

Docket No. 21-ZONE-0103

Zone change from PEC to M3 on 7.27 acres in to allow Quadrant International to construct a magnet manufacturing plant at its existing Blankenbaker Station facility, being lots 11 and 12 in Blankenbaker Station II

QUADRANT

in cooperation with

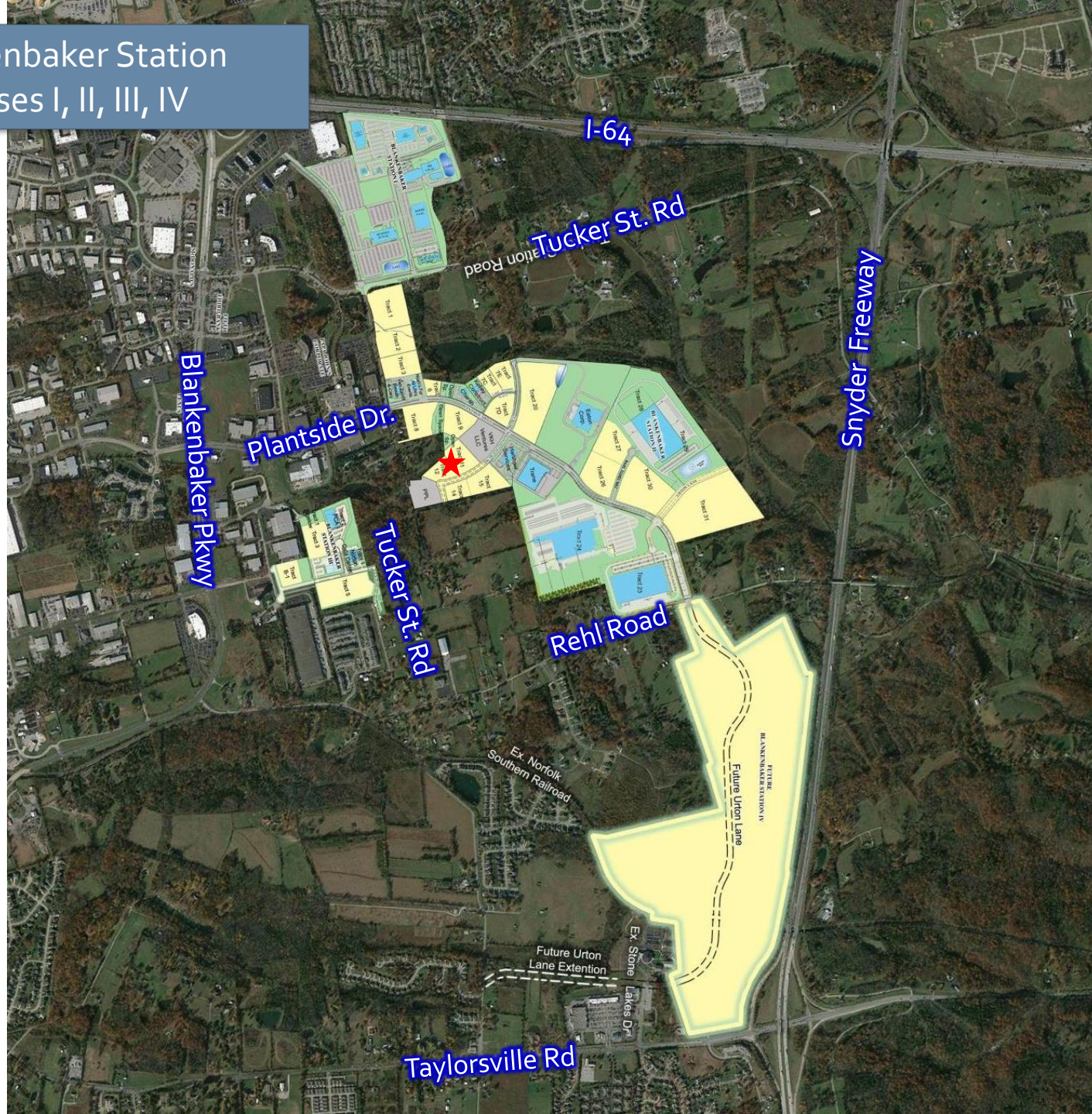


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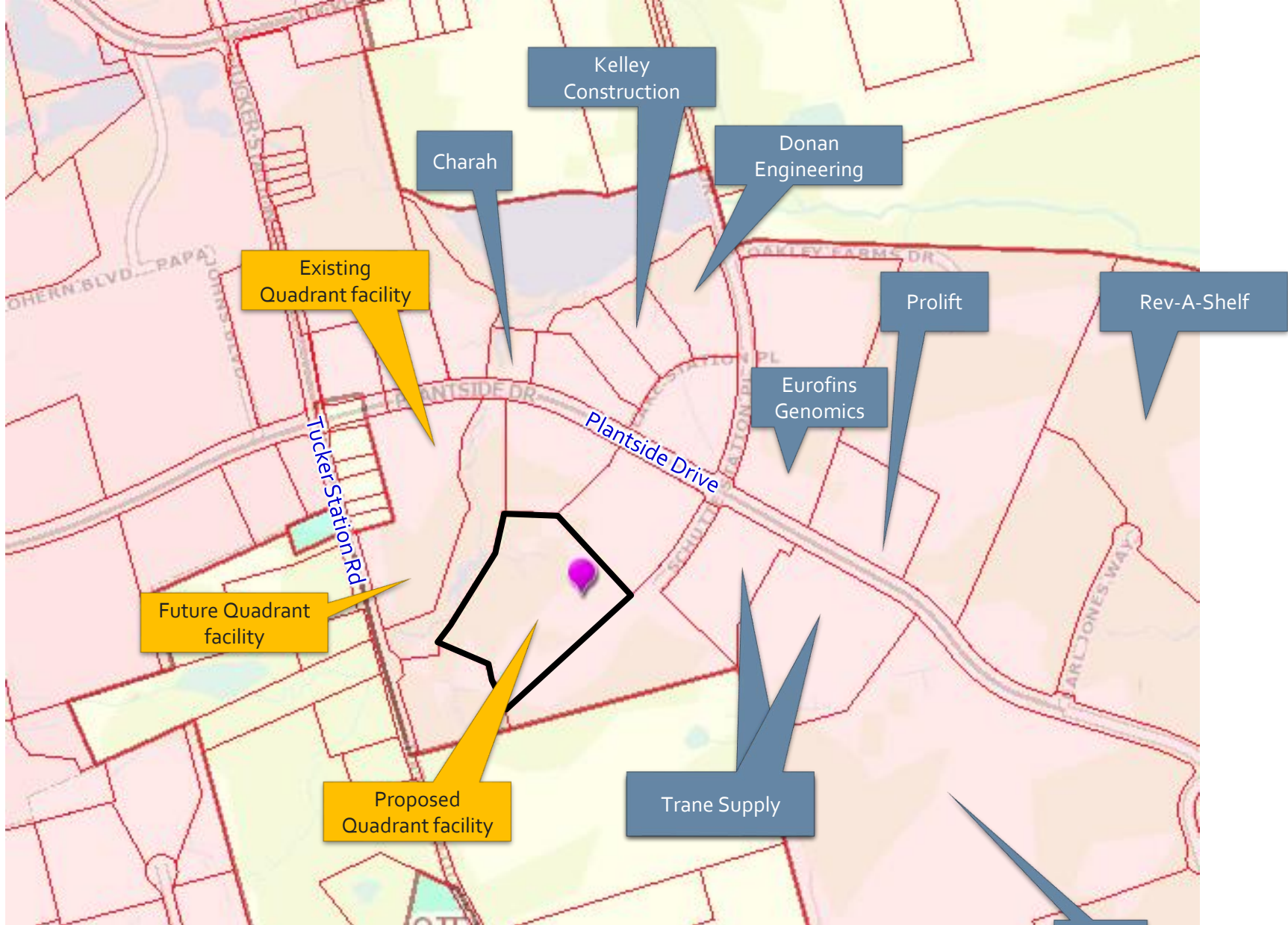
1. Aerial photograph of the site and surrounding area Aerial photographs of the site and surrounding area
2. LOJIC Zoning Map
3. Aerial and ground level photographs of the 3 Quadrant sites in context of the surrounding area Building elevations
4. Prior development plan approval in 15ZONE1028 re: future Quadrant site based on LDC stub road and stream crossing regulatory provisions
5. Updated site plan and current building elevations
6. Proposed Additional Binding Element
7. Manufacturing Process
8. Statement of Compliance filed with the original zone change application with all applicable Goals of the 2040 Plan and Variance Justification
9. Proposed findings of fact pertaining to compliance with the 2040 Plan and Variance criteria

Tab 1
Aerial photograph
of the site and
surrounding area

Blankenbaker Station Phases I, II, III, IV



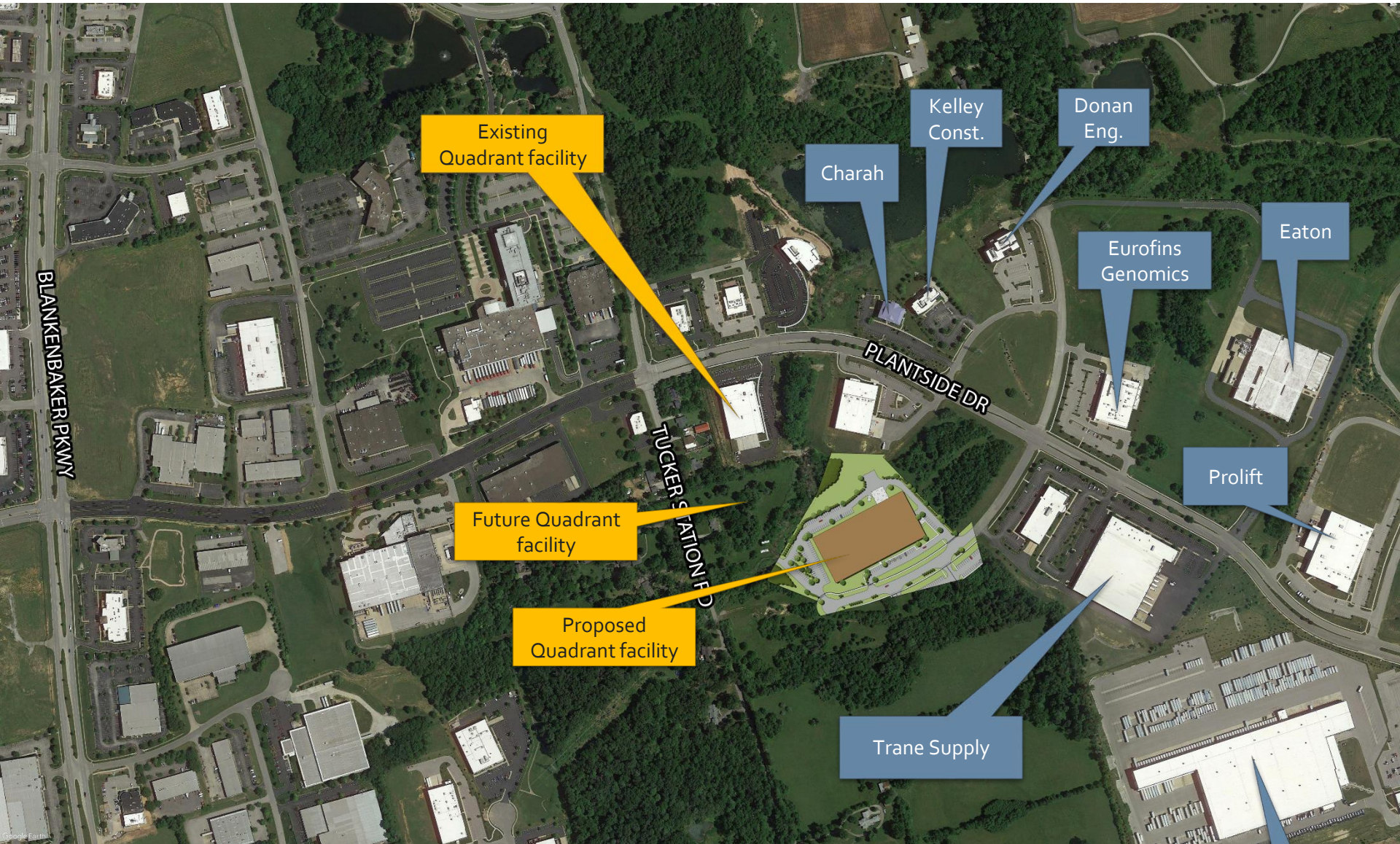
Tab 2
LOJIC Zoning Map



- PEC zoned area in Pink
- R4 zoned area in Yellow
- OR3 & OTF zoned area in Aqua

- PEC to M3 proposed rezoning area outlined in Black

Tab 3
Aerial and ground
level photographs
of the 3 Quadrant
sites in context of
the surrounding
area



Existing Quadrant facility

Future Quadrant facility

Proposed Quadrant facility

Charah

Kelley Const.

Donan Eng.

Eurofins Genomics

Eaton

Prolift

Trane Supply

Fed Ex

BLANKENBAKER PKWY

TUCKER STATION RD

PLANTSIDE DR

Existing, proposed and future
Quadrant sites with required
interconnectivity and permitted
stream crossing

Existing
Quadrant facility

TUCKER STATION RD

PLANTSIDE DR

Future Quadrant
facility

Proposed
Quadrant facility



View of existing Quadrant facility.



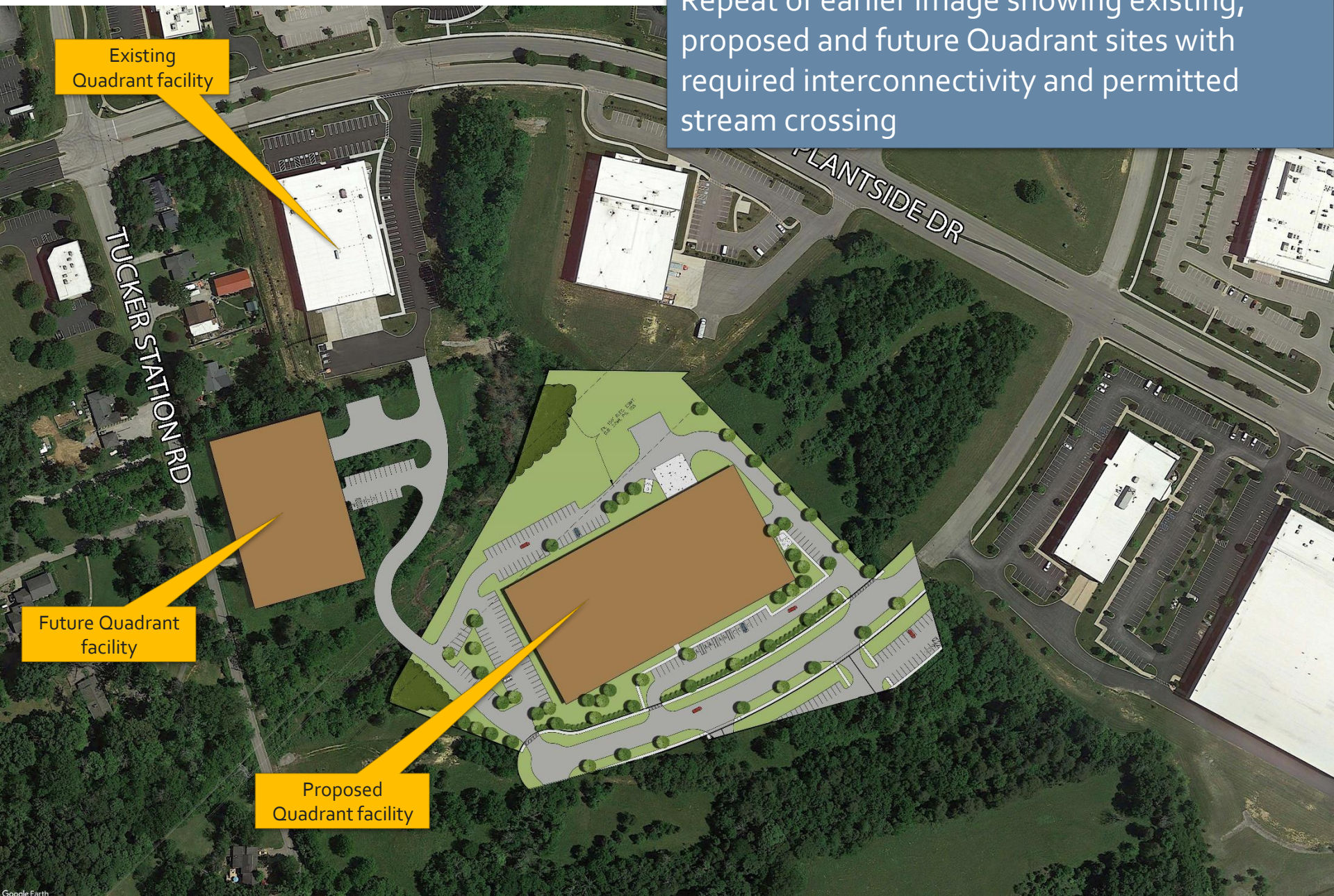
SITE

View from Schutte Station Rd (off Plantside Drive) to the location of the Schutte Station extension and proposed Quadrant facility site also leading to the future and existing Quadrant sites plus other property.



View from existing Quadrant site across future Quadrant site to proposed Quadrant site, completing what is essentially a circular access from Plantside Drive east to Plantside Drive west.

Repeat of earlier image showing existing, proposed and future Quadrant sites with required interconnectivity and permitted stream crossing



Existing
Quadrant facility

Future Quadrant
facility

Proposed
Quadrant facility

Tab 4

Prior development plan
approval in 15ZONE1028
re: future Quadrant site
based on LDC stub road
and stream crossing
regulatory provisions

6.2.5 General Layout of Streets

A. Coordination with Surrounding Streets - A proposed street shall recognize and extend the plan and profile of off-site existing streets, and shall make possible the future extension of streets into adjacent undeveloped land. Collector streets shall intersect with surrounding collector or arterial streets at safe and convenient locations.

Continuation of Existing Streets – Subdivisions shall be designed to ensure that existing public and private streets, which stub into the subject property must be extended through the subject property. For subdivisions creating any lot that abuts or has access to any proposed stub street extension, right-of-way shall be dedicated sufficient to accommodate the extension of the street, and the street shall be constructed in accordance with the requirements of this Land Development Code for constructing public or private roads.

7.3.10 Streets

B. Continuation of existing streets. Subdivisions shall be designed to ensure that existing public and private streets which stub into the subject property can be extended through the subject property. For subdivisions creating any lot that abuts or has access to any proposed stub street extension, right-of-way shall be dedicated sufficient to accommodate the extension of the street, and the street shall be constructed in accordance with the requirements of this Land Development Code for constructing public or private roads.

Appendix 6A Access Management Design Standards

Part 1 Access Management**1.5 Joint and Cross Access**

B. Required cross-access corridors shall be shown on any subdivision or site plan. A system of joint use driveways and cross access easements shall be required to provide unified access and circulation among parcels and assist in local traffic movement. In such cases, the building site shall incorporate the following:

2. Stub-outs and other design features to make it visually obvious that abutting vacant properties should be tied in to provide cross access at the time they are developed.

1.6 Requirements for Unified Access and Circulation

B. Where abutting properties are in different ownership and not part of an overall development plan, cooperation between the various owners to create a unified access and circulation system is encouraged. Abutting properties shall provide unified access and circulation at the time that they are developed, or are redeveloped as provided in Section 1.8.

Table 4.8.1

Buffer Area Type & Minimum Buffer Area Width (Feet) By Form District		
Type of Protected Waterway	Type "A" Buffer Area Applies in the Following Form Districts	Type "B" Buffer Area Applies in the Following Form Districts:
	<ul style="list-style-type: none"> • Downtown • Traditional Neighborhood • Traditional Marketplace Corridor • Traditional Workplace • Village FD Center 	<ul style="list-style-type: none"> • Regional Marketplace Center • Town Center • Suburban Marketplace Corridor • Neighborhood • Suburban Workplace • Campus • Village FD Area outside of Center
Protected Waterways Other than Wetlands	Total Buffer Area = 25 feet	Total Buffer Area = 100 feet, comprised of the following 3 zones: 1. Streamside zone: 25 feet; 2. Middle zone: 50 feet. 3. Outer zone: 25 feet.

The proposed road does not cross a regulated perennial stream, but rather an intermittent stream. However, even if it were perennial, the stream could be crossed.

4.8.6 Standards for Protected Waterways and All Buffer Areas

A. General Rule.

No land-disturbing activity, development, or subdivision of any type shall occur in a protected waterway or Buffer Area, except as expressly allowed in this part and other applicable County, state, or federal laws and regulations. The County shall not approve any land-disturbing activity, development, or subdivision until the Applicant obtains all other necessary county, state, and/or federal permits. All Buffer Areas shall remain in a vegetated, natural state and shall not be modified in any manner except as expressly allowed in this section. Plant material adequate for filtering surface drainage shall be maintained within all Buffer Areas.

B. Permitted Uses and Activities in the 100-Year Floodplain.

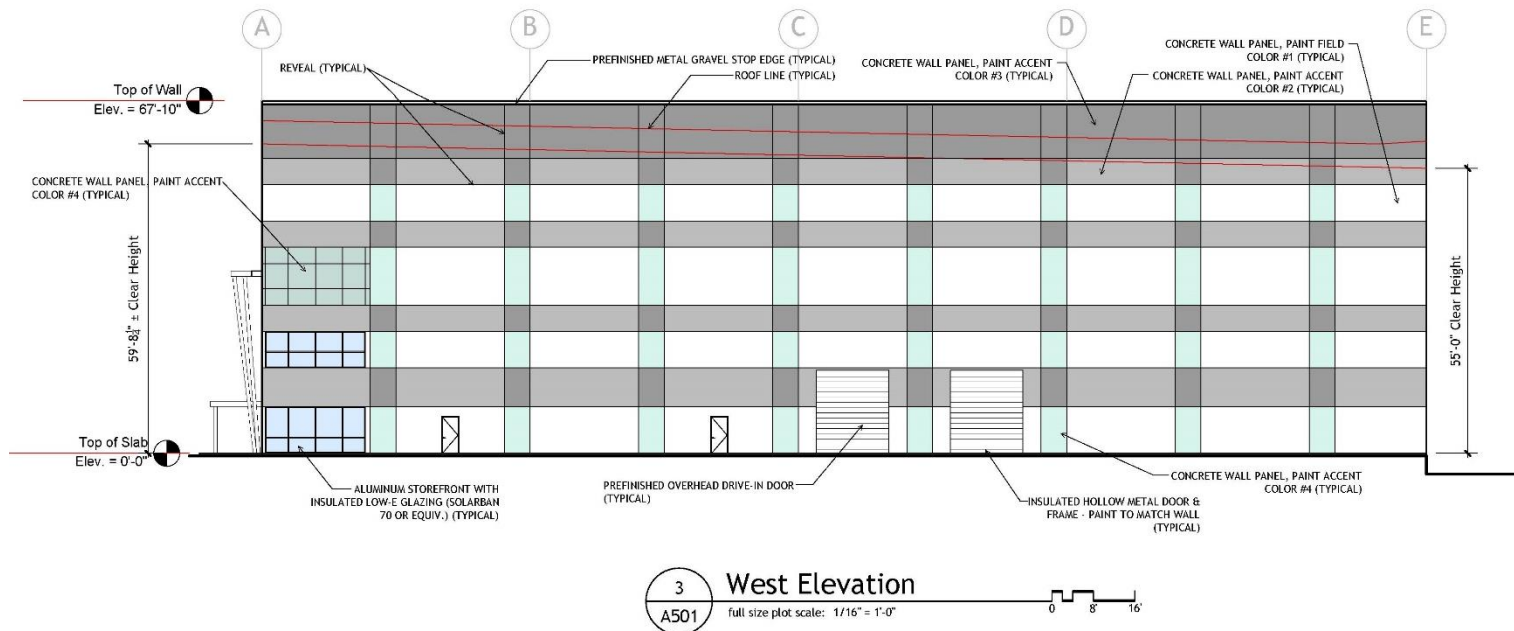
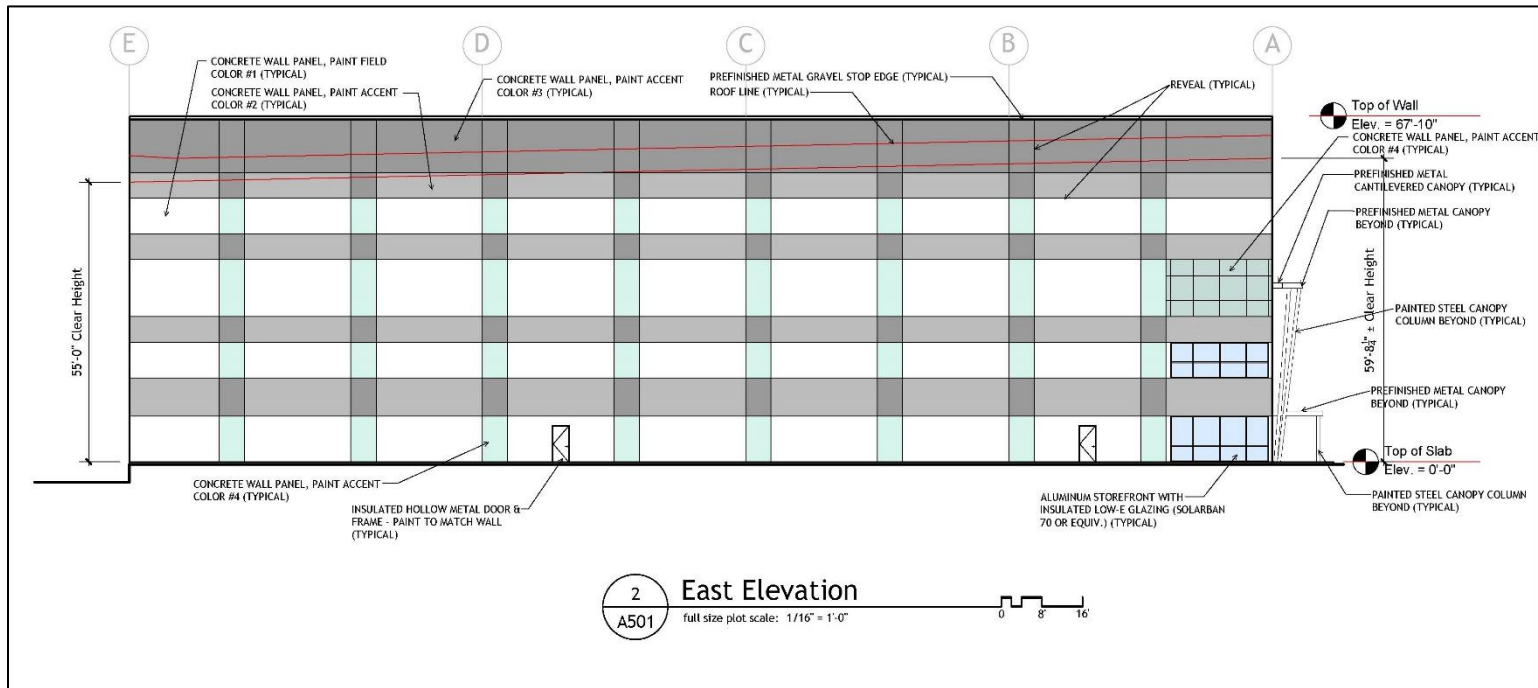
Any land disturbing activity, development, or subdivision in the 100-year floodplain shall demonstrate compliance with the Jefferson County Floodplain Ordinance, as amended.

C. Uses Permitted in the Type A Buffer Areas and the Streamside Buffer Zone.

Within a Type "A" Buffer Area and the Streamside Zone of a Type "B" Buffer Area, allowable uses and activities are restricted to:

1. Public flood control structures,
2. Utility rights of way (Type A buffer only),
3. Pedestrian-only trails, and
4. Road crossings, where permitted.

Tab 5
Updated site plan
and current
building elevations



Tab 6
Proposed
Additional
Binding Element

Proposed Additional Binding Element

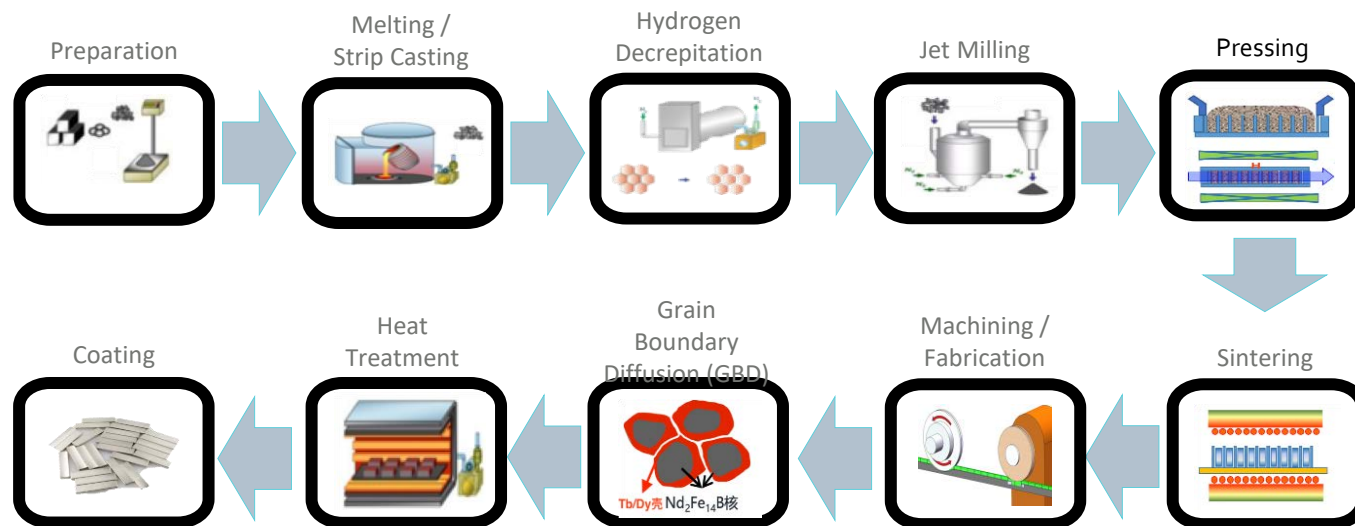
- No other M₃ uses are allowed, except those in M₁ & M₂ and this one, unless approved by the Planning Commission.



Tab 7
Manufacturing
Process

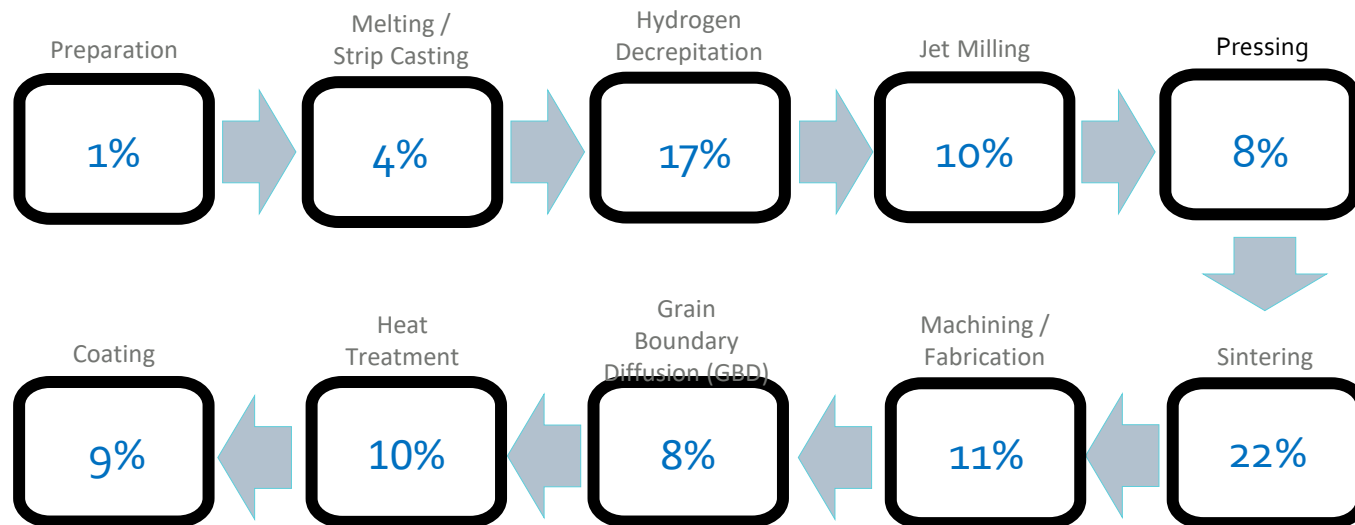


Magnet Manufacturing Process



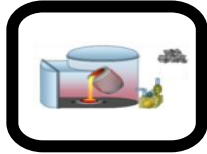


Magnet Manufacturing Process Percentages





Melting /
Strip Casting



Melting / Strip Casting

Smelting Furnace GVIM-800-SC

Equipment Specifications

Maximum Capability: 800kg

Limiting Vacuum: 0.4Pa

Melting Power: 0.8kHz 700kW Area: W12m x L14m x H8m

Overview

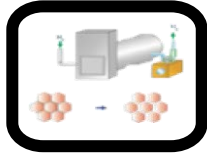
Turn solid metals into liquid. The intent of the process is to combine different materials / metals into a homogeneous mixture.

The Strip Casting process produces small “flakes” of materials that includes a consistent mixture of rare earths and metals. These flakes are the basis for determine the magnetic grade that will be produced, and the starting point for the remaining processes.





Hydrogen
Decrepiation



Hydrogen Decrepiation



Hydrogen Decrepiation Furnace BQDHD-1200C

Equipment Specifications

Maximum Capability: 1,200kg

Power: 75kW

Rated Heating Temp: 550C

Maximum Pressure: 0.7Mpa

Overview

To break apart material particles into smaller sizes.



Hydrogen is fed from a hydrogen station into the furnace, which is then heated. This process is in a closed state and no dust or chemicals are produced. Once the process is completed, the materials continue to the next stage of production while remaining in a closed state to avoid contamination from oxygen.



Jet Milling



Jet Milling

Jet Milling Equipment QLMR-300G

Equipment Specifications

Maximum Capability: 50-100 kg/h

Power: 78kW

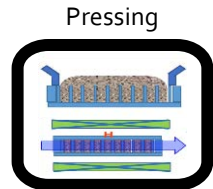
Oxygen Content of Supply Gas: <10ppm

Overview

To use a tornadic movement of particles to achieve a 3-5 micron size.

Parts are circulating in a nitrogen filled sealed chamber. The particles are continually moving and forming smaller sizes of particles until a 3-5 micron size is achieved. A screening processes within the chamber allows for passage of only the correct sized particles.





Pressing

Pressing

Pressing Equipment BDM-350/2W

Equipment Specifications

Rated Pressure: 40T

Power: 80kW

Electromagnetic Pole Diameter: 350mm

Overview

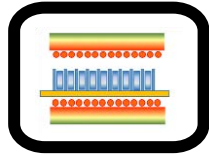
To press powders from Jet Milling into semi-finished blocks and orient the domains within the powder.

Under a nitrogen-filled state, the powdered material is pressed into blocks or cylinders under a magnetic field in order to orient the material. This is done in a sealed-stated to avoid contact with oxygen.





Sintering



Sintering

Continuous Vacuum Sintering Furnace FSC-6090C-7

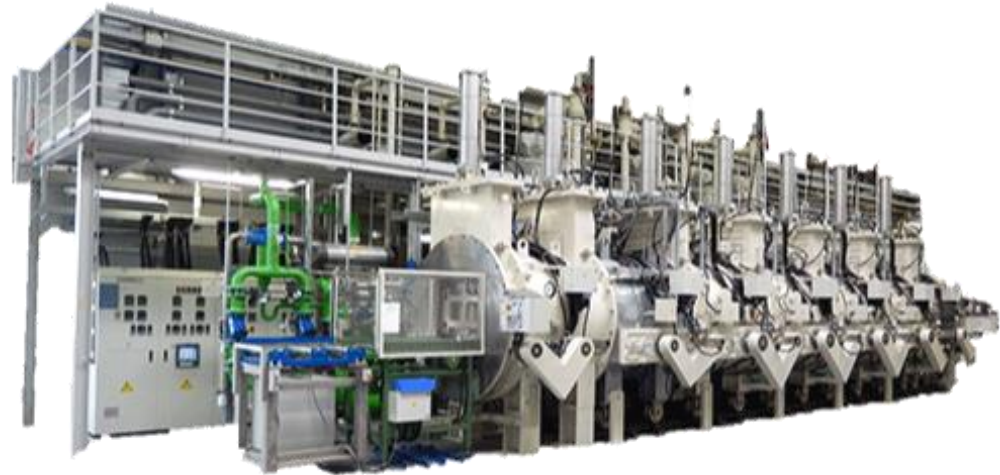
Equipment Specifications

Maximum Temp: 1200C
Power: 900kW
Loading Capacity: 300kg

Overview

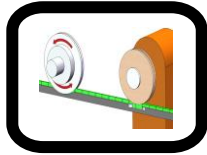
To increase the density and performance of the magnetic materials.

In a vacuum condition, the pressed blocks & cylinders are sintered into a denser material. These blocks and cylinders are exposed to temperatures of approximately 1150C. This process is performed using argon in a closed, vacuum chamber to prevent oxidation, and the result is a magnetic block that exhibits better magnetic properties.





Machining /
Fabrication



Machining & Fabrication



Multi-Wire Cutting Machine DX2260

Equipment Specifications

Max. Work Size: 220mm x 600mm x 160mm

Steel Wire Diameter: 0.10mm – 0.18mm

Power: 65kW

Overview

To cut, grind, and shape permanent magnet materials to customer specifications.

This cutting process results in high accuracy in large volumes, and effectively reduces the scrap rate and improves overall output. This equipment is highly automated and allows 1 operator to operate several machines at a time.



Grain Boundary Diffusion (GBD)

PVD Equipment TS1400CJLW

Equipment Specifications

Maximum Capacity: 100kg

Power: 300kW

Ultimate Vacuum: 0.002 Pa

Overview

To infuse Dy or Tb to the surface of a magnet via PVD

During the PVD process, the process is completed in a closed chamber. Heavy Rare Earths of Dy and TB are layered into the surface of the magnetic materials via PVD for 24-36 hours. The result is a magnetic material that has a rich layer of Dy and Tb within its surface, and now prepared for the next step of the process, Heat Treatment.





Heat Treatment

Diffusion Furnace FHB-60C

Equipment Specifications

Maximum Temp: 1,350C

Power: 150kW

Ultimate Vacuum: 0.002 Pa

Loading Capacity: 500kg

Overview

To diffuse the PVD layered material into the magnet

Heat Treatment is the second step in the diffusion process. Heavy Rare Earth materials deposited on the surface of the magnets using PVD are diffused further into the magnets during Heat Treatment. The furnace operates in a closed state. This process improves the performance of the magnet, which are best suited for high heat applications such as electric vehicles and high-performance motors.





Coating



Coating

Nickel Plating Line



Overview

To apply a layer of nickel-copper-nickel, or zinc, over a magnet to ensure no oxidation in, or on, the magnet.

The coating process uses a series of electrically charged baths of fluids to coat a magnet. This process involves ultra-sonic washing stations, chemical baths, rinsing stations, drying stations, and quality control checks. The process is semi-automated and requires the precise use of electricity and time to ensure the proper coating and thickness are applied.

Tab 8
Statement of
Compliance filed
with the original zone
change application
with all applicable
Goals of the 2040
Plan and Variance
Justification

BARDENWERPER, TALBOTT & ROBERTS, PLLC

ATTORNEYS AT LAW

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STATEMENT OF COMPLIANCE WITH ALL APPLICABLE GOALS, OBJECTIVES AND POLICIES OF THE “PLAN 2040” COMPREHENSIVE PLAN

Applicant: Quadrant International, Inc.

Owners: HOSTS Development, LLC

Location: Block 39, Lot 551 (No address per PVA and LOJIC)

Proposed Use: Magnet Manufacturing

Request: Zone change from PEC to M-3

Engineers, Land Planners, Landscape
Architects: Mindel Scott & Associates

INTRODUCTION

The manufacturing plant that is the subject of this application is proposed by a San Diego-headquartered company whose owner resides in San Diego but is currently a Chinese National. They have global operations in the US, Europe, China, Vietnam, and Australia, however, the company already has a major engineering, logistics, and sales presence within the Blankenbaker Station business park. A direct foreign investment decision has been made to build a permanent magnet manufacturing plant in the US and to do so in Louisville, if exactly here in conjunction with the zone change requested. Otherwise the plant may be built outside of Kentucky.

Rare Earth Permanent Magnets, as proposed to be manufactured next to Quadrant’s existing engineering, design, sales and fulfillment facility, are key components in a large variety of products – including consumer electronics, advanced motors, electronic vehicles, medical devices, and renewable energy. The current supply change for finished magnets and the manufacturing process has been controlled by China for the past 20+ years. This dominance by the Chinese can cause disruption with product manufacturers worldwide without the assurance that a US manufacturer can meet the production and supply of these key components essential to fully build, assemble and timely deliver products to US and global customers.

Also, skilled manufacturing and quality control jobs, like those promised at this facility, are a principal objective of any economic development effort of all cities and states, especially in Kentucky and in Louisville. Thus, the economic and innovation value of constructing a plant like this, at this time, is obvious and indisputable.

Although not fully designed yet, the manufacturing plant will conform to the design standards of Louisville’s present day Land Development Code (LDC). Moreover, the Hollenbach-Oakley

design standards for Blankenbaker Station Business Park independently mandate a high level of impact mitigation plus site and building design.

The Blankenbaker Station Business Park area is also a prime growth area for development because of these principal factors: (a) the availability of sanitary sewers which MSD spent major taxpayer money to accommodate environmentally positive growth; (b) the presence of significant and growing industrial site activity; (c) the location near major arterials in close proximity to an interstate highway system which moves traffic to and from this major employment center; and (d) the close proximity to residential communities, thereby making employee commuting distances and times relatively short and appealing.

PLAN ELEMENT 4.1: COMMUNITY FORM

This “Application Package” complies with Plan Element 4.1, its 5 Goals and their Objectives plus the following Policies.

As to Goal 1, Policies 2, 2.1, 3.1.10, 4, 6, 7, 8, 9 10, 11, 12, 14, 16, 17, 18, 19, 20, 21, 22 and 23, it complies as follows, in addition to the other ways set forth above and below:

The site is located in the Suburban Workplace Form District which is characterized by mostly industrial and office buildings which are set back from streets in a landscaped setting. These buildings are often large scale uses, significant in size, which this plan proposes. Public transportation is always desirable but not necessarily always fully available because of limited government funding. Here public transportation is available, although to a limited extent. Pedestrian and bicycle access to nearby retail is desired, and the infrastructure here has and will provide for it.

Land Development Code required size and height restrictions, interior and perimeter landscaping, minimum parking, maximum lighting and signage, and required setbacks will also be met.

Also, located as this proposed manufacturing plant is just a short drive in all directions from sizeable and ever-growing population centers, travel distances for workers are reduced, and walking and biking become very real possibilities, especially over time as sidewalk extensions are completed. This helps contribute to improved air quality.

Quality building components and a design compatible with other buildings in the Blankenbaker Station business park and surrounding area will assure compatibility with nearby workplace buildings, development sites and also remaining residentially occupied properties. Quality landscaping and effective screening and buffering also help assure context-appropriateness and design-compatibility for the larger area and proximate residential neighborhoods.

Partly as a consequence of what surrounds this proposal and the fact that this is a proposed industrial plant, much like its surrounding land uses, impacts such as traffic, odors, lighting, noise and aesthetic factors will not prove to be nuisance factors. After all, this area has been almost entirely built out as Suburban Workplace development. But to the extent that this manufacturing plant involves equipment and processes that raise any potentially objectionable noise, vibration, heat, odor and/or air quality issues, these plant-specific, potential nuisances will be mitigated. The manufacturing process is explained in the 8-step process attached to this Compliance Statement, and it and its related impact mitigation measures will be more fully explained at future public meetings and hearings, just as was done at the already held neighborhood meeting.

As to Goal 2, Policies 1, 2, 7 and 17, it complies as follows, in addition to the other ways set forth above and below:

As said, the proposed manufacturing plant will be located in a Suburban Workplace Form District and will adjoin already built Workplace facilities of a similar kind to this one. As such and with good and improving pedestrian and vehicular access inside the Blankenbaker Station business park and also along Blankenbaker and Bluegrass Parkways, Plantside Drive and other area streets, there already exist convenient vehicular, bicycle and pedestrian connections to other like-kind developments, commercial establishments and nearby residential neighborhoods. Indeed the proposed manufacturing plant is part of a large mixed use activity center that extends from Middletown south down Blankenbaker Parkway to Jeffersontown, west along Shelbyville Road and I-64 to Hurstbourne, St. Matthews and downtown Louisville, and east to Middletown, Frankfort and Lexington. Thus, it will access the mix of diverse residential communities nearby that provide a workforce. Plus this plant will have easy access to Louisville's interstate highway system, which leads to and from the UPS Worldport facility and is within a day's drive of a significant portion of the United States.

This location adds to the opportunities existing and planned in this high growth area to work in close and convenient proximity to places of residence, food and shopping within easy driving distances in all directions along I-64 and the Snyder Freeway.

As to Goal 3, Policies 3, 6 and 9, it complies as follows, in addition to the other ways set forth above and below:

The detailed district development plan (DDDP) filed with the rezoning application for this proposed manufacturing plant includes an outdoor community space for workers to congregate.

As to Goal 4, the applicant/developer submits that no historic structures exist on this site.

As to Goal 5, the proposed manufacturing plant is not of the kind intended nor public enough to include an element of public art.

PLAN ELEMENT 4.2: MOBILITY

This Application Package complies with Plan Element 4.2, its 3 Goals and their Objectives plus the following Policies.

As to Goal 1, Policies 1, 2, 3, 4 and 6; Goal 2, Policies 1, 2, 3, 4, 5, 6, 7, 8 and 9; and Goal 3, Policies 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 14, 15, 17, 18, 19, 20 and 21, it complies as follows, in addition to the other ways set forth above and below:

This proposed industrial plant (located as it is within an existing and growing mixed use Suburban Workplace area proximate to other large facilities of this kind, with good access off both arterial and collector level streets and thereby well connected as it is proposed to be close to restaurants, retail shopping and other nearby residential developments and communities) is plainly part and parcel of good pedestrian, bicycle and road networks. Locating its development along and with access to and from those networks, Quadrant, at its cost, will assure the provision of sidewalks and to-be-determined frontage improvements. In doing so, it will prepare construction plans that will assure safe access with good site distances and turning radii.

Also, bike racks and handicapped parking spots will be installed as and where required near buildings. And all drive lanes, parking spaces and stub connections will be designed in accordance with Metro Public Works and Transportation Planning (MPW&TP) requirements. These are preliminarily depicted on the DDDP filed with this application.

Also an updated Traffic Impact Study (TIS) can be prepared and submitted as part of this application if determined to be needed by MPW&TP.

Existing TARC service is generally available in this area.

Further, all necessary utilities are located proximate to this site and accessible by it via public right of way or easements.

PLAN ELEMENT 4.3: COMMUNITY FACILITIES

This Application Package complies with Plan Element 4.3, its 3 Goals and their Objectives plus the following Policies.

As to Goal 2, Policies 1, 2 and 3, it complies as follows, in addition to the other ways set forth above and below:

The suburban cities of Jeffersontown and Middletown have assured that necessary community facilities are located nearby, including fire stations.

PLAN ELEMENT 4.4: ECONOMIC DEVELOPMENT

This Application Package complies with Plan Element 4.4, its 2 Goals and their Objectives, plus the following Policies.

As to Goal 1, Policies 1, 2, 4 and 5 and as to Goal 2, Policies 1 and 3, it complies as follows, in addition to the other ways set forth above and below:

As Louisville Metro's population continues to grow, so does demand for workplaces of all types. This proposed manufacturing plant is part of a Hollenbach-Oakley developer response to that demand, which largely results from the UPS Worldport facility at Louisville's central location along the I-64, I-65 and I-71 corridors. This particular plant promises increased opportunities for employment initially in the building trades and ultimately in the manufacturing business.

It also increases the Metro Louisville tax base essential to the provision of government services, especially important after the worst economic setback since the Great Depression which has resulted from the current COVID crisis. If Louisville and Kentucky are to fully economically rebound from this devastating occurrence, it will be because new growth opportunities are afforded like this one. That is why this Plan Element of the Comp Plan takes on such overriding significance at this point in Louisville's history.

PLAN ELEMENT 4.5: LIVABILITY

This Application Package complies with Plan Element 4.5, its 4 Goals and their Objectives plus the following Policies.

As to Goal 1, Policies 5, 7, 8, 10, 11, 12, 13, 15, 16, 23, 26, 27, 28, 30, 31, 32, 33 and 35; and Goal 4, Policies 1 and 2, it complies as follows, in addition to the other ways set forth above and below:

The DDDP filed with this application contemplates that storm water will be accommodated by way of detention either on-site or otherwise already constructed within the Blankenbaker Station business park. Sanitary sewer service is available at the nearby Floyds Fork regional wastewater treatment plant. It can be accessed via lateral extension to and from an existing nearby manhole.

Measures will also be taken during construction to assure that erosion and sediment impacts are fully controlled and/or mitigated.

As mentioned above, given the location of this proposed manufacturing plant in and near a large existing and expanding activity center, and nearby residential living opportunities, air quality impacts will be minimized because vehicle miles travelled are reduced.

PLAN ELEMENT 4.6: HOUSING

This Application Package complies with Plan Element 4.6, its 3 Goals and their Objectives,

As to these Goals, Objectives and Policies generally, while they don't specifically address developments of this kind, this manufacturing plant proposal nevertheless complies in that it will bring additional high-quality workplace opportunities to Greater Louisville and this area so as to assure more good jobs proximate to where people live.

* * *

For all of the above-stated reasons, those shown on the detailed district development plan and those explained at the LD&T meeting and Planning Commission public hearing, this application complies with all other applicable Goals, Objectives and Policies of the "Plan 2040" Comprehensive Plan.

Respectfully submitted,

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

Variance Justification:

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

Variance of: Section 5.3.4.d.4.a to allow the proposed building height to exceed the 50' height allowed to a 67' maximum building height.

1. The variance will not adversely affect the public health, safety or welfare because this is an aesthetic code requirement. Further, the building has been set back an additional 20' from the required front yard setback such that, according to the Suburban Form District guidelines, an additional 4' of height is arguably allowed per 1' of additional setback. Therefore, the 67' height would be conceptually be permitted with an additional 5' of front yard setback. As a result of the attempt to comply with the intent of LDC 5.2.4.d.4.a., there will not be any adverse effects on the public health, safety, or welfare, particularly because there is no evidence that the extra height will cause any traffic or other safety problems. Further, the site is in the Blankenbaker Station II development and thus subject to the strict covenants, conditions, and restrictions for all properties within the development. The building will meet the same standards the other properties owners expect for buildings within the development.
2. The variance will not alter the essential character of the general vicinity this is an aesthetic code requirement and, as said, the property is subject to the Blankenbaker Station II covenants, conditions and restrictions prepared and recorded to ensure all properties in the development meet certain design standards.
3. The variance will not cause a hazard or a nuisance to the public because this is an aesthetic code requirement and the proposed building height is similar to other buildings in the business park.
4. The variance will not allow an unreasonable circumvention of the requirements of the zoning regulations because this is an aesthetic code requirement. Further, the additional setback being provided is anticipated to allow additional building height, and because the building will be in compliance with the Blankenbaker Station II CCRs.

Additional consideration:

1. The Variance arises from special circumstances, which do not generally apply to land in the general vicinity because building height is already governed by private deed restrictions, which does not apply to all properties in this area of town.
2. Strict application of the provisions of the regulation would deprive the applicant of the reasonable use of the land or would create unnecessary hardship because this is an aesthetic code requirement, which is already regulated by private restrictions.
3. The circumstances are not the result of actions of the applicant taken subsequent to the adoption of the regulation, but rather are a result of a constrained site for the proposed use.

Tab 9
Proposed findings
of fact pertaining to
compliance with
the 2040 Plan and
Variance criteria

BARDENWERPER, TALBOTT & ROBERTS, PLLC

ATTORNEYS AT LAW

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PROPOSED FINDINGS OF FACT REGARDING COMPLIANCE WITH ALL APPLICABLE GOALS, OBJECTIVES AND POLICIES OF 2040 PLAN

<u>Applicant:</u>	Quadrant International, Inc.
<u>Owners:</u>	HOSTS Development, LLC
<u>Location:</u>	Block 39, Lot 551 (No address per PVA and LOJIC)
<u>Proposed Use:</u>	Magnet Manufacturing
<u>Request:</u>	Zone change from PEC to M-3
<u>Engineers, Land Planners, Landscape Architects:</u>	Mindel Scott & Associates

The Louisville Metro Planning Commission, having heard testimony before its Land Development & Transportation Committee, in the Public Hearing held on November 4, 2021 and having reviewed evidence presented by the applicant and the staff's analysis of the application, make the following findings:

INTRODUCTION

WHEREAS, the manufacturing plant that is the subject of this application is proposed by a San Diego-headquartered, Chinese owned company, which has global operations in the US, Europe, China, Vietnam, and Australia and has a major engineering, logistics, and sales presence within the Blankenbaker Station business park;

WHEREAS, this proposal involves a direct foreign investment to build a permanent magnet manufacturing plant in the US, specifically in Louisville;

WHEREAS, Rare Earth Permanent Magnets, as proposed to be manufactured next to Quadrant's existing engineering, design, sales and fulfillment facility, are key components in a large variety of products – including consumer electronics, advanced motors, electronic vehicles, medical devices, and renewable energy; the current supply chain for finished magnets and the manufacturing process has been controlled by China for the past 20+ years; this dominance by the Chinese can cause disruption with product manufacturers worldwide without the assurance that a US manufacturer can meet the production and supply of these key components essential to fully build, assemble and timely deliver products to US and global customers; and

WHEREAS, skilled manufacturing and quality control jobs, like those promised at this facility, are a principal objective of any economic development effort of all cities and states, especially in

Kentucky and in Louisville; and thus, the economic and innovation value of constructing a plant like this, at this time, is obvious and indisputable; and

WHEREAS, although not fully designed yet, the manufacturing plant will conform to the design standards of Louisville’s present day Land Development Code (LDC); and the Hollenbach-Oakley design standards for Blankenbaker Station Business Park independently mandate a high level of impact mitigation plus site and building design; and

WHEREAS, the Blankenbaker Station Business Park area is also a prime growth area for development because of these principal factors: (a) the availability of sanitary sewers which MSD spent major taxpayer money to accommodate environmentally positive growth; (b) the presence of significant and growing industrial site activity; (c) the location near major arterials in close proximity to an interstate highway system which moves traffic to and from this major employment center; and (d) the close proximity to residential communities, thereby making employee commuting distances and times relatively short and appealing; and

PLAN ELEMENT 4.1: COMMUNITY FORM

This “Application Package” complies with Plan Element 4.1, its 5 Goals and their Objectives plus the following Policies:

As to Goal 1, Policies 2, 2.1, 3.1.10, 4, 6, 7, 8, 9 10, 11, 12, 14, 16, 17, 18, 19, 20, 21, 22 and 23, it complies as follows, in addition to the other ways set forth above and below:

WHEREAS, the site is located in the Suburban Workplace Form District which is characterized by mostly industrial and office buildings which are set back from streets in a landscaped setting; these buildings are often large scale uses, significant in size, which this plan proposes; public transportation is always desirable but not necessarily always fully available because of limited government funding; here public transportation is available, although to a limited extent; and pedestrian and bicycle access to nearby retail is desired, and the infrastructure here has and will provide for it; and

WHEREAS, Land Development Code required size and height restrictions, interior and perimeter landscaping, minimum parking, maximum lighting and signage, and required setbacks will also be met; and

WHEREAS, located as this proposed manufacturing plant is just a short drive in all directions from sizeable and ever-growing population centers, travel distances for workers are reduced, and walking and biking become very real possibilities, especially over time as sidewalk extensions are completed; this helps contribute to improved air quality; and

WHEREAS, quality building components and a design compatible with other buildings in the Blankenbaker Station business park and surrounding area will assure compatibility with nearby workplace buildings, development sites and also remaining residentially occupied properties; quality landscaping and effective screening and buffering also help assure context-appropriateness and design-compatibility for the larger area and proximate residential neighborhoods; and

WHEREAS, partly as a consequence of what surrounds this proposal and the fact that this is a proposed industrial plant, much like its surrounding land uses, impacts such as traffic, odors, lighting, noise and aesthetic factors will not prove to be nuisance factors; after all, this area has been almost entirely built out as Suburban Workplace development; but to the extent that this manufacturing plant involves equipment and processes that raise any potentially objectionable noise, vibration, heat, odor and/or air quality issues, these plant-specific, potential nuisances will be mitigated, as the manufacturing process was explained in the 8-step process presented in the PowerPoint at the public hearing; and

As to Goal 2, Policies 1, 2, 7 and 17, it complies as follows, in addition to the other ways set forth above and below:

WHEREAS, the proposed manufacturing plant will be located in a Suburban Workplace Form District and will adjoin already built Workplace facilities of a similar kind to this one; as such and with good and improving pedestrian and vehicular access inside the Blankenbaker Station business park and also along Blankenbaker and Bluegrass Parkways, Plantside Drive and other area streets, there already exist convenient vehicular, bicycle and pedestrian connections to other like-kind developments, commercial establishments and nearby residential neighborhoods; indeed the proposed manufacturing plant is part of a large mixed use activity center that extends from Middletown south down Blankenbaker Parkway to Jeffersontown, west along Shelbyville Road and I-64 to Hurstbourne, St. Matthews and downtown Louisville, and east to Middletown, Frankfort and Lexington; thus, it will access the mix of diverse residential communities nearby that provide a workforce; plus this plant will have easy access to Louisville's interstate highway system, which leads to and from the UPS Worldport facility and is within a day's drive of a significant portion of the United States; and

WHEREAS, this location adds to the opportunities existing and planned in this high growth area to work in close and convenient proximity to places of residence, food and shopping within easy driving distances in all directions along I-64 and the Snyder Freeway; and

As to Goal 3, Policies 3, 6 and 9, it complies as follows, in addition to the other ways set forth above and below:

WHEREAS, the detailed district development plan (DDDP) filed with the rezoning application for this proposed manufacturing plant includes an outdoor community space for workers to congregate; and

As to Goal 4, the applicant/developer submits that no historic structures exist on this site; and

As to Goal 5, the proposed manufacturing plant is not of the kind intended nor public enough to include an element of public art; and

PLAN ELEMENT 4.2: MOBILITY

This Application Package complies with Plan Element 4.2, its 3 Goals and their Objectives plus the following Policies:

As to Goal 1, Policies 1, 2, 3, 4 and 6; Goal 2, Policies 1, 2, 3, 4, 5, 6, 7, 8 and 9; and Goal 3, Policies 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 14, 15, 17, 18, 19, 20 and 21, it complies as follows, in addition to the other ways set forth above and below:

WHEREAS, this proposed industrial plant (located as it is within an existing and growing mixed use Suburban Workplace area proximate to other large facilities of this kind, with good access off both arterial and collector level streets and thereby well connected as it is proposed to be close to restaurants, retail shopping and other nearby residential developments and communities) is plainly part and parcel of good pedestrian, bicycle and road networks; locating its development along and with access to and from those networks, Quadrant, at its cost, will assure the provision of sidewalks; and in doing so, it will prepare construction plans that will assure safe access with good site distances and turning radii; and

WHEREAS, bike racks and handicapped parking spots will be installed as and where required near buildings; and all drive lanes, parking spaces and stub connections will be designed in accordance with Metro Public Works and Transportation Planning (MPW&TP) requirements; and these are preliminarily depicted on the DDDP filed with this application; and

WHEREAS, all of the traffic and transportation studies and improvements anticipated for Blankenbaker Station II were conducted and made at earlier stages of review and development of this larger project; and

WHEREAS, existing TARC service is generally available in this area; and

WHEREAS, further, all necessary utilities are located proximate to this site and accessible by it via public right of way or easements; and

WHEREAS, Schutte Station Road is required to be built through this site to service other properties, including a future one that the applicant's representatives explained at the public hearing; and, as a consequence, Schutte Station Road will extend across an existing stream and

through existing open space, which was contemplated at the time the DDDP was approved in Docket No. 15ZONE1028; and

PLAN ELEMENT 4.3: COMMUNITY FACILITIES

This Application Package complies with Plan Element 4.3, its 3 Goals and their Objectives plus the following Policies:

As to Goal 2, Policies 1, 2 and 3, it complies as follows, in addition to the other ways set forth above and below:

WHEREAS, the suburban cities of Jeffersontown and Middletown have assured that necessary community facilities are located nearby, including fire stations; and

PLAN ELEMENT 4.4: ECONOMIC DEVELOPMENT

This Application Package complies with Plan Element 4.4, its 2 Goals and their Objectives, plus the following Policies:

As to Goal 1, Policies 1, 2, 4 and 5 and as to Goal 2, Policies 1 and 3, it complies as follows, in addition to the other ways set forth above and below:

WHEREAS, as Louisville Metro's population continues to grow, so does demand for workplaces of all types; this proposed manufacturing plant is part of a Hollenbach-Oakley developer response to that demand, which largely results from the UPS Worldport facility at Louisville's central location along the I-64, I-65 and I-71 corridors; this particular plant promises increased opportunities for employment initially in the building trades and ultimately in the manufacturing business; and

WHEREAS, it also increases the Metro Louisville tax base essential to the provision of government services; and

PLAN ELEMENT 4.5: LIVABILITY

This Application Package complies with Plan Element 4.5, its 4 Goals and their Objectives plus the following Policies:

As to Goal 1, Policies 5, 7, 8, 10, 11, 12, 13, 15, 16, 23, 26, 27, 28, 30, 31, 32, 33 and 35; and Goal 4, Policies 1 and 2, it complies as follows, in addition to the other ways set forth above and below:

WHEREAS, the DDDP filed with this application contemplates that storm water will be accommodated by way of detention either on-site or otherwise already constructed within the Blankenbaker Station business park; sanitary sewer service is available at the nearby Floyds Fork regional wastewater treatment plant; and it can be accessed via lateral extension to and from an existing nearby manhole; and

WHEREAS, measures will also be taken during construction to assure that erosion and sediment impacts are fully controlled and/or mitigated; and

WHEREAS, as mentioned above, given the location of this proposed manufacturing plant in and near a large existing and expanding activity center, and nearby residential living opportunities, air quality impacts will be minimized because vehicle miles travelled are reduced; and

PLAN ELEMENT 4.6: HOUSING

This Application Package complies with Plan Element 4.6, its 3 Goals and their Objectives:

WHEREAS, as to these Goals, Objectives and Policies generally, while they don't specifically address developments of this kind, this manufacturing plant proposal nevertheless complies in that it will bring additional high-quality workplace opportunities to Greater Louisville and this area so as to assure more good jobs proximate to where people live; 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 Goals, Objectives and Policies of Plan 2040;

NOW, THEREFORE, the Louisville Metro Planning Commission hereby recommends to the Louisville Metro Council that it rezone the subject property from PEC to M-3 and approves the Detailed District Development Plan.

Variance Findings of Fact

Variance of Section 5.3.4.d.4.a to allow the proposed building height to exceed the 50' height allowed to a 67' maximum building height.

WHEREAS, the variance will not adversely affect the public health, safety or welfare because this is an aesthetic code requirement; the building has been set back an additional 20' from the required front yard setback such that, according to the Suburban Form District guidelines, an additional 4' of height is arguably allowed per 1' of additional setback; therefore, the 67' height would be conceptually be permitted with an additional 5' of front yard setback; as a result of the attempt to comply with the intent of LDC 5.2.4.d.4.a., there will not be any adverse effects on the public health, safety, or welfare, particularly because there is no evidence that the extra height will cause any traffic or other safety problems; the site is in the Blankenbaker Station II development and thus subject to the strict covenants, conditions, and restrictions for all properties within the development; and the building will meet the same standards the other properties owners expect for buildings within the development; and

WHEREAS, the variance will not alter the essential character of the general vicinity this is an aesthetic code requirement and, as said, the property is subject to the Blankenbaker Station II covenants, conditions and restrictions prepared and recorded to ensure all properties in the development meet certain design standards; and

WHEREAS, the variance will not cause a hazard or a nuisance to the public because this is an aesthetic code requirement and the proposed building height is similar to other buildings in the business park; and

WHEREAS, the variance will not allow an unreasonable circumvention of the requirements of the zoning regulations because this is an aesthetic code requirement; the additional setback being provided is anticipated to allow additional building height, and because the building will be in compliance with the Blankenbaker Station II CCRs; and

WHEREAS, the Variance arises from special circumstances, which do not generally apply to land in the general vicinity because building height is already governed by private deed restrictions, which does not apply to all properties in this area of town; and

WHEREAS, strict application of the provisions of the regulation would deprive the applicant of the reasonable use of the land or would create unnecessary hardship because this is an aesthetic code requirement, which is already regulated by private restrictions; and

WHEREAS, the circumstances are not the result of actions of the applicant taken subsequent to the adoption of the regulation, but rather are a result of a constrained site for the proposed use; and

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