

**EXHIBITS FOR APPLICANT  
University of Louisville  
NTS Development Company  
310 Whittington Parkway & Block 21 Lot 609**

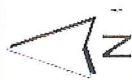
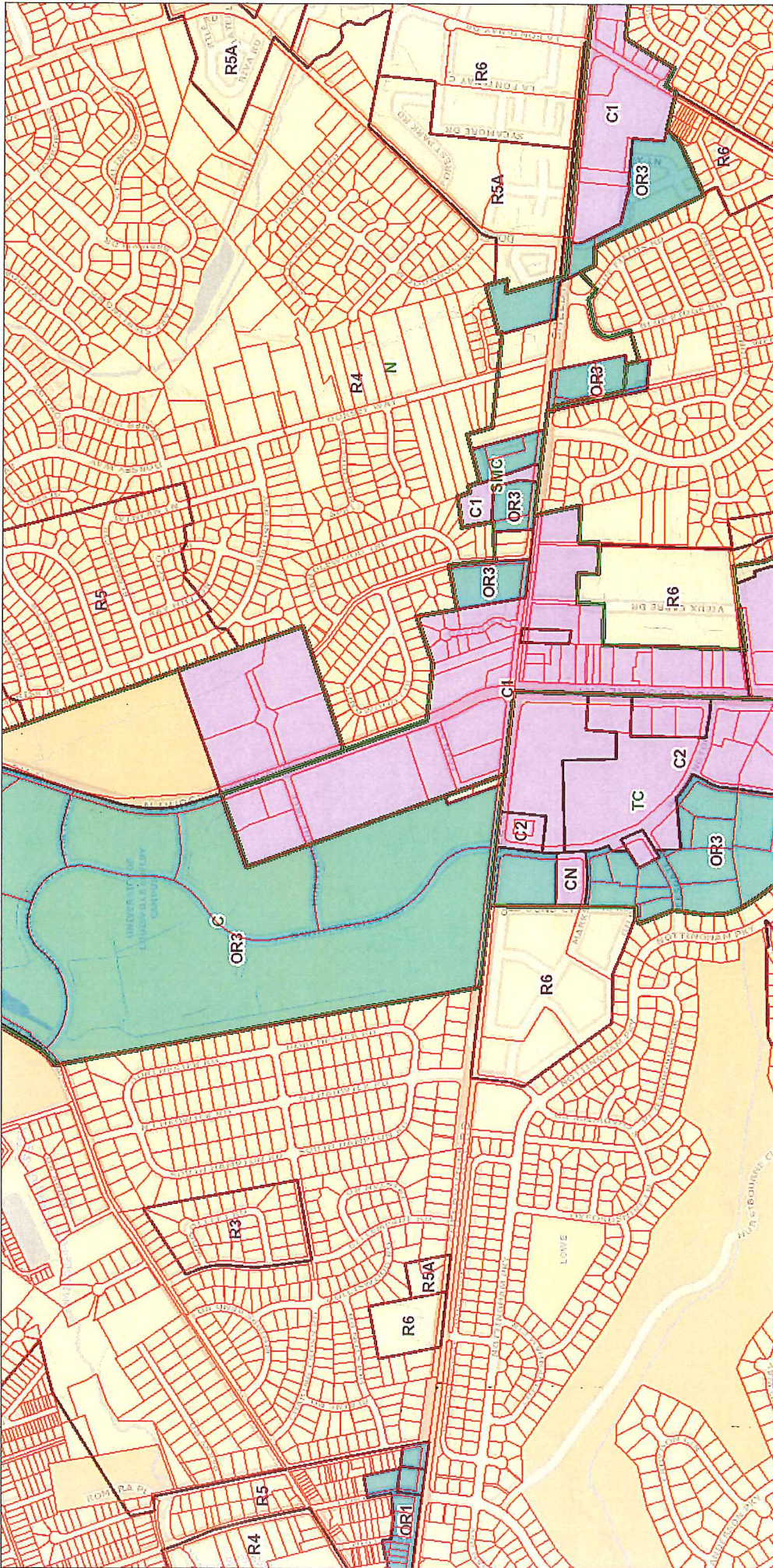
**Louisville Metro Planning Commission  
Case No. 15 Zone 1024**

- 1) Zoning Map
- 2) Site Photography
- 3) Development Plan
- 4) Variance Justification
- 5) Waiver Justifications
- 6) Zoning Change Demonstration of Appropriateness
- 7) Proposed Findings of Fact

**Glenn Price  
Attorney for Applicant  
Frost Brown Todd LLC  
400 West Market Street, 32<sup>nd</sup> Floor  
Louisville, Kentucky 40202  
502/779-8511  
[gaprice@fbtlaw.com](mailto:gaprice@fbtlaw.com)**







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 for general reference and identification.







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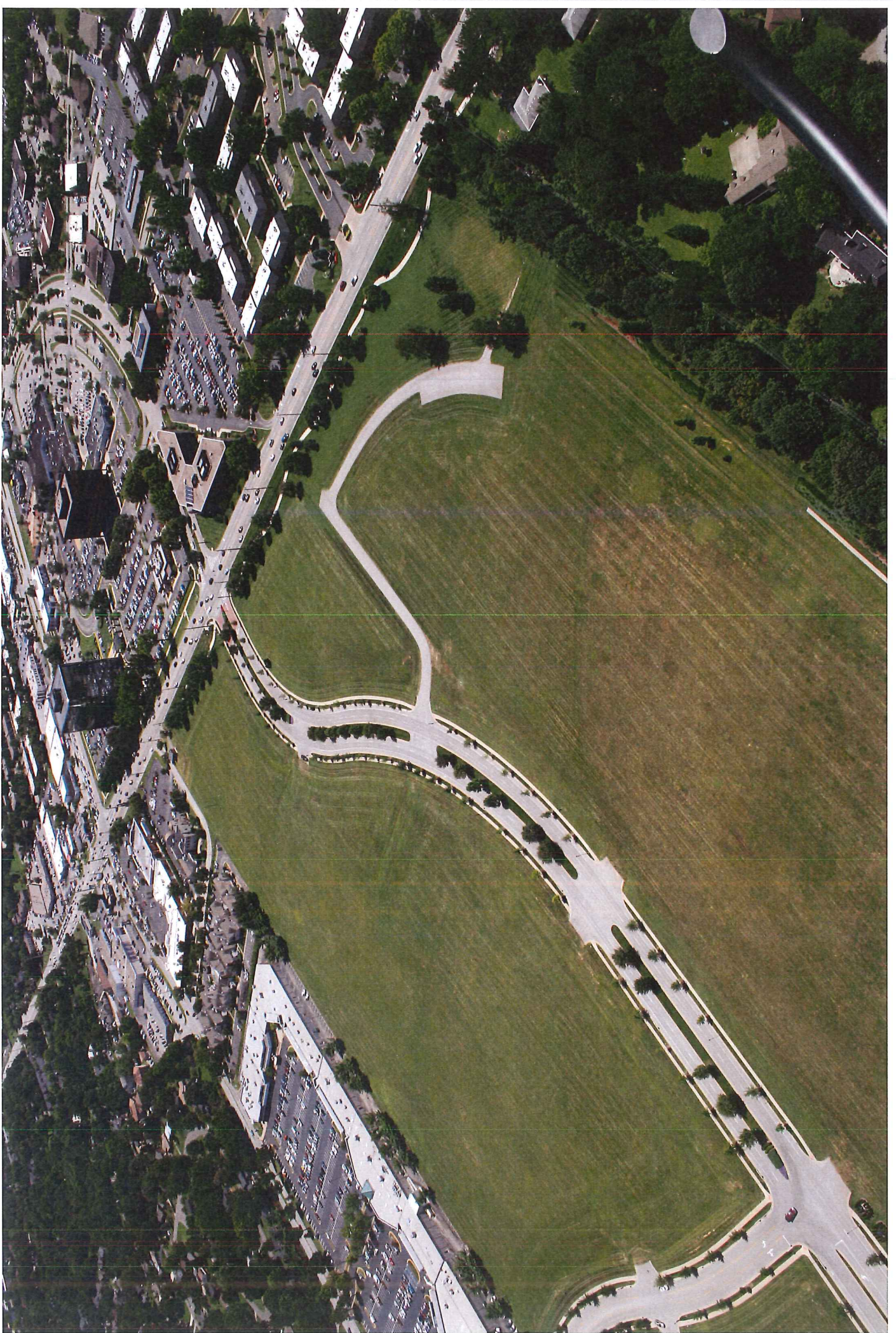
















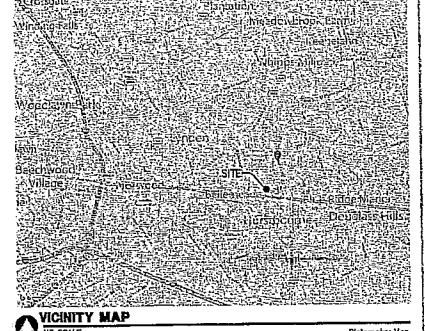


SITE DATA	LOT #1	LOT #2	LOT #3	LOT #4	LOT #5	LOT #6	LOT #7	LOT #8																																													
LOT AREA (ACRES):	2.77 ACRES	2.74 ACRES	1.91 ACRES	2.38 ACRES	4.10 ACRES	2.38 ACRES	2.38 ACRES	6.72 ACRES																																													
LOT AREA (S.F.):	120,741 S.F.	119,227 S.F.	83,124 S.F.	103,735 S.F.	178,890 S.F.	103,735 S.F.	103,735 S.F.	292,702 S.F.																																													
EXISTING USE:	VACANT	VACANT	VACANT	VACANT	VACANT	VACANT	VACANT	VACANT																																													
PROPOSED USE:	RESTAURANT	RESTAURANT	RESTAURANT	RESTAURANT	RESTAURANT	RESTAURANT	RESTAURANT	COMMERCIAL																																													
BUILDING FOOTPRINT:	7,650 S.F.	7,200 S.F.	7,200 S.F.	7,200 S.F.	5,750 S.F.	7,200 S.F.	8,000 S.F.	75,500 S.F.																																													
PATIO SQUARE FOOTAGE:	1,300 S.F.	800 S.F.	1,500 S.F.	1,600 S.F.	1,200 S.F.	1,800 S.F.	1,800 S.F.	0 S.F.																																													
GROSS FLOOR AREA:	8,950 S.F.	8,000 S.F.	8,700 S.F.	8,800 S.F.	6,950 S.F.	9,000 S.F.	9,800 S.F.	75,500 S.F.																																													
FLOOR AREA RATIO:	0.063	0.060	0.087	0.069	0.052	0.081	0.078	0.261																																													
BUILDING HEIGHT:	25'	25'	25'	25'	25'	25'	25'	25'																																													
PARKING CALCULATIONS	<table border="1"> <tr> <td>MINIMUM REQUIRED:</td> <td>1/125 SF=72 SPACES</td> <td>1/125 SF=44 SPACES</td> <td>1/125 SF=70 SPACES</td> <td>1/125 SF=72 SPACES</td> <td>1/125 SF=58 SPACES</td> <td>1/125 SF=47 SPACES</td> <td>1/125 SF=78 SPACES</td> <td>1/125 SF=72 SPACES</td> </tr> <tr> <td>TOTAL MAXIMUM ALLOWED:</td> <td>1/50 SF=172 SPACES</td> <td>1/50 SF=183 SPACES</td> <td>1/50 SF=174 SPACES</td> <td>1/50 SF=174 SPACES</td> <td>1/50 SF=183 SPACES</td> <td>1/50 SF=183 SPACES</td> <td>1/50 SF=183 SPACES</td> <td>1/50 SF=183 SPACES</td> </tr> <tr> <td>TOTAL PARKING PROPOSED:</td> <td>138 SP.</td> <td>118 SP.</td> <td>138 SP.</td> <td>138 SP.</td> <td>89 SP.</td> <td>113 SP.</td> <td>144 SP.</td> <td>343 SP.</td> </tr> <tr> <td>HANDICAP ACCESSIBLE:</td> <td>6 1 VAN.</td> <td>5 1 VAN.</td> <td>6 1 VAN.</td> <td>6 1 VAN.</td> <td>4 1 VAN.</td> <td>5 1 VAN.</td> <td>6 1 VAN.</td> <td>14 1 VAN.</td> </tr> <tr> <td>BIKE PARKING PROPOSED:</td> <td>2 SHORT/2 LONG BICYCLES</td> <td>2 SHORT/2 LONG BICYCLES</td> <td>2 SHORT/2 LONG BICYCLES</td> <td>2 SHORT/2 LONG BICYCLES</td> <td>2 SHORT/2 LONG BICYCLES</td> <td>2 SHORT/2 LONG BICYCLES</td> <td>2 SHORT/2 LONG BICYCLES</td> <td>2 SHORT/2 LONG BICYCLES</td> </tr> </table>								MINIMUM REQUIRED:	1/125 SF=72 SPACES	1/125 SF=44 SPACES	1/125 SF=70 SPACES	1/125 SF=72 SPACES	1/125 SF=58 SPACES	1/125 SF=47 SPACES	1/125 SF=78 SPACES	1/125 SF=72 SPACES	TOTAL MAXIMUM ALLOWED:	1/50 SF=172 SPACES	1/50 SF=183 SPACES	1/50 SF=174 SPACES	1/50 SF=174 SPACES	1/50 SF=183 SPACES	1/50 SF=183 SPACES	1/50 SF=183 SPACES	1/50 SF=183 SPACES	TOTAL PARKING PROPOSED:	138 SP.	118 SP.	138 SP.	138 SP.	89 SP.	113 SP.	144 SP.	343 SP.	HANDICAP ACCESSIBLE:	6 1 VAN.	5 1 VAN.	6 1 VAN.	6 1 VAN.	4 1 VAN.	5 1 VAN.	6 1 VAN.	14 1 VAN.	BIKE PARKING PROPOSED:	2 SHORT/2 LONG BICYCLES	2 SHORT/2 LONG BICYCLES	2 SHORT/2 LONG BICYCLES	2 SHORT/2 LONG BICYCLES	2 SHORT/2 LONG BICYCLES	2 SHORT/2 LONG BICYCLES	2 SHORT/2 LONG BICYCLES	2 SHORT/2 LONG BICYCLES
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**SITE DATA**  
 LAND USE DATA  
 SITE ADDRESS: 310 WHITTINGTON PKWY, PARCEL 002106090000, 40222  
 (PARTIAL PARCEL LOTS 1-8 TO BE SUBDIVIDED OUT PRIOR TO CONSTRUCTION APPROVAL)  
 TAX LOT, TAX BLOCK: TB 21, TL 609, 609  
 DEED BOOK, PAGE NUMBER: NO DEED LISTED  
 PROPOSED ZONING DISTRICT: OR-3  
 EXISTING ZONING DISTRICT: C-2  
 EXISTING FORM DISTRICT: 25.52-ACRES  
 TOTAL SITE ACREAGE: 1,111,911 SF  
 TOTAL SITE SQUARE FOOTAGE: 48,540 S.F.  
 EPCO DATA  
 DATA: Csb, Cya - CRIDER SILT LOAM, Uoh, Uo, Umc - URBAN LAND  
 SOIL TYPE: Csb, Cya - CRIDER SILT LOAM, Uoh, Uo, Umc - URBAN LAND  
 HYDROLOGIC SOIL GROUP: B  
 SENSITIVE FEATURES: NONE  
 PROPOSED IMPROVEMENTS: 630,866 S.F. (100% INCREASE)  
 WATERS/VARIANCES  
 5.3.6.C.3.VAR. VARIANCE OF 8'-10" FOR STREETSIDE SETBACKS  
 5.5.2.C.2.VAR. WAIVER TO PERMIT PARKING IN FRONT OF BUILDING  
 10.2.4.B.VAR. EASEMENT/LBA OVERLAP BY 50% OR MORE  
 10.2.11.VAR. EASEMENT FOR VIA LBA  
 10.2.4.A.VAR. WAIVER FOR PROPERTY PERIMETER LBA

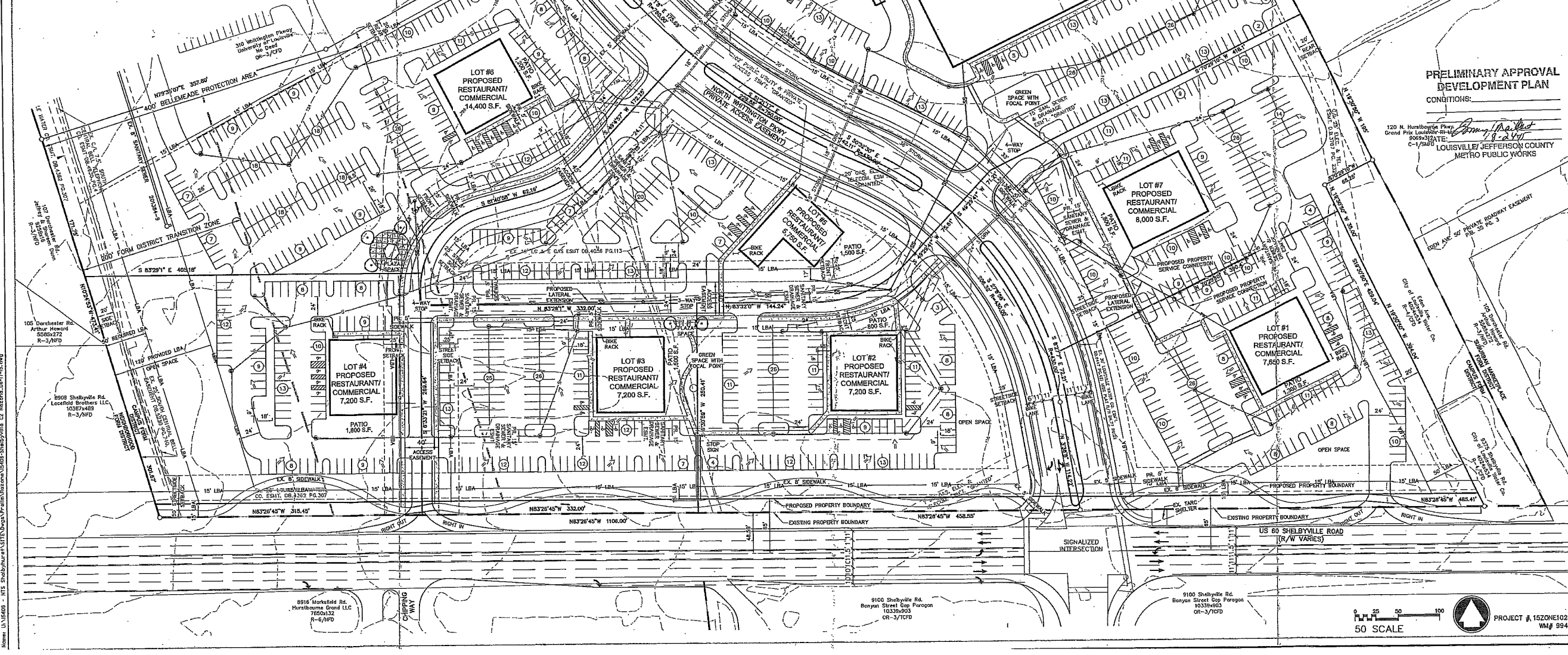
SIGNAGE	WHITTINGTON/ACCESS EASEMENTS	SHELBYVILLE ROAD
ONE TENANT	ONE TENANT	ONE TENANT
MAXIMUM HEIGHT: 40 SF	MAXIMUM HEIGHT: 80 SF	MAXIMUM HEIGHT: 80 SF
MAXIMUM AREA: 40 SF	MAXIMUM AREA: 80 SF	MAXIMUM AREA: 80 SF
2-3 TENANTS	2-3 TENANTS	2-3 TENANTS
MAXIMUM HEIGHT: 60 SF	MAXIMUM HEIGHT: 100 SF	MAXIMUM HEIGHT: 100 SF
MAXIMUM AREA: 60 SF	MAXIMUM AREA: 100 SF	MAXIMUM AREA: 100 SF
4+ TENANTS	4+ TENANTS	4+ TENANTS
MAXIMUM HEIGHT: 80 SF	MAXIMUM HEIGHT: 120 SF	MAXIMUM HEIGHT: 120 SF
MAXIMUM AREA: 80 SF	MAXIMUM AREA: 120 SF	MAXIMUM AREA: 120 SF

LEGEND	EXISTING	PROPOSED
- - - - -	EXISTING PROPERTY BOUNDARY	PROPOSED FLOW ARROWS
- - - - -	EXISTING EASEMENT	PROPOSED STORM STRUCTURE
- - - - -	EXISTING STORM STRUCTURE	PROPOSED STORM LINE
- - - - -	EXISTING STORM LINE	PROPOSED SANITARY SEWER
- - - - -	EXISTING SANITARY SEWER	PROPOSED LANDSCAPE BUFFER AREA
- - - - -		SEWER
- - - - -		SEWER & DRAINAGE EASEMENT
- - - - -		ACCESS EASEMENT



**AGENCY NOTES**

- MSD NOTES**
1. THE SITE IS SERVED BY EXISTING MSD SANITARY SEWERS. SEWAGE WILL BE TREATED AT THE MORRIS FORMAN WOTC. LOTS 1 - 7 WILL UTILIZE NEW LATERAL EXTENSION AND LOT 8 WILL BE SERVED BY PROPERTY NEW SERVICE CONNECTION AND ARE SUBJECT TO FEES AND CHARGES.
  2. STORMWATER RUNOFF FROM THIS DEVELOPMENT WILL BE DIRECTED INTO THE EXISTING ON-SITE DETENTION BASIN.
  3. THE FINAL DESIGN OF THIS PROJECT MUST MEET ALL MS4 WATER QUALITY REGULATIONS ESTABLISHED BY MSD.
  4. AN EASEMENT PLAN FOR THE THROUGH DRAINAGE SYSTEMS WILL BE REQUIRED PRIOR TO CONSTRUCTION APPROVAL.
  5. VERIFICATION OF THE CAPACITY OF THE EXISTING STORM SYSTEMS WILL BE REQUIRED.
  6. KYTC REVIEW REQUIRED.
- ADCO**
1. MITIGATION MEASURES FOR DUST CONTROL SHALL BE IN PLACE DURING CONSTRUCTION TO PREVENT FUGITIVE PARTICULAR EMISSION FROM REACHING EXISTING ROADS AND NEIGHBORING PROPERTIES.
- HEALTH DEPARTMENT**
1. ALL CONSTRUCTION & SALES TRAILERS MUST BE PERMITTED BY THE DEPARTMENT OF PUBLIC HEALTH & WELLNESS IN ACCORDANCE WITH CHAPTER 115 OF LOUISVILLE JEFFERSON COUNTY METRO ORDINANCES.
  2. MOSQUITO CONTROL IN ACCORDANCE WITH CHAPTER 96 OF LOUISVILLE JEFFERSON COUNTY METRO ORDINANCES.
- NEW**
1. CONSTRUCTION PLANS, BOND, AND ENCROACHMENT PERMIT ARE REQUIRED BY KYTC PRIOR TO CONSTRUCTION APPROVAL.
  2. ALL PARKING AND MANEUVERING AREAS TO BE HARD, DURABLE SURFACE.
  3. HANDICAP VAN SPACES TO BE 8' WIDE WITH AN 8' STRIPED AISLE. ALL OTHER HANDICAP SPACES TO BE 6' WIDE WITH A 6' STRIPED AISLE.
  4. RIGHT-OF-WAY DEDICATION BY DEED OR MINOR PLAT PRIOR TO CONSTRUCTION APPROVAL BY PUBLIC WORKS.
- EDS**
1. DUMPSTERS TO BE SCREENED COMPLIANT WITH THE LDC.
  2. ANY LOADING AND/OR REFUSE COLLECTION TO BE SCREENED AND LOGGED NOT TO BE VISIBLE FROM PUBLIC STREETS OR RESIDENTIAL USES.
  3. LOTS TO BE SURROUNDED WITH GENERAL CROSS AGREEMENT PRIOR TO CONSTRUCTION APPROVAL.
  4. BUILDING ELEVATIONS TO COMPLY WITH LDC 5.5 AND 5.6.
- STANDARD MSD SWPPP NOTES**
1. THE APPROVED EROSION PREVENTION AND SEDIMENT CONTROL (EPCO) PLAN SHALL BE IMPLEMENTED PRIOR TO ANY LAND-DISTURBING ACTIVITY ON THE CONSTRUCTION SITE. ANY MODIFICATIONS TO THE APPROVED EPCO PLAN MUST BE REVIEWED AND APPROVED BY MSD'S PRIVATE DEVELOPMENT REVIEW OFFICE. EPCO BMP'S SHALL BE INSTALLED PER THE PLAN AND MSD STANDARDS.
  2. DETENTION BASINS, IF APPLICABLE, SHALL BE CONSTRUCTED FIRST AND SHALL PERFORM AS SEDIMENT BASINS DURING CONSTRUCTION UNTIL THE CONTRIBUTING DRAINAGE AREAS ARE SEEDING AND STABILIZED.
  3. ACTIONS MUST BE TAKEN TO MINIMIZE THE TRACKING OF MUD AND SOIL FROM CONSTRUCTION AREAS ONTO PUBLIC ROADWAYS. SOIL TRACKED ONTO THE ROADWAY SHALL BE REMOVED DAILY.
  4. SOIL STOCKPILES SHALL BE LOCATED AWAY FROM STREAMS, PONDS, SWALES AND CATCH BASINS.
  5. STOCKPILES SHALL BE SEEDING, MULCHED, AND ADEQUATELY CONTAINED THROUGHOUT THE USE OF SILT FENCE.
  6. ALL STREAM CROSSINGS MUST UTILIZE LOW-WATER CROSSING STRUCTURES PER MSD STANDARD DRAWING ER-02-00.
  7. WHERE CONSTRUCTION OR LAND DISTURBANCE ACTIVITY WILL OR HAS TEMPORARILY CEASED ON ANY PORTION OF A SITE, TEMPORARY SITE STABILIZATION MEASURES SHALL BE REQUIRED AS SOON AS PRACTICABLE, BUT NO LATER THAN 14 CALENDAR DAYS AFTER THE ACTIVITY HAS CEASED.
  8. SEDIMENT-ENRICHED GROUNDWATER ENCOUNTERED DURING TRENCHING, BORING OR OTHER EXCAVATION ACTIVITIES SHALL BE PUMPED TO A SEDIMENT TRAPPING DEVICE PRIOR TO BEING DISCHARGED INTO A STREAM, POOL, SWALE OR CATCH BASIN.



**PRELIMINARY APPROVAL**

Condition of Approval:

Development Permit: \_\_\_\_\_ Date: \_\_\_\_\_

LOUISVILLE & JEFFERSON COUNTY METROPOLITAN SEWER DISTRICT

**PRELIMINARY APPROVAL DEVELOPMENT PLAN**

CONDITIONS:

120 N. Hurstbourne Pkwy.  
ATA Forum Louisville LLC  
100033370  
C-1/349D

LOUISVILLE & JEFFERSON COUNTY METRO PUBLIC WORKS

RECEIVED  
AUG 17 2015  
PLANNING & DESIGN SERVICES

Engineering Planning

ShelbyHurst Research & Office Park  
Rezoning and Detailed Development Plan  
Shelbyville Road Commercial & Hotel  
University of Louisville Development Company, LLC  
100 Creighton Hall  
University of Louisville  
Louisville, KY 40292

REV#	DATE	DESCRIPTION
1	07/22/15	AGENCY COMMENTS
2	08/11/15	AGENCY COMMENTS

Development Plan  
Job No: 15428.005  
Date: July 6, 2015  
Scale: 1"=50'  
Drawn By: A. Bartley  
Checked By: A. Bartley  
Drawing Title: ShelbyHurst Research & Office Park Rezoning & Development Plan  
Drawing No: 1 of 1

PROJECT # 15ZONE1024  
WM# 9942





RECEIVED

JUL 08 2015  
PLANNING &  
DESIGN SERVICES

**VARIANCE REQUEST**

**Shelbyhurst Research and Office Park  
Shelbyville Road Commercial and Hotel**

**LAND DEVELOPMENT CODE §5.3.5.C.3.a**

**A REQUEST FOR A VARIANCE FROM LAND DEVELOPMENT CODE §5.3.5.C.3.a TO ALLOW (i) a 9-foot front yard setback in lieu of a 25-foot setback on Lot #4 (i.e., a variance of 16 feet); and (ii) a 17-foot front yard setback in lieu of a 25-foot setback on Lot #5 (i.e., a variance of 8 feet).**

**1. State the reasons that the granting of the variance:**

**A. WILL NOT ADVERSELY AFFECT THE PUBLIC HEALTH, SAFETY OR WELFARE.**

The granting of the variance applicable to Lot #4 will allow the site to maintain the 120-foot Landscape Buffer Area designated to protect residences on Dorchester Road within the city of Bellemeade, and to be located adjacent to the proposed internal western-most access which connects to Shelbyville Road. The granting of the variances will have no adverse effect on the public health, safety or welfare because this portion of the development will function as a "cluster" of development uses with connectivity among lots in the form of vehicular and pedestrian access; this cluster would not require internal setbacks if Lots 2, 3, 4, 5 and 6 were situated on one parcel.

**B. WILL NOT ALTER THE ESSENTIAL CHARACTER OF THE GENERAL VICINITY.**

The proposed variance will not alter the essential character of the general vicinity because the variance would allow the internal development of the Shelbyville Road frontage of the Shelbyhurst Campus without impacting the extensive 120-foot Landscape Buffer Area protecting the abutting residential area of Bellemeade.

**C. WILL NOT CAUSE A HAZARD OR A NUISANCE TO THE PUBLIC.**

The requested variance will not cause a hazard or nuisance to the public because the variance involves setbacks which are internal to the site. As stated above, if Lots 2, 3, 4, 5 and 6 were on a single lot, variances would not be required; hence, the proposal will not cause a hazard or nuisance to the public.

**D. WILL NOT ALLOW AN UNREASONABLE CIRCUMVENTION OF THE REQUIREMENTS OF THE ZONING REGULATIONS.**

The requested variance will not allow an unreasonable circumvention of the requirements of the zoning regulations because the grant of the variance would allow buildings on only two lots (Lot #4 and Lot #5) to be closer to the front property line. This request would therefore not allow an unreasonable circumvention of the requirements of the zoning regulations.

**2. Additional consideration:**

**B. THE STRICT APPLICATION OF THE PROVISIONS OF THE REGULATION WOULD DEPRIVE THE APPLICANT OF THE REASONABLE USE OF THE LAND OR WOULD CREATE AN UNNECESSARY HARDSHIP.**

The strict application of the provisions of the regulation would deprive the Applicant of the reasonable use of its land because if the lots were not to be subdivided no front yard setback would exist from which to apply for a variance; hence, the strict application of the provisions of the regulation would deprive the applicant of the reasonable use of the land and would create an unnecessary hardship.

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LAND DEVELOPMENT CODE WAIVER

Shelbyhurst Research and Office Park  
Shelbyville Road Commercial and Hotel

LAND DEVELOPMENT CODE §10.2.4.A

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**A REQUEST FOR A WAIVER OF LAND DEVELOPMENT CODE (“LDC”) §10.2.4.A TO ALLOW A 20-FOOT LANDSCAPE BUFFER AREA ABUTTING THE LOUISVILLE WATER COMPANY PARCEL IMMEDIATELY EAST OF THE SUBJECT SITE, IN LIEU OF THE PRESCRIBED 50-FOOT BUFFER.**

**Reason.** The 50-foot buffer prescribed by the regulation is designed to protect residential areas from the more intense land uses typically found in the Campus Form District. Because the abutting lot is owned by the Louisville Water Company and functions as utility property, this lot is not now, and will not be, used for residential purposes.

**A. The waiver will not adversely affect adjacent property owners.**

The waiver only affects the Louisville Water Company property, a utility provider, and will not adversely affect the Louisville Water Company nor any other adjacent property owners.

**B. The waiver will not violate the Comprehensive Plan.**

The requested waiver conforms to the Comprehensive Plan because all design criteria meet Compatibility Guideline 3 and Policy 22 and Landscape Character Guideline 13 and Policies 4 and 6.

Compatibility Guideline 3. The waiver conforms to Compatibility Guideline 3 and all applicable Policies adopted thereunder, including Policy 22, because plant materials otherwise required to provide on-site buffers and tree canopy will be implemented.

Landscape Character Guideline 13. The waiver conforms to Landscape Character Guideline 13 and all applicable Policies adopted thereunder, including Policy 22, because the plant materials will be provided pursuant to the LDC and will be maintained by the applicant, regardless of the grant of the waiver.

**C. The waiver conforms to the intent of the Land Development Code.**

The waiver conforms to the intent of the Land Development Code to provide for adequate landscape buffers to protect abutting residential uses. Even though the Louisville Water Company parcel is zoned residential (i.e., R-4) it is not now, and will not be, used for residential use.

**D. The extent of the waiver of the regulation is the minimum necessary to afford relief to the applicant.**

The waiver is the minimum necessary to afford relief to the applicant because the grant of the waiver will nevertheless provide a 20-foot buffer strip separating the development on the Subject Site from the Louisville Water Company parcel.

**E. The strict application of the regulation would deprive the applicant of the reasonable use of the land or would create an unnecessary hardship on the applicant.**

The strict application of the regulation would deprive the applicant of the reasonable use of the land and would create an unnecessary hardship on the applicant because requiring a 50-foot setback at this location would cause the development on the Subject Site to be unable to provide adequate parking.

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**LAND DEVELOPMENT CODE WAIVER**

**Shelbyhurst Research and Office Park  
Shelbyville Road Commercial and Hotel**

**LAND DEVELOPMENT CODE §10.2.4.B**

**A REQUEST FOR A WAIVER OF LAND DEVELOPMENT CODE (“LDC”) §10.2.4.B TO ALLOW UTILITY EASEMENTS TO ENCROACH INTO THE LANDSCAPE BUFFER AREA (“LBA”) BY MORE THAN 50% OF THE LBA.**

**Reason.** All landscaping materials required by the LDC will be planted and maintained by the applicant. No reduction in the amount of landscaping will occur by virtue of the utility easement overlap.

**A. The waiver will not adversely affect adjacent property owners.**

The waiver will not adversely affect adjacent property owners because the waiver only affects the location of internal utility easements and does not impact the landscaping to be planted and maintained in the affected areas.

**B. The waiver will not violate the Comprehensive Plan.**

The requested waiver conforms to the Comprehensive Plan because all design criteria meet Compatibility Guideline 3 and Policy 22 and Landscape Character Guideline 13 and Policies 4 and 6.

Compatibility Guideline 3. The waiver conforms to Compatibility Guideline 3 and all applicable Policies adopted thereunder, including Policy 22, because plant materials otherwise required to provide on-site buffers and tree canopy will be implemented.

Landscape Character Guideline 13. The waiver conforms to Landscape Character Guideline 13 and all applicable Policies adopted thereunder, including Policy 22, because the plant materials will be provided pursuant to the LDC and will be maintained by the applicant, regardless of the grant of the waiver.

**C. The waiver conforms to the intent of the Land Development Code.**

The waiver conforms to the intent of the Land Development Code to provide for adequate landscaping and tree canopy to reduce any potential for visual nuisance. Because all landscape materials required by the LDC will be implemented, the waiver conforms to the intent of the Land Development Code.

**D. The extent of the waiver of the regulation is the minimum necessary to afford relief to the applicant.**

The waiver is the minimum necessary to afford relief to the applicant because the grant of the waiver will enable utility easements to substantially co-exist within the landscape buffer areas; however, the landscape materials provided will not be reduced. Thus, the extent of the waiver of the regulation is the minimum necessary to afford relief to the applicant.

**E. The strict application of the regulation would deprive the applicant of the reasonable use of the land or would create an unnecessary hardship on the applicant.**

The strict application of the regulation would deprive the applicant of the reasonable use of the land and would create an unnecessary hardship on the applicant because the strict application of the regulation would cause the land available for campus buildings to be substantially impacted by the unnecessary widening of landscape buffer areas.

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**LAND DEVELOPMENT CODE WAIVER**

**Shelbyhurst Research and Office Park  
Shelbyville Road Commercial and Hotel**

**LAND DEVELOPMENT CODE §10.2.10**

**A REQUEST FOR A WAIVER OF LAND DEVELOPMENT CODE (“LDC”) §10.2.10  
AS APPLIED TO LOTS #2, 3, 4, 5 AND 6.**

**Reason.** Lots #2, 3, 4, 5 and 6 have been laid out in a “cluster” of uses to promote interconnectivity. Because these lots “front” on access easements (as opposed to dedicated streets) the minimum VUA requirement cannot be met even though substantial landscaping will be provided. No reduction in the amount of landscaping will occur by virtue of the reduction.

**A. The waiver will not adversely affect adjacent property owners.**

The waiver will not adversely affect adjacent property owners because the waiver only affects internal landscaping requirements at the edge of the access easements. Landscaping will nevertheless be provided at these locations. Thus, the waiver will not adversely affect adjacent property owners.

**B. The waiver will not violate the Comprehensive Plan.**

The requested waiver conforms to the Comprehensive Plan because all design criteria meet Compatibility Guideline 3 and Policy 22 and Landscape Character Guideline 13 and Policies 4 and 6.

Compatibility Guideline 3. The waiver conforms to Compatibility Guideline 3 and all applicable Policies adopted thereunder, including Policy 22, because plant materials otherwise required to provide on-site buffers and tree canopy will be implemented.

Landscape Character Guideline 13. The waiver conforms to Landscape Character Guideline 13 and all applicable Policies adopted thereunder, including Policy 22, because the plant materials will be provided pursuant to the LDC and will be maintained by the applicant, regardless of the grant of the waiver.

**C. The waiver conforms to the intent of the Land Development Code.**

The waiver conforms to the intent of the Land Development Code to provide for adequate landscaping and tree canopy to reduce any potential for visual nuisance. Because all landscape materials required by the LDC will be implemented, the waiver conforms to the intent of the Land Development Code.

- D. The extent of the waiver of the regulation is the minimum necessary to afford relief to the applicant.**

The waiver is the minimum necessary to afford relief to the applicant because the grant of the waiver will enable interconnectivity of access roads among similar land uses. Thus, the extent of the waiver is the minimum necessary to afford relief to the applicant.

- E. The strict application of the regulation would deprive the applicant of the reasonable use of the land or would create an unnecessary hardship on the applicant.**

The strict application of the regulation would deprive the applicant of the reasonable use of the land and would create an unnecessary hardship on the applicant because the strict application of the regulation would cause the land available for campus buildings to be substantially impacted by the unnecessary widening of landscape buffer areas.

**LAND DEVELOPMENT CODE WAIVER**

**Shelbyhurst Research and Office Park  
Shelbyville Road Commercial and Hotel**

**LAND DEVELOPMENT CODE §5.5.2.C.2**

**A REQUEST FOR A WAIVER OF LAND DEVELOPMENT CODE (“LDC”) §5.5.2.C.2 TO ALLOW MORE THAN 50% OF THE REQUIRED PARKING SPACES TO BE LOCATED IN FRONT OF THE BUILDINGS (APPLICABLE TO ALL LOTS).**

**Reason.** The proposed site layout provides appropriate interconnectivity. The most efficient way to provide interconnectivity is via interconnected access roads.

**A. The waiver will not adversely affect adjacent property owners.**

The waiver will not adversely affect adjacent property owners because the waiver only affects the internal layout of the individual sites and does not cause any adverse affect to adjacent property owners.

**B. The waiver will not violate the Comprehensive Plan.**

The requested waiver conforms to the Comprehensive Plan because all design criteria meet Compatibility Guideline 3 and Policy 1 and Circulation Guideline 7 and Policy 16.

Compatibility Guideline 3. The waiver conforms to Compatibility Guideline 3 and all applicable Policies adopted thereunder, including Policy 1, because to advance the safety of customers and to ensure safe and efficient movement of vehicles and pedestrians on site, it is necessary for the site to have appropriate interconnectivity of roadways.

Circulation Guideline 7. The waiver conforms to Circulation Guideline 7 and all applicable Policies adopted thereunder, including Policy 16, because the proposed site and lot layout is the most efficient layout to create interconnectivity, one of the purposes of which is to reduce traffic impacts to the North Whittington Parkway/Shelbyville Road intersection.

**C. The waiver conforms to the intent of the Land Development Code.**

The waiver conforms to the intent of the Land Development Code to provide for safe and efficient movement of vehicles and pedestrians on site, providing adequate off-street parking, and to facilitate adequate and safe movement of vehicles.

**D. The extent of the waiver of the regulation is the minimum necessary to afford relief to the applicant.**

The waiver is the minimum necessary to afford relief to the applicant because the waiver will provide for vehicular interconnectivity among lots.

**E. The strict application of the regulation would deprive the applicant of the reasonable use of the land or would create an unnecessary hardship on the applicant.**

The strict application of the regulation would deprive the applicant of the reasonable use of the land and would create an unnecessary hardship on the applicant because the applicant would not be able to develop a service component (i.e., commercial and hotel) to benefit the Shelbyhurst Campus due to the restrictions on the location of required off-street parking spaces.

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**DEMONSTRATION OF APPROPRIATENESS**

**ShelbyHurst Research and Office Park  
Shelbyville Road Commercial and Hotel**

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**I. The proposal conforms to the Comprehensive Plan for Louisville and Jefferson County, Kentucky.**

The proposed zone change from OR-3 Office Residential District to C-2 Commercial District (the "proposal") conforms to KRS 100.213 because it is in agreement with the adopted Comprehensive Plan for Louisville and Jefferson County, Kentucky, within which this property lies. Comprehensive Plan Goals, Objectives, Guidelines and Policies are discussed in this Demonstration of Appropriateness.

**Community Form Guideline 1.** The proposal conforms to Community Form Guideline 1 and all applicable Policies adopted thereunder, including Policy 1.B.11, Campus Form District Goal H1 and Objective H1.1, Community Design Goal H2 and Objectives H2.1, H2.2, H2.3, H2.4, H2.5 and H2.6, Land Use Goal H3 and Objectives H3.2 and H3.3, Site Design Goal H4 and Objectives H4.1, H4.2, H4.3, and H4.4, and People, Jobs and Housing Transportation and Infrastructure Goal K3 and Objective K3.1 and Revitalization Goal Goal K4 and Objective K4.1. The site lies wholly within the Campus Form District. The 189.6-acre site comprises the University of Louisville's ShelbyHurst Research and Office Park, which contains a mixture of uses which are both compact and walkable. The 22.24-acre site fronting on Shelbyville Road (referred to herein as the "Subject Site") is intended to accommodate the development of seven (7) commercial lots and one (1) hotel lot. There are now and will continue to be buildings with gathering areas, open space, internally shared parking, and sidewalks and bikeways on all boulevards within the development. Sidewalks, street trees and landscaping are situated throughout the development along the internal roadways with unified street signage. A 120-foot buffer extends along the entire west side of the property. A 23-acre Metropolitan Sewer District ("MSD") easement is situated near the northerly property line and will not be built on. Fifty-foot buffers are located along the Hurstbourne Parkway and Shelbyville Road frontages of the property. The proposed C-2 uses are intended to provide services, including eating facilities, for workers within Shelbyhurst and in the general vicinity. An on-site hotel having technologically advanced capabilities is proposed to serve the campus core.

**Centers Guideline 2.** The proposal conforms to Centers Guideline 2 and all applicable Policies adopted thereunder, including Policies 2.1, 2.3, 2.4, 2.5, 2.7, 2.12, 2.13, 2.14, 2.15 and 2.16. The development of the site, especially the area of the proposed zone change, will constitute an activity center benefiting the entire Shelbyhurst campus because it comprises an area of concentrated, mixed-

use activity. The development will consist of a mix of academic buildings, research and office buildings designed to minimize land consumption and reduce vehicle trips. The academic core of the site will continue to form the central focal point of the development. Shared parking and access will be available throughout the site at appropriate locations in relation to the use they serve. Access and parking will be situated so as to provide for safe and efficient movement of vehicles, pedestrians and bicycles throughout the campus. All necessary utilities are available on-site and are situated underground within utility easements. Alternative transportation modes are encouraged through the provision of sidewalks throughout the development, bikeways on major roads and bicycle storage facilities located either within the buildings or via bicycle storage racks throughout the development.

**Compatibility Guideline 3.** The proposal conforms to Compatibility Guideline 3 and all applicable Policies adopted thereunder, including Policies 3.1, 3.2, 3.5, 3.6, 3.7, 3.8, 3.9, 3.11, 3.12, 3.21, 3.22, 3.23, 3.24 and 3.28. Development of this site will be consistent with its intended function under Campus Form District guidelines. The development will be compatible with the scale and site design of nearby nonresidential development. Adjacent residential development is protected through the use of substantial buffers. A 120-foot buffer provides a suitable transition area to protect homes on Dorchester Road in the city of Bellemeade. Building heights will be limited to five (5) stories, except within the "Bellemeade Protection Area," an area extending four hundred (400') feet from the Bellemeade corporate line (the western edge of the Subject Site), where the maximum height will be three (3) stories or forty-five (45) feet. Architectural controls will be established to govern the design and materials of each building via Master Declaration of Restrictions. Building materials will be determined at the time of development of each site or phase. Unacceptable sound impacts will not be caused by the proposed development. Lighting will be appropriate for campus development and will conform to lighting limitations in the Land Development Code. The development will not be a source of visual nuisance. Shelbyville Road is an existing transit route for the Transit Authority of River City ("TARC"). All buildings and facilities on-site will be accessible to persons with disabilities and will comply with all local, state and federal laws applicable to persons with disabilities. Appropriate transitions and buffers presently exist, and will exist in the future, as necessary, between sites, phases and adjacent uses. Setbacks, lot dimensions, building heights and signage will be appropriate for the campus.

**Open Space Guideline 4.** The proposal conforms to Open Space Guideline 4 and all applicable Policies adopted thereunder, including Policies 4.1, 4.4, 4.5 and 4.7. A 9.3-acre open space exists along the entire western buffer strip, 120-feet in width. A 23-acre MSD easement area to the north of the site will remain open and unbuilt. Open space will be considered throughout the development of each site or phase. The on-site 100-year floodplain area is predominantly protected by easement. Maintenance of open space will be provided for through

Master Declaration of Restrictions. Bikeways constructed along the major streets of the development will enable access to the bikeway located on Whipps Mill Road.

**Natural Areas and Scenic and Historic Resources Guideline 5.** The proposal conforms to Natural Areas and Scenic and Historic Resources Guideline 5 and all applicable Policies adopted thereunder, including Policies 5.1, 5.2 and 5.6 and Social and Cultural Resources Goal D1 and Objective D1.1. An existing cemetery on the western side of the property will be protected; appropriate access to the cemetery will be provided. There are no steep or severe slopes on site. On-site soils drain well and are highly permeable. No soils on-site are classified as wet soils.

**Economic Growth and Sustainability Guideline 6.** The proposal conforms to Economic Growth and Sustainability Guideline 6 and all applicable Policies adopted thereunder, including Policies 6.2 and 6.6 because Core Graphic 10 designates both Hurstbourne Parkway and Shelbyville Road as major arterial roadways, and designates Whipps Mill Road as a primary collector roadway. Moreover, the University of Louisville previously dedicated right-of-way on Hurstbourne Parkway to provide for additional through-transportation capacity, and has provided transportation connectivity from Shelbyville Road to Whipps Mill Road through Shelby Campus via the 4-lane section of North Whittington Parkway. The University has also provided connectivity to Hurstbourne Parkway via Porter Place, Weakley Way, and Hurstbourne Trace. Although these roads will remain privately owned, they are available for public use, and have been constructed to exceed minimum construction standards. The University granted a 23-acre easement to the Metropolitan Sewer District ("MSD") which enabled MSD to construct a large retention basin at Whipps Mill Road to drain a watershed consisting of 3,200-acres. The area of the site near Shelbyville Road, a major arterial roadway, is envisioned to function as an activity center.

**Circulation Guideline 7.** The proposal conforms to Circulation Guideline 7 and all applicable Policies adopted thereunder, including Policies 7.1, 7.2, 7.3, 7.4, 7.6, 7.8, 7.10, 7.12, 7.13, 7.14, 7.16 and 7.19 and Pattern of Development Goal E3. A transit shelter is presently located on Shelbyville Road within the development site. TARC provides transit service along Shelbyville Road (TARC Route 31) in front of the development. Adequate access to surrounding developments is provided on-site, although no access is planned into the developed residential areas of the City of Bellemeade to the west of the site. The development will provide adequate parking throughout. Joint and cross access agreements will be provided as necessary to ensure adequate vehicular flow and parking availability among sites within the development. Internal roadway connections and median openings are spaced in anticipation of future development. The roadways presently in place provide for uniform access and circulation. Off site shoulder improvements and pavement widening are

proposed along the Shelbyville Road frontage of the site. Deceleration lanes will be provided.

**Transportation Facility Design Guideline 8.** The proposal conforms to Transportation Facility Design Guideline 8 and all applicable Policies adopted thereunder, including Policies 8.1, 8.2, 8.4, 8.6, 8.7, 8.9, 8.10, 8.11 and 8.12. The location, size and multi-modal function of major and minor roadways within the development are appropriate for the Campus Form District in which the site lies. Street designs include significant landscaping and tree planting along all boulevards within the development, including within median strips. Hurstbourne Parkway is a designated parkway; the development observes parkway standards on both its Hurstbourne Parkway frontage and Shelbyville Road frontage. Adequate sight distance and internal circulation have been provided on all existing roadways, and will be provided during the development of each site or phase.

**Bicycle, Pedestrian and Transit Guideline 9.** The proposal conforms to Bicycle, Pedestrian and Transit Guideline 9 and all applicable Policies adopted thereunder, including Policies 9.1, 9.2, 9.3 and 9.4, Moving People and Goods Goal A1, Goal A2 and Objectives A2.1 and A2.2, Bicycle and Pedestrian Circulation Plan Planning Goal H1, Goal H2 and Objective H2.2 and H2.5, Safety Goal H3 and Objective H3.1, Promotion Goal H4, Site Design Standards for Alternative Transportation Modes Goal I1 and Objective I1.1, Goal I2 and Objective I2.1, Goal I3 and Objective I3.1, Goal I4 and Objective I4.1, Goal I5 and Objective I5.1, and Goal I7 and Objective I7.1. Sidewalks are located on both sides of all streets within the development. Shelbyville Road is an existing transit route (TARC Route 31). Sidewalks have been constructed along the Shelbyville Road frontage of the Subject Site. An existing transit shelter is located on-site on Shelbyville Road. Bikeways are located on each major street in the development, and bicycle storage facilities will be located throughout the campus, either within buildings or at bike racks, or both. Sidewalks provide pedestrian connections to shopping facilities either along Hurstbourne Parkway or within the development.

**Flooding and Stormwater Guideline 10.** The proposal conforms to Flooding and Stormwater Guideline 10 and all applicable Policies adopted thereunder, including Policies 10.1, 10.2, 10.3, 10.4, 10.7, 10.10 and 10.11 and Water Goal B1 and Objective B1.3. The development of the ShelbyHurst Research and Office Park minimizes the potential for the impacts of flooding, and effectively manages stormwater runoff. Storm sewers have been sized appropriately for the full development of the site as a research and office park. The storm sewers discharge into the stormwater detention facility at the low end of the system along Whipps Mill Road. Similarly, a drainage corridor is located within the 120-foot buffer along the western (Bellemeade) perimeter of the property, and diverts fifty-four (54) acres of drainage waters which previously impacted the northwest corner of the Bellemeade neighborhood, and caused periodic and seasonal



flooding prior to the construction of this improvement. No buildings are proposed to be located within the 100-year FEMA regulatory floodplain. There is no impact to existing stream valleys and no disturbance to jurisdictional waters of the United States as defined by the U.S. Army Corp of Engineers. It is anticipated that the proposal will receive the approval of MSD. All construction plans will be reviewed and approved by MSD prior to construction. The development of individual sites and phases of development will involve a public review process and will similarly be reviewed by MSD. Detention facilities on site will adequately accommodate stormwater from the site, based on a fully developed watershed. The on-site drainage system will likewise accommodate the "through" drainage system of water flows on-site and off-site. Peak stormwater runoff rates post-development will not exceed pre-development rates.

**Air Quality Guideline 12.** The proposal conforms to Air Quality Guideline 12 and all applicable Policies adopted thereunder, including Policies 12.1, 12.2, 12.3, 12.5, 12.6, 12.7 and 12.8 and Air Goal C1. Shelbyville Road, a major arterial, is located along the frontage of the Shelbhurst Campus and the Subject Site; Shelbyville Road is a transit route. An existing transit shelter is located on-site on Shelbyville Road. Sidewalks and bikeways are located throughout the development and are situated to encourage the use of these alternate modes of transportation. It is anticipated that the Louisville Air Pollution Control District will approve the proposal.

**Landscape Character Guideline 13.** The proposal conforms to Landscape Character Guideline 13 and all applicable Policies adopted thereunder, including Policies 13.1, 13.2, 13.4, 13.5 and 13.6, Habitat and Biodiversity Goal F1 and Objective F1.1 and Goal F2. A street tree plan for the entire campus has been implemented; on boulevards street trees will be located on either side and within the median. This pattern will continue into the newly zoned area. Native plant species will be installed. Planting and buffering plans, wherever required, will be implemented. An adequate tree canopy will be provided for the Subject Site and within the overall campus. Extensive buffers exist along the western perimeter of the Subject Site.

**Infrastructure Guideline 14.** The proposal conforms to Infrastructure Guideline 14 and all applicable Policies adopted thereunder, including Policies 14.2, 14.3, 14.4, 14.6 and 14.7. The proposal has adequate service for all necessary utilities. A common utility corridor exists in the development that includes gas, electric, water, telephone, cable and telecommunications. An adequate water supply for domestic and fire-fighting purposes serves the site. New utilities have been located underground and have been situated where recommended by each utility for appropriate maintenance and repair access.

**Community Facilities Guideline 15.** The proposal conforms to Community Facilities Guideline 15 and all applicable Policies adopted thereunder, including

Policy 15.9. Adequate fire fighting services will be provided by the Middletown Fire Protection District.

The proposal conforms to all other applicable Goals, Objectives, Guidelines and Policies of the Comprehensive Plan.

- II. **All necessary utilities, including gas, electric, water, telephone, cable and telecommunications, presently exist on-site. Essential public services, including public transit, bikeways and sidewalks presently serve the site as described above.**
- III. **Implementation of proposed uses is anticipated to begin within twelve (12) months of final approval.**

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**PROPOSED FINDINGS OF FACT**  
**Case No. 15ZONE1024**  
**Submitted by Applicant**

**ShelbyHurst Research and Office Park**  
**Shelbyville Road Commercial and Hotel**

**WHEREAS**, The Planning Commission Finds that the proposed zone change from OR-3 Office Residential District to C-2 Commercial District (the "proposal") conforms to KRS 100.213 because it is in agreement with the adopted Comprehensive Plan for Louisville and Jefferson County, Kentucky, within which this property lies; and

**WHEREAS**, The Planning Commission Further Finds That the proposal conforms with the adopted Comprehensive Plan and all of its applicable Goals, Objectives, Guidelines and Policies as are presented in these Findings of Fact; and

**WHEREAS**, The Planning Commission Further Finds That the proposal conforms to Community Form Guideline 1 and all applicable Policies adopted thereunder, including Policy 1.B.11, Campus Form District Goal H1 and Objective H1.1, Community Design Goal H2 and Objectives H2.1, H2.2, H2.3, H2.4, H2.5 and H2.6, Land Use Goal H3 and Objectives H3.2 and H3.3, Site Design Goal H4 and Objectives H4.1, H4.2, H4.3, and H4.4, and People, Jobs and Housing Transportation and Infrastructure Goal K3 and Objective K3.1 and Revitalization Goal Goal K4 and Objective K4.1 because the site lies wholly within the Campus Form District; because the 189.6-acre site comprises the University of Louisville's ShelbyHurst Research and Office Park, which contains a mixture of uses which are both compact and walkable; because the 22.24-acre site fronting on Shelbyville Road (referred to herein as the "Subject Site") is intended to accommodate the development of seven (7) commercial lots and one (1) hotel lot; because there are now and will continue to be buildings with gathering areas, open space, internally shared parking, and sidewalks and bikeways on all boulevards within the development; because sidewalks, street trees and landscaping are situated throughout the development along the internal roadways with unified street signage; because a 120-foot buffer extends along the entire west side of the property and a 23-acre Metropolitan Sewer District ("MSD") easement is situated near the northerly property line and will not be built on; because fifty-foot buffers are located along the Hurstbourne Parkway and Shelbyville Road frontages of the property; because the proposed C-2 uses are intended to provide services, including eating facilities, for workers within Shelbyhurst and in the general vicinity; and because an on-site hotel having technologically advanced capabilities is proposed to serve the campus core; and

**WHEREAS**, The Planning Commission Further Finds That the proposal conforms to Centers Guideline 2 and all applicable Policies adopted thereunder, including Policies 2.1, 2.3, 2.4, 2.5, 2.7, 2.12, 2.13, 2.14, 2.15 and 2.16 because the development of the site, especially the area of the proposed zone change, will constitute an activity center benefiting the entire Shelbyhurst campus because it comprises an area of concentrated,



mixed-use activity; because the development will consist of a mix of academic buildings, research and office buildings designed to minimize land consumption and reduce vehicle trips; because the academic core of the site will continue to form the central focal point of the development; because shared parking and access will be available throughout the site at appropriate locations in relation to the use they serve; because access and parking will be situated so as to provide for safe and efficient movement of vehicles, pedestrians and bicycles throughout the campus; because all necessary utilities are available on-site and are situated underground within utility easements; and because alternative transportation modes are encouraged through the provision of sidewalks throughout the development, bikeways on major roads and bicycle storage facilities located either within the buildings or via bicycle storage racks throughout the development; and

**WHEREAS,** The Planning Commission Further Finds That the proposal conforms to Compatibility Guideline 3 and all applicable Policies adopted thereunder, including Policies 3.1, 3.2, 3.5, 3.6, 3.7, 3.8, 3.9, 3.11, 3.12, 3.21, 3.22, 3.23, 3.24 and 3.28 because development of this site will be consistent with its intended function under Campus Form District guidelines; because the development will be compatible with the scale and site design of nearby nonresidential development; because adjacent residential development is protected through the use of substantial buffers; because a 120-foot buffer provides a suitable transition area to protect homes on Dorchester Road in the city of Bellemeade; because building heights will be limited to five (5) stories, except within the "Bellemeade Protection Area," an area extending four hundred (400') feet from the Bellemeade corporate line (the western edge of the Subject Site), where the maximum height will be three (3) stories or forty-five (45) feet; because architectural controls will be established to govern the design and materials of each building via Master Declaration of Restrictions; because building materials will be determined at the time of development of each site or phase; because unacceptable sound impacts will not be caused by the proposed development; because lighting will be appropriate for campus development and will conform to lighting limitations in the Land Development Code; because the development will not be a source of visual nuisance; because Shelbyville Road is an existing transit route for the Transit Authority of River City ("TARC"); because all buildings and facilities on-site will be accessible to persons with disabilities and will comply with all local, state and federal laws applicable to persons with disabilities; because appropriate transitions and buffers presently exist, and will exist in the future, as necessary, between sites, phases and adjacent uses; and because setbacks, lot dimensions, building heights and signage will be appropriate for the campus; and

**WHEREAS,** The Planning Commission Further Finds That the proposal conforms to Open Space Guideline 4 and all applicable Policies adopted thereunder, including Policies 4.1, 4.4, 4.5 and 4.7 because a 9.3-acre open space exists along the entire western buffer strip, 120-feet in width; because a 23-acre MSD easement area to the north of the site will remain open and unbuilt; because open space will be considered throughout the development of each site or phase; because the on-site 100-year floodplain area is predominantly protected by easement; because maintenance of open

space will be provided for through Master Declaration of Restrictions; and because bikeways constructed along the major streets of the development will enable access to the bikeway located on Whipps Mill Road; and

**WHEREAS,** The Planning Commission Further Finds That the proposal conforms to Natural Areas and Scenic and Historic Resources Guideline 5 and all applicable Policies adopted thereunder, including Policies 5.1, 5.2 and 5.6 and Social and Cultural Resources Goal D1 and Objective D1.1 because an existing cemetery on the western side of the property will be protected; because appropriate access to the cemetery will be provided; because there are no steep or severe slopes on site; because on-site soils drain well and are highly permeable; and because no soils on-site are classified as wet soils; and

**WHEREAS,** The Planning Commission Further Finds That the proposal conforms to Economic Growth and Sustainability Guideline 6 and all applicable Policies adopted thereunder, including Policies 6.2 and 6.6 because Core Graphic 10 designates both Hurstbourne Parkway and Shelbyville Road as major arterial roadways, and designates Whipps Mill Road as a primary collector roadway; because the University of Louisville previously dedicated right-of-way on Hurstbourne Parkway to provide for additional through-transportation capacity, and has provided transportation connectivity from Shelbyville Road to Whipps Mill Road through Shelby Campus via the 4-lane section of North Whittington Parkway; because the University has also provided connectivity to Hurstbourne Parkway via Porter Place, Weakley Way, and Hurstbourne Trace; because even though these roads will remain privately owned, they are available for public use, and have been constructed to exceed minimum construction standards; because the University granted a 23-acre easement to the Metropolitan Sewer District ("MSD") which enabled MSD to construct a large retention basin at Whipps Mill Road to drain a watershed consisting of 3,200-acres; and because the area of the site near Shelbyville Road, a major arterial roadway, is envisioned to function as an activity center; and

**WHEREAS,** The Planning Commission Further Finds That the proposal conforms to Circulation Guideline 7 and all applicable Policies adopted thereunder, including Policies 7.1, 7.2, 7.3, 7.4, 7.6, 7.8, 7.10, 7.12, 7.13, 7.14, 7.16 and 7.19 and Pattern of Development Goal E3 because a transit shelter is presently located on Shelbyville Road within the development site; because TARC provides transit service along Shelbyville Road (TARC Route 31) in front of the development; because adequate access to surrounding developments is provided on-site, although no access is planned into the developed residential areas of the City of Bellemeade to the west of the site; because the development will provide adequate parking throughout; because joint and cross access agreements will be provided as necessary to ensure adequate vehicular flow and parking availability among sites within the development; because internal roadway connections and median openings are spaced in anticipation of future development; because the roadways presently in place provide for uniform access and circulation; and because off-site shoulder improvements and pavement widening are proposed along the Shelbyville Road frontage of the site and deceleration lanes will be provided; and



**WHEREAS,** The Planning Commission Further Finds That the proposal conforms to Transportation Facility Design Guideline 8 and all applicable Policies adopted thereunder, including Policies 8.1, 8.2, 8.4, 8.6, 8.7, 8.9, 8.10, 8.11 and 8.12 because the location, size and multi-modal function of major and minor roadways within the development are appropriate for the Campus Form District in which the site lies; because street designs include significant landscaping and tree planting along all boulevards within the development, including within median strips; because Hurstbourne Parkway is a designated parkway and the development observes parkway standards on both its Hurstbourne Parkway frontage and Shelbyville Road frontage; and because adequate sight distance and internal circulation have been provided on all existing roadways, and will be provided during the development of each site or phase; and

**WHEREAS,** The Planning Commission Further Finds That the proposal conforms to Bicycle, Pedestrian and Transit Guideline 9 and all applicable Policies adopted thereunder, including Policies 9.1, 9.2, 9.3 and 9.4, Moving People and Goods Goal A1, Goal A2 and Objectives A2.1 and A2.2, Bicycle and Pedestrian Circulation Plan Planning Goal H1, Goal H2 and Objective H2.2 and H2.5, Safety Goal H3 and Objective H3.1, Promotion Goal H4, Site Design Standards for Alternative Transportation Modes Goal I1 and Objective I1.1, Goal I2 and Objective I2.1, Goal I3 and Objective I3.1, Goal I4 and Objective I4.1, Goal I5 and Objective I5.1, and Goal I7 and Objective I7.1 because sidewalks are located on both sides of all streets within the development; because Shelbyville Road is an existing transit route (TARC Route 31); because sidewalks have been constructed along the Shelbyville Road frontage of the Subject Site; because an existing transit shelter is located on-site on Shelbyville Road; because bikeways are located on each major street in the development, and bicycle storage facilities will be located throughout the campus, either within buildings or at bike racks, or both; and because sidewalks provide pedestrian connections to shopping facilities either along Hurstbourne Parkway or within the development; and

**WHEREAS,** The Planning Commission Further Finds That the proposal conforms to Flooding and Stormwater Guideline 10 and all applicable Policies adopted thereunder, including Policies 10.1, 10.2, 10.3, 10.4, 10.7, 10.10 and 10.11 and Water Goal B1 and Objective B1.3 because the development of the ShelbyHurst Research and Office Park minimizes the potential for the impacts of flooding, and effectively manages stormwater runoff; because storm sewers have been sized appropriately for the full development of the site as a research and office park; because the storm sewers discharge into the stormwater detention facility at the low end of the system along Whipps Mill Road; because a drainage corridor is located within the 120-foot buffer along the western (Bellemeade) perimeter of the property which diverts fifty-four (54) acres of drainage waters which previously impacted the northwest corner of the Bellemeade neighborhood and caused periodic and seasonal flooding prior to the construction of this improvement; because no buildings are proposed to be located within the 100-year FEMA regulatory floodplain; because there is no impact to existing stream valleys and no disturbance to jurisdictional waters of the United States as defined by the U.S. Army

Corp of Engineers; because the proposal has received the approval of MSD; because all construction plans will be reviewed and approved by MSD prior to construction; because the development of individual sites and phases of development will involve a public review process and will similarly be reviewed by MSD; because detention facilities on site will adequately accommodate stormwater from the site, based on a fully developed watershed; because the on-site drainage system will accommodate the “through” drainage system of water flows on-site and off-site; and because peak stormwater runoff rates post-development will not exceed pre-development rates; and

**WHEREAS**, The Planning Commission Further Finds that the proposal conforms to Air Quality Guideline 12 and all applicable Policies adopted thereunder, including Policies 12.1, 12.2, 12.3, 12.5, 12.6, 12.7 and 12.8 and Air Goal C1 because Shelbyville Road, a major arterial, is located along the frontage of the Shelbyhurst Campus and the Subject Site; because Shelbyville Road is a transit route; because an existing transit shelter is located on-site on Shelbyville Road; because sidewalks and bikeways are located throughout the development and are situated to encourage the use of these alternate modes of transportation; and because the Louisville Air Pollution Control District has approved the proposal; and

**WHEREAS**, The Planning Commission Further Finds That the proposal conforms to Landscape Character Guideline 13 and all applicable Policies adopted thereunder, including Policies 13.1, 13.2, 13.4, 13.5 and 13.6, Habitat and Biodiversity Goal F1 and Objective F1.1 and Goal F2 because a street tree plan for the entire campus has been implemented; because on boulevards street trees will be located on either side and within the median and this pattern will continue into the newly zoned area; because native plant species will be installed; because planting and buffering plans, wherever required, will be implemented; because an adequate tree canopy will be provided for the Subject Site and within the overall campus; and because extensive buffers exist along the western perimeter of the Subject Site; and

**WHEREAS**, The Planning Commission Further Finds That the proposal conforms to Infrastructure Guideline 14 and all applicable Policies adopted thereunder, including Policies 14.2, 14.3, 14.4, 14.6 and 14.7 because the proposal has adequate service for all necessary utilities; because a common utility corridor exists in the development that includes gas, electric, water, telephone, cable and telecommunications; because an adequate water supply for domestic and fire-fighting purposes serves the site; and because new utilities have been located underground and have been situated where recommended by each utility for appropriate maintenance and repair access; and

**WHEREAS**, The Planning Commission Further Finds That the proposal conforms to Community Facilities Guideline 15 and all applicable Policies adopted thereunder, including Policy 15.9 because adequate fire-fighting services will be provided by the Middletown Fire Protection District; and



**WHEREAS,** The Planning Commission Further Finds that the proposal conforms to all other applicable Goals, Objectives, Guidelines and Policies of the Comprehensive Plan; and

**WHEREAS,** The Planning Commission Further Finds That all necessary utilities, including gas, electric, water, telephone, cable and telecommunications presently exist on the site and essential public services, including public transit, bikeways and sidewalks presently serve the site; and

**WHEREAS,** The Planning Commission Further Finds That implementation of the proposed uses is anticipated to begin within twelve (12) months of final approval;

**NOW, THEREFORE, BE IT RESOLVED, THAT THE LOUISVILLE METRO PLANNING COMMISSION DOES HEREBY RECOMMEND TO THE LOUISVILLE METRO COUNCIL THAT THE PROPOSED CHANGE OF ZONING TO COMMERCIAL DISTRICT C-2 SHOULD BE ADOPTED.**

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