

Louisville Metro Planning Commission  
July 16, 2015

Docket No. 15ZONE1004



Zone change from C-1 to EZ-1, Form District change from Suburban Neighborhood to Suburban Workplace and Waiver for an Industrial/Warehouse building on property located at 7830 National Turnpike

c/o Clarion Partners, LLC

**ATTORNEYS: BARDENWERPER TALBOTT & ROBERTS, PLLC  
LAND PLANNERS, LANDSCAPE ARCHITECT & ENGINEERS: HERITAGE ENGINEERING**

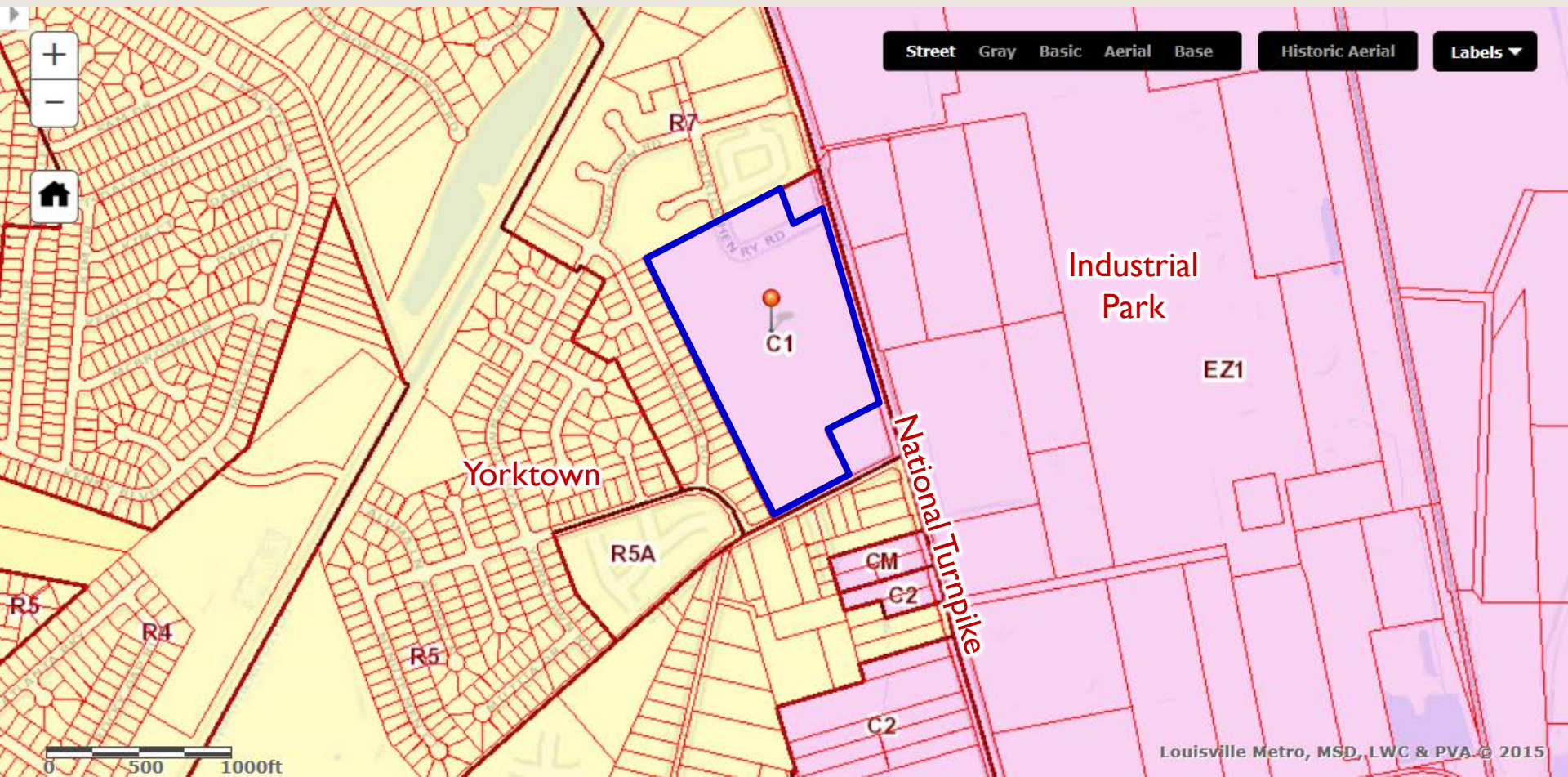
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Tab 1  
LOJIC Zoning Map



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Tab 2

Aerial photograph of the site and  
surrounding area







**Site**

Yorktown

National Turnpike

Industrial Park



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Tab 3

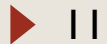
Ground level photographs of the site  
and surrounding area



View of site from National Turnpike



View of National Turnpike looking north. Site is to the left (west).





View of National Turnpike looking south. Site is to the right (west).



View of industrial park to the east of site, across National Turnpike



View of industrial park to the east of site, across National Turnpike

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Tab 4

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





# CLARION PARTNERS, LLC

1717 McKinney Avenue, Suite 1900

Dallas, Texas 75202

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March 5, 2015

**RE: Zone change from C-1 to EZ-1 for an Industrial/Warehouse building on property located on the west side of National Turnpike just north of Tolls Ave. on approximately 29.6 +/- acres at 7830 National Turnpike**

Dear Neighbor,

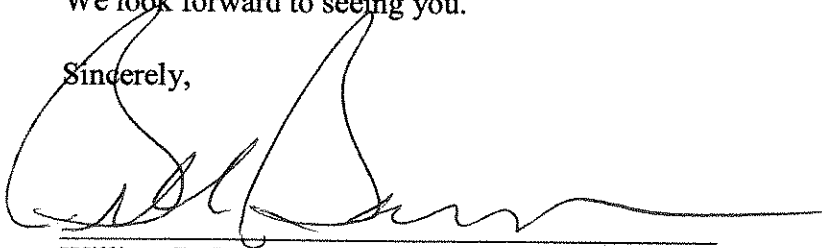
We are writing to invite you to a meeting we have scheduled to present neighbors with our preliminary plan for an industrial/warehouse building to be located as above.

A meeting will be held on **Thursday, March 19<sup>th</sup> at 7:00 p.m.** at the **Grace Community Baptist Church** located at **7300 National Turnpike** to discuss the plan with interested neighbors.

If you cannot attend the meeting but have questions or concerns, please call me or our land planning and engineering firm representative John Campbell at 562-1412.

We look forward to seeing you.

Sincerely,



William B. Bardenwerper, local counsel

Cc: Hon. Vicki Welch Aubrey, Metro Councilman, District 13  
Jon Seiz, NAI Fortis Group for Clarion Partners  
John Campbell, land planner with Heritage Engineering, Inc.

## **NAI Fortis Group for Clarion Partners/National Turnpike Neighbor Meeting Summary - 15ZONE1004**

A neighborhood meeting was held on March 19, 2015 at Grace Community Baptist Church for the applicant Clarion Partners. Present for the applicant were attorney Bill Bardenwerper, land planner John Campbell with Heritage Engineering and property manager John Seiz with NIT – Fortis Group.

Mr. Bardenwerper began the presentation with a PowerPoint, showing aerial photographs of the area with the Heritage Engineering site plan superimposed on those with both farther-out and nearer-in views. He also showed the site plan itself and photographs of buildings in a nearby business park managed by John Seiz's company which this building is anticipated to look like.

Mr. Campbell explained the site plan, including where the access points are proposed, which access will be for automobile use only and which ones will be for tractor-trailers; where the detention basin is located; and how the property is proposed to be screened and buffered.

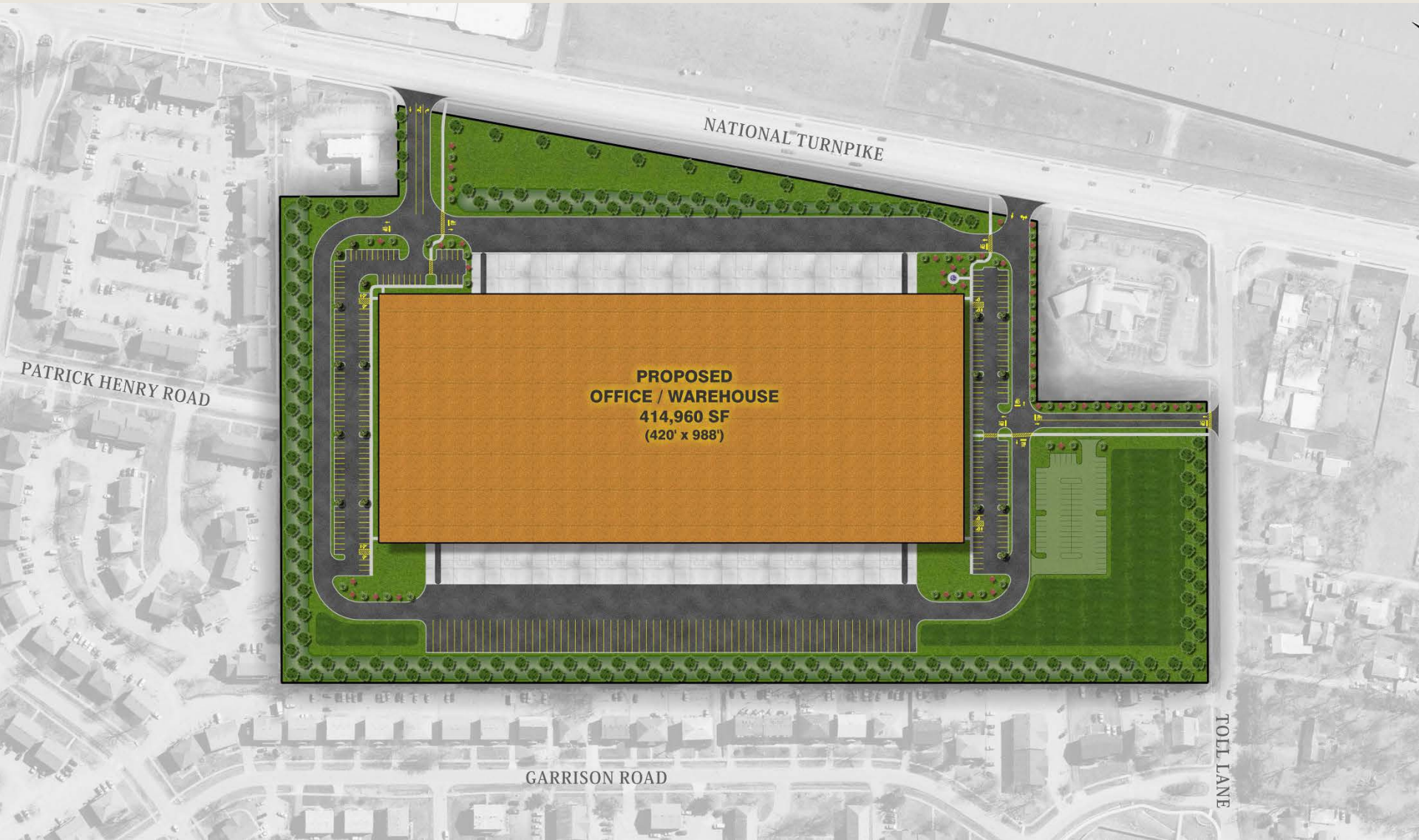
Mr. Seiz then talked about the kinds of companies that he anticipates might lease at this location. He said that most of the kinds of companies occupying facilities that he manages are those engaged in warehouse and distribution or light manufacturing. He gave as an example of light manufacture a company that moved to Louisville from Ohio to manufacture wallpaper. He said that manufacturing employers like this locate to Louisville to buildings of his kind for these main reasons: if they are light manufacturers, they come because of Louisville's and his sites' proximity to I-65 at I-64, because of low utility costs and because of a good workforce. If they are purely distribution oriented, often times they come because of proximity to the airport and UPS.

In response to a question about what kind of employment could be expected, he gave as an example a light manufacturing tenant of his that employs about 160 people. Those kinds of jobs generate occupational tax revenue, while the improved property with this new building will generate in the neighborhood of \$100,000 in property tax. He said that Louisville is losing these kinds of business opportunities to Bullitt County because of the lack of available affordable land and buildings of the kind that he is proposing in this case.

As to truck traffic, he said that, while he cannot limit the hours of deliveries, typically tractor-trailer activity is during normal business hours. Occasionally a tractor-trailer might arrive late or early and have to wait until the facility is ready to receive it. But generally tractor-trailer operators, he said, adopt driving habits relative to timed arrivals and departures consistent with operating hours.

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Tab 5  
Color Development Plan



**PROPOSED  
OFFICE / WAREHOUSE**  
414,960 SF  
(420' x 988')

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# Tab 6

## Building Elevation















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# Tab 7

## Traffic Study



## **National Turnpike Warehouse**

Heritage Engineering Inc.

### **Trip Generation and Distribution**

June 10, 2015

Prepared for: Metro Louisville



## National Turnpike Warehouse

Project no: C9X23600  
Document title: Trip Generation and Distribution  
Document No.:  
Revision: <revision>  
Date: June 10, 2015  
Client name: Heritage Engineering Inc.  
Client no: Prepared for: Metro Louisville  
Project manager: Diane Zimmerman  
Author: Diane Zimmerman  
File name: C:\Users\diane.zimmerman\Documents\Heritage\National Turn\National Turnpike Report.docx

Jacobs Engineering Group Inc.

11940 Highway 42, Suite 1  
Goshen, KY 40026  
502-228-0393  
502-228-0393  
[www.jacobs.com](http://www.jacobs.com)

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**Appendix A. Traffic Counts**

## 1. Introduction

Clarion Partners is proposing a new warehouse at 7830 National Turnpike in Louisville, KY. The warehouse would be 414,960 square feet. **Figure 1** displays a map of the site. Access to the site will be from two driveways on National Turnpike (KY 1020) and a driveway on Tolls Lane. The sole purpose of this study is to develop trip generation and distribution for the site.

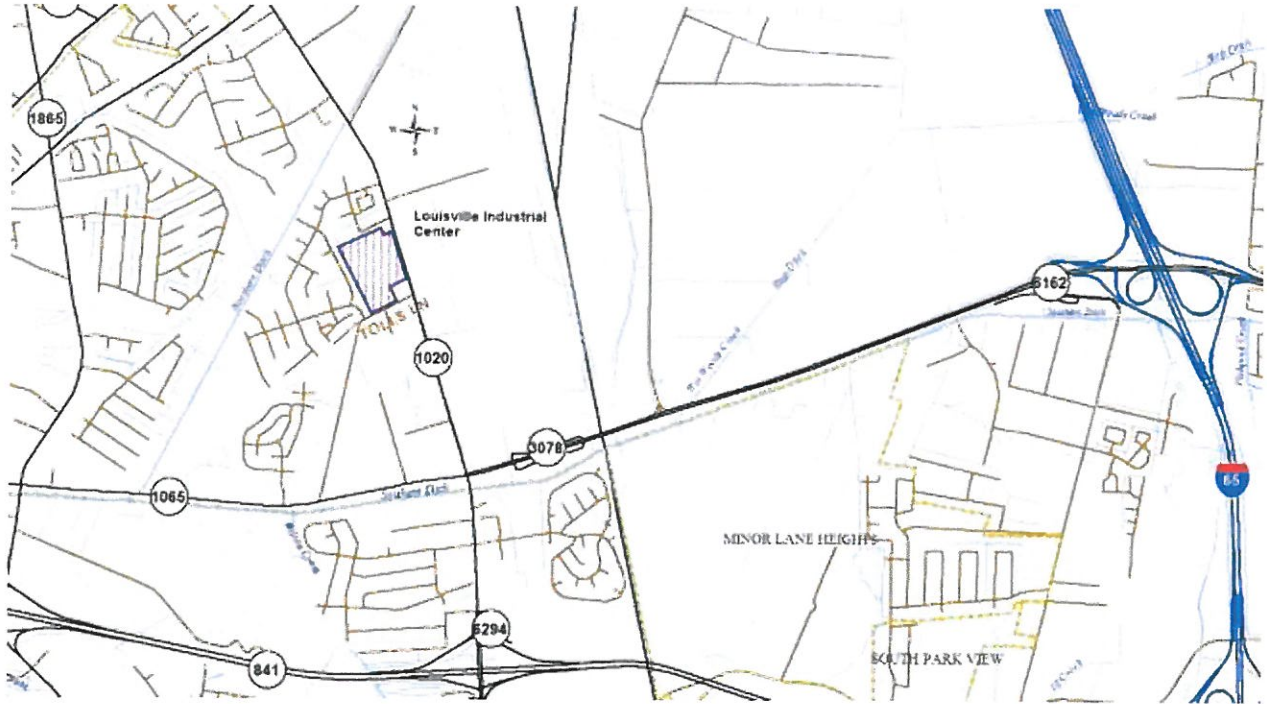


Figure 1 : Location Map



## 2. Existing Conditions

National Turnpike, KY 1020, is a state maintained road with an estimated 2015 ADT of 22,500 vehicles per day between KY 1065 (Outerloop) and KY 907 (Southside Drive), as provided by the Kentucky Transportation Cabinet at station 559. The road is a four-lane highway with 12 foot lanes and a two-way center left turn lane through the study area (provided by the Kentucky Transportation Cabinet). The speed limit is 45 mph. There are sidewalks. The intersection with the Louisville Industrial Center is controlled with a traffic signal.

Jacobs Engineering Group, Inc. obtained a.m. and p.m. peak hour traffic counts at the intersection June 3 and 4, 2015. The a.m. peak hour occurred between 7:15 and 8:15 a.m. The p.m. peak hour occurred between 4:30 and 5:30 p.m. **Figure 2** illustrates the existing a.m. and p.m. peak hour traffic volumes.

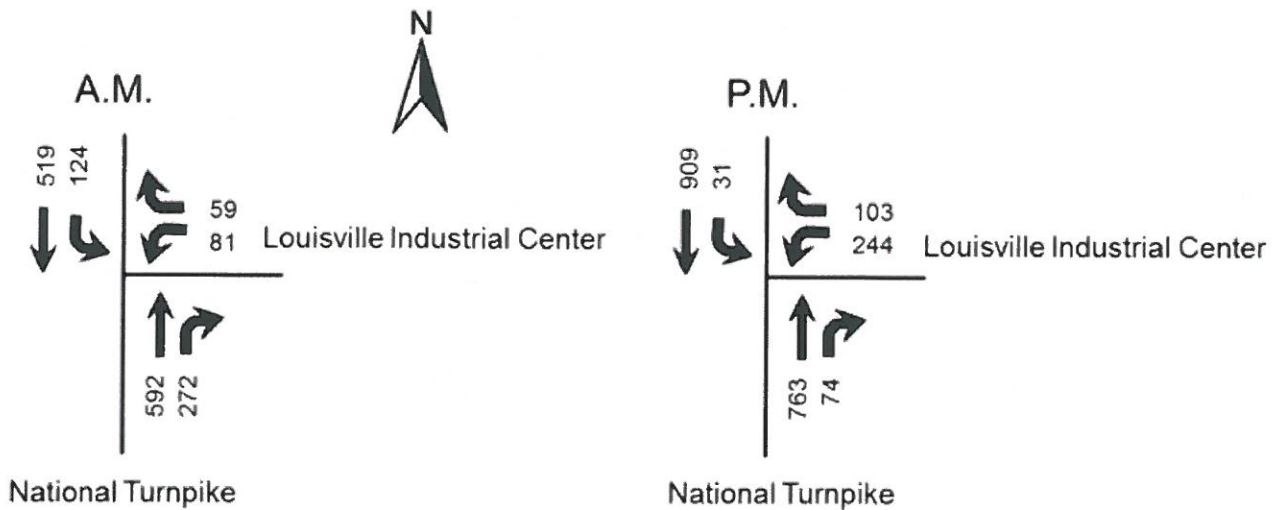


Figure 2 : Peak Hour Counts

### 3. Future Conditions

The projected completion year for this commercial development is 2016, so the analysis year for this study is 2016. Traffic counts along National Turnpike have shown no growth since 2009, so no change is expected by 2016. **Figure 3** displays the 2016 No Build volumes.

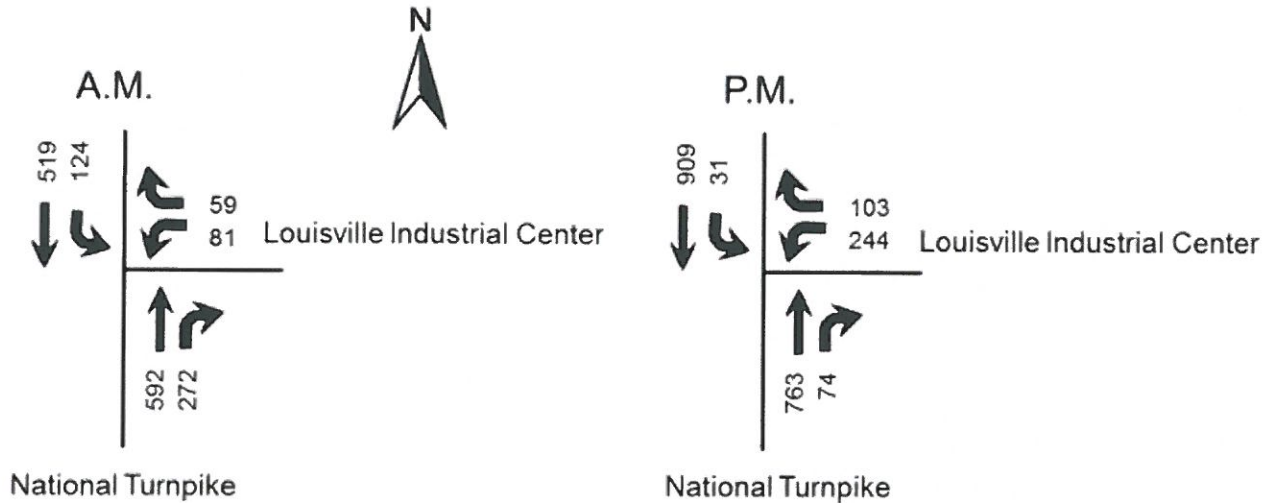


Figure 3 : No Build Peak Hour Volumes

## 4. Trip Generation and Distribution

The Institute of Transportation Engineers *Trip Generation Manual*, 9<sup>th</sup> Edition contains trip generation rates for a wide range of developments. The land use of “Warehousing” (150) best describes this development. The trip generation results are listed in **Table 1**. The results of the trip generation analysis are that this development will generate 180 a.m. peak hour trips and 148 p.m. peak hour trips. The trips were assigned to the highway network with percentages shown on **Figure 4**. Traffic was not assigned to the driveway on Tolls Lane due to the residential character of the facility. The site generated trips are shown in **Figure 5**.

Table 1. Trip Generation Results

	A.M.			P.M.		
	Total Trips	Entering	Exiting	Total Trips	Entering	Exiting
Warehouse (414,960 sq. ft.)	180	142	38	148	37	111

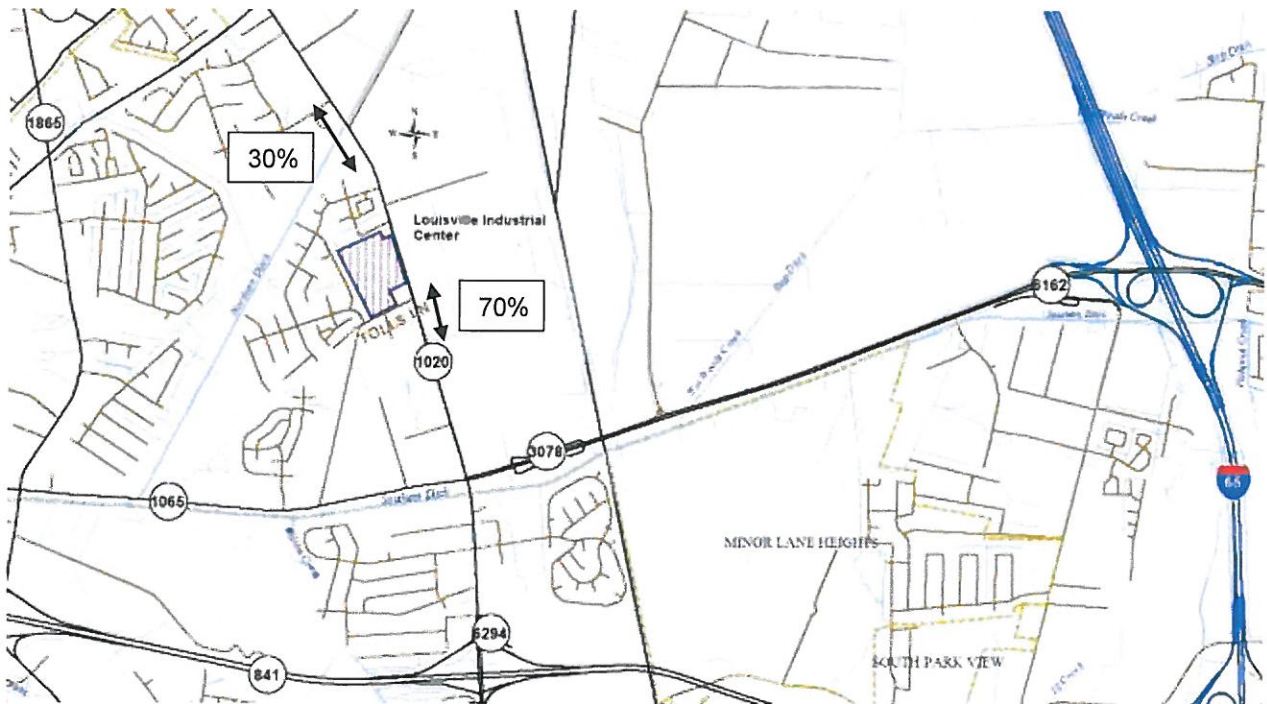


Figure 4 : Trip Distribution Percentages

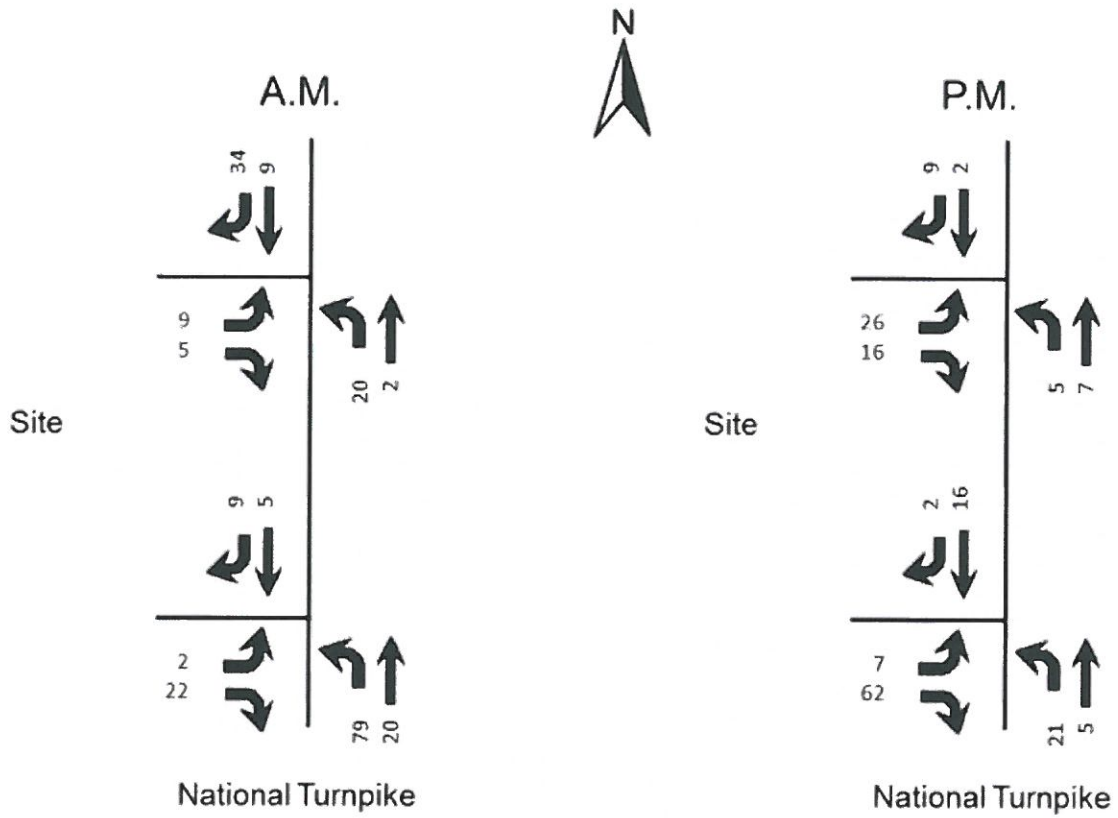


Figure 5 : Trip Distribution

## Appendix A. Traffic Counts



11940 Highway 42, Suite 1  
Goshen, KY 40026

Counted by: Andy Wolak

File Name : NationalTurnpikeAM  
Site Code : 00064152  
Start Date : 6/4/2015  
Page No : 1

Groups Printed- Unshifted

Start Time	National Turnpike From North				Louisville Industrial From East				National Turnpike From South				From West				Int. Total
	Left	Thru	Right	App. Total	Left	Thru	Right	App. Total	Left	Thru	Right	App. Total	Left	Thru	Right	App. Total	
07:00 AM	27	105	0	132	24	0	24	48	0	182	62	244	0	0	0	0	424
07:15 AM	22	140	0	162	13	0	7	20	0	144	56	200	0	0	0	0	382
07:30 AM	30	129	0	159	23	0	21	44	0	151	52	203	0	0	0	0	406
07:45 AM	34	134	0	168	17	0	12	29	0	143	89	232	0	0	0	0	429
<b>Total</b>	<b>113</b>	<b>508</b>	<b>0</b>	<b>621</b>	<b>77</b>	<b>0</b>	<b>64</b>	<b>141</b>	<b>0</b>	<b>620</b>	<b>259</b>	<b>879</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>1641</b>
08:00 AM	38	116	0	154	28	0	19	47	0	154	75	229	0	0	0	0	430
08:15 AM	13	127	0	140	17	0	10	27	0	141	36	177	0	0	0	0	344
08:30 AM	11	129	0	140	16	0	19	35	0	112	42	154	0	0	0	0	329
08:45 AM	12	141	0	153	29	0	9	38	0	126	27	153	0	0	0	0	344
<b>Total</b>	<b>74</b>	<b>513</b>	<b>0</b>	<b>587</b>	<b>90</b>	<b>0</b>	<b>57</b>	<b>147</b>	<b>0</b>	<b>533</b>	<b>180</b>	<b>713</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>1447</b>
<b>Grand Total</b>	<b>187</b>	<b>1021</b>	<b>0</b>	<b>1208</b>	<b>167</b>	<b>0</b>	<b>121</b>	<b>288</b>	<b>0</b>	<b>1153</b>	<b>439</b>	<b>1592</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>3088</b>
Apprch %	15.5	84.5	0		58	0	42		0	72.4	27.6		0	0	0		
Total %	6.1	33.1	0	39.1	5.4	0	3.9	9.3	0	37.3	14.2	51.6	0	0	0	0	

Start Time	National Turnpike From North				Louisville Industrial From East				National Turnpike From South				From West				Int. Total
	Left	Thru	Right	App. Total	Left	Thru	Right	App. Total	Left	Thru	Right	App. Total	Left	Thru	Right	App. Total	
Peak Hour Analysis From 07:00 AM to 08:45 AM - Peak 1 of 1																	
Peak Hour for Entire Intersection Begins at 07:15 AM																	
07:15 AM	22	140	0	162	13	0	7	20	0	144	56	200	0	0	0	0	382
07:30 AM	30	129	0	159	23	0	21	44	0	151	52	203	0	0	0	0	406
07:45 AM	34	134	0	168	17	0	12	29	0	143	89	232	0	0	0	0	429
08:00 AM	38	116	0	154	28	0	19	47	0	154	75	229	0	0	0	0	430
<b>Total Volume</b>	<b>124</b>	<b>519</b>	<b>0</b>	<b>643</b>	<b>81</b>	<b>0</b>	<b>59</b>	<b>140</b>	<b>0</b>	<b>592</b>	<b>272</b>	<b>864</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>1647</b>
% App. Total	19.3	80.7	0		57.9	0	42.1		0	68.5	31.5		0	0	0		
PHF	.816	.927	.000	.957	.723	.000	.702	.745	.000	.961	.764	.931	.000	.000	.000	.000	.958



11940 Highway 42, Suite 1  
Goshen, KY 40026

Counted by: Andy Wolak

File Name : NationalTurnpikePM  
Site Code : 00063151  
Start Date : 6/3/2015  
Page No : 1

Groups Printed- Unshifted

Start Time	National Turnpike From North				Louisville Industrial From East				National Turnpike From South				From West				Int. Total
	Left	Thru	Right	App. Total	Left	Thru	Right	App. Total	Left	Thru	Right	App. Total	Left	Thru	Right	App. Total	
04:00 PM	6	179	0	185	67	0	32	99	0	198	13	211	0	0	0	0	495
04:15 PM	8	252	0	260	38	0	14	52	0	152	12	164	0	0	0	0	476
04:30 PM	10	204	0	214	60	0	36	96	0	164	20	184	0	0	0	0	494
04:45 PM	8	201	0	209	60	0	24	84	0	201	16	217	0	0	0	0	510
<b>Total</b>	<b>32</b>	<b>836</b>	<b>0</b>	<b>868</b>	<b>225</b>	<b>0</b>	<b>106</b>	<b>331</b>	<b>0</b>	<b>715</b>	<b>61</b>	<b>776</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>1975</b>
05:00 PM	6	256	0	262	75	0	27	102	0	182	16	198	0	0	0	0	562
05:15 PM	7	248	0	255	49	0	16	65	0	216	22	238	0	0	0	0	558
05:30 PM	17	192	0	209	36	0	36	72	0	188	17	205	0	0	0	0	486
05:45 PM	21	196	0	217	35	0	17	52	0	207	19	226	0	0	0	0	495
<b>Total</b>	<b>51</b>	<b>892</b>	<b>0</b>	<b>943</b>	<b>195</b>	<b>0</b>	<b>96</b>	<b>291</b>	<b>0</b>	<b>793</b>	<b>74</b>	<b>867</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>2101</b>
<b>Grand Total</b>	<b>83</b>	<b>1728</b>	<b>0</b>	<b>1811</b>	<b>420</b>	<b>0</b>	<b>202</b>	<b>622</b>	<b>0</b>	<b>1508</b>	<b>135</b>	<b>1643</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>4076</b>
Apprch %	4.6	95.4	0		67.5	0	32.5		0	91.8	8.2		0	0	0		
Total %	2	42.4	0	44.4	10.3	0	5	15.3	0	37	3.3	40.3	0	0	0	0	

Start Time	National Turnpike From North				Louisville Industrial From East				National Turnpike From South				From West				Int. Total
	Left	Thru	Right	App. Total	Left	Thru	Right	App. Total	Left	Thru	Right	App. Total	Left	Thru	Right	App. Total	
Peak Hour Analysis From 04:00 PM to 05:45 PM - Peak 1 of 1																	
Peak Hour for Entire Intersection Begins at 04:30 PM																	
04:30 PM	10	204	0	214	60	0	36	96	0	164	20	184	0	0	0	0	494
04:45 PM	8	201	0	209	60	0	24	84	0	201	16	217	0	0	0	0	510
05:00 PM	6	256	0	262	75	0	27	102	0	182	16	198	0	0	0	0	562
05:15 PM	7	248	0	255	49	0	16	65	0	216	22	238	0	0	0	0	558
<b>Total Volume</b>	<b>31</b>	<b>909</b>	<b>0</b>	<b>940</b>	<b>244</b>	<b>0</b>	<b>103</b>	<b>347</b>	<b>0</b>	<b>763</b>	<b>74</b>	<b>837</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>2124</b>
% App. Total	3.3	96.7	0		70.3	0	29.7		0	91.2	8.8		0	0	0		
PHF	.775	.888	.000	.897	.813	.000	.715	.850	.000	.883	.841	.879	.000	.000	.000	.000	.945

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## Tab 8

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

# BARDENWERPER, TALBOTT & ROBERTS, PLLC

ATTORNEYS AT LAW

BUILDING INDUSTRY ASSOCIATION OF GREATER LOUISVILLE BLDG • 1000 N. HURSTBOURNE PARKWAY • SECOND FLOOR • LOUISVILLE, KENTUCKY 40223  
(502) 426-6688 • WWW.BARDLAW.NET

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

<u>Applicant:</u>	Clarion Partners, LLC
<u>Owner:</u>	Alesia G. Bishop, Randall K. George and Laura G. Band, Trustees under the George Children Irrevocable Trust dated December 2, 1992
<u>Location:</u>	7830 National Turnpike
<u>Proposed Form and Zoning Districts and Use:</u>	Form District Change from Suburban Neighborhood to Suburban Workplace and rezoning from C-1 to EZ-1 for use as a warehouse and light manufacturing facility
<u>Engineers, Land Planners and Landscape Architects:</u>	Heritage Engineering, LLC

### **INTRODUCTORY STATEMENT**

The proposed Form and Zoning District changes are consistent with the Suburban Workplace and EZ-1 uses and zoning located all up and down National Turnpike across from this site. This site happens to still be zoned C-1 within the Suburban Neighborhood Form District, which is inconsistent with the pattern of development shown on the PowerPoint presentation aerial photographs and LOJIC map submitted with this application and discussed with attendees at the neighborhood meeting. The existing C-1 zoning on this property would permit other big boxes like Wal-Mart supercenters. The problem is that over all the years that this has been zoned C-1 commercial, nothing retail has been successfully proposed for this site. The realtor listing this property attempted to find suitable retail uses but was unsuccessful. Thus, users such as this one were naturally drawn to this property to expand what has become a very successful area for large box, light industrial/warehouse uses within this area.

### **GUIDELINE 1: COMMUNITY FORM**

The community form district for this area is Suburban Neighborhood which is characterized by predominantly residential uses. But this large piece of vacant property, although surrounded on three sides with high density residential (apartment) uses is really more in keeping with the workplace uses on large tracts of land otherwise mostly located up and down National Turnpike in this area. The Suburban Workplace Form District is a form characterized by predominately industrial and office uses where buildings are set back from the street in a landscaped setting. Suburban Workplaces often contain a large scale use, as proposed in the case of this application



for a large warehouse or light manufacturing building. DPDS staff at the pre-application conference recommended a change to the Suburban Workplace Form District.

### **GUIDELINE 2: CENTERS**

The Intents of this Guideline of the Comprehensive Plan are to promote an efficient use of land and investment in existing infrastructure, to lower utility costs by reducing the need for extensions, to reduce commuting time and transportation-related air pollution, and to encourage commercial revitalization in developing areas.

This application complies with these Intents of this Guideline because National Turnpike is a wide arterial highway with adequate traffic-carrying capacity where utilities already exist to accommodate expansion of the business park type uses already proliferating across National Turnpike from this site. This property is surrounded by single apartment buildings and large apartment complexes which are surrounded by residential subdivisions. Because this larger area is already predominantly a workplace area which attracts large number of employees and because housing is also located, commuting times can be reduced and transportation-related air pollution is thus not exacerbated by this application. Those already traveling from distant locations to this larger suburban workplace area will find more employment opportunities as a consequence of this proposed development, whereas those residing nearby will shorten their trips from home to work. This particular property has been vacant for a long time, and so a high quality, attractive new employment opportunity on it makes more sense than leaving the property unproductive.

Applicable Policies 1, 2, 4, 5, 7, 9, 11, 14, 15 and 16 of this Guideline all pertain to where activity centers are located and how they are designed. This application complies with these applicable Policies of this Guideline given that another warehouse/light industrial facility directly across National Turnpike from a large number like kind (some older and some newer) facilities assures that the location of this one is appropriate. It keeps employment within an area where other workplace activities are located. Many of the large industrial/warehouse manufacturing facilities in the area are older. Whereas some are newer, this will be the newest, and the design shown in the PowerPoint presentation at the neighborhood meeting, which also accompanies this application, demonstrates that this use and its design is appropriate for this center of workplace activity.

### **GUIDELINE 3: COMPATIBILITY**

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

This application complies with these Intents of this Guideline given that the site plan accompanying this application, as further explained in the PowerPoint presentation accompanying this application as shown at the neighborhood meeting, shows an attractive design of this site, with a new and attractive building, with landscaped setbacks with suitable screening and buffers.

Applicable Policies 1, 2 and 4 of this Guideline pertain to the assurance of compatibility through design. The photographs accompanying this application demonstrate that the proposed building will be attractive. And the colored-up site plan also accompanying this application shows how setback areas will be screened and buffered. Setbacks will be adequate, along residential property lines where there will be berms as well landscaping and the potential for fencing as needed.

Applicable Policies 5, 6, 7, 8 and 9 of this Guideline all pertain to the potential nuisances caused by odors, traffic, noise, lighting and aesthetics. These Policies can be further addressed through binding elements as may be called for. But the Land Development Code (LDC) specifically addresses issues such as lighting by requiring that it be directed down and away from residential properties. The LDC also addresses aesthetics by requiring buildings, including ones of this kind, be designed in ways to break up long expanses of non-descript facades. It is not anticipated that no odors will be involved with the warehouse or light industrial activities that are expected in these buildings. All activities, except trucks coming and going (mostly during normal working hours) will occur within the proposed buildings.

Applicable Policies 17, 18 and 19 of this Guideline pertain to the location of industries near other industries and the handling of hazardous materials. This application complies with these applicable Policies of this Guideline because, as stated, this proposed light industrial/warehouse facility is located in close proximity to others. Moreover, hazardous materials are not anticipated at this site.

Applicable Policies 21, 22, 23, 24 and 29 pertain to transitions, screening, bufferings, setback and impacts from parking, loading and delivery. The site plan accompanying this application, especially the colored site plan shown as part of the PowerPoint presentation accompanying this application, clearly demonstrate the setbacks that are provided, requiring no waivers or variances, except for one certain sidewalk connection. A landscaped berm will be included to protect residential properties, and, if need be, fencing can be added to the berming and landscaping, which are already ensured to minimize the impacts of tractor trailers arriving and departing and while they load and unload. Again, other facilities of this kind, particularly those managed by the operator of this facility, experience tractor trailer arrivals and departures generally during normal business hours.

#### **GUIDELINE 6: ECONOMIC GROWTH AND SUSTAINABILITY**

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

This application complies with these Intents of this Guideline given that this area of National Turnpike is one where facilities of this same kind proliferate. Many of them are older, whereas this one will be a brand new one that assures adequate screening and buffering, good site and building design. National Turnpike has adequate traffic-carrying capacity, and other essential infrastructure is located proximate to this site. Louisville has become a center for distribution facilities because of UPS, and it is also becoming increasingly attractive to light industrial because of a good workforce, affordable wage rates and low utility costs.

Applicable Policies 1, 2, 3, 4, 5, 8 and 10 of this Guideline all pertain to preserving workplaces, assuring good access to them, locating industries proximate to transportation facilities and the redevelopment of older industrial areas. This application complies with all of these applicable Policies of this Guideline given that this property has remained vacant for many years. As said, this area is one where lots of facilities of this kind are already located. National Turnpike provides good access to the airport and to the Snyder Freeway and I-65 as well as to the Watterson Expressway and I-64. This particular operator of this facility is already managing facilities in the nearby business park. It has demolished some older buildings and replaced them with new ones. This will be a new facility like the newest of the kind that it recently constructed.

### **GUIDELINES 7, 8 AND 9: CIRCULATION, TRANSPORTATION FACILITY DESIGN, AND ALTERNATIVE FORMS OF TRANSPORTATION**

The Intents of these Guidelines are to assure the safe and proper functioning of street systems, to assure that roads such as National Turnpike do not exceed their carrying capacities, to ensure that internal and external circulations are safe, that transportation facilities have adequate carrying capacity and that alternative means of transportation are accommodated.

This application complies with these Intents of these Guidelines given that National Turnpike has adequate carrying capacity. It is a wide arterial highway that leads from the Snyder Freeway to the Watterson Expressway, providing access to I-65 and I-64 as well as the airport. There are no issues with traffic congestion in or around these areas.

Applicable Policies 1, 2, 3, 10, 11, 12, 13, 14, 16, 17 and 18 of Guideline 17; applicable Policies 7, 9, 10 and 11 of Guideline 8; and Policies 1, 2, 3 and 4 of Guideline 9 all pertain to the specific issues that Metro Public Works and Transportation Planning expect to be addressed on the detailed district development plans filed with any given application. Those agencies have their particular standards which elaborate more specifically as to these particular policies. This application complies with these applicable Policies of these Guidelines because Heritage Engineering has experience with the particular standards of these agencies, and accordingly Heritage has designed the DDDP accompanying this application with particular attention to issues of access, internal circulation, adequacy of parking, adequacy of loading and maneuvering, site design and alternative means of transportation to the extent applicable. By the time of the LD&T meeting and Public Hearing, these agencies will need to have reviewed the DDDP in detail, and their preliminary stamp of approval will be required, thus assuring compliance with these applicable Policies of these Guidelines.

### **GUIDELINE 10: STORMWATER MANAGEMENT**

The Intents and applicable Policies 1, 3, 6, 7, 10 and 11 of this Guideline pertain to the issues of assuring that the hydraulic capacity of natural systems is accommodated so to ensure that drainage systems designs minimize damage to streams and nearby properties.

This application complies with these Intents and applicable Policies of this Guideline given that the DDDP has been designed to assure that drainage is captured by internal catch basins and delivered to a detention basin via installed storm pipes. Post development rates of runoff cannot exceed predevelopment conditions, which is the purpose of the detention basin included within this DDDP. Further, MSD must assure the adequacy of the stormwater management system, and

by the times of the LD&T Committee meeting and Public Hearing, it will need to stamp the DDDP as preliminarily approved, thus demonstrating compliance with these applicable Policies of this Guideline.

### **GUIDELINES 11 AND 12: WATER AND AIR QUALITY**

The Intents and applicable Policies of these Guidelines seek to assure that water and air quality are protected. This application complies with the Intents and applicable Policies given that regulations have been promulgated by MSD and the Air Pollution Control District (APCD) as to water quality. Also, the application must assure eventual compliance with MSD's soil erosion and sedimentation control plus water quality ordinances. And as to air quality, locating this facility in close proximity to workforce housing as well as to facilities of a like kind assures minimizing vehicle miles traveled, thus reducing impacts on air quality.

### **GUIDELINE 13: LANDSCAPE CHARACTER**

The Intents and applicable Policies 1, 2, 4 and 6 of this Guideline seek to assure that facilities of this or any kind provide adequate screening, buffering and landscaping to protect adjoining uses.. This application complies with these Intents and applicable Policies given that a berm with landscaping will be installed around some of the facility to protect nearby residential properties, whereas trees will be installed to also assure adequate screening. To the extent that added screening is necessary in the form of fencing, it will be added to the plan.

### **GUIDELINE 14: INFRASTRUCTURE**

\* \* \* \* \*

For these and other reasons to be explained at the LD&T Committee and Planning Commission public hearing, this application complies with all applicable Intents, Policies and Guidelines of the Cornerstone 2020 Comprehensive Plan.

Respectfully submitted,

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William B. Bardenwerper  
Bardenwerper Talbott & Roberts, PLLC  
Building Industry Association of Greater Louisville Bldg.  
1000 N. Hurstbourne Parkway, Second Floor  
Louisville, KY 40223

### **General Waiver Justification:**

In order to justify approval of any waiver, the Planning Commission or Board of Zoning Adjustment considers four criteria. Please answer all of the following questions. Use additional sheets if needed. A response of yes, no, or N/A is not acceptable.

Waiver of: Section 5.9.2.A.b.i to waive the walk connection from Patrick Henry Road

Explanation of Waiver:

1. The waiver will not adversely affect adjacent property owners because this sidewalk is different than the one connecting to Tolls Lane which is a major collector between National Turnpike and Garrison Road. This one would also connect a smaller amount of parking to a street between apartment buildings, which is also a much different condition than that existing on Tolls Lane.
2. The waiver will not violate the Comprehensive Plan for all the reasons set forth in the Detailed Statement of Compliance with all applicable Guidelines and Policies of the Cornerstone 2020 Comprehensive Plan filed with the original rezoning application.
3. The extent of waiver of the regulation the minimum necessary to afford relief to the applicant because this is the only sidewalk waiver proposed, as all other required sidewalks are shown on the DDDP accompanying this application.
4. 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 on the applicant because it would be building a sidewalk connection that is probably unsafe, that neighbors doubtless do not want, and that, through discussions at pre-application conference, probably does not represent good land planning.

**General Waiver Justification:**

In order to justify approval of any waiver, the Planning Commission or Board of Zoning Adjustment considers four criteria. Please answer all of the following questions. Use additional sheets if needed. A response of yes, no, or N/A is not acceptable.

Waiver of: Section 5.12.2 to reduce the required outdoor amenities to 5,000 sf, which is approximately 16% of the 30,000 sf office space.

Explanation of Waiver:

1. The waiver will not adversely affect adjacent property owners because the amenity area is intended to serve as an outdoor gathering area for facility workers, and for a facility this size and area equivalent to a large subdivision clubhouse is surely enough of a gathering area for the number of workers anticipated inside this facility, especially since most of them will be located in the office area.
2. The waiver will not violate the Comprehensive Plan for all the reasons set forth in the Detailed Statement of Compliance with all applicable Guidelines and Policies of the Cornerstone 2020 Comprehensive Plan filed with the original rezoning application.
3. The extent of waiver of the regulation is the minimum necessary to afford relief to the applicant, and not more, because, as stated above, the amenity area provided is sufficient and not less than necessary to serve the likely number of employees to work in this building.
4. 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 on the applicant because by requiring additional amenity area beyond the amount requested would necessitate use of an excessive amount of the non-building area of the lot for unused amenity space which is more importantly allocated for delivery vehicles, loading and unloading and employee and customer parking.

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## Tab 9

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

# BARDENWERPER, TALBOTT & ROBERTS, PLLC

ATTORNEYS AT LAW

BUILDING INDUSTRY ASSOCIATION OF GREATER LOUISVILLE BLDG • 1000 N. HURSTBOURNE PARKWAY • SECOND FLOOR • LOUISVILLE, KENTUCKY 40223  
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## PROPOSED FINDINGS OF FACT REGARDING COMPLIANCE WITH ALL APPLICABLE GUIDELINES AND POLICIES OF THE CORNERSTONE 2020 COMPREHENSIVE PLAN

<u>Applicant:</u>	Clarion Partners, LLC
<u>Owner:</u>	Alesia G. Bishop, Randall K. George and Laura G. Band, Trustees under the George Children Irrevocable Trust dated December 2, 1992
<u>Location:</u>	7830 National Turnpike
<u>Proposed Form and Zoning Districts and Use:</u>	Form District Change from Suburban Neighborhood to Suburban Workplace and rezoning from C-1 to EZ-1 for use as a warehouse and light manufacturing facility
<u>Engineers, Land Planners and Landscape Architects:</u>	Heritage Engineering, LLC

The Louisville Metro Planning Commission, having heard testimony before its Land Development & Transportation Committee, in the Public Hearing held on July 16, 2015 and having reviewed evidence presented by the applicant and the staff's analysis of the application, make the following findings:

### **INTRODUCTORY STATEMENT**

**WHEREAS**, the proposed Form and Zoning District changes are consistent with the Suburban Workplace and EZ-1 uses and zoning located all up and down National Turnpike across from this site; this site happens to still be zoned C-1 within the Suburban Neighborhood Form District, which is inconsistent with the pattern of development shown on the PowerPoint presentation aerial photographs and LOJIC map submitted with this application and presented at the public hearing; the existing C-1 zoning on this property would permit other big boxes like Wal-Mart supercenters, but over all the years that this has been zoned C-1 commercial, nothing retail has been successfully proposed for this site; the realtor listing this property attempted to find suitable retail uses but was unsuccessful; thus, users such as this one were naturally drawn to this property to expand what has become a very successful area for large box, light industrial/warehouse uses within this area; and

### **GUIDELINE 1: COMMUNITY FORM**

**WHEREAS**, the community form district for this area is Suburban Neighborhood which is characterized by predominantly residential uses, but this large piece of vacant property, although



surrounded on three sides with high density residential (apartment) uses, is really more in keeping with the workplace uses on large tracts of land otherwise mostly located up and down National Turnpike in this area; the Suburban Workplace Form District is a form characterized by predominately industrial and office uses where buildings are set back from the street in a landscaped setting; Suburban Workplaces often contain a large scale use, as proposed in the case of this application for a large warehouse or light manufacturing building, and DPDS staff at the pre-application conference recommended a change to the Suburban Workplace Form District; and

### **GUIDELINE 2: CENTERS**

**WHEREAS**, the Intents of this Guideline of the Comprehensive Plan are to promote an efficient use of land and investment in existing infrastructure, to lower utility costs by reducing the need for extensions, to reduce commuting time and transportation-related air pollution, and to encourage commercial revitalization in developing areas; and

**WHEREAS**, this application complies with these Intents of this Guideline because National Turnpike is a wide arterial highway with adequate traffic-carrying capacity where utilities already exist to accommodate expansion of the business park type uses already proliferating across National Turnpike from this site; this property is surrounded by single apartment buildings and large apartment complexes which are surrounded by residential subdivisions; because this larger area is already predominantly a Workplace Area which attracts large number of employees and because housing is also located, commuting times can be reduced and transportation-related air pollution is thus not exacerbated by this application; those already traveling from distant locations to this larger Suburban Workplace Area will find more employment opportunities as a consequence of this proposed development, whereas those residing nearby will shorten their trips from home to work; and this particular property has been vacant for a long time, and so a high quality, attractive new employment opportunity on it makes more sense than leaving the property unproductive; and

**WHEREAS**, applicable Policies 1, 2, 4, 5, 7, 9, 11, 14, 15 and 16 of this Guideline all pertain to where activity centers are located and how they are designed; this application complies with these applicable Policies of this Guideline given that another warehouse/light industrial facility directly across National Turnpike from a large number like kind (some older and some newer) facilities assures that the location of this one is appropriate; it keeps employment within an area where other workplace activities are located; many of the large industrial/warehouse manufacturing facilities in the area are older and whereas some are newer, this will be the newest, and the design shown in the PowerPoint presentation at the public hearing, which also demonstrates that this use and its design is appropriate for this center of workplace activity; and

### **GUIDELINE 3: COMPATIBILITY**

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

**WHEREAS**, this application complies with these Intents of this Guideline given that the site plan accompanying this application, as further explained in the PowerPoint presentation

presented at the public hearing and in the applicants exhibit books, shows an attractive design of this site, with a new and attractive building, with landscaped setbacks with suitable screening and buffers; and

**WHEREAS**, applicable Policies 1, 2 and 4 of this Guideline pertain to the assurance of compatibility through design; the photographs included in the applicants public hearing exhibit book application demonstrate that the proposed building will be attractive; the colored-up site plan shows how setback areas will be screened and buffered; setbacks will be adequate, along residential property lines where there will be berms as well landscaping and the potential for fencing as needed; and

**WHEREAS**, applicable Policies 5, 6, 7, 8 and 9 of this Guideline all pertain to the potential nuisances caused by odors, traffic, noise, lighting and aesthetics; these Policies can be further addressed through binding elements as may be called for; but the Land Development Code (LDC) specifically addresses issues such as lighting by requiring that it be directed down and away from residential properties; the LDC also addresses aesthetics by requiring buildings, including ones of this kind, be designed in ways to break up long expanses of non-descript facades; it is not anticipated that no odors will be involved with the warehouse or light industrial activities that are expected in these buildings; and all activities, except trucks coming and going (mostly during normal working hours) will occur within the proposed buildings; and

**WHEREAS**, applicable Policies 17, 18 and 19 of this Guideline pertain to the location of industries near other industries and the handling of hazardous materials; this application complies with these applicable Policies of this Guideline because, as stated, this proposed light industrial/warehouse facility is located in close proximity to others, and moreover hazardous materials are not anticipated at this site; and

**WHEREAS**, applicable Policies 21, 22, 23, 24 and 29 pertain to transitions, screening, bufferings, setback and impacts from parking, loading and delivery; the site plan accompanying this application, especially the colored site plan shown as part of the PowerPoint presentation and applicant's public hearing exhibit books presented at the public hearing, clearly demonstrate the setbacks that are provided, requiring no waivers or variances, except for one certain sidewalk connection and also except for total amount of amenity space; a landscaped berm will be included to protect residential properties to minimize the impacts of tractor trailers arriving and departing and while they load and unload; and other facilities of this kind, particularly those managed by the operator of this facility, experience tractor trailer arrivals and departures generally during normal business hours; and

#### **GUIDELINE 6: ECONOMIC GROWTH AND SUSTAINABILITY**

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

**WHEREAS**, this application complies with these Intents of this Guideline given that this area of National Turnpike is one where facilities of this same kind proliferate; many of them are older, whereas this one will be a brand new one that assures adequate screening and buffering, good site and building design; the Jacobs Engineering Traffic Impact Study finds that National

Turnpike has adequate traffic-carrying capacity; other essential infrastructure is located proximate to this site; Louisville has become a center for distribution facilities because of UPS, and it is also becoming increasingly attractive to light industrial because of a good workforce, affordable wage rates and low utility costs; and

**WHEREAS**, applicable Policies 1, 2, 3, 4, 5, 8 and 10 of this Guideline all pertain to preserving workplaces, assuring good access to them, locating industries proximate to transportation facilities and the redevelopment of older industrial areas; this application complies with all of these applicable Policies of this Guideline given that this property has remained vacant for many years and as said, this area is one where lots of facilities of this kind are already located; National Turnpike provides good access to the airport and to the Snyder Freeway and I-65 as well as to the Watterson Expressway and I-64; this particular operator of this facility is already managing facilities in the nearby business park and it has demolished some older buildings and replaced them with new ones; and this will be a new facility like the newest of the kind that it recently constructed; and

**GUIDELINES 7, 8 AND 9: CIRCULATION,  
TRANSPORTATION FACILITY DESIGN, AND ALTERNATIVE FORMS OF  
TRANSPORTATION**

**WHEREAS**, the Intents of these Guidelines are to assure the safe and proper functioning of street systems, to assure that roads such as National Turnpike do not exceed their carrying capacities, to ensure that internal and external circulations are safe, that transportation facilities have adequate carrying capacity and that alternative means of transportation are accommodated; and

**WHEREAS**, this application complies with these Intents of these Guidelines given that National Turnpike has adequate carrying capacity; it is a wide arterial highway that leads from the Snyder Freeway to the Watterson Expressway, providing access to I-65 and I-64 as well as the airport; and there are no issues with traffic congestion in or around these areas; and

**WHEREAS**, applicable Policies 1, 2, 3, 10, 11, 12, 13, 14, 16, 17 and 18 of Guideline 17; applicable Policies 7, 9, 10 and 11 of Guideline 8; and Policies 1, 2, 3 and 4 of Guideline 9 all pertain to the specific issues that Metro Public Works and Transportation Planning expect to be addressed on the detailed district development plans filed with any given application; those agencies have their particular standards which elaborate more specifically as to these particular policies; this application complies with these applicable Policies of these Guidelines because Heritage Engineering has experience with the particular standards of these agencies, and accordingly Heritage has designed the DDDP with particular attention to issues of access, internal circulation, adequacy of parking, adequacy of loading and maneuvering, site design and alternative means of transportation to the extent applicable; Jacobs Engineering Group has performed a Traffic Impact Study, determining that this proposed project has not adverse impacts on nearby road systems; and these applicable transportation agencies have reviewed the DDDP and Traffic Impact Study in detail, and have given their preliminary stamp of approval, thus assuring compliance with these applicable Policies of these Guidelines; and

## **GUIDELINE 10: STORMWATER MANAGEMENT**

**WHEREAS**, the Intents and applicable Policies 1, 3, 6, 7, 10 and 11 of this Guideline pertain to the issues of assuring that the hydraulic capacity of natural systems is accommodated so to ensure that drainage systems designs minimize damage to streams and nearby properties; and

**WHEREAS**, this application complies with these Intents and applicable Policies of this Guideline given that the DDDP has been designed to assure that drainage is captured by internal catch basins and delivered to a detention basin via installed storm pipes; post development rates of runoff cannot exceed predevelopment conditions, which is the purpose of the detention basin included within this DDDP; further, MSD must assure the adequacy of the stormwater management system, and it has given its stamp of preliminary approval the DDDP, thus demonstrating compliance with these applicable Policies of this Guideline; and

## **GUIDELINES 11 AND 12: WATER AND AIR QUALITY**

**WHEREAS**, the Intents and applicable Policies of these Guidelines seek to assure that water and air quality are protected; this application complies with the Intents and applicable Policies given that regulations have been promulgated by MSD and the Air Pollution Control District (APCD) as to water quality; also, the application must assure eventual compliance with MSD's soil erosion and sedimentation control plus water quality ordinances; and as to air quality, locating this facility in close proximity to workforce housing as well as to facilities of a like kind assures minimizing vehicle miles traveled, thus reducing impacts on air quality; and

## **GUIDELINE 13: LANDSCAPE CHARACTER**

**WHEREAS**, the Intents and applicable Policies 1, 2, 4 and 6 of this Guideline seek to assure that facilities of this or any kind provide adequate screening, buffering and landscaping to protect adjoining uses; and this application complies with these Intents and applicable Policies given that a berm with landscaping will be installed around some of the facility to protect nearby residential properties, whereas trees will be installed to also assure adequate screening; 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 C-1 to EZ-1 and a change in Form Districts from Suburban Neighborhood to Suburban Workplace.

**WAIVER PROPOSED FINDINGS OF FACT**

Waiver of Section 5.9.2.A.b.i to waive the walk connection from Patrick Henry Road

**WHEREAS**, the waiver will not adversely affect adjacent property owners because this sidewalk is different than the one connecting to Tolls Lane which is a major collector between National Turnpike and Garrison Road and this one would also connect a smaller amount of parking to a street between apartment buildings, which is also a much different condition than that existing on Tolls Lane; and

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

**WHEREAS**, the extent of waiver of the regulation the minimum necessary to afford relief to the applicant because this is the only sidewalk waiver proposed, as all other required sidewalks are shown on the DDDP accompanying this application; and

**WHEREAS**, 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 on the applicant because it would be building a sidewalk connection that is probably unsafe, that neighbors doubtless do not want, and that, through discussions with DPDS staff, it does not represent good land planning; and

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

**WAIVER PROPOSED FINDINGS OF FACT**

Waiver of Section 5.12.2 to reduce the required outdoor amenities to 5,000 sf, which is approximately 16% of the 30,000 sf office space.

**WHEREAS**, the waiver will not adversely affect adjacent property owners because the amenity area is intended to serve as an outdoor gathering area for facility workers, and for a facility this size and area equivalent to a large subdivision clubhouse is surely enough of a gathering area for the number of workers anticipated inside this facility, especially since most of them will be located in the office area; and

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

**WHEREAS**, the extent of waiver of the regulation is the minimum necessary to afford relief to the applicant, and not more, because, as stated above, the amenity area provided is sufficient and not less than necessary to serve the likely number of employees to work in this building; and

**WHEREAS**, 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 on the applicant because by requiring additional amenity area beyond the amount requested would necessitate use of an excessive amount of the non-building area of the lot for unused amenity space which is more importantly allocated for delivery vehicles, loading and unloading and employee and customer parking; and

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