

Proposed Findings of Fact in Support of Approval

21-DDP-0055/21-RSUB-0011

Hurstbourne Station

7300 S. Hurstbourne Parkway

February 10, 2022

WHEREAS, The Louisville Metro Planning Commission's Land Development and Transportation Committee (LD&T Committee) finds the proposed Revised General District Development and Major Preliminary Subdivision Plan (together, the "Proposal") submitted for property located at 7300 S. Hurstbourne Parkway (the "Property") meets the required standards of review because the Proposal conforms to the applicable regulations of the Louisville Metro Land Development Code (LDC), in particular the standard of review applicable to amendments to plan certain development plans, as set forth in LDC Section 11.4.7.E.2, and is in agreement with Plan 2040, A Comprehensive Plan for Louisville Metro (Plan 2040) and, as further detailed in these Findings; and

WHEREAS, The LD&T Committee further finds the conservation of natural resources on the Property proposed for development, including: trees and other living vegetation, steep slopes, water courses, flood plains, soils, air quality, scenic views, and historic sites is adequate because there are no significant natural or cultural resources on the Property; provisions for tree canopy for the Property will be reviewed with each detailed development plan submitted hereafter; and

WHEREAS, The LD&T Committee finds the Proposal includes provisions for safe and efficient vehicular and pedestrian transportation both within the development and the community because the Proposal, as the Staff Report, dated February 10, 2022, finds, and as more detailed within these findings, meets the requirements of the LDC; and because a Memorandum authored by Diane Zimmerman, P.E., dated February 9, 2022, was submitted into the record for the Case Nos. 21-DDP-0055 and 21-RSUB-0011, wherein the Mrs. Zimmerman shares her expert opinion in support of the fact the Proposal does demonstrate a safe and efficient vehicular roadway plan has been provided for the 3 lots that are shown on the development plan 21-DDP-0055, revisions dated 12/27/2021; and

WHEREAS, The LD&T Committee acknowledges the LDC provides regulations – including various regulations specifically related to appropriate vehicular and pedestrian transportation infrastructure – to implement applicable goals, objectives, and policies of the adopted Comprehensive Plan; and whereas the intent of Chapter 6 of the LDC, entitled Mobility Standards, states in part that “the intent of this section is to manage vehicular access to land development, while preserving traffic flow in terms of safety, capacity and speed ... ; The site access approval procedures herein are intended to balance the right of reasonable access to private property with the right of the citizens of Louisville Metro to safe and efficient travel; These regulations are intended to implement the Comprehensive Plan's Goals, Objectives, and Policies related to Mobility;” and whereas the LD&T Committee finds the Proposal meets the applicable Mobility standards set forth in Chapter 6, including the

Access Management Design Manual in Appendix 6A of the LDC, because the Proposal dedicates land necessary as required by LDC 6.2.1; newly proposed streets within the Proposal will conform as closely as practicable to the Property's original topography and constructed with an acceptable grade as required by LDC 6.2.2 and 6.2.3, respectively; street intersections will be constructed in conformance with LDC 6.2.4; extension of streets (private and public) are properly aligned and coordinated, ingress and egress from new lots and new streets on the Proposal will be outfitted with the necessary amount of pavement width, and the Proposal is designed to ensure the existing public and private streets extend through the Property, as required by LDC 6.2.5; and the LD&T Committee acknowledges no Metro agency comment has been published expressing any issues with the Proposal compliance with the LDC's Mobility Standards, as adopted in LDC Chapter 6; and

WHEREAS, the Committee finds additional LDC regulations outside of its Chapter 6 Mobility Standards are applicable to the Proposal and, more specifically, LDC Chapter 5 Part 9 includes regulations setting forth pedestrian and vehicular standards including those standards for Suburban Form Districts, which, because the Property is located within a Suburban Workplace Form District, applies to the Property; and the LD&T Committee finds the Proposal complies with the applicable regulations set forth in LDC Chapter 5 Part 9 because the Proposal shows appropriate connectivity between properties that will allow traffic to safely access each lot without having to access either Fegenbush Lane or S. Hurstbourne Parkway and because the proposed internal roadway system encourages the separation of local traffic traveling to and from the lots from through traffic that would use the internal roadway system only to cut between Fegenbush Lane and S. Hurstbourne Parkway; pedestrian connections will be located throughout the subdivision, providing safe pedestrian access from adjacent Fegenbush Lane and S. Hurstbourne Parkway to the lots within Property; the non-residential lots within the Property will furnish vehicular and pedestrian circulation between each other (Lots 1 & 2 on the Proposal) and the same non-residential lots will also provide both pedestrian and vehicular connections to the residential lot (Lot 3 on the Proposal);

WHEREAS, the LD&T Committee also finds the Proposal complies with LDC Chapter 7 Part 3 – Standards of Design for Major Subdivisions – because the Proposal involves the creation of a new public right-of-way, which qualifies the Proposal, by definition, as a Major Subdivision, and that the proposed new lots and proposed new streets (public and private) will be served by an adequate street network because, as LDC 7.3.10 specifies, the combination of streets providing most direct means of access to Fegenbush Lane and to S. Hurstbourne Parkway (both arterial level streets) will have a minimum roadway widths of 18 feet of pavement; and because the Proposal is designed to ensure existing public and private streets which stub into the Property are extended through the Property to provide access to adjacent properties and or adjacent rights-of-way, which the combination of connecting streets, as reflected on the Proposal, accomplishes; and

WHEREAS, The LD&T Committee finds that at this particular time in the development of the Property, open space is not required in response to the Proposal, but that LDC requirements for sufficient open space will be evaluated for the Property along with the submittal of detailed development plans for each individual parcel subject to the Proposal; and

WHEREAS, The LD&T Committee further finds the provision of adequate drainage facilities will be furnished on the subject site in order to prevent drainage problems from occurring on the subject site or within the community because the Metropolitan Sewer District (MSD) will ensure the drainage infrastructure proposed for the Property is appropriately designed to meet MSD requirements, properly manage and release stormwater from the Property and that properties downstream and protected; the stormwater detention system on the site will be sufficiently sized to function so that post-development peak flows will not exceed pre-developed peak flows for the 2, 10, 25, and 100-year storms; said drainage infrastructure design must meet all MS4 water quality regulations and approved by MSD; to ensure the drainage infrastructure proposed for the site is constructed to standard, an MSD drainage bond will be required prior to construction plan approval; an Erosion Prevention and Sediment Control Plan utilizing best management practices as recommended by MSD will be implemented prior to commencing construction of the development to protect neighboring properties during construction; and

WHEREAS, The LD&T Committee finds the overall site design and land use or uses are compatible with the existing and projected future developments of the area because the Property is appropriately zoned for future development along major roadway corridors and in support of the large job centers located in the immediate area; and because detailed plans for each site will address the more specific LDC regulations for compliance with setbacks, parking, screening and landscaping particular to the respective development of each lot and each lot's relationship with adjoining properties; additionally, submittal of detailed plans for each site comprising the Property will demonstrate compliance with binding elements applicable to the Property via the encompassing general development plan; and although open space is not required by the LDC, generous amounts of greenspace will be established in building setback areas on each of the Lots, including within the parkway buffer area along S. Hurstbourne Pkwy; a tree preservation plan shall be provided to the Planning Commission's staff for approval prior to construction activities occurring on the site and landscape and tree canopy plans will be submitted for review and approval, per LDC Chapter 10, before issuance of building permits.

WHEREAS, The LD&T Committee also finds the Proposal to be in conformance with Plan 2040 and Land Development Code because the Property is located in the Suburban Workplace Form District, which is a form characterized by predominantly industrial and office uses where the buildings are set back from the street in a landscaped setting and where, in order to provide adequate transportation access in Suburban Workplaces, connected roads, public transportation and pedestrian facilities are encouraged, which the Proposal provides; and the Committee finds the Proposal remains consistent with the findings of fact originally adopted in support of the change in zoning of the Property, per 15zone1021, which reads, in part: "appropriate access to the site will occur via Hurstbourne and Fegenbush Lane; because the development will be flexible to accommodate a user of a large parcel or a cluster of smaller uses; because the proposal for PEC and C-1 zoning allows for a mix of compatible uses; because access is provided to all lots via internal roadway network as shown on the development plan; and because stub streets are provided for access to adjacent lots and multiple types of roadways are proposed within the site;" all of which,

despite being adopted in 2016, remain true today and in support of the applicant's current Proposal; the amended development and subdivision plans comprising the Proposal ensure proper functioning of internal circulation for vehicular and pedestrian traffic and creates appropriate access to the existing roadway system; submittal of detailed development plans for each Lot will detail how LDC required parking, landscaping, and tree canopy will be met, respectively;

WHEREAS, the Committee further finds that the Proposal conforms to all other applicable Goals, Objectives, Guidelines and Policies of Plan 2040; and

RESOLVED, that the LD&T Committee of the Louisville Metro Planning Commission does hereby **APPROVE** of Case Nos. 21-DDP-0055/21-RSUB-0011 based on the administrative record compiled for these Case Nos., testimony heard today and the applicant's finding of fact.