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Attorneys at law

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May 3, 2023

Dante St. Germain, AICP
Planner II
Planning & Design Services
Department of Develop Louisville
LOUISVILLE FORWARD
444 South Fifth Street, Suite 300
Louisville, Kentucky 40202

Re: Rezoning from R-4 to PEC for Industrial Distribution Facilities (the “Xebec Development”)
Tracts comprising 73.43 acres on Tucker Station Road / Pope Lick Road (collectively, the “Property”)
Xebec Pursuits, LLC (“Xebec”)
22-ZONE-0098

Dear Dante:

As you are aware from the prior LD&T meetings for the Xebec Development, our firm, Bardenwerper, Talbot and Roberts, PLLC (“BTR”), has been retained by the directors of the Blankenbaker Station Community Association, Inc. (the “Association”) to represent the Association in the public review and re-zoning process of the approximately 73-acre Property directly adjacent to Blankenbaker Station Phase I and Phase II.

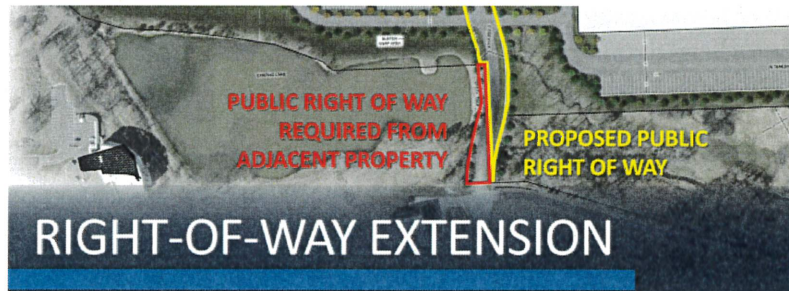
BTR has been involved with the developers of the Blankenbaker Station business park (all 4 Phases) (“Blankenbaker Station”) since the initial concept for the development was created. We have represented the developers on all re-zonings and development plan approvals in Blankenbaker Station for the past 25 years.

As explained at the LD&T meetings, the Association has compiled a list of concerns communicated to the Association by its members related to the Xebec Development, including the following:

- 1) Does Xebec intend to implement the same design covenants/standards for a Class A business park as set forth in the Declaration of Covenants, Conditions, and Restrictions

for the Blankenbaker Station Business Park (the “CCRs”), to address such items as required building materials, signage, green space/irrigation, etc.?

- 2) Does Xebec have a conceptual plan (alignment/profile) of how the proposed Schutte Station Place will be constructed? This has been requested numerous times by the Planning Commission with only an engineer letter opining that a connection to Schutte Station Place is technically feasible having been provided to date. The Xebec LD&T presentation indicates additional right-of-way is required from the Association and/or the adjacent business owner in order for the connection at Schutte Station Place to be completed (pasted below), but no agreements have been reached with the Association or the adjacent business owner:



- 3) Has Xebec made any commitments to participate in trash pick-up, etc. for using Blankenbaker Station infrastructure?
- 4) Has Xebec made any commitments to improve Tucker Station Road East of Bluegrass Parkway, other than adding turn lanes at the Tucker Station Road / Pope Lick Road intersection, such as widening Tucker Station Road to four lanes similar to Plantside Drive or constructing a median similar to the medians on Plantside Drive and Bluegrass Parkway? Association members have asked whether Xebec would enter into a binding element prohibiting approval of any construction plans until the Schutte Station Place connection and four-lane widening of Tucker Station Road is complete? This was a commitment that the developers of Blankenbaker Station were required to make on the construction of Plantside Drive prior to the approval of any constructions plan within the Blankenbaker Station development.
- 5) Will Xebec install a Traffic Signal at the intersection of Plantside Drive/Tucker Station Road or make a financial contribution to same?
- 6) At the numerous prior Neighborhood Meetings and Land Development and Transportation Committee Meetings, the Xebec representatives have been asked about the visual impact on neighboring Blankenbaker Station businesses as to the scale and height of the proposed buildings. These impacts are greatly influenced by site grading, building placement, parking lane/drive slopes, first floor elevations, building height, etc.. To date, information related to some of these items have been provided for the Tucker Station Road / Pope Lick Road frontage only, but have not be provided for the west frontage or south frontage.

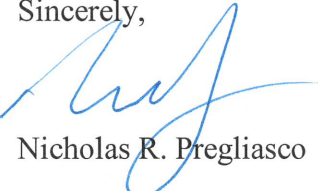
- 7) How does Xebec propose to screen the beautiful office buildings surrounding the lake (Charah, Kelley Construction, Donan Engineering, Eurofins, Farm Credit Mid-America, Boys Scouts of America) from the docks/truck storage areas proposed on the Xebec Development? Will there be wing walls? Landscaping?
- 8) Xebec has been asked if it would it construct and connect to the proposed walking trail/loop around the lake? Phase II of the walking trail in Blankenbaker Station is under construction presently. To date, only a verbal statement that a walking trail would be provided has been received, without the requested details as to the commitment, location, and timing of construction, etc.
- 9) Xebec has indicated the need to build tall retaining walls at the sound end of the Xebec Development adjacent to the lake (and visible from the Office Buildings noted above). These walls could be as tall as 25' in some areas. No details related to these retaining walls have been provided (materials, etc.).
- 10) Does Xebec propose saving the trees along the lake on its side of the lake? I believe there was a verbal commitment that Xebec will endeavor to save as many trees as possible. The details of which trees will be preserved has not been provided.
- 11) Who will the Xebec tenants be?
- 12) Will this be a 24-hour operation?
- 13) Blankenbaker Station was required to commit to Lighting restrictions above the Land Development Code ("LDC") requirements for the buildings and the site lighting through binding elements related to same. Will the proposed Xebec Development incorporate these same lighting restrictions into its design commitments?

We have heard the same general consensus from the Association members: good development benefits all. Just as Blankenbaker Station was held to a standard – so should adjoining development. Just as Blankenbaker Station established a level of quality in construction, design, and maintenance – so should adjoining development. Just as Blankenbaker Station was required to develop and contribute to the cost of appropriate infrastructure and maintenance – so should adjoining development.

In summation, while some in opposition to the Xebec Development application argue that Xebec's proposed project is just plain too large and incompatible with its neighbors, our argument instead is this — that every applicant must demonstrate compliance with the current form of comprehensive plan. "Plan 2040" (the "Comprehensive Plan") is like "Cornerstone 2020" which was like the 1979 comprehensive plan in that each of these comprehensive plans required and continue to require "impact mitigation". As such, all applicants in every rezoning and development plan case (whether general plan or detailed plan) had and continue to have to answer the same kinds of questions that have been posed to Xebec and its professional representatives Greg Erhard, Esq. and Kelli Jones. Why Xebec continues to ignore the legal requirements of the Comprehensive Plan, especially when each and every one of the Blankenbaker Station business park occupants we represent have had to do, is a mystery. What we've asked them is only what was asked of our clients. Our job here is to inform Xebec as to

what the Comprehensive Plan compels it to do. If it refuses to comply with the Comprehensive Plan like other applicants were obligated to do when they filed and presented their own cases, then their application should be denied. Please file this letter in the official Planning and Zoning record/file.

Sincerely,



Nicholas R. Pregliasco

cc: Blankenbaker Station Community Association, Inc. members
Jeff O'Brien, Chief of Louisville Forward
Emily Liu, Director of Development Louisville