

**PROPOSED FINDINGS OF FACT FOR ZONE CHANGE**  
**5400 & 5402 Minor Lane & 3101, 3201, 3202, & 3206 Dupin Drive**

**DOCKET NO. 19-ZONE-0065**

**December 5, 2019**

**DISCUSSION:**

A transcript of the public hearing is on file in this docket.

In business session subsequent to the public hearing on this request, the Commission took the following action:

On motion by Commissioner \_\_\_\_\_, seconded by Commissioner \_\_\_\_\_, the following resolutions were adopted:

WHEREAS, the Planning Commission finds that the proposal conforms with KRS 100.213 because it agrees with the Comprehensive Plan of Metro Louisville and Jefferson County, its goals, objectives, guidelines and policies (sometimes called "Plan 2040") as further detailed in these Findings; and

WHEREAS, the Planning Commission finds that the existing zoning classification, R-4, and Neighborhood Form District is inappropriate and the proposed zoning classification, PEC, and proposed Suburban Work Place Form District is appropriate as further detailed in these findings; and

WHEREAS, the Planning Commission finds that there have been major changes of an economic, physical or social nature within the area involved which were not anticipated in the adopted comprehensive plan and which have substantially altered the basic character of the area as further detailed in these findings; and

WHEREAS, the Planning Commission further finds that the Suburban Work Place Form Area is a more consistent and appropriate form area for this property because the Suburban Work Place Form District (SWFD) is designed to reserve land for industrial and employment uses in suburban locations with design standards intended to promote development and redevelopment that ensures adequate access for employees, freight, and products, to provide services and amenities for employees, and to improve transit service; because the Property is adjacent to and in between two parcels consisting of 199 acres of which 138 is zoned EZ1 and is in the Suburban Work Place Form District, and 61 acres is zoned PEC and is in the Suburban Work Place Form District; because adequate transportation access to, from, and throughout the proposal has been designed; because significant buffering from abutting uses is provided naturally and as shown on the proposal; and because the development is located at the

intersection of an arterial (Outer Loop) and a collector (Minor Lane) near an expressway (I-65); and

WHEREAS, the Planning Commission further finds that the proposal complies with Compatibility Guideline 3 and all applicable Policies adopted thereunder, including Policies 3.1, 3.2, 3.4, 3.7, 3.8, 3.9, 3.12, 3.21, 3.22, 3.23, 3.24, 3.28 and 3.29 because the proposed development use is of a scale and site design compatible with nearby existing development and with the pattern of development within the adjacent Suburban Work Place Form District; because any adverse impact on adjacent residential uses, including traffic, parking, signs, and lighting, will be mitigated through the binding elements that have been proposed and agreed upon by the applicant; because appropriate transitioning from residential to non-residential uses will be provided through the use of natural vegetative buffers and landscaping, landscaped buffer yards, vegetative berms, compatible building design and materials, height restrictions and setbacks, which will also protect the character of residential areas, roadway corridors, and public spaces from visual intrusions; because the proposed development is designed to provide accessibility to people with disabilities; because the parking, loading and delivery areas are adequate for the proposed use and are designed to minimize any adverse impact on adjacent residential areas; because proposed signage will be compatible with the Suburban Work Place Form Area and will be integrated with or attached to structures wherever possible; and

WHEREAS, the Planning Commission further finds that the proposal complies with Natural Areas and Scenic and Historic Resources Guideline 5 and all applicable Policies adopted thereunder including 5.1, 5.2, 5.3 and 5.6 because according to Core Graphic 5 there are also no severe or steep slopes or soils unsuitable for development on this site that could contribute to environmental degradation; and because the area proposed for vehicle storage and parking is not located in a regulatory floodplain.

WHEREAS, the Planning Commission further finds that the proposal complies with Economic Growth and Sustainability Guideline 6 and all applicable Policies thereunder including 6.1, 6.4, and 6.8 because the development is appropriately located to meet the needs of this proposed workplace district and its employees, and because, as stated previously, this development is in close proximity to other existing facilities serving the Ford Motor Company Plant, United Parcel Service (UPS) and the Louisville International Airport and their collective employees; because the proposed development has chosen to locate on a site that will enable primary and secondary job creation in close proximity to existing social and economic infrastructures; because the proposed development adheres to the policies designed to promulgate the intentions of this Guideline; because the development will help keep dollars in the immediate community; because the development will have the ability to spread tax burden for public facilities maintenance and neighborhood programs; because the development will attract new investment dollars adjacent to major economic engines in Louisville, (Ford Plant, UPS, Louisville International Airport); because the development may

provide management level and entry-level positions; because the development will offer flexible working hours; because the development will assist in preserving existing standards of living over time; because the development will provide new services and products not previously available in a timely manner to nearby industries; and

WHEREAS, the Planning Commission further finds that the proposed site is one of the most significant development sites in the Louisville Metro, and possesses unique characteristics unmatched by other alternatives such as access, existing paved parking lots, separation from residential properties; and It is located adjacent to the most traveled section of interstate highway in the Commonwealth of Kentucky with nearly 330,000 vehicles traveling past the site on a daily basis; and

WHEREAS, the Planning Commission further finds that the proposed development of this property is positioned in one of the nation's best performing areas for industrial development--the I-65 & South Louisville Airport sub-market in Louisville. From its standing as the hub of UPS' WorldPort, Louisville's Airport is the 7th busiest cargo airport in the world, between Dubai International Airport of the United Arab Emirates, and the Charles de Gaulle Airport outside Paris, France; and

WHEREAS, the Planning Commission further finds that the Property is exceptionally well-located off Interstate 65, and is in immediate proximity to the Louisville International Airport and UPS's WorldPort, and that the Louisville International Airport has stood as UPS's WorldPort, the state's largest employer with over 20,000 employees, for over 3 decades, and furthermore, UPS has demonstrated its commitment to Louisville and the surrounding area by investing over \$5 billion in UPS' operations infrastructure, and therefore this Property and the associated development plan, benefits from its' standing less than 2 miles from the Airport and less than 3 miles to Ford Motor Company's distribution plant (which houses more than 8,500 employees), and that the I-65 and Outer Loop location offers excellent operational benefits to Third Party Logistics providers and e-commerce retailers, and that the Property's location is easily accessible via the Outer Loop Exit off Interstate 65, and that the Property is in walking and/or short driving distance to other amenities which directly benefit the tenancy and its employees, including economy hotels, neighborhood restaurants, and fueling stations; and

WHEREAS, the Planning Commission further finds that the proposal as implemented enables temporary parking to be "out of sight, and out of mind" from adjoining properties while preserving land for future development; and

WHEREAS, the Planning Commission further finds that the Applicant has researched other sites, and the proposed site will become a revenue generating property, focusing future efforts on real estate that makes a difference in peoples' lives; and the current plan affords a major employer and contributor towards the greater good of our City to park trailers and vehicles on a piece of under-utilized

land, the greater benefit is for this property to begin contributing to the tax rolls for our City in many ways; and

WHEREAS, the Planning Commission further finds that the proposal complies with the Mobility and Transportation policies because the proposed use has chosen to locate on a site that will enable efficient and safe access and direct access to a major arterial, where nuisances and activities of the proposed use will not adversely affect adjacent areas; and because access to major roadways will be through adjacent PEC zoned property and not through residential neighborhoods; and because it has been demonstrated that the development will not cause adverse impacts to the traffic-carrying capacity of the existing roadway network; because on-site parking is sufficient to serve the proposed use and is set back and screened away from nearby existing residential areas; and because the access points are located as reviewed and preliminarily approved by the Louisville and Jefferson County Metro Department of Public Works and will not pose any safety hazards; and because the agreed connection of this site to the existing roadway provides for a safe and reliable ingress and egress for truck traffic at the request of the Louisville and Jefferson County Metro Department of Public Works to better ensure safe maneuvering of trucks; and

WHEREAS, The Planning Commission further finds that the proposal complies with Livability/Environment and Community Facilities policies because the site has no blue line steams or wetlands that will be impacted; because the proposed plan has been reviewed approved by the Metropolitan Sewer District (“MSD”); because preliminary drainage conceptual plans have been approved and future plans will meet or exceed MSD requirements as determined in the construction plan design process; because the detention and drainage facilities are already constructed in dedicated sanitary sewer and drainage easements and will ensure that peak storm water runoff will not exceed predevelopment conditions; and

WHEREAS, The Planning Commission further finds that the granting of General Landscape Waiver of Chapter 10 part 2 and a Variance from Section 5.3 of the Land Development Code is appropriate because the requested waiver and variance will not adversely affect adjacent property owners; because this property will preserve existing trees as much as possible, and because extensive landscaping and berming will be created; because the waiver and variance requested are the minimum necessary to allow the Property to accommodate the proposed use with zero degradation of the land and structures and to remain in compliance with other sections of the Land Development Code; and because where relief is sought from the LDC, the applicant has sufficiently attempted to comply with the LDC and has not attempted to circumvent the requirements; and

WHEREAS, The Planning Commission finds that the proposal does not over tax existing infrastructure because the site is served by all necessary utilities including water and sewerage facilities; and

WHEREAS, The Planning Commission finds that the proposal has been

reviewed and approved by the Okolona Fire Protection District; and

WHEREAS, the Planning Commission further finds that the proposal complies with all other applicable Guidelines and Policies of the Jefferson County Comprehensive Plan;

**RESOLVED**, that the Louisville Metro Planning and Design Services does hereby **RECOMMEND** to the Louisville / Jefferson County Metro Government that the change in zoning **from R-4 to PEC Planned Employment Center** be **APPROVED**; and

**RESOLVED**, that the Louisville Metro Planning and Design Services does hereby **RECOMMEND** to the Louisville / Jefferson County Metro Government that the change in form districts from **Neighborhood to Suburban Work Place** be **APPROVED**; and

**RESOLVED**, that the Louisville Metro Planning and Design Service does hereby **APPROVE** the requested Landscape Waiver and Variance to allow for the proposed use as shown on the Detailed District Development Plan and detailed in these Findings of Fact, because the adjacent properties will not be adversely affected, the granting of the waiver and the variance will not violate the Comprehensive Plan, the requested waiver and variance are the minimum necessary to afford relief to the applicant and adjacent property owners, and the strict application of the regulations would deprive the applicant of the reasonable use of the land, and the waivers are supported by the Louisville Metro Planning and Design Department Staff Report; and

**RESOLVED**, that the Louisville Metro Planning and Design Service does hereby **APPROVE** the Detailed District Development Plan for Docket No. 19-ZONE-0065 **SUBJECT** to the following binding elements:

**PROPOSED BINDING ELEMENTS:**

1. The development shall be in accordance with the approved district development plan, all applicable sections of the Land Development Code (LDC) and agreed upon binding elements unless amended pursuant to the Land Development Code. Any changes/additions/alterations of any binding element(s) shall be submitted to the Planning Commission or the Planning Commission's designee for review and approval; any changes/additions/alterations not so referred shall not be valid.
2. Prior to development (includes clearing and grading) of each site or phase of this project, the applicant, developer, or property owner shall obtain approval of a detailed district development plan in accordance with Chapter 11, Part 6. Each plan shall be in adequate detail and subject to additional binding elements. The façade elevations submitted at this time shall be in accordance with applicable

form district standards and shall be approved by PDS staff prior to construction permit approval.

3. No outdoor advertising signs, small freestanding signs, pennants, balloons, or banners shall be permitted on the site.

4. Before any permit (including but not limited to building, parking lot, change of use, site disturbance, alteration permit or demolition permit is requested:

a. The development plan must receive full construction approval from Louisville Metro Department of Codes and Regulations Construction Permits and Transportation Planning Review and the Metropolitan Sewer District.

b. Encroachment permits must be obtained from the Kentucky Department of Transportation, Bureau of Highways.

c. The property owner/developer must obtain approval of a detailed plan for screening (buffering/landscaping) as described in Chapter 10 prior to requesting a building permit. Such plan shall be implemented prior to occupancy of the site and shall be maintained thereafter.

d. A minor plat shall be approved and recorded creating the lots as shown on the approved development plan.

5. The applicant, developer, or property owner shall provide copies of these binding elements to tenants, purchasers, contractors, subcontractors and other parties engaged in development of this site and shall advise them of the content of these binding elements. These binding elements shall run with the land and the owner of the property and occupant of the property shall at all times be responsible for compliance with these binding elements. At all times during development of the site, the applicant and developer, their heirs, successors; and assignees, contractors, subcontractors, and other parties engaged in development of the site, shall be responsible for compliance with these binding elements.

6. No idling of trucks shall take place within 200 feet of single-family residences. No overnight idling of trucks shall be permitted on-site.

7. No deliveries shall be permitted by any commercial use between 10:00 pm and 7:00 am

8. A reciprocal access and crossover easement agreement in a form acceptable to the Planning Commission legal counsel shall be created between the development site and the adjoining property owner(s) to the North and recorded prior to development of that site for any non-residential use. A copy of the recorded instrument shall be submitted to the Division of Planning and Design Services.

9. A unified signage plan shall be created that sets consistent standards for the design, appearance and location of signs within the development.

10. Landscaping shall be provided which is substantially similar to that described

on the applicant's landscape exhibit presented at the 12/5/19 public hearing of the Planning Commission.

11. The only permitted access to the property shall be from the property to the south, 5540 Minor Lane.

12. Applicant shall work with Staff to create a "No Truck Traffic" signage plan for Dupin Drive and Minor Lane from Preston and the Outer Loop back to the site, and place it into action prior to the property being used for vehicle parking and storage

All binding elements stated in this report are accepted in total without exception by the entity requesting approval of these development items.

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Name

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Title

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Date

