

20-ZONE-0067

Change in zoning from R-1 & R-4 to PEC to allow a warehouse/distribution facility and associated office space on property located at 11899, 11907, 12003, 12007 and 12009 Rehl Rd

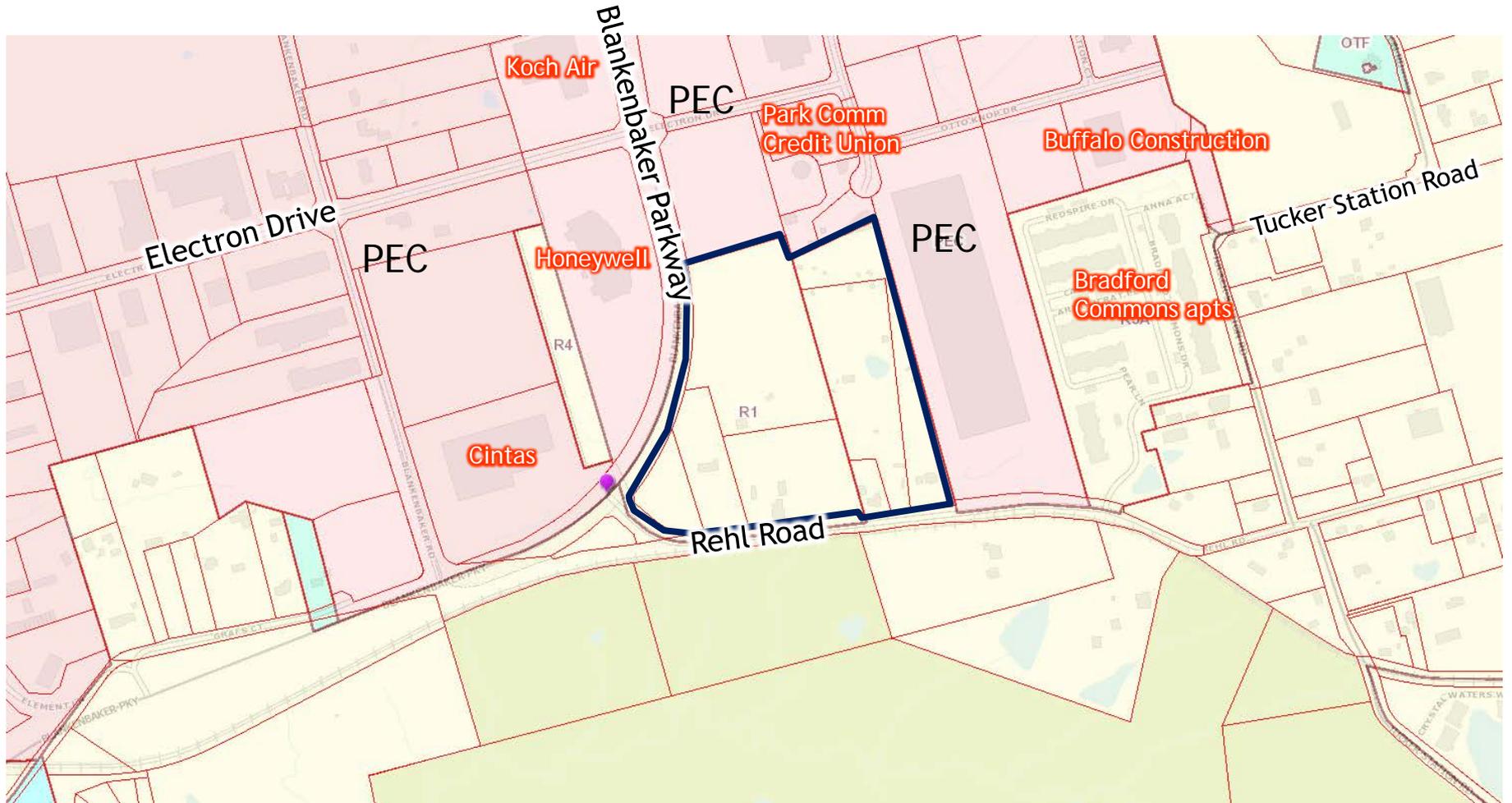
c/o Republic National Distributing Company, LLC

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Tab 1

LOJIC Zoning Map



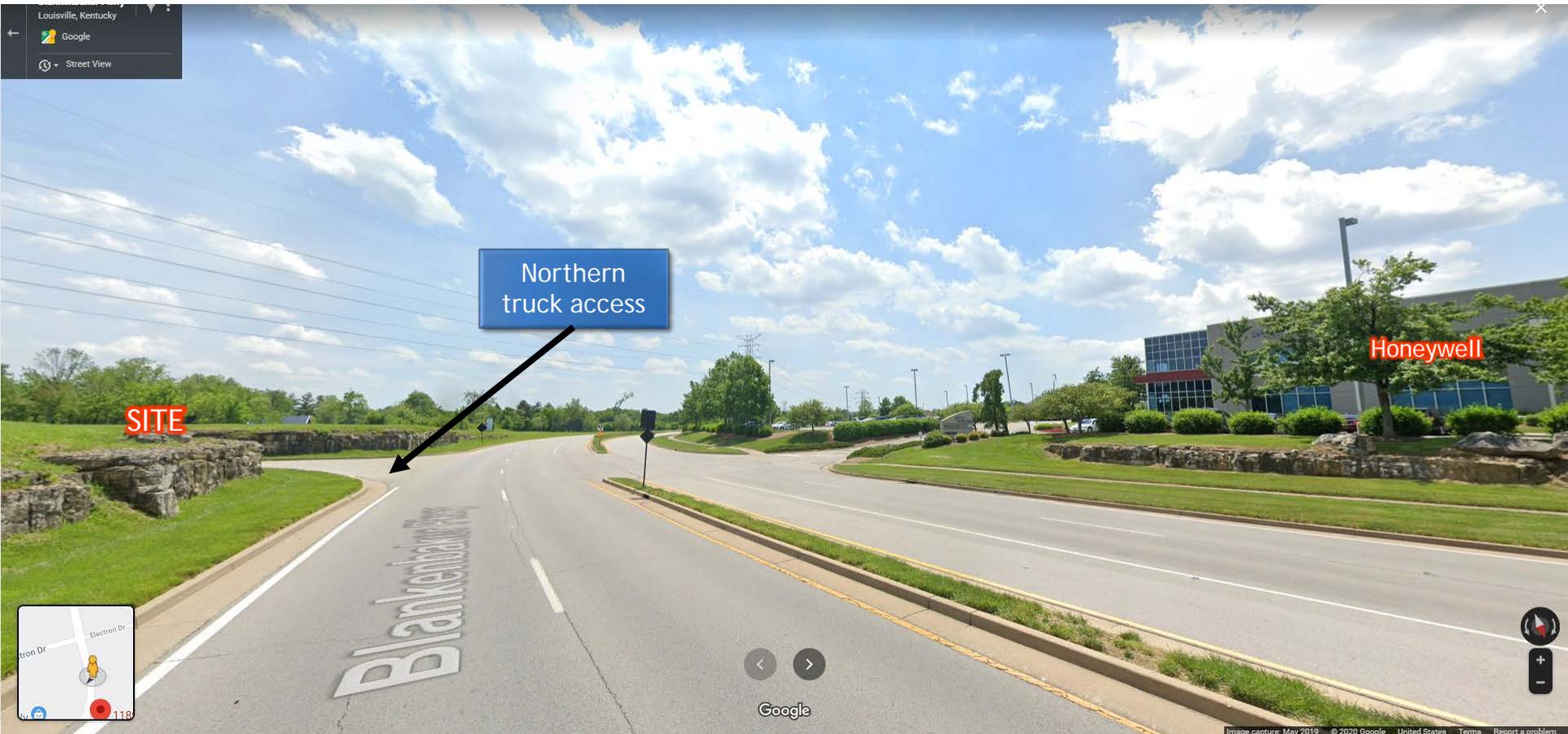
Tab 2

Aerial photograph of the
site and surrounding area

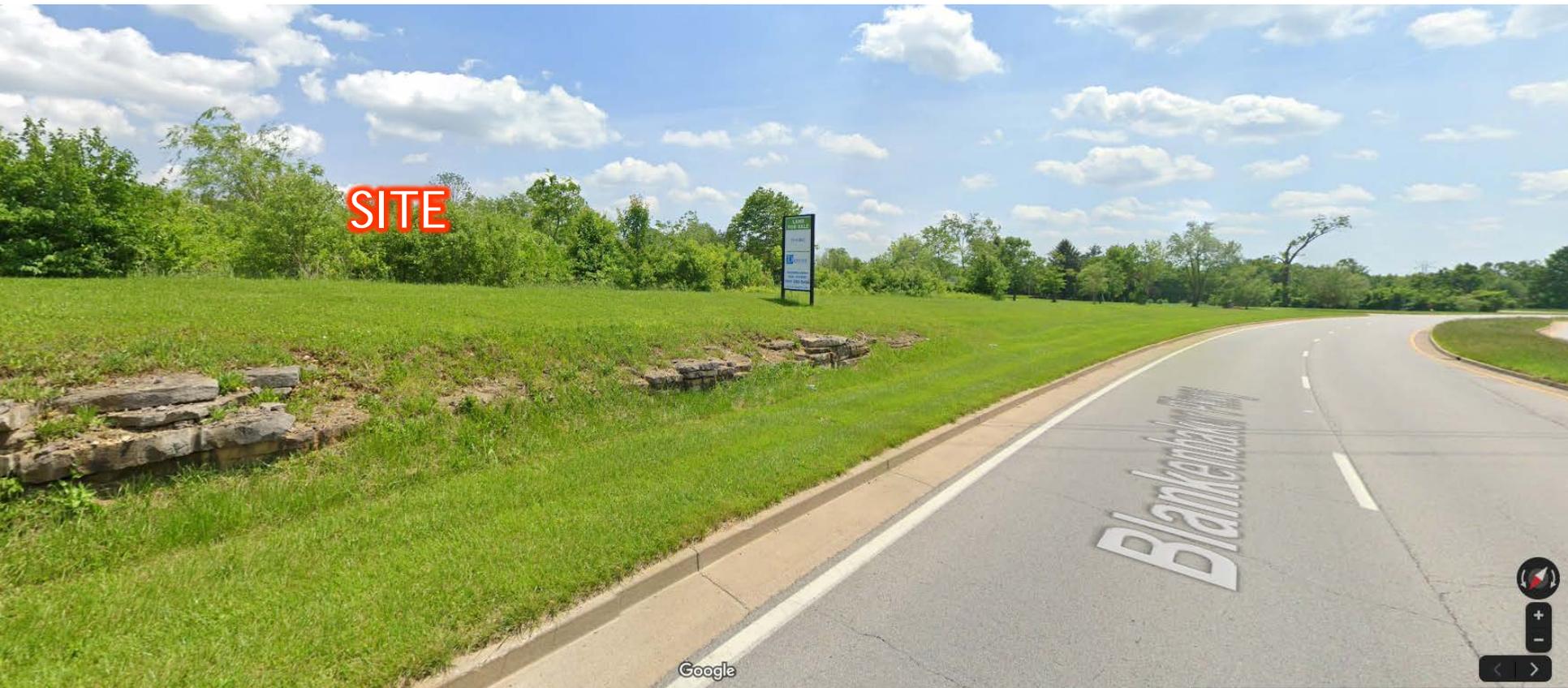


Tab 3

Ground level photographs
of the site and
surrounding area



View of Blankenbaker Parkway, looking south towards site. Honeywell building is to the right.



SITE

Google



View of Blankenbaker Parkway, looking further south towards Rehl Road. Site is to the left.



View of Blankenbaker Parkway, looking north. Rehl Road and site is to the right.



Looking east towards Rehl Road from Blankenbaker Parkway. Site is to the left.



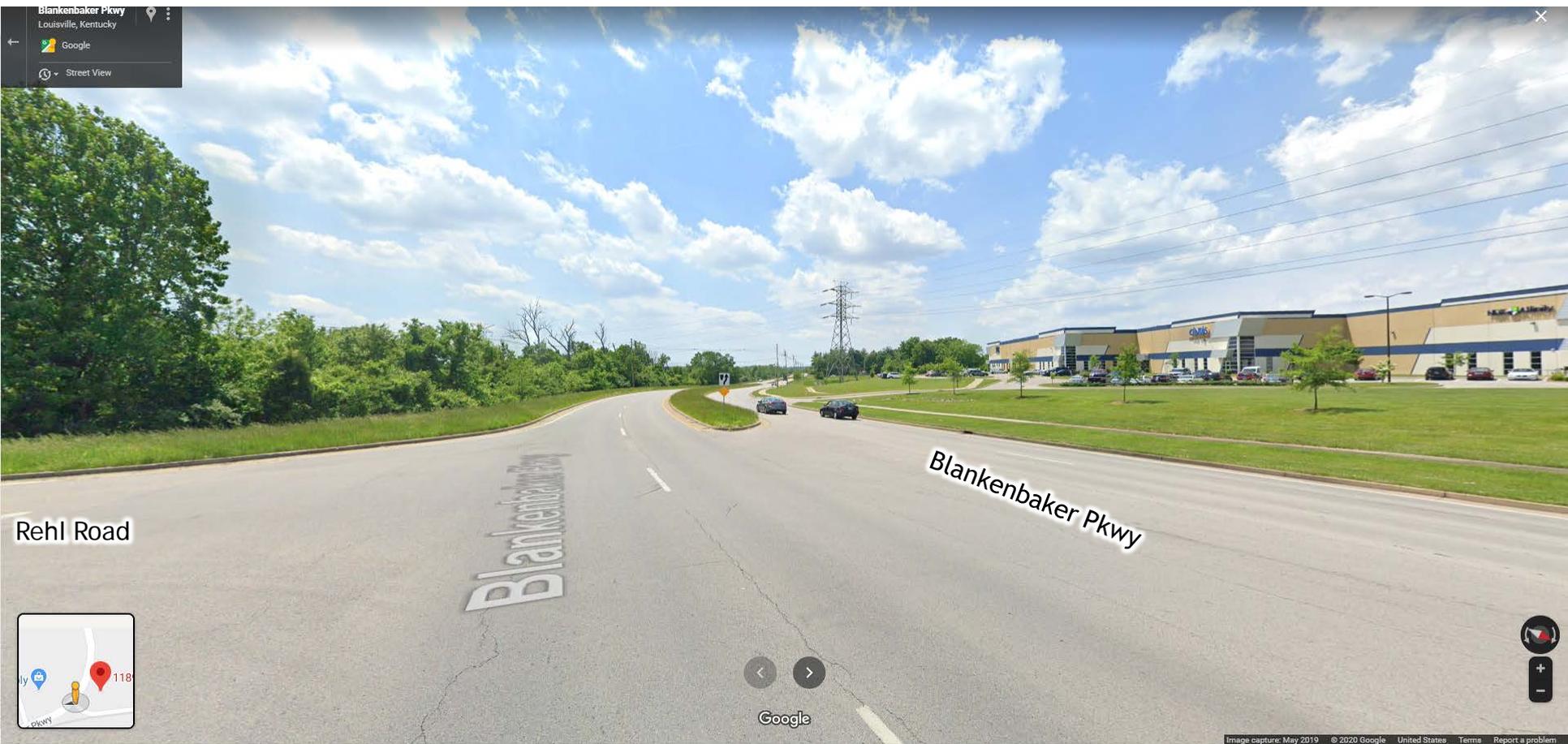
SITE

Rehl Road
Rehl Road

Google



View of Rehl Road, looking east. Site is to the left.



Looking south down Blankenbaker Parkway from Rehl Road towards Cintas building located diagonally from site.

11899 Rehl Road



Google

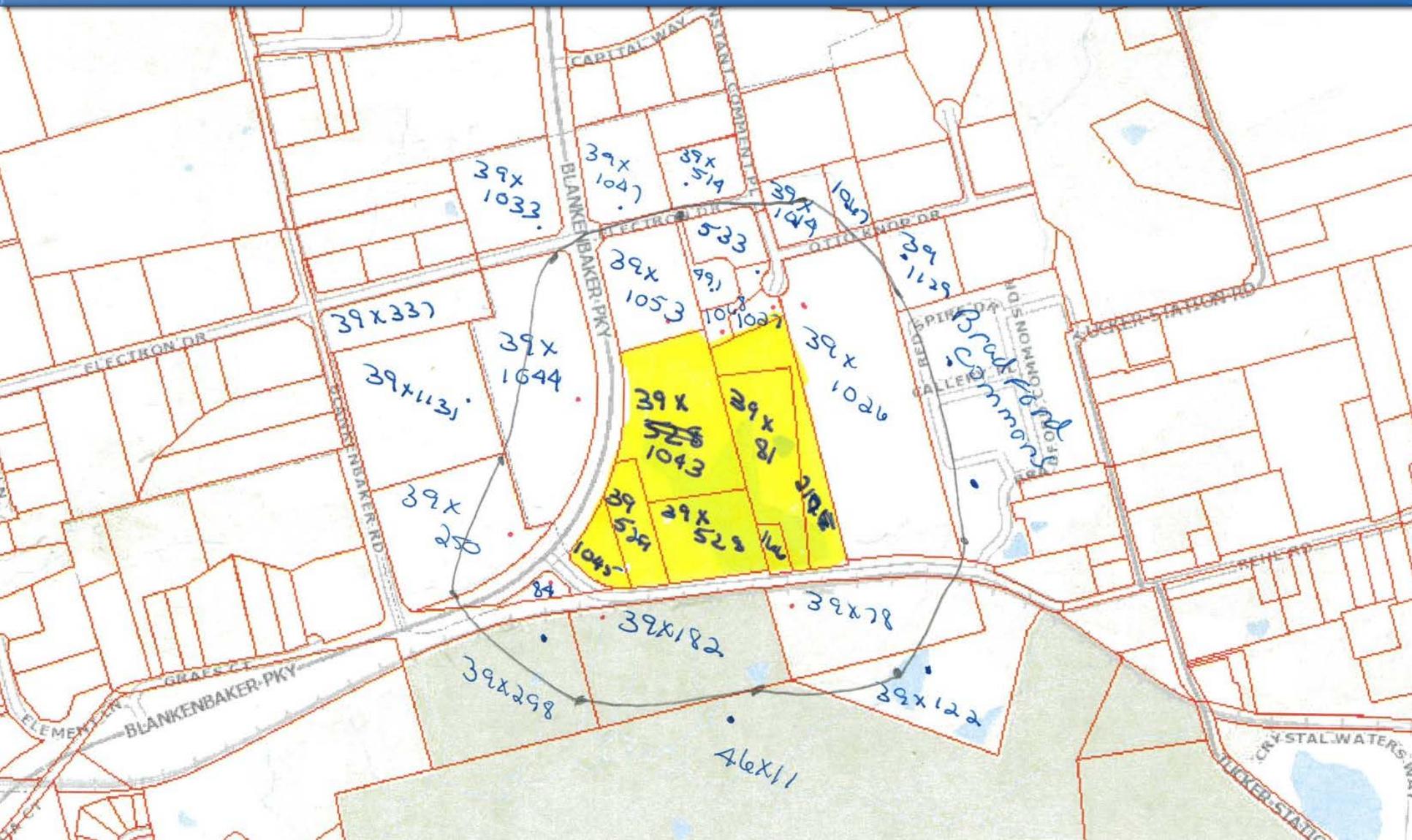


View of site from Rehl Road. Existing homes to be removed.

Tab 4

Neighborhood Meeting
notice list map, letter to
neighbors inviting them to
the meeting and summary
of meeting

Adjoining property owner notice list map wherein 35 neighbors plus those on the DPDS "interested party list" were invited to the neighborhood meeting and subsequent LD&T and Planning Commission public hearing.



BARDENWERPER, TALBOTT & ROBERTS, PLLC

ATTORNEYS AT LAW

BUILDING INDUSTRY ASSOCIATION OF GREATER LOUISVILLE BLDG • 1000 N. HURSTBOURNE PARKWAY • SECOND FLOOR • LOUISVILLE, KENTUCKY 40223
(502) 426-6688 • WWW.BARDLAW.NET

William B. Bardenwerper
Email: WBB@BARDLAW.NET
Mobile: (502) 419-7333

Nicholas R. Pregliasco
Email: NRP@BARDLAW.NET
Mobile: (502) 777-8831

July 1, 2020

RE: Neighborhood meeting for proposed change in zoning for property at the northeast quadrant of the Blankenbaker Parkway and Rehl Road intersection at 11899, 11907, 12003, 12007 & 12009 Rehl Road

Dear Neighbor:

We are writing to notify you about an upcoming “neighborhood meeting” regarding the above referenced project. Because of the COVID-19 emergency orders requiring and/or recommending social distancing, the neighborhood meeting will be held virtually. The details are set forth in this letter and the supporting attachments. If you cannot obtain access to the virtual meeting, we may be able to assist you in that regard or otherwise assure a telephone or in-person conversation.

Our client Republic National Distributing Company, LLC is seeking to rezone the property referenced above from R-1 & R-4 to PEC. The project is proposed to consist of an office/warehouse building on approximately 27.97 acres. We have filed a plan for pre-application review with Planning and Design Services (PDS) that has been assigned case number 20-ZONEPA-0052. The assigned PDS case manager is Dante St. Germain.

The virtual meeting will be held on **Wednesday, July 15th** beginning at **6:30 p.m.**

Enclosed for your review are the following:

1. The development plan and aerial photograph sheet
2. LOJIC site location zoning map sheet showing the location of the site
3. Detailed summary sheet of the project
4. Contact information sheet
5. Instruction sheet on how to join the virtual meeting.
6. Information sheet on how to obtain case information online from PDS’ online customer service portal.
7. PDS’s “After the Neighborhood Meeting” sheet

If you are unable to attend the virtual meeting, or have any questions or comments, please feel free to email or call either one of us, or land planner Kent Gootee at the listed number below, or contact the PDS case manager listed on the attached contact information sheet.

We look forward to our opportunity to visit virtually or by phone.

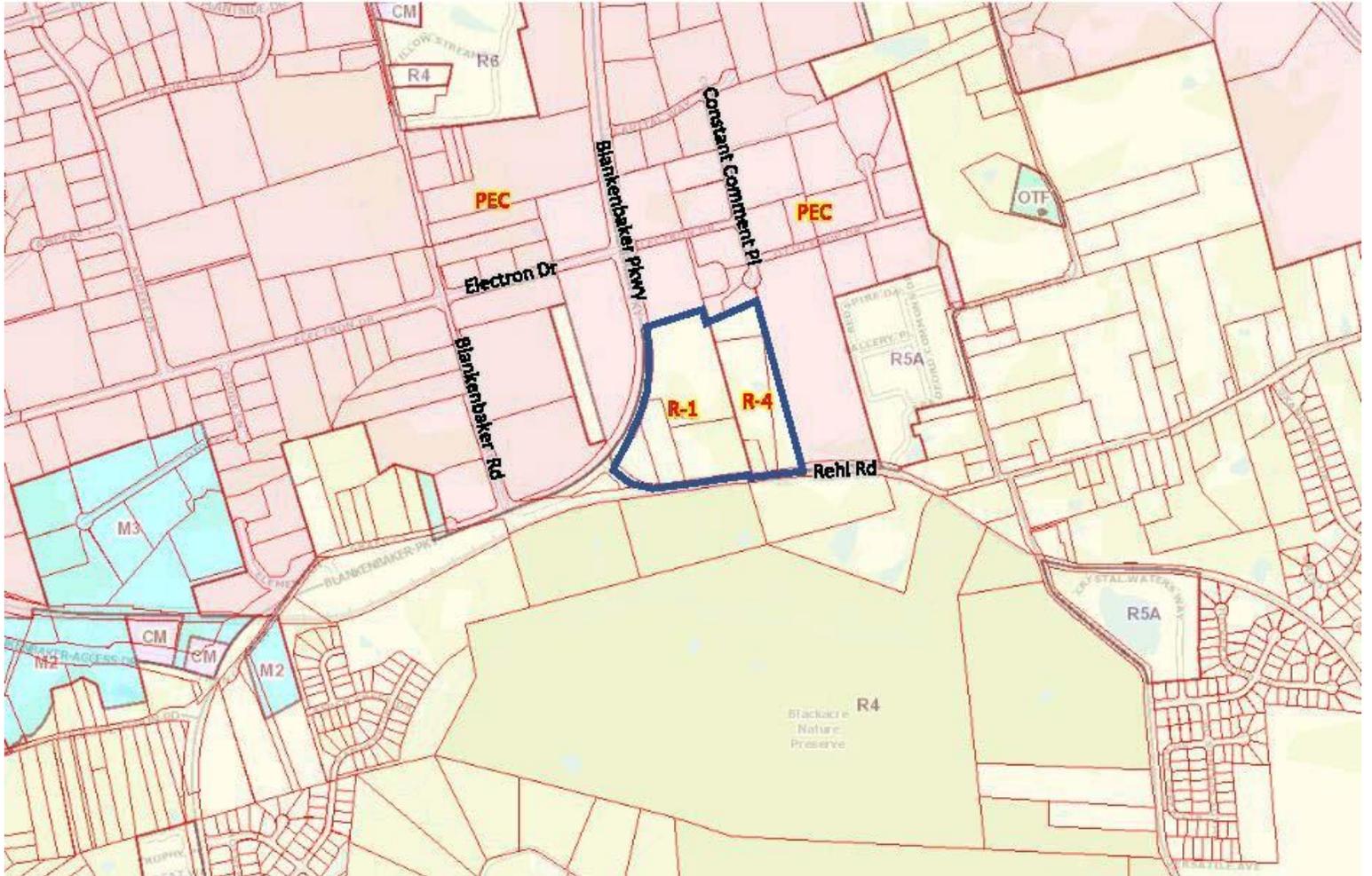
Sincerely,



Bill Bardenwerper & Nick Pregliasco

cc: Hon. Stuart Benson, Councilman, District 20
Dante St. Germain, Case Manager with Planning & Design Services
Kent Gootee, land planner with Mindel, Scott & Associates, Inc. (502) 485-1508
Stefan Kirshenbaum, applicant with Republic National Distributing Company, LLC
Sandy Epstein, AIA, NCARB, architect with Sea Studios

LOJIC SITE LOCATION SHEET



DETAILED SUMMARY SHEET

Republic National Distributing Company, LLC is seeking to rezone the property referenced above from R-1 & R-4 to PEC. The project is proposed to consist of an office/warehouse building on approximately 27.97 acres. We have filed a plan for pre-application review with Planning and Design Services (PDS) that has been assigned case number 20-ZONEPA-0052, and the assigned case manager is Dante St. Germain.

The property is located at the northeast quadrant of the Blankenbaker Parkway and Rehl Road intersection, as shown on the attached "LOJIC Site Location" attachment.

Although the present zoning is R-1 & R-4, the proposed PEC zoning and existing Suburban Workplace Form District are consistent with most of the land located nearby, especially along Blankenbaker Parkway north, east and west of this site. Landscaping, screening and buffering within and around the perimeter of this site will generally be as shown on the accompanying detailed district development plan ("DDDP"), which is the minimum amount required by Chapter 10 of the Louisville Metro Land Development Code (LDC).

The developer anticipates preserving some of the existing trees along the property perimeter, but additional trees and other landscaping will be planted throughout the site to meet the LDC's Chapter 10 Tree Canopy and other landscape requirements. A tree preservation plan will be provided to PDS staff landscape architect for approval prior to commencement of construction activities.

All dumpster pads, transformers, AC units, generator pads (if any) will be screened pursuant to Chapter 10 of the LDC. Specifically, the dumpsters will be screened with an enclosure, and the transformers will be screened with shrubs and vegetation.

Sanitary sewer service will tie into the existing gravity sewer to the east of the property which connects to MSD's Floyds Fork regional waste water treatment plant. Sewer plans will be reviewed by MSD.

Stormwater will be directed to an on-site detention basin as shown on the southeast corner of the draft DDDP, which will assure that the post-development rate of run-off will not exceed pre-development conditions. The detention basin and all the stormwater infrastructure will be designed to MSD's specifications and requirements.

There are three proposed access points to this project as shown on the draft DDDP. The proposed two main access points will be on the east side Blankenbaker Pkwy, and the other proposed access point will be located on the north side of Rehl Road.

NOTICE OF POTENTIAL DEVELOPMENT PLAN CHANGES. Please be advised that this "Detailed Summary" is being provided early in the application process. As such, whereas every effort has been made to assure accuracy, changes may be made to the draft DDDP before the now scheduled neighborhood meeting and also after it based on public comments and those of various agencies and PDS staff review. Any changes will be available for public review on the PDS Online Customer Service Portal. Instructions on how to access this information is provided in the PDS's online customer service portal information sheet. Additionally, those changes with the final plan would be presented at the time of the public hearing(s). You may also contact the PDS case manager if you have any questions, or contact any others listed on the Contact Information Sheet where contact information is provided.

CONTACT INFORMATION SHEET

1. PRIMARY CONTACT

*Bardenwerper, Talbott & Roberts, PLLC
1000 N. Hurstbourne Pkwy., 2nd Floor
Louisville, KY 40223
Attn: Bill Bardenwerper – (502) 419-7333
wbb@bardlaw.net
or Nick Pregliasco – (502) 777-8831
nrp@bardlaw.net*

2. ENGINEERING FIRM

*Mindel Scott & Associates, Inc.
Kent Gootee, ASLA
5151 Jefferson Boulevard
Louisville, KY 40219
(502) 485-1508
KGootee@MindelScott.com*

3. APPLICANT

*Republic National Distributing Company, LLC
by: Stefan Kirshenbaum, VP Operations Systems and Services, RNDC
One National Drive
Atlanta, Georgia 30306
(404) 472-2065
Email: Stefan.Kirsenbaum@RNDC-USA.com*

4. CASE MANAGER OR SUPERVISOR

*Dante St. Germain
Planning & Design Services
444 South Fifth Street, Suite 300
Louisville, KY 40202
(502) 574-4388
Dante.St.Germain@louisvilleky.gov*

INSTRUCTION SHEET ON HOW TO JOIN THE VIRTUAL MEETING

Please join my meeting from your computer, tablet or smartphone.

<https://global.gotomeeting.com/join/983585421>

You can also dial in using your phone.

United States (Toll Free): [1 877 568 4106](tel:18775684106)

United States: [+1 \(786\) 358-5410](tel:+17863585410)

Access Code: 983-585-421

New to GoToMeeting? Get the app now and be ready when your first meeting starts:

<https://global.gotomeeting.com/install/983585421>

Note: If anyone would like the connection link emailed to them, or a set of the meeting slides, please email Anna Martinez at amc@bardlaw.net or Nanci Dively at nsd@bardlaw.net

IF YOU ARE UNABLE TO ATTEND THE VIRTUAL MEETING AND HAVE QUESTIONS, PLEASE FEEL FREE TO CONTACT ANY OF THE FOLLOWING:

*Nick Pregliasco, Esq. – (502) 777-8831
Bardenwerper, Talbott & Roberts, PLLC
nrp@bardlaw.net*

*Kent Gootee – (502) 485-1508
Mindel Scott & Associates, Inc.
KGootee@MindelScott.com*

*Dante St. Germain – (502) 574-4388
Case Manager, Planning & Design Services
Dante.St.Germain@louisvilleky.gov*

**PLANNING & DESIGN SERVICES (PDS's)
ONLINE CUSTOMER SERVICE PORTAL INFORMATION SHEET**

To view details of the zone change online, use the link at:

<https://aca-louisville.accela.com/LJCMG/Welcome.aspx?TabName=Home&TabList=Home>

Click on the "Search" tab

Then "Planning Applications"

Enter case number in "Record Number" box

Click on "Record Info" tab

AFTER THE NEIGHBORHOOD MEETING SHEET

After the Neighborhood Meeting

This Neighborhood Meeting is an opportunity for the applicants and surrounding neighbors to discuss and develop an understanding of the proposal prior to a public hearing. At the conclusion of this neighborhood meeting, the applicant has 90 days to file a formal application with Planning & Design Services. If the formal application is not filed within 90 days, the applicant will be required to have another neighborhood meeting.

Once the formal application is filed, a public hearing will be scheduled to consider the application. This public meeting is your official opportunity to speak in support or opposition to the proposal. If you received a notice regarding this neighborhood meeting, or did not receive a notice but signed the sign in sheet, you will receive a notice of the public meeting.

If you are interested in staying informed about this proposal, or have any questions about the formal review process, you may call the Planning & Design Services office at **(502) 574-6230**. Please refer to the case number in your inquiry. You may also go to **<https://louisvilleky.gov/government/planning-design>** to view meeting agendas, search case information, or obtain other Planning & Design Services information.

Neighborhood Meeting Summary

A virtual neighborhood meeting was held on Wednesday, July 15th beginning at 6:30 p.m. Those in attendance included the applicant's representatives, Nick Pregliasco, attorney with Bardenwerper, Talbott & Roberts, and David Mindel, land planner and engineer with Mindel Scott and Associates, as well as the applicant's architect, Sandy Epstein.

Nick presented a powerpoint starting off with how the attendees can send their name and address via chat to make sure they are added to the mailing list, how to change their name so that they can be recognized by name, and how to mute and unmute themselves. Following this, Nick explained the process for a zone change request with a powerpoint slide showing all of the steps in the process with Nick explaining what occurs at each step, including providing the full contact information for case manager Dante St. Germain. Nick then presented the balance of the powerpoint showing the property on a LOJIC zoning map, on an aerial image, as well as a number of site photographs. He explained the applicant Republic National Distributing's operation and the reasons for the way the colored up version of the site plan is laid out in the manner in which it is laid out. As an example, he explained why there are two different entrances on Blankenbaker Parkway with the northern entrance being the truck entrance that leads to the internal loading docks and the southern entrance which is for the 30,000 square feet of office space. Nick then explained the difference between the first phase of the proposed development and the potential second future phase, to be used in the event the applicant proceeds with the second phase of the development.

Thereafter, David Mindel provided additional details as to the site layout, including why the detention is in the southern portion of the site, etc. He explained the buffering and the turning radius issues for the trucks and why this works. Then, the applicant's architect Sandy Epstein explained the photographs of the other recently constructed applicant locations explaining each one and how it is constructed, etc. Nick explained proposed elevations for this site will be prepared as we move forward with the process.

Next, Nick unmuted everyone and took questions from those in attendance. Many of the questions centered on the potential for additional traffic along Rehl Road. David Mindel explained the reason the truck entrance is at the northern Blankenbaker Parkway side of the site is to divert truck traffic that will be coming from I-64 away from Rehl Road and explained that it wouldn't make sense for a truck to take Rehl Road. There were a number of questions related to the screening and buffering along Rehl Road. Nick explained that there would be plantings along Rehl Road and the building wouldn't be closer than the neighboring property to the east with a train track across from the site along Rehl Road, but David Mindel and Nick agreed to look into what could be done with landscape buffering.

There were questions about the ability to get a traffic light approved at Rehl Road and Blankenbaker Parkway and Nick and David explained how the warrant system works, and while they would look into it, why it was unlikely to be approved. Nick and David explained how the new LDC lighting code works answering questions on same and the lack of any residential neighbors, but still the property will be fully code compliant. Nick agreed to make sure a notice of the rezoning application would be sent to the

Blackacre historic farm, which was completed after the meeting. There were suggestions to see if the property could get access from the property to the north, but Nick explained this is not part of the application and now owned by the applicant. There were questions about the noise from loading and unloading, namely related to the noise already existing from the property to the east along Rehl Road and the noise from that development with the loading docks facing the neighboring condominiums. David explained this site has its loading docks facing the north and loading occurs internally and would be buffered by that development.

Tab 5

Development Plan



Plantside Drive

Blankenbaker Parkway

Electron Drive

ELECTRON DRIVE

BLANKENBAKER PARKWAY

Rehl Road

PARKING LOT
OFFICE BUILDING



REPUBLIC NATIONAL DISTRIBUTING COMPANY
Louisville, KY
#3550

Electron Drive

Blankensaker Parkway

ELECTRON DRIVE

BLANKENSAKER PARKWAY

Rehl Road

PROPOSED BUILDING
1-STORY 292,500 S.F.

PHASE 2 ADDITION
1-STORY 227,500 S.F.

OFFICE
SPACE
38,000± S.F.

AMENITY AREA
2,000 S.F.

TRUCK COURT

TRUCK COURT

TRUCK ACCESS

REHL ROAD

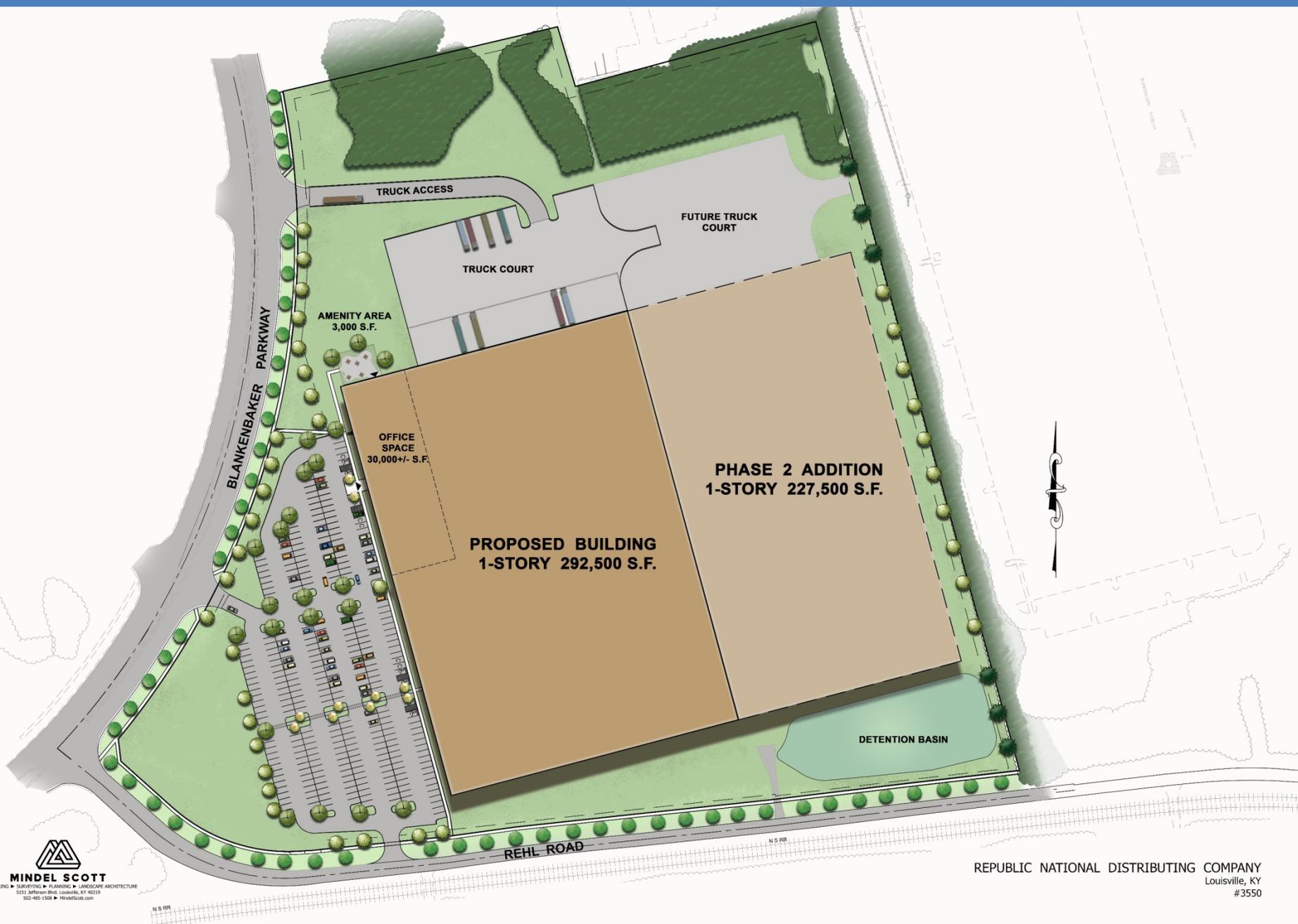
DETENTION BASIN

Bradford
Commons



MINDEL SCOTT

REPUBLIC NATIONAL DISTRIBUTING COMPANY
Louisville, KY
#3550



Waiver of Section 5.9.2.A.1.b.ii to omit the vehicular and pedestrian circulation



Tab 6

Building Elevations

The following photos
are of 3 buildings
completed in the last
five years for
Republic National
Distributing Company.

The buildings are located in Ashland, VA,
Omaha, NE and Livonia, MI.



LANE
FIRE
PARKING
NO

LANE
FIRE









Tab 7

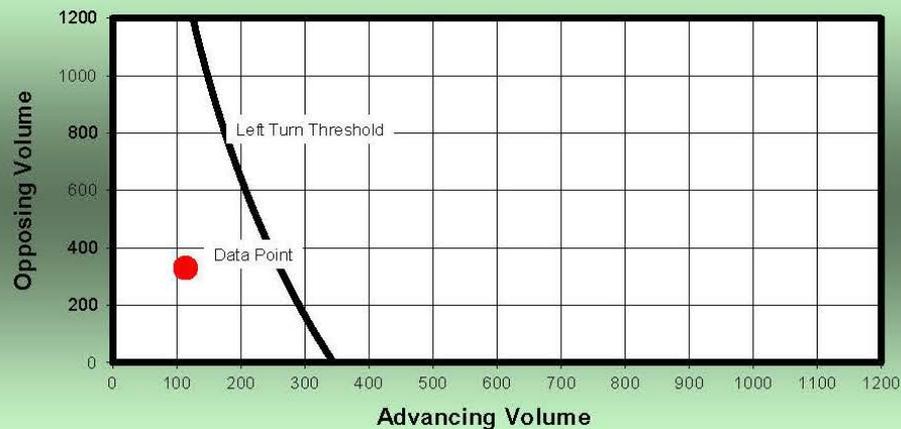
Turn Lane Analysis

Left turn lane warrant analysis - Rehl Road

Input Fields

Left Turn Volume (vph)	65	Speed Limit (mph)	35
Advancing Volume (vph)	113	No. of through lanes	1
Opposing Volume (vph)	330	Percent Heavy Vehicles (decimal percent)	0.01

Left Turn Lane Warrants



Left Turn Lane NOT Warranted

Note: This spreadsheet is intended to supplement the guidance provided in the Auxiliary Turn Lane policy outlined in the KYTC Highway Design Manual. This policy should be fully reviewed and understood prior to using this application.

Tab 8

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

BARDENWERPER, TALBOTT & ROBERTS, PLLC

ATTORNEYS AT LAW

1000 N. HURSTBOURNE PARKWAY • BUILDING INDUSTRY ASSOCIATION OF GREATER LOUISVILLE BLDG. • SECOND FLOOR • LOUISVILLE, KENTUCKY 40223
(502) 426-6688 • (502) 425-0561 (FAX) • WWW.BARDLAW.NET

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

Applicant: Republic National Distributing Co.

Owners: Sherrill & Joetta Smith; Brent & Cara Smith; Larry & Sharen Sorrell; William & Tina Coombs; Teri & Joseph Lee Medley

Project Name/Location: Republic National Distribution/11899, 11899R, 11907, 12003, 12007, and 12009 Rehl Road
Warehouse distribution facility and associated office space

Proposed Use:

Request: Zone change from R-1 and R-4 to PEC

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

INTRODUCTION

This warehouse used as a distribution center is proposed by an Atlanta company that specializes in this type development, both constructing and managing around the country, notably including in Michigan, Nebraska, Virginia, Texas, Louisiana, Mississippi, Alabama, Florida, North and South Carolina and Ohio to name a few. Although all of its previous projects have involved high quality design and construction, at this point in time it is not ready to submit a specific building design for this site, preferring instead to return to LD&T once its architect has finally determined the building appearance. This should not be problematic given that in the area around this site there exists a wide range of building styles and designs. Those constructed since 2003, like this one will be, must, of course, conform to the design standards of Louisville’s present day Land Development Code (LDC). This is a prime growth area for development of this exact kind because of these principal factors: (a) availability of sanitary sewers which MSD spent major taxpayer money to accommodate environmentally positive growth; (b) presence of significant and growing industrial site activity; (c) location along a major arterial in close proximity to an interstate highway system which moves traffic to and from this major employment center; and (d) close proximity to residential communities, thereby making commuting distances and times relatively short and brief.

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 Work Place Form District which is characterized by mostly industrial and office buildings which are set back from the street in a landscaped setting. These buildings are often significant in size or large scale uses, which this plan proposes. Public transportation is always desirable but not necessarily always available because of limited government funding. Here that public transportation is available to a limited extent. Pedestrian 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 warehouse and distributing facility 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 area will assure compatibility with surrounding and nearby workplace buildings and development sites. Plus landscaping, screening and buffering help assure context appropriateness and design compatibility for the larger area and proximate residential neighborhoods.

As a consequence of what surrounds this proposal and the fact that this is a proposed warehouse distribution facility, like the north, east and west developments, 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.

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 warehouse distribution facility will be located in a Suburban Workplace Form District and will adjoin already built workplace facilities of the same or a similar kind as this one. As such, and with good and improving pedestrian and vehicular access along Blankenbaker Parkway with street and sidewalk connections to other like kind developments, commercial establishments and also nearby residential neighborhoods, the warehouse distribution facility 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 which provide a workforce. Plus this warehouse distribution facility has 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 warehouse distribution facility includes an outdoor community space for workers to congregate.

As to Goal 4, the applicant/developer has investigated the age and history of the structures on this site and submits that none of them qualify as truly historic in nature.

As to Goal 5, this proposed multi-family community is neither large 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 warehouse distribution facility (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, applicant/developer will, at its cost, construct 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 a Traffic Impact Study (TIS) will be submitted soon in accordance with MPW&TP requirements.

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 warehouse distribution facility is part of a 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 warehouse distribution facility offers increased opportunities for employment initially in the building trades and ultimately in the distribution 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 economically rebound from this devastating occurrence over time, 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: LIVEABILITY

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 on-site detention. 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 to assure that erosion and sediment impacts are fully controlled and/or mitigated.

As mentioned above, given the location of this proposed warehouse distribution facility 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 warehouse distribution facility 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

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.1.b.ii to omit the vehicular and pedestrian circulation required between abutting non-residential uses between their sites, through parking lot or alley connection, hard surface walkways and similar measures.

Explanation of Waiver:

1. The waiver will not adversely affect adjacent property owners because of the proposed distribution use and site layout. In this situation, providing a vehicular and pedestrian connection to the undeveloped property to the north is not practical due to the large distance between the proposed truck entrance and the northern property line (which is also proposed to be preserved tree canopy). The property to the north also has access to both Blankenbaker Parkway and the cross street to the north, Electron Drive. Further, because the northern portion of the subject site is the proposed truck entrance (not passenger vehicles), connectivity would serve no purpose as you don't want to mix passenger vehicle traffic and large truck traffic (and don't want to promote large trucks cutting through other sites). A connection to the property to the north would actually have a potentially adverse effect to that property due to the potential for large truck access through the northern property.

The adjacent developed property to the east is very similar to the undeveloped northern property in many respects. While this eastern property is already developed with a large warehouse facility, the only practical location for a vehicular connection would be through the large truck entrance on the northern portion of the subject site. A connection in this area would connect the large truck loading/unloading area with the passenger vehicle parking lot to this eastern property. While a connection to the property in the east would allow those passenger vehicles to cut through the subject site, it would be mixing passenger vehicles and large trucks which should be avoided if possible. All of the same applies to the pedestrian connections, as pedestrian traffic in a large truck loading and unloading area does not work.

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 Plan 2040 filed with the rezoning application.

3. The extent of waiver of the regulation is the minimum necessary to afford relief to the applicant because any connection to either property (the northern property or the eastern property) would result in the potential of cut through large truck traffic or the mixing of passenger vehicles and large truck traffic. Therefore, a complete waiver request is the minimum that is practical.

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 given that the connection would not serve the purpose intended by the regulation and are undesired by the adjoining property owners. They would also eliminate the security that is essential for this kind of business activity.

Tab 9

Proposed findings of fact
pertaining to compliance
with the 2040 Plan and
Waiver criteria

BARDENWERPER, TALBOTT & ROBERTS, PLLC

ATTORNEYS AT LAW

1000 N. HURSTBOURNE PARKWAY • BUILDING INDUSTRY ASSOCIATION OF GREATER LOUISVILLE BLDG. • SECOND FLOOR • LOUISVILLE, KENTUCKY 40223
(502) 426-6688 • (502) 425-0561 (FAX) • WWW.BARDLAW.NET

PROPOSED FINDINGS OF FACT REGARDING COMPLIANCE WITH ALL APPLICABLE GOALS OF PLAN 2040

Applicant: Republic National Distributing Co.

Owners: Sherrill & Joetta Smith; Brent & Cara Smith; Larry & Sharen Sorrell; William & Tina Coombs; Teri & Joseph Lee Medley

Project Name & Location: Republic National Distribution
11899, 11899R, 11907, 12003, 12007, and 12009 Rehl Road

Proposed Use: Warehouse distribution facility and associated office space

Request: Zone change from R-1 and R-4 to PEC

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

The Louisville Metro Planning Commission, having heard testimony before its Land Development & Transportation Committee, in the Public Hearing held on October 15, 2020 and having reviewed evidence presented by the applicant and the staff's analysis of the application, make the following findings:

WHEREAS, this Application complies with Plan Element 4.1, its 5 Goals and their Objectives plus the following Policies; and 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, because the site is located in the Suburban Work Place Form District which is characterized by mostly industrial and office buildings which are set back from the street in a landscaped setting; these buildings are often significant in size or large scale uses, which this plan proposes; public transportation is always desirable but not necessarily always available because of limited government funding; here that public transportation is available to a limited extent; and pedestrian 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 required setbacks will also be met; and

WHEREAS, as this proposed warehouse and distributing facility is located 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; which helps contribute to improved air quality; and

WHEREAS, quality building components and a design compatible with other buildings in the area will assure compatibility with surrounding and nearby workplace buildings and development sites; plus landscaping, screening and buffering will also assure context appropriateness and design compatibility for the larger area and proximate residential neighborhoods; and

WHEREAS, as a consequence of what surrounds this proposal and the fact that this is a proposed warehouse distribution facility, like the north, east and west developments, impacts such as traffic, odors, lighting, noise and aesthetic factors will not prove to be nuisance factors since this area has been almost entirely built out as Suburban Workplace Development; and

WHEREAS, as to Goal 2, Policies 1, 2, 7 and 17, it complies because the proposed warehouse distribution facility will be located in a Suburban Workplace Form District and will adjoin already built workplace facilities of the same or a similar kind with good and improved pedestrian and vehicular access along Blankenbaker Parkway with street and sidewalk connections to other similar developments, commercial establishments and also nearby residential neighborhoods, the warehouse distribution facility 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 which provide a workforce; plus this warehouse distribution facility has 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

WHEREAS, as to Goal 3, Policies 3, 6 and 9, it complies because the detailed district development plan (DDDP) filed with the rezoning application for this proposed warehouse distribution facility includes an outdoor space for workers to congregate; and

WHEREAS, as to Goal 4, the applicant/developer has investigated the age and history of the structures on this site and submits that none of them qualify as historic in nature; and

WHEREAS, as to Goal 5, this proposed multi-family community is neither large nor public enough to include an element of public art; and

WHEREAS, this Application 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, because this proposed warehouse distribution facility located as it is within an existing and growing mixed use Suburban Workplace area proximate to similar large facilities, 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 provides good pedestrian, bicycle and road networks; locating its development along and with access to and from those networks, applicant/developer will, at its cost, construct

sidewalks and to-be-determined frontage improvements; and in doing so, will prepare construction plans that will assure safe access with good sight distances and turning radii; and

WHEREAS, also, bike racks and handicapped parking spots will be installed as and where required near buildings; 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 depicted on the DDDP filed with this application; and

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

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

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

WHEREAS, this Application 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, because as Louisville Metro's population continues to grow, so does demand for workplaces of all types; this proposed warehouse distribution facility is part of a 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; and this warehouse distribution facility offers increased opportunities for employment initially in the building trades and ultimately in the distribution business; and

WHEREAS, 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; and

WHEREAS, this Application 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, because the DDDP filed with this application contemplates that storm water will be accommodated with on-site detention; 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 phase to assure that erosion and sediment impacts are fully controlled and/or mitigated; and

WHEREAS, as mentioned above, given the location of this proposed warehouse distribution facility 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

WHEREAS, this Application complies with Plan Element 4.6, its 3 Goals and their Objectives because while they don't specifically address developments of this kind, this warehouse distribution facility 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 of the Plan 2040;

NOW, THEREFORE, the Louisville Metro Planning Commission hereby recommends to the Louisville Metro Council that it rezone the subject property from R-1 and to R-4 to PEC and approves the Detailed District Development Plan.

Waiver Findings of Fact

Waiver of Section 5.9.2.A.1.b.ii to omit the vehicular and pedestrian circulation required between abutting non-residential uses between their sites, through parking lot or alley connection, hard surface walkways and similar measures.

WHEREAS, the waiver will not adversely affect adjacent property owners because of the proposed distribution use and site layout; whereby provided a vehicular and pedestrian connection to the undeveloped property to the north is not practical due to the large distance between the proposed truck entrance and the northern property line (which is also proposed to be preserved tree canopy); the property to the north also has access to both Blankenbaker Parkway and the cross street to the north, Electron Drive; further, because in the northern portion of the subject site the proposed truck only entrance (not passenger vehicles), additional connectivity would serve no purpose as it would mix passenger vehicle traffic and large truck traffic (to promote large trucks cutting through other sites); and a connection to the property to the north would have no adverse effect to that property due to the potential for large truck access through the that area; and

WHEREAS, the adjacent developed property to the east is very similar to the undeveloped northern property in many respects; while this eastern property is already developed with a large warehouse facility, the only practical location for a vehicular connection would be through the large truck entrance on the northern portion of the subject site; a connection in this area would connection would create conflicts between the large truck loading/unloading area with the passenger vehicle parking lot on this eastern property; while a connection to the property in the east would allow those passenger vehicles to cut through the subject site, it would combine passenger vehicles and large trucks which should be avoided if possible; and all of the same applies to the pedestrian connections, as pedestrian traffic in a large truck loading and unloading area is unsafe; and

WHEREAS, 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 Plan 2040 filed with the rezoning application; and

WHEREAS, the extent of waiver of the regulation is the minimum necessary to afford relief to the applicant because any connection to either property (the northern property or the eastern property) would result in cut through large truck traffic and the mixing of passenger vehicles and large truck traffic; and therefore, a complete waiver request is the minimum that is practical; and

WHEREAS, 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 given that the connection would not serve the purpose intended by the regulation and are not wanted by the adjoining property owners; and would also eliminate the security that is essential for this kind of business activity; and

NOW, THEREFORE, the Louisville Metro Planning Commission, based on the staff report, testimony and evidence presented hereby approves this Waiver.