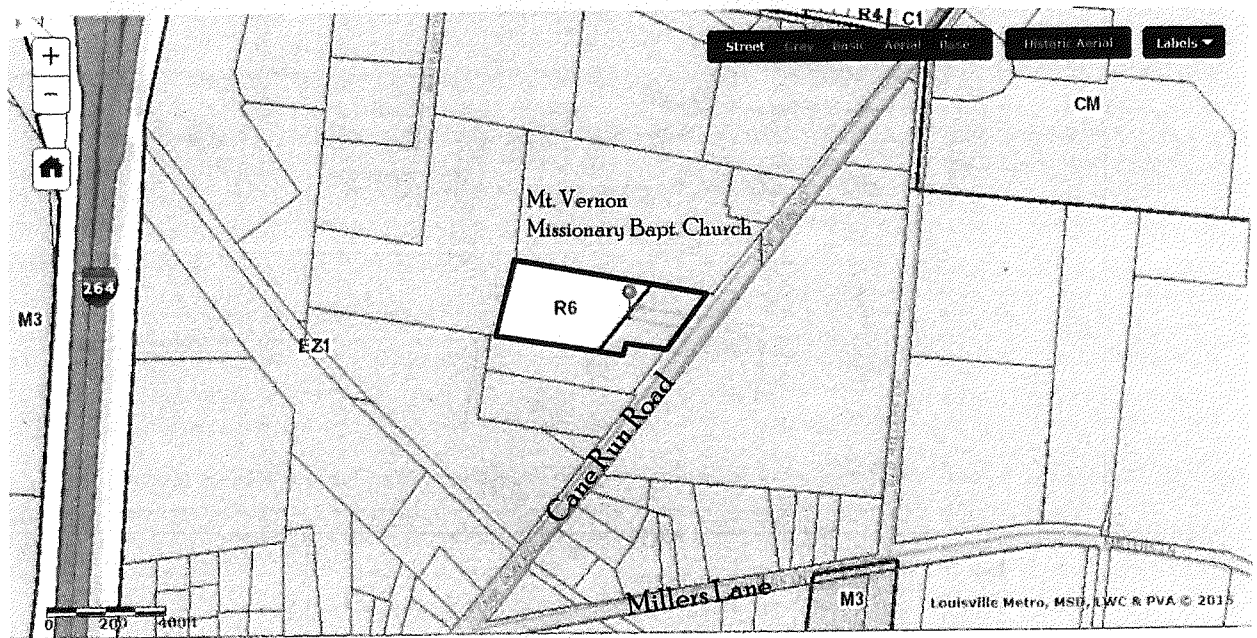
Zone change from R-6 to EZ1 to allow a warehouse/industrial building with trailer storage on property already one-third zoned EZ-1 on property located at 3650 Cane Run Road

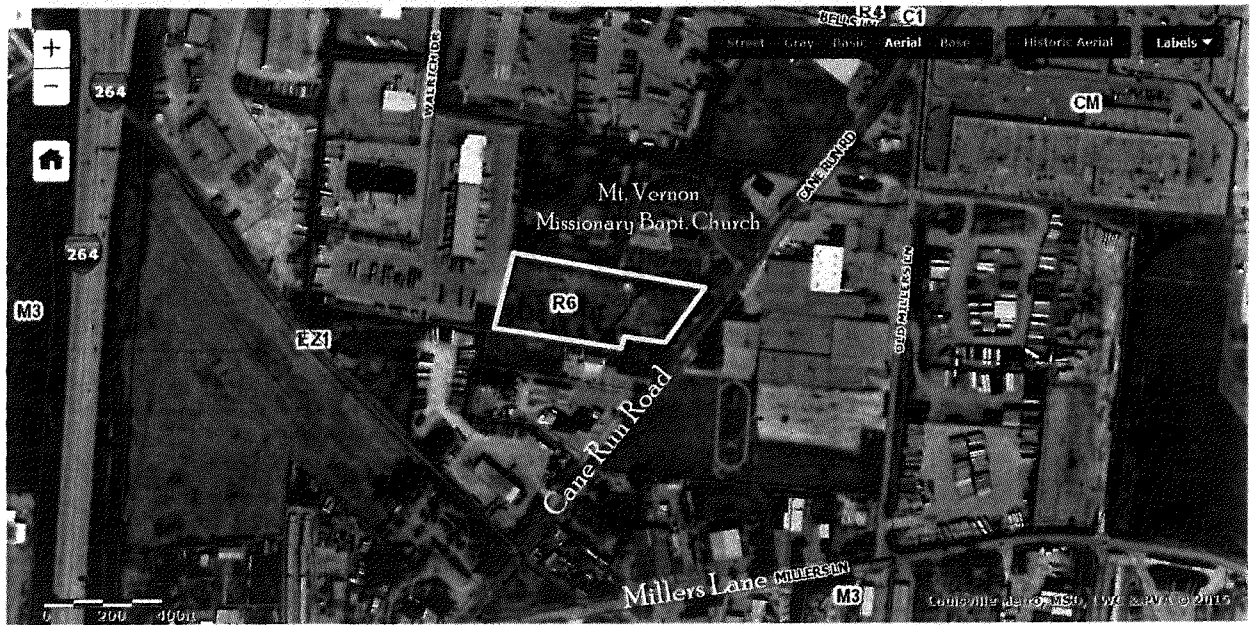
c/o Tuffli Company, Inc.

Attorneys: Bardenwerper Talbott & Roberts, PLLC
Land Planners, Landscape Architects & Engineers: Mindel Scott & Associates

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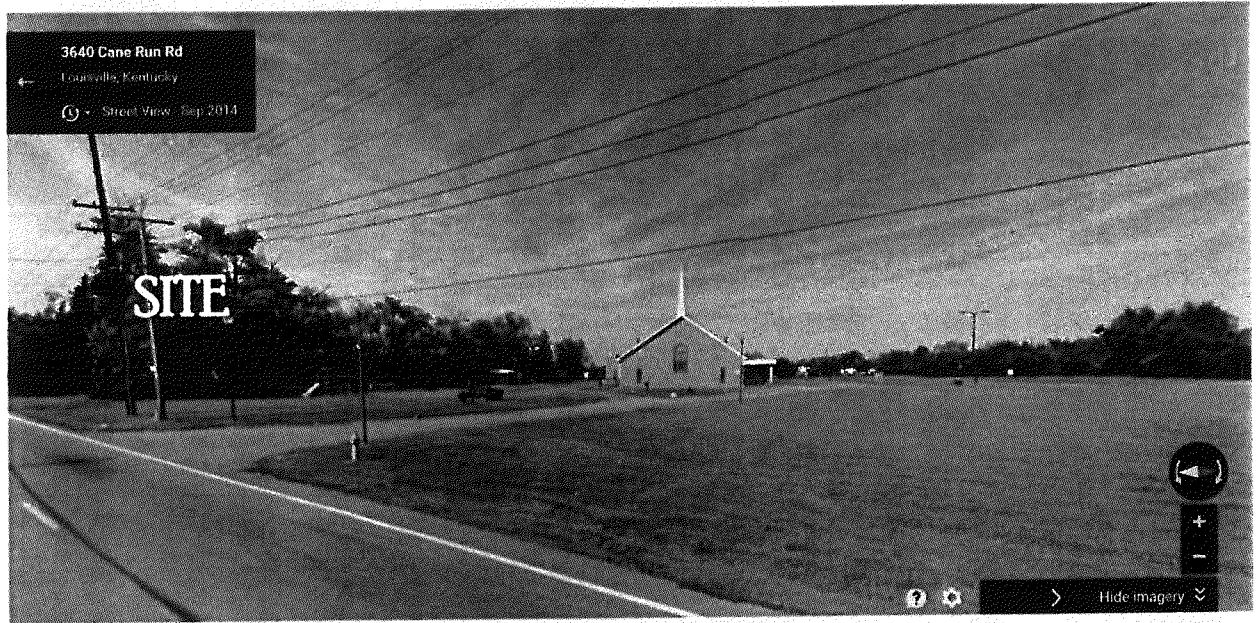




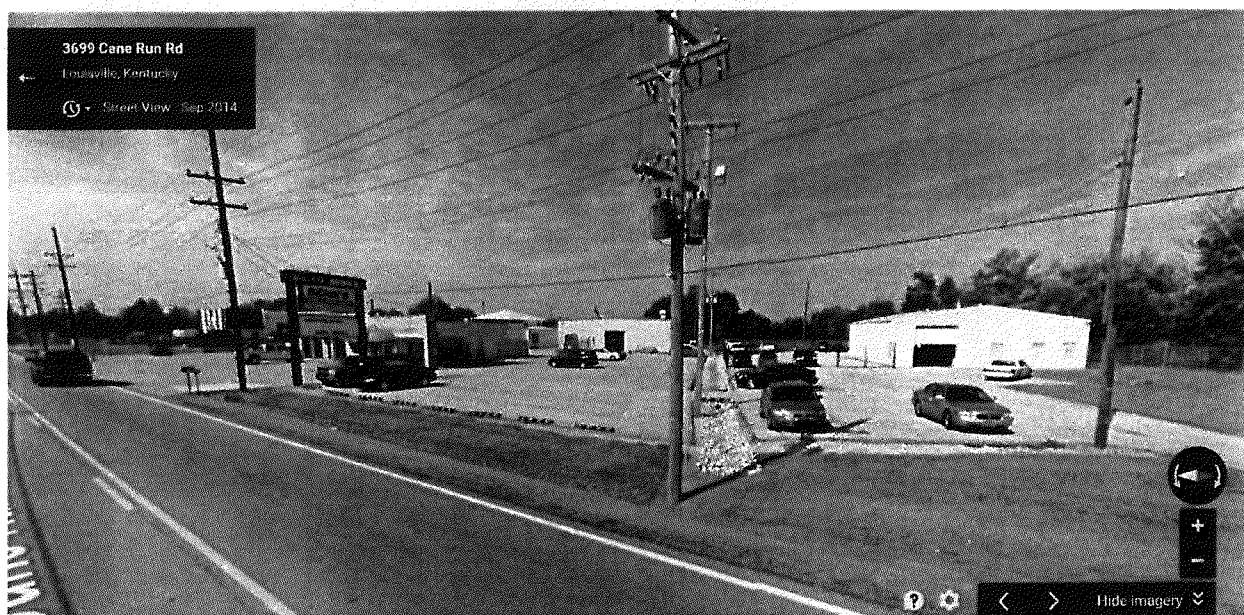
View of Cane Run Road looking north. Site is to the left.



View of Cane Run Road looking south. Site is to the right.



View of Mt. Vernon Missionary Baptist Church which is north of the site.

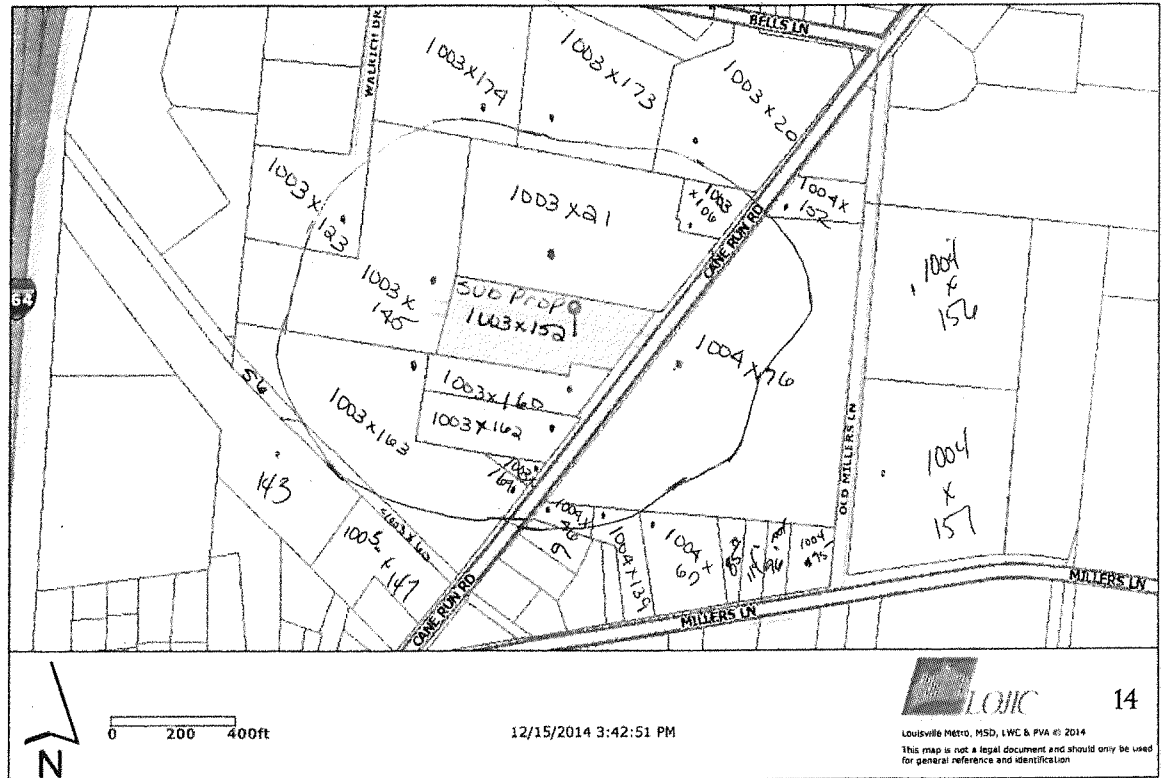


View of business to the south of site.



View of business to the east, across the street from the site.

Notice map inviting 23 first and second tier property owners,
plus those on the "Interested Parties" list e-mailed by DPDS



Neighborhood meeting letter

Tuffli Company, Inc.
2780 Skypark Drive, Suite 410
Torrance, California 90505
Phone: (310) 326-8490

January 2, 2015

Re: Proposed Zone Change from R-6 to EZ-1 to allow a warehouse facility with trailer storage on property already one-third zoned EZ-1, located at 3650 Cane Run Road.

Dear Neighbor,

We are writing to invite you to a meeting we have scheduled to present neighbors with our plan for a proposed warehouse facility with trailer storage to be located as above.

A meeting will be held on Thursday, January 15, 2015, at 7:00 p.m. at the Mt. Vernon Missionary Baptist Church located at 3640 Cane Run Road, in the Fellowship Hall, to discuss the plan with you.

As a neighbor, you are invited to this meeting so that we may show you what we plan and address questions or concerns that you or your neighbors may have.

If you cannot attend the meeting but have questions or concerns, please call us, our attorney Bill Bardenwerper at 426-6688, or our land planning and engineering firm representatives David Mindel or Kent Gootee with Mindel Scott & Associates at 485-1508.

We look forward to seeing you.

Sincerely,


William H. Cunningham, Jr.

Cc: Hon. Jessica Green, Metro Councilwoman, District 1
Julia Williams, case manager with Department of Planning & Design Services
Bill Bardenwerper attorney with Bardenwerper, Talbott & Roberts, PLLC
David Mindel and Kent Gootee, land planner with Mindel Scott & Associates

Summary of Neighborhood Meeting

Neighborhood Meeting Summary

The Neighborhood Meeting was held at Mt. Vernon Missionary Baptist Church on January 15, 2015 at 7:00 pm. The meeting was mostly attended by church officials and members but also by some nearby industrial property owners/users.

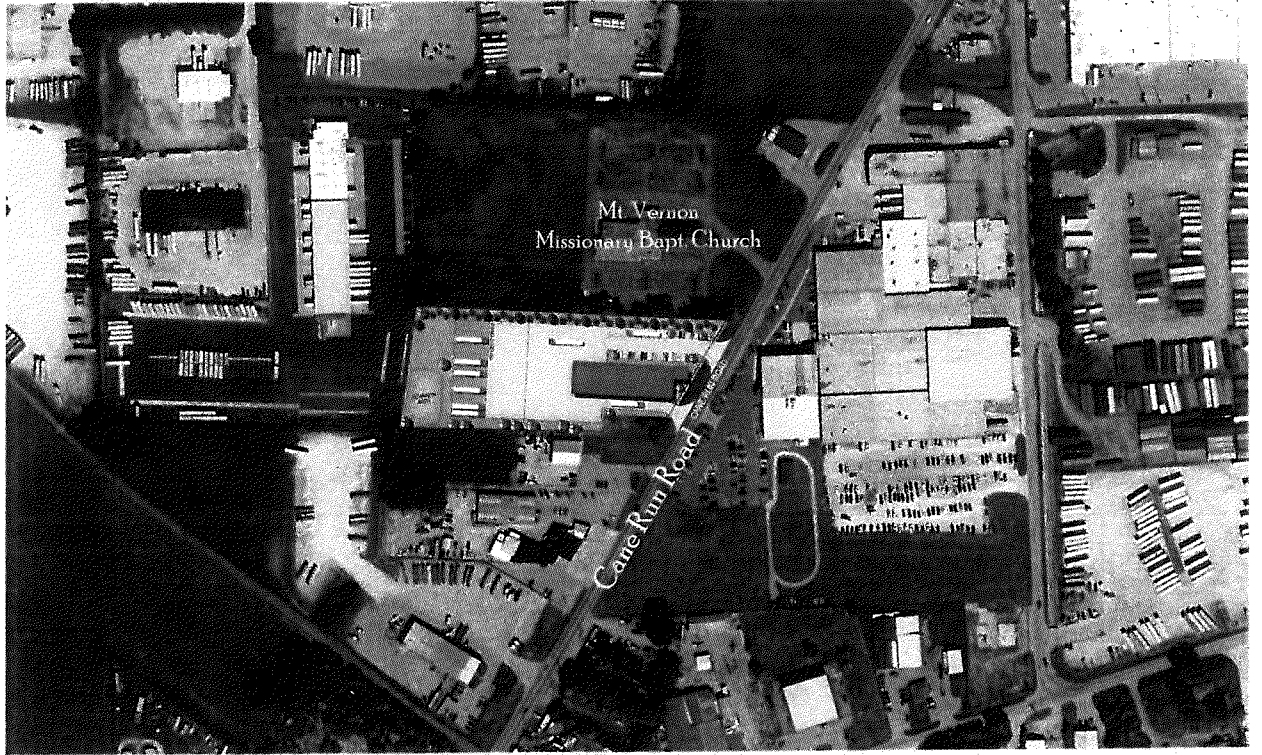
Bill Bardenwerper presented a PowerPoint showing the location, other uses in the area, the design of this property, how it is accessed, and how it will provide screening and buffering in particular for the adjoining church use. Kent Gootee with Mindel Scott & Associates (MSA) was present to address technical issues relating thereto.

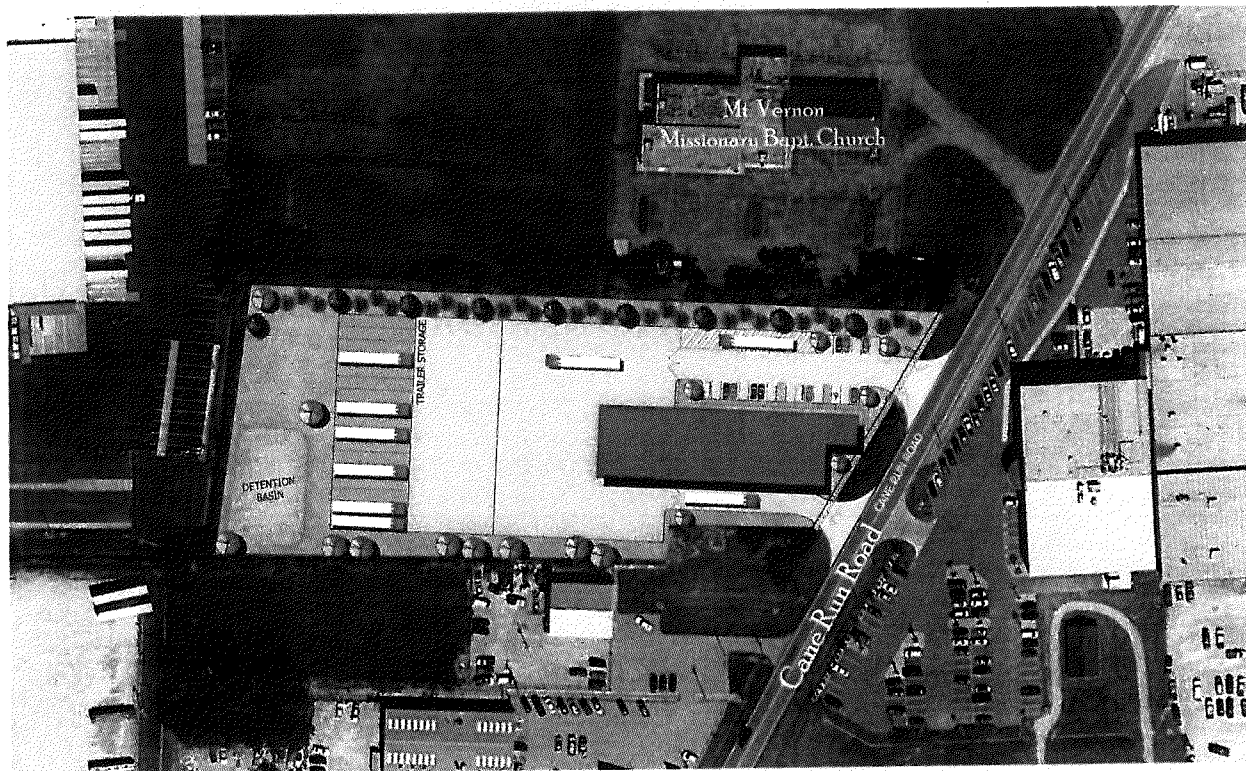
After their presentations, the floor was opened to questions. Most of the questions pertained to specific uses that the EZ-1 zoning district might permit. Mr. Gootee, in particular, having had experience with this applicant and site before, said that originally he anticipated this site as a truck terminal type use but that the specific tenant that was contemplated has now found another location. Therefore, the property owner still wants to build a facility for a user, probably of a similar kind, but it needs a little more flexibility now. Accordingly Mr. Bardenwerper suggested that, once the applicant has gone through the entire use list appropriate for the EZ-1 zoning district, he will forward the same list to church officials and other interested church members and nearby property owners/users for their input into that use list as well.

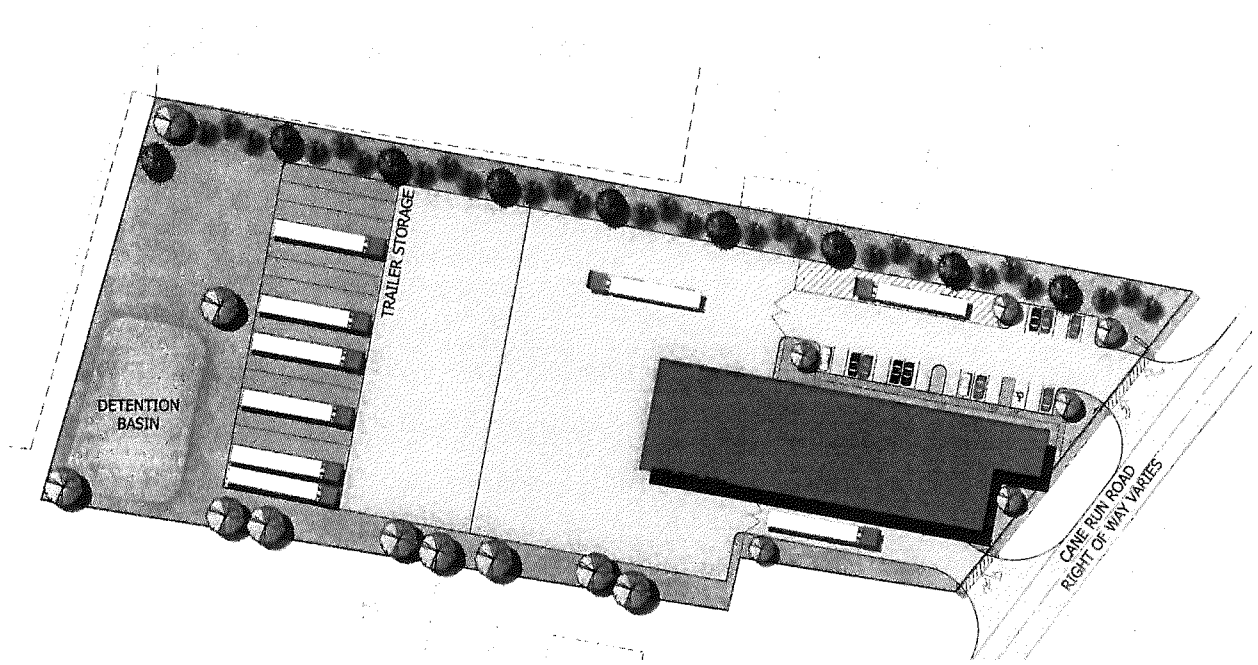
Other than that, Mr. Gootee explained access, drainage and screening and buffering along the shared property line with the church. Mr. Bardenwerper explained the process and the fact that the applicant has not yet filed an official application but will do so in the next couple of weeks to be followed by government agencies reviews, a committee review of the Planning Commission, a full public hearing and then final review and decision by the Metro Council. He explained when those meetings will likely be held, the fact that anyone present or anyone noticed will receive added notice of those meetings and will be invited to attend and comment. He also explained that every application has a DPDS case manager who can be contacted as well as officials associated with Metro Transportation Planning & MSD. But Mr. Bardenwerper and Mr. Gootee gave their names and addresses/phone numbers for anyone to contact for more information or as questions arise.

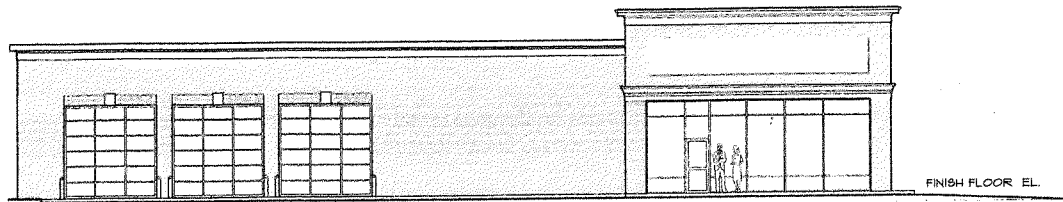
Respectfully submitted,

William B. Bardenwerper

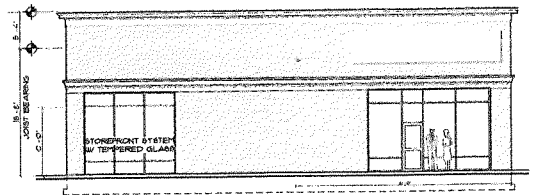




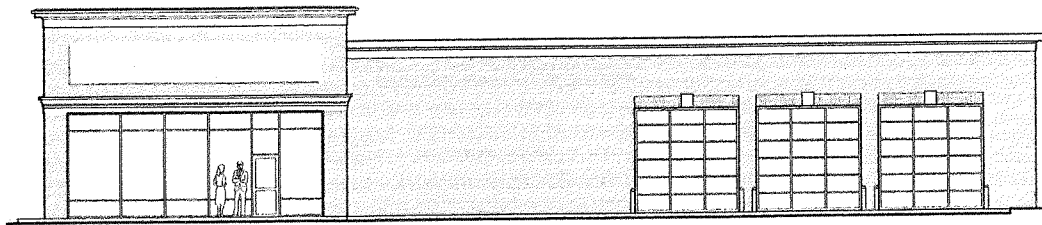





ELEVATION $1/8" = 1'-0"$
 LEFT




ELEVATION $1/8" = 1'-0"$
 FRONT




ELEVATION $1/8" = 1'-0"$
 RIGHT

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

Applicant: Tuffli Company, Inc.

Owner: Don & Martha Tuffli Family Trust

Location: 3650 Cane Run Road

Proposed Rezoning/Use: R-6 and EZ-1 to EZ-1 to allow a warehouse and storage facility

Engineers, Land Planners and
Landscape Architects: Mindel Scott & Associates, Inc.

INTRODUCTORY STATEMENT

The subject property is surrounded by other industrially zoned properties. Indeed, when you look at the Form District and zoning maps, this property in part is an island of residential in a sea of highly intensely zoned properties, almost exclusively utilized for industrial type purposes. There probably would not be any question at all with respect to the many impact mitigations issues raised by the Comprehensive Plan but for the fact that one adjoining property is utilized by a very successful and prominent church. Church officials and members are naturally concerned about any impacts from this use that would be unusually different than those elsewhere found in the area or that would have a particular adverse impact upon the church, notably its services. Accordingly, this applicant and its professional representatives have reviewed the use list within the various "M" and "C" districts that comprise the EZ-1 zoning district and have marked those uses which the applicant either would not have any interest in long term or that simply are inappropriate given the adjoining church use. This same list will be given to church officials and members to review for their consideration as well. That limited use list will be submitted prior to the LD&T Committee review of this application for consideration as an additional binding element, given that use limitations are also a form of impact mitigation, like other binding elements that applicants typically offer to the Planning Commission for consideration.

GUIDELINE 1: COMMUNITY FORM

The applicable form district for this property is the Suburban Workplace Form District which is a form characterized by predominately industrial and office uses where the buildings are setback from the street in a landscaped setting. This application and the Detailed District Development Plan (DDDP) accompanying this application demonstrate compliance with the Suburban Workplace Form District given how the building is set back from the street and given proposed landscaping screening and buffering adjoining the church. The aerial photograph accompanying the PowerPoint Presentation attached to the Neighborhood Meeting Summary further illustrates

how this property is surrounded by industrial uses, fitting within the Suburban Workplace Form District.

GUIDELINE 2: ACTIVITY CENTERS

The Intents and applicable Policies 1, 2, 4, 5, 7, 11, 14, 15 and 16 of this Guideline all pertain to such things as assuring an efficient use of land and investment in existing infrastructure, reducing commuting time and distances so as to not exacerbate air pollution problems, locating in activity centers and appropriate form districts, developing non-residential and mixed uses in such centers, assuring compact and mixed compatible uses, appropriately designing such centers, assuring adequate utilities and utility easements as necessary, and taking into account parking lot design and the provision for alternative transportation modes.

This application complies with all of these Intents and applicable Policies of this Guideline for the following reasons. While activity centers are normally thought of as commercial centers, what they really are are places where similar or compatible activities are all located in close proximity one to the other so that they either feed off of and support one another or work in some sort of symbiotic relationship. Given that this is a very intensely developed industrial area, with every parcel already occupied by an industrial use except this one and, as noted hereinabove, the church next door, an industrial use, as described with the limitations shown on the binding element limitation use list to be provided before LD&T, this rezoning and accompanying development plan are appropriate for this area. Infrastructure exists because all manner of other industrial activities are located in this area, another industrial activity makes sense from the standpoint of how trucks access the area as well as where employees typically commute to jobs of this kind. This is a small site, and the building located on it fits well, while leaving setbacks, landscaping and buffering where needed by Code or to address the interests of the adjoining property owners. Parking is appropriately designed and, to the extent that transit is available, provisions either exist nearby or can be made for transit drop-off and pick-up at this location. But anticipated to be a truck terminal, as it likely to be, public transit is unlikely to have an interest in serving this property.

GUIDELINE 3: COMPATIBILITY

The Intents and applicable Policies 1, 2, 3, 4, 5, 6, 7, 8, 9, 20, 21, 22, 23, 24, and 29 all pertain to the issues of impact mitigation. Sometimes this can be through building design and materials. Given that this area encompasses a wide variety of relatively non-descript, very intense industrial building designs, the building proposed for this location should not be held to any remarkably higher standard. On the other hand, given its close proximity to the adjoining church, it will be attractive, as far as industrial facilities are concerned. The impacts of noise generated from trucks, as well as lighting from trucks and from parking lots, will be mitigated as necessary to assure that the adjoining church is not disrupted during its normal hours of operation, especially during worship services. Binding elements that are developed in concert with church officials can help mitigate these impacts. The approved DDDP, and any necessary binding elements to further elaborate on that, can also address transitional issues, such as buffers, setbacks, screening and landscaping.

GUIDELINE 12: AIR QUALITY

This Intents and applicable Policies 1, 2, 4, 6, 7, 8 and 9 of this Guideline all pertain to the various issues of air quality regulated by the Air Pollution Control District (APCD).

This application complies with these Intents and applicable Policies of this Guideline for a number of reasons, mainly because APCD adopts regulations that require compliance. But moreover, because one of the goals of the Comprehensive Plan as evident in this Guideline is to reduce commuting distances and to assure that major truck traffic, to the maximum extent possible, utilize routes that are typically traveled by trucks, this project helps reduce vehicle miles traveled, and the proposed industrial facility is located in an already industrial area which truck traffic and employees are already accessing.

GUIDELINE 13: LANDSCAPE CHARACTER

The Intents and applicable Policies 1, 2, 4, and 6 of this Guideline all pertain to the issues of land development code compliance with landscaping requirements and to the need to screen and adequately buffer adjoining uses that might be of a different nature, such as the church next door. Accordingly, the landscape plan discussed at LD&T and public hearing and eventually to be filed assuming rezoning and development plan approval must address the issues contained in the LDC and as raised by the adjoining church.

GUIDELINES 14 & 15 : INFRASTRUCTURE AND COMMUNITY FACILITIES

The Intents and applicable Policies 2, 3, 4, 6 and 7 of Guideline 14 and Policies 3, 4, and 9 of Guideline 15 all pertain to the issues of assuring that adequate water supply, sewage treatment, other utility services and public services are available to serve sites, including industrial ones, of this kind.

This application and the accompanying DDDP demonstrate, in part, how utilities and public services, such as fire and emergency, are available at this site or close by.

* * * * *

For all these reasons and others to be explained at the LD&T Committee meeting and public hearing, this application complies with all others 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 Bldg.
1000 N. Hurstbourne Parkway, Second Floor
Louisville, KY 40223

landscaping screening and buffering adjoining the church; the aerial photograph included in the Public Hearing PowerPoint Presentation further illustrates how this property is surrounded by industrial uses, fitting within the Suburban Workplace Form District; and

GUIDELINE 2: ACTIVITY CENTERS

WHEREAS, the Intents and applicable Policies 1, 2, 4, 5, 7, 11, 14, 15 and 16 of this Guideline all pertain to such things as assuring an efficient use of land and investment in existing infrastructure, reducing commuting time and distances so as to not exacerbate air pollution problems, locating in activity centers and appropriate form districts, developing non-residential and mixed uses in such centers, assuring compact and mixed compatible uses, appropriately designing such centers, assuring adequate utilities and utility easements as necessary, and taking into account parking lot design and the provision for alternative transportation modes; and

WHEREAS, this application complies with all of these Intents and applicable Policies of this Guideline for the following reasons; while activity centers are normally thought of as commercial centers, what they really are are places where similar or compatible activities are all located in close proximity one to the other so that they either feed off of and support one another or work in some sort of symbiotic relationship; given that this is a very intensely developed industrial area, with every parcel already occupied by an industrial use except this one and, as noted hereinabove, the church next door, an industrial use, as described with the limitations shown on the binding element limitation use list provided at the Public Hearing, this rezoning and accompanying DDDP are appropriate for this area; infrastructure exists because all manner of other industrial activities are located in this area, another industrial activity makes sense from the standpoint of how trucks access the area as well as where employees typically commute to jobs of this kind; this is a small site, and the building located on it fits well, while leaving setbacks, landscaping and buffering where needed by Code or to address the interests of the adjoining property owners and parking is appropriately designed; and

GUIDELINE 3: COMPATIBILITY

WHEREAS, the Intents and applicable Policies 1, 2, 3, 4, 5, 6, 7, 8, 9, 20, 21, 22, 23, 24, and 29 all pertain to the issues of impact mitigation; sometimes this can be through building design and materials; given that this area encompasses a wide variety of relatively non-descript, very intense industrial building designs, the building proposed for this location should not be held to any remarkably higher standard and given its close proximity to the adjoining church, it will be attractive, as far as industrial facilities are concerned; and the impacts of noise generated from trucks, as well as lighting from trucks and from parking lots, will be mitigated as necessary to assure that the adjoining church is not disrupted during its normal hours of operation, especially during worship services; and

GUIDELINE 6: ECONOMIC GROWTH AND SUSTAINABILITY

WHEREAS, the Intents and applicable Policies 1, 2, 3, 4, 6, 8, and 10 of this Guideline all pertain to the issues of assuring availability of adequate usable land for such uses as industrial ones, to reduce public and private costs for land development, to preserve workplaces, to provide for appropriate access, to invest in developing and redeveloping industrial areas, to locate industries where other industries already exist and in the activity centers in and around those industrial areas, to assure that transportation is adequate in and out of industrial areas and

properties such as this, and to continue to redevelop and adaptively reuse vacant properties like this; and

WHEREAS, this application complies with the Intents and applicable Policies of this Guideline because this is an already existing older industrial area with an opportunity for a nice building on a vacant property in an area appropriate for continued, indeed more, industrial uses of this kind; road systems are adequate to bring traffic to and from this site; and the point of access to this property was approved by Metro Transportation Planning/Public Works prior to docketing for Planning Commission consideration; and

GUIDELINES 7, 8 and 9: CIRCULATION, TRANSPORTATION FACILITIES AND ALTERNATIVE TRANSPORTATION MODES

WHEREAS, the Intents and applicable Policies 1, 2, 3, 9, 10, 11, 12, 13, and 15 of Guideline 7, Policies 5, 7, 9, 10 and 11 of Guideline 8, and Policies 1, 2, 3 and 4 of Guideline 9 all pertain to the multiplicity of issues that are typically reviewed by Metro Transportation Planning and Public Works in connection with those agencies' reviews of DDDPs such as the one submitted with this application; and

WHEREAS, this application complies with all these Intents and applicable Policies of these Guidelines because of the fact that by the time this application was docketed for LD&T review, Metro Transportation Planning has preliminarily reviewed and approved the DDDP and assured at least preliminary compliance with all of these applicable Policies; and in that regard, Mindel Scott & Associates (MSA), a professional land planning and engineering firm that has worked on this DDDP, has already taken into account in its design such issues as adequate access, internal circulation, adequate parking, adequacy of street access, appropriate site distances and even whether sidewalks and bicycles need to be provided/accommodated; and

GUIDELINES 10 & 11: FLOODING, STORMWATER AND WATER QUALITY

WHEREAS, the Intents and applicable Policies 1, 3, 7, 10 and 11 of Guideline 10 and Policies 3 and 5 of Guideline 11 raise issues that are already regulated by MSD; the DDDP has received the preliminary stamp of approval from MSD demonstrating compliance with all of these Policies; that is to say that either on-site detention will be required or the regional facility fee will be paid as an alternative; and at construction stage, work done on this property must be in compliance with the soil erosion and sediment control guidelines of MSD and also with the new water quality standards adopted by MSD; and

GUIDELINE 12: AIR QUALITY

WHEREAS, this Intents and applicable Policies 1, 2, 4, 6, 7, 8 and 9 of this Guideline all pertain to the various issues of air quality regulated by the Air Pollution Control District (APCD); and

WHEREAS, this application complies with these Intents and applicable Policies of this Guideline for a number of reasons, mainly because APCD adopts regulations that require compliance; one of the goals of the Comprehensive Plan as evident in this Guideline is to reduce commuting distances and to assure that major truck traffic, to the maximum extent possible, utilizes routes that are typically traveled by trucks; this project helps reduce vehicle miles

traveled; and the proposed industrial facility is located in an already industrial area which truck traffic and employees are already accessing; and

GUIDELINE 13: LANDSCAPE CHARACTER

WHEREAS, the Intents and applicable Policies 1, 2, 4, and 6 of this Guideline all pertain to the issues of Land Development Code compliance with landscaping requirements and to the need to screen and adequately buffer adjoining uses that might be of a different nature, such as the church next door; the landscape plan discussed at LD&T and public hearing addresses the issues contained in the LDC and as raised by the adjoining church; and

GUIDELINES 14 & 15 : INFRASTRUCTURE AND COMMUNITY FACILITIES

WHEREAS, the Intents and applicable Policies 2, 3, 4, 6 and 7 of Guideline 14 and Policies 3, 4, and 9 of Guideline 15 all pertain to the issues of assuring that adequate water supply, sewage treatment, other utility services and public services are available to serve sites, including industrial ones, of this kind; and

WHEREAS, this application and the accompanying DDDP demonstrate, in part, how utilities and public services, such as fire and emergency, are available at this site or close by; and

* * * * *

WHEREAS, for all the reasons explained at LD&T and the Planning Commission public hearing and also in the public hearing exhibit books 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-6 to EZ-1.

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