

PLANNING COMMISSION MINUTES
May 11, 2017

PUBLIC HEARING

CASE NUMBER 16ZONE1090

Request: Change in zoning from R-4 to PEC on approximately 14.93 acres
Project Name: Blankenbaker Land Aquisition
Location: Tucker Station Road TB 3672 LOT 1 (Southeast and approximately 1,000 feet from the intersection of Tucker Station Road and Lakefront Place, rear of lot only)
Owner: LRH Family, LLC.
Applicant: Hollenbach Oakley LLC
Representative: Mindel Scott and Assoc.;
Bardenwerper Talbott and Roberts PLLC.
Jurisdiction: Louisville Metro
Council District: 20-Stuart Benson
Case Manager: Julia Williams, RLA, AICP, Planning Supervisor

Notice of this public hearing appeared in **The Courier Journal**, a notice was posted on the property, and notices were sent by first class mail to those adjoining property owners whose names were supplied by the applicants.

The staff report prepared for this case was incorporated into the record. The Commissioners received this report in advance of the hearing, and this report was available to any interested party prior to the public hearing. (Staff report is part of the case file maintained in Planning and Design Services offices, 444 S. 5th Street.)

An audio/visual recording of the Planning Commission meeting related to this case is available on the Planning & Design Services website, or you may contact the Customer Service staff to view the recording or to obtain a copy.

Agency Testimony:

02:30:03 Julia Williams presented the case (see Staff Report and recording for detailed presentation).

The following spoke in favor of the request:

Bill Bardenwerper, 1000 N Hurstbourne Pkwy., Louisville, KY 40223
Steve Porter, 2406 Tucker Station Road, Louisville, KY 40299

Summary of testimony of those in favor:

02:33:50 Bill Bardenwerper spoke on behalf of the applicant who is requesting a change in zoning from R-4 to PEC and a district development plan. He showed a brief presentation.

02:37:45 Steve Porter spoke on behalf of the Tucker Station Neighborhood Association and stated they support the project.

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02:38:08 Commissioners' deliberation

02:39:33 On a motion by Commissioner Brown, seconded by Vice Chair Lewis, the following resolution was adopted:

GUIDELINE 1: COMMUNITY FORM

WHEREAS, the Louisville Metro Planning Commission finds that the application complies with the applicable Intents and Policies of the Suburban Workplace Form District as this is a very small addition to the currently existing Blankenbaker Station Business Park that is already zoned PEC; Guideline 1 says that Suburban Workplace is a form characterized by predominantly industrial and office uses where buildings are set back from the street in a landscaped setting; Suburban Workplaces also often contain a cluster of uses within a master planned development, of which this would be a small addition, predominantly for additional open space purposes, and

GUIDELINE 2: CENTERS

WHEREAS, the Commission further finds that the application complies with the applicable Intents and Policies 1, 2, 4, 5, 8, 11, 12, and 13 of this Guideline because Guideline 2 is intended to promote the 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, to provide an opportunity for a mixture of different land uses, to provide an opportunity for a marketplace that includes a diversity of goods and services, to encourage vitality and a sense of place, and to avoid individual or isolated commercial uses from developing along streets and noncommercial areas, and

WHEREAS, the Commission further finds that the intents of this Guideline 2 are fully met because the proposed open space amenity addition and lake, as well as the additional land added to individual lots, will provide additional common area and amenity without increasing the number of businesses or the intensity of the development; this open space area will also provide an additional buffer to the neighboring residentially zoned land; and this rezoning will not result in additional utility demand or traffic pollution, and

GUIDELINE 3: COMPATIBILITY

WHEREAS, the Commission further finds that the application complies with the applicable Intents and Policies 1, 4, 5, 6, 7, 8, 9, 17, 21, and 22 of this Guideline because the intent of this Guideline 3 is to allow a mixture of land uses and densities

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near each other as long as they are compatible to each other, to prohibit the location of sensitive land uses where accepted standards for noise, lighting, odors or similar nuisances are violated or visual quality is significantly diminished, and to preserve the character of existing neighborhoods, and

WHEREAS, the Commission further finds that Blankenbaker Stations I - IV have covenants, conditions and restrictions (“CCRs”), plus specific binding elements agreed to with the Planning Commission, to assure quality development that has few, if any, negative impacts on nearby residential developments; and the proposed rezoning property will be annexed into the CCRs and deed restricted in the same manner as the rest of the Business Park, and

WHEREAS, the Commission further finds that Policy 4 of Guideline 3 addresses the issue of non-residential expansion into existing residential areas; this is appropriate when an applicant can demonstrate that adverse impacts of uses will be mitigated which is the case with additional open space through the lake, added as a common amenity; Policies 5, 6, 7, 8 and 9 of this Guideline 3 mention some of those possible adverse consequences, notably odor and air quality emission, traffic, noise, lighting and visual impacts, none of which apply here, and

WHEREAS, the Commission further finds that with no detailed district development plan submitted, only a general plan, any proposal in the future would have to go through a detailed district development plan review to address compatibility, if it should ever occur, and

GUIDELINES 4 AND 5 – OPEN SPACE AND NATURAL AREAS/SCENIC AND HISTORIC RESOURCES

WHEREAS, the Commission further finds that the proposed rezoning conforms with the overall intent of and specifically with applicable Policies 1, 2, 3, 4, 5, 6 & 7 of Guideline 4 and with the intent of Guideline 5 for all the reasons described above and because it will feature an open space lake added to the Blankenbaker Station Business Park; the proposal will also provide an additional buffer to the residentially zoned property adjoining it; maintenance of landscaping, natural and open space areas will be done by professionals and contracted for business park association; this maintenance arrangement will result in a higher and more consistent level of maintenance of this property; and no portion of the subject property has been designated as a natural, historic or scenic preservation site, and

GUIDELINE 6: ECONOMIC GROWTH AND SUSTAINABILITY

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WHEREAS, the Commission further finds that the application complies with the applicable Intents and Policies 1 and 9, of this Guideline because the intents of this Guideline are to insure the availability of necessary usable land to facilitate commercial, industrial and residential development, to reduce public and private cost for land development, to insure that regional scale workplaces and industrial uses have access to people, goods and services and appropriate locations needed for them to conduct their business, and

WHEREAS, the Commission further finds that this application fully addresses the intents of this Guideline because it is very important for the Blankenbaker Station Business Park's ability to grow to add additional common area open space to help attract tenants and purchasers; the overall Blankenbaker Crossing/Blankenbaker Station developments, plus the older Bluegrass Industrial Park located adjacent to these business parks, is generally considered to be one of the largest overall industrial/business parks in the United States, if not the world; it is an area to which businesses already located in Louisville and wishing to expand, and those coming to Louisville, have gravitated and continue to gravitate; and they have good transportation access, and they are proximate to the locations where people desire to live, and

**GUIDELINES 7, 8 AND 9: CIRCULATION; TRANSPORTATION FACILITY DESIGN;
AND BICYCLE, PEDESTRIAN AND TRANSIT**

WHEREAS, the Commission further finds that the application complies with the applicable Intents and Policies of this Guideline because these Guidelines are intended to provide for safe and proper functioning of street networks to insure that new developments do not exceed the carrying capacity of streets, to assure that internal and external circulations provide for safe and efficient travel movements for all types of transportation, to address congestion and air quality issues, and to assure opportunities for transit and non-motorized methods of travel; because there is no proposed development or detailed district development plan, the property would simply be added as a common area open space, with a portion added to existing lots with no new development thereon; and as such, there are no impacts references in these Guidelines to be mitigated and all Policies are fully complied with, and

**GUIDELINES 10, 11, & 12: FLOODING AND STORMWATER, WATER QUALITY
AND AIR QUALITY**

WHEREAS, the Commission further finds that the Intents and Policies of these Guidelines are to address specifically the titles of these Guidelines; the property being rezoned and added to the business park will include a lake which will be maintained by the business association and may serve and help with detention, and

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WHEREAS, the Commission further finds that the policies of Guideline 11 pertaining to water quality are addressed in this community through storm water management and through the temporary construction arrangements of erosion and sediment and control basins, and there is no development on the property planned, and

WHEREAS, the Commission further finds that the Policies of Guideline 12 largely relate to commuting distances and use of alternative modes of transportation, all of which would be addressed when a detailed district development plan is proposed in the future, if ever, and

GUIDELINE 13: LANDSCAPE CHARACTER

WHEREAS, the Commission further finds that the intent and Policies of this Guideline 13 are to locate landscaping throughout any new development, whether it be via tree preservation, following the specifics of the tree canopy regulation, or to use new plantings to screen and buffer uses, one from the other; and this property being rezoned already contains an existing lake that will be enhanced and property maintained by the business association in the future improving the appearance thereof, and

GUIDELINES 14 & 15: INFRASTRUCTURE & COMMUNITY FACILITIES

WHEREAS, the Commission further finds that these Guidelines are intended to assure that adequate infrastructure and other community facilities exist to support proposed rezoning; and if a development is proposed on this property in the future, these impacts will be fully addressed then, but none are planned currently, and

WHEREAS, the Commission further finds that, based on the staff report, the applicant's findings of fact, and the evidence and testimony presented today, that all of the applicable guidelines of Cornerstone 2020 are being met; now, therefore be it

RESOLVED, the Louisville Metro Planning Commission does hereby **RECOMMEND** to the Louisville Metro Council that the change in zoning from R-4 to PEC be **APPROVED**.

The vote was as follows:

Yes: Carlson, Lewis, Brown, Tomes, Peterson, Howard, and Jarboe

Absent: Smith and Ferguson

Abstain: None

No: None

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02:40:22 On a motion by Commissioner Brown, seconded by Commissioner Peterson, the following resolution was adopted:

WHEREAS, the Louisville Metro Planning Commission finds that there do not appear to be any environmental constraints or historic resources on the subject site that will be disturbed, and

WHEREAS, the Commission further finds that provisions for safe and efficient vehicular and pedestrian transportation within and around the development and the community will be provided upon development, and Metro Public Works has approved the preliminary development plan, and

WHEREAS, the Commission further finds that there are no open space requirements pertinent to the current proposal, and

WHEREAS, the Commission further finds that the Metropolitan Sewer District has approved the preliminary development plan and will ensure the provision of adequate drainage facilities on the subject site in order to prevent drainage problems from occurring on the subject site or within the community, and

WHEREAS, the Commission further finds that the overall site design and land uses are compatible with the existing and future development of the area. All required setbacks are being met, and

WHEREAS, the Commission further finds that the development plan conforms to applicable guidelines and policies of the Comprehensive Plan and to requirements of the Land Development Code, and

WHEREAS, the Commission further finds that, based on the staff report and the evidence and testimony presented today, that all of the applicable guidelines of Cornerstone 2020 are being met; now, therefore be it

RESOLVED, the Louisville Metro Planning Commission does hereby **APPROVE** the district development plan, **SUBJECT** to the following binding elements:

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

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Planning Commission or the Planning Commission's designee for review and approval; any changes/additions/alterations not so referred shall not be valid.

2. No outdoor advertising signs, small freestanding signs, pennants, balloons, or banners shall be permitted on the site.
3. Construction fencing shall be erected when off-site trees or tree canopy exists within 3' of a common property line. Fencing shall be in place prior to any grading or construction to protect the existing root systems from compaction. The fencing shall enclose the entire area beneath the tree canopy and shall remain in place until all construction is completed. No parking, material storage or construction activities are permitted within the protected area.
4. Before any permit (including but not limited to building, parking lot, change of use, site disturbance, alteration permit) is requested:
 - a. The development plan must receive full construction approval from Develop Louisville, Louisville Metro Public Works and the Metropolitan Sewer District.
 - b. A minor subdivision plat or legal instrument shall be recorded creating the lot lines as shown on the development plan. A copy of the recorded instrument shall be submitted to the Division of Planning and Design Services prior to obtaining a building permit.
 - c. The property owner/developer must obtain approval of a detailed plan for screening (buffering/landscaping) as described in Chapter 10 prior to obtaining a building permit. Such plan shall be implemented prior to occupancy of the site and shall be maintained thereafter.
 - d. A Tree Preservation Plan in accordance with Chapter 10 of the LDC shall be reviewed and approved prior to obtaining approval for site disturbance.
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.

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6. Right of way for the extension of Schutte Station Place, if not already constructed as determined by Metro Public Works, shall be dedicated by the HOSTS Development within 60 days of the request from the Director of Public Works or at the time of the Developer's request for a major subdivision plat. Any property still under ownership by Holloway Family is not subject to this binding element.

The vote was as follows:

Yes: Carlson, Lewis, Brown, Tomes, Peterson, Howard, and Jarboe

Absent: Smith and Ferguson

Abstain: None

No: None