

# BARDENWERPER, TALBOTT & ROBERTS, PLLC

ATTORNEYS AT LAW

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

Applicant:

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Clarion Partners, LLC

Owner:

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Alesia G. Bishop, Randall K. George and  
Laura G. Band, Trustees under the George  
Children Irrevocable Trust dated December  
2, 1992

Location:

7830 National Turnpike

Proposed Form and Zoning

Districts and Use:

Form District Change from Suburban  
Neighborhood to Suburban Workplace and  
rezoning from C-1 to EZ-1 for use as a  
warehouse and light manufacturing facility

Engineers, Land Planners and

Landscape Architects:

Heritage Engineering, LLC

### INTRODUCTORY STATEMENT

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

### GUIDELINE 1: COMMUNITY FORM

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

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

### **GUIDELINE 2: CENTERS**

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

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

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

### **GUIDELINE 3: COMPATIBILITY**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

**GUIDELINE 10: STORMWATER MANAGEMENT**

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

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

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

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

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

**GUIDELINE 13: LANDSCAPE CHARACTER**

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

**GUIDELINE 14: INFRASTRUCTURE**

\* \* \* \* \*

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

Respectfully submitted,

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**General Waiver Justification:**

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

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

Explanation of Waiver:

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

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

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

4. Strict application of the provisions of the regulation would deprive the applicant of the reasonable use of the land or would create an unnecessary hardship on the applicant because it would be building a sidewalk connection that is probably unsafe, that neighbors doubtless do not want, and that, through discussions at pre-application conference, probably does not represent good land planning.

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**General Waiver Justification:**

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

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

Explanation of Waiver:

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

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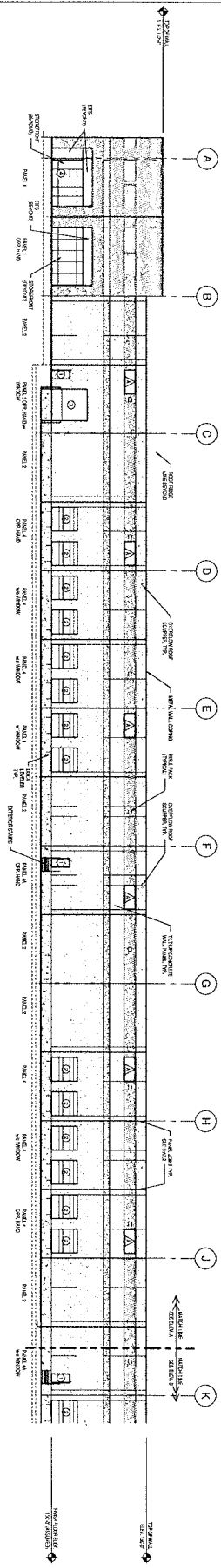
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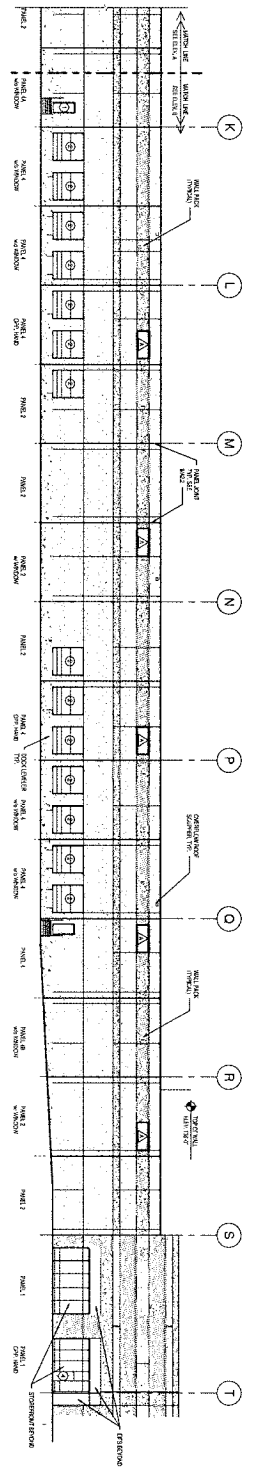
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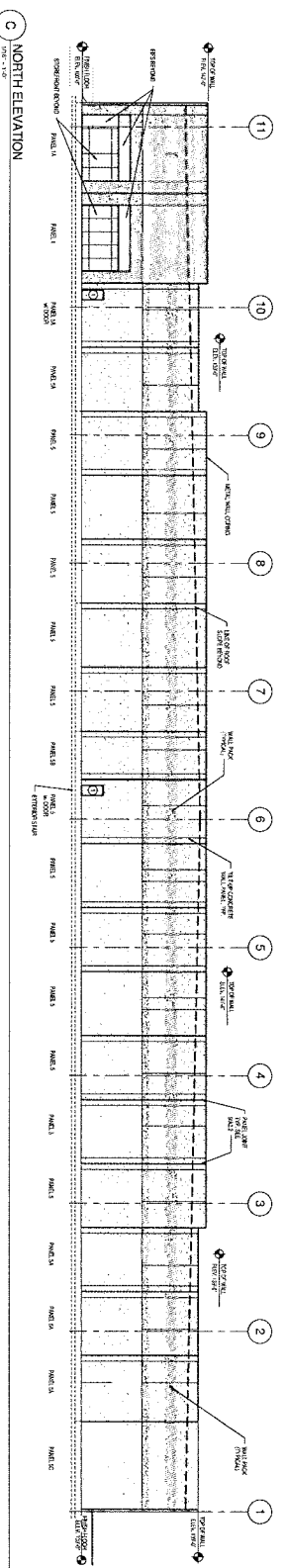
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A EAST ELEVATION



B EAST ELEVATION - CONTINUED



C NORTH ELEVATION

LOUISVILLE INDUSTRIAL  
CENTER BUILDING "W"  
LOUISVILLE, KY

EAST AND NORTH BUILDING  
ELEVATIONS

**Sherman-Carter-Barnhart**  
ARCHITECTURE - INTERIORS - LANDSCAPE ARCHITECTURE - ENGINEERING  
NO MILW CREEK ROAD SUITE 131 - LOUISVILLE, KY 40207 - PHONE: 502.721.6100 - FAX: 502.721.6111

DATE	1/15/15
SCALE	AS SHOWN
CHECKED	NLS
DESIGNED	NLS
CONTRIBUTOR	LS&D
DATE	1/15/15
PROJECT NO.	15Z.0NE.1004

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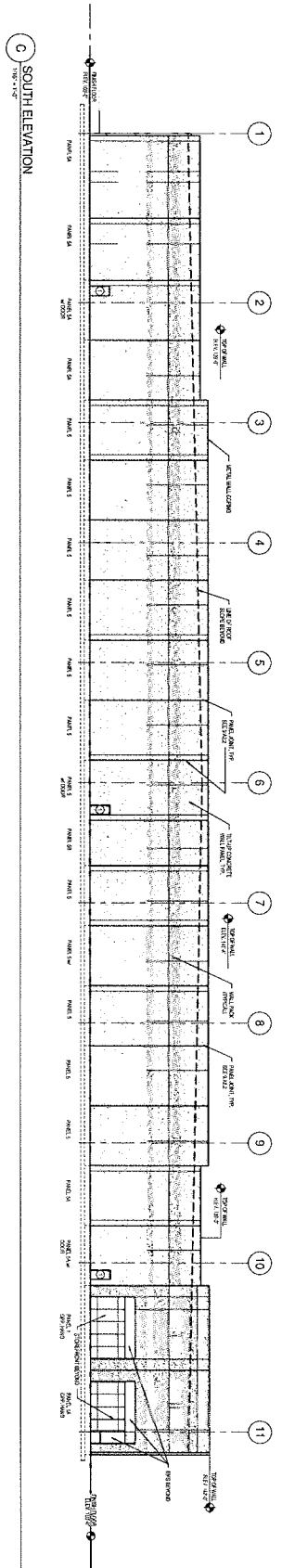
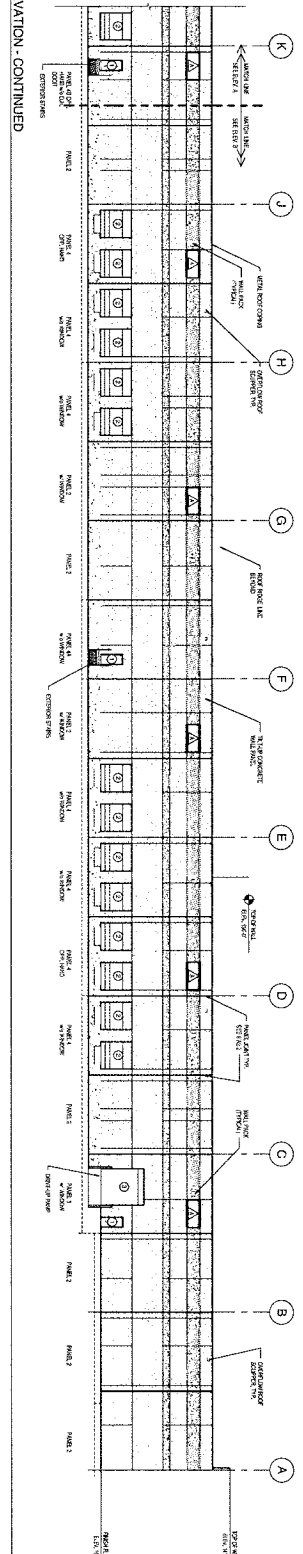
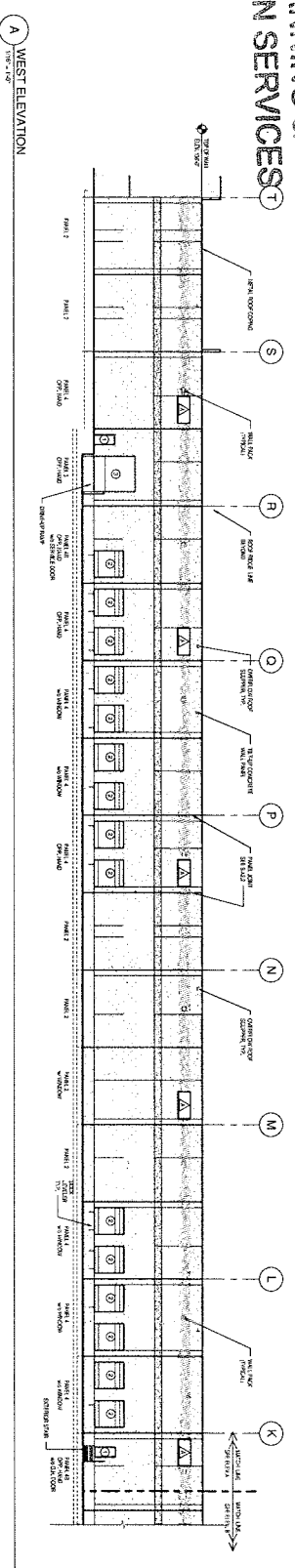
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