

# BARDENWERPER, TALBOTT & ROBERTS, PLLC

ATTORNEYS AT LAW

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## STATEMENT OF COMPLIANCE WITH THE APPLICABLE GUIDELINES AND POLICIES OF THE CORNERSTONE 2020 COMPREHENSIVE PLAN

Applicant: Tuffli Company, Inc.  
Owner: Don & Martha Tuffli Family Trust  
Location: 3650 Cane Run Road  
Proposed Rezoning/Use: R-6 and EZ-1 to EZ-1 to allow a warehouse and storage facility  
Engineers, Land Planners and Landscape Architects: Mindel Scott & Associates, Inc.

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### INTRODUCTORY STATEMENT

The subject property is surrounded by other industrially zoned properties. Indeed, when you look at the Form District and zoning maps, this property in part is an island of residential in a sea of highly intensely zoned properties, almost exclusively utilized for industrial type purposes. There probably would not be any question at all with respect to the many impact mitigations issues raised by the Comprehensive Plan but for the fact that one adjoining property is utilized by a very successful and prominent church. Church officials and members are naturally concerned about any impacts from this use that would be unusually different than those elsewhere found in the area or that would have a particular adverse impact upon the church, notably its services. Accordingly, this applicant and its professional representatives have reviewed the use list within the various "M" and "C" districts that comprise the EZ-1 zoning district and have marked those uses which the applicant either would not have any interest in long term or that simply are inappropriate given the adjoining church use. This same list will be given to church officials and members to review for their consideration as well. That limited use list will be submitted prior to the LD&T Committee review of this application for consideration as an additional binding element, given that use limitations are also a form of impact mitigation, like other binding elements that applicants typically offer to the Planning Commission for consideration.

### GUIDELINE 1: COMMUNITY FORM

The applicable form district for this property is the Suburban Workplace Form District which is a form characterized by predominately industrial and office uses where the buildings are setback from the street in a landscaped setting. This application and the Detailed District Development Plan (DDDP) accompanying this application demonstrate compliance with the Suburban Workplace Form District given how the building is set back from the street and given proposed landscaping screening and buffering adjoining the church. The aerial photograph accompanying the PowerPoint Presentation attached to the Neighborhood Meeting Summary further illustrates

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how this property is surrounded by industrial uses, fitting within the Suburban Workplace Form District.

## **GUIDELINE 2: ACTIVITY CENTERS**

The Intents and applicable Policies 1, 2, 4, 5, 7, 11, 14, 15 and 16 of this Guideline all pertain to such things as assuring an efficient use of land and investment in existing infrastructure, reducing commuting time and distances so as to not exacerbate air pollution problems, locating in activity centers and appropriate form districts, developing non-residential and mixed uses in such centers, assuring compact and mixed compatible uses, appropriately designing such centers, assuring adequate utilities and utility easements as necessary, and taking into account parking lot design and the provision for alternative transportation modes.

This application complies with all of these Intents and applicable Policies of this Guideline for the following reasons. While activity centers are normally thought of as commercial centers, what they really are are places where similar or compatible activities are all located in close proximity one to the other so that they either feed off of and support one another or work in some sort of symbiotic relationship. Given that this is a very intensely developed industrial area, with every parcel already occupied by an industrial use except this one and, as noted hereinabove, the church next door, an industrial use, as described with the limitations shown on the binding element limitation use list to be provided before LD&T, this rezoning and accompanying development plan are appropriate for this area. Infrastructure exists because all manner of other industrial activities are located in this area, another industrial activity makes sense from the standpoint of how trucks access the area as well as where employees typically commute to jobs of this kind. This is a small site, and the building located on it fits well, while leaving setbacks, landscaping and buffering where needed by Code or to address the interests of the adjoining property owners. Parking is appropriately designed and, to the extent that transit is available, provisions either exist nearby or can be made for transit drop-off and pick-up at this location. But anticipated to be a truck terminal, as it likely to be, public transit is unlikely to have an interest in serving this property.

## **GUIDELINE 3: COMPATIBILITY**

The Intents and applicable Policies 1, 2, 3, 4, 5, 6, 7, 8, 9, 20, 21, 22, 23, 24, and 29 all pertain to the issues of impact mitigation. Sometimes this can be through building design and materials. Given that this area encompasses a wide variety of relatively non-descript, very intense industrial building designs, the building proposed for this location should not be held to any remarkably higher standard. On the other hand, given its close proximity to the adjoining church, it will be attractive, as far as industrial facilities are concerned. The impacts of noise generated from trucks, as well as lighting from trucks and from parking lots, will be mitigated as necessary to assure that the adjoining church is not disrupted during its normal hours of operation, especially during worship services. Binding elements that are developed in concert with church officials can help mitigate these impacts. The approved DDDP, and any necessary binding elements to further elaborate on that, can also address transitional issues, such as buffers, setbacks, screening and landscaping.

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

The Intents and applicable Policies 1, 2, 3, 4, 6, 8, and 10 of this Guideline all pertain to the issues of assuring availability of adequate usable land for such uses as industrial ones, to reduce public and private costs for land development, to preserve workplaces, to provide for appropriate access, to invest in developing and redeveloping industrial areas, to locate industries where other industries already exist and in the activity centers in and around those industrial areas, to assure that transportation is adequate in and out of industrial areas and properties such as this, and to continue to redevelop and adaptively reuse vacant properties like this.

This application complies with the Intents and applicable Policies of this Guideline because this is an already existing older industrial area with an opportunity for a nice building on a vacant property in an area appropriate for continued, indeed more, industrial uses of this kind. Road systems are adequate to bring traffic to and from this site, and the point of access to this property is one that must be approved by Metro Transportation Planning/Public Works prior to docketing for LD&T Committee consideration.

## **GUIDELINES 7, 8 and 9: CIRCULATION, TRANSPORTATION FACILITIES AND ALTERNATIVE TRANSPORTATION MODES**

The Intents and applicable Policies 1, 2, 3, 9, 10, 11, 12, 13, and 15 of Guideline 7, Policies 5, 7, 9, 10 and 11 of Guideline 8, and Policies 1, 2, 3 and 4 of Guideline 9 all pertain to the multiplicity of issues that are typically reviewed by Metro Transportation Planning and Public Works in connection with those agencies' reviews of DDDPs such as the one submitted with this application.

This application complies with all these Intents and applicable Policies of these Guidelines because of the fact that, by the time this application will be docketed for LD&T review, Metro Transportation Planning will have reviewed the DDDP and assured at least preliminary compliance with all of these applicable Policies. In that regard, Mindel Scott & Associates (MSA), a professional land planning and engineering firm that has worked on this DDDP, has already taken into account in its design such issues as adequate access, internal circulation, adequate parking, adequacy of street access, appropriate site distances and even whether sidewalks and bicycles need to be provided/accommodated. All of these things are either addressed on the DDDP accompanying this application or will be further considered at the time of LD&T and Planning Commission consideration if not presently shown on the submitted DDDP.

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

The Intents and applicable Policies 1, 3, 7, 10 and 11 of Guideline 10 and Policies 3 and 5 of Guideline 11 raise issues that are already regulated by MSD. By the time that the DDDP accompanying this application is docketed for LD&T review, it must have received the preliminary stamp of approval from MSD demonstrating compliance with all of these Policies. That is to say that either on-site detention will be required or the regional facility fee will be paid as an alternative. That determination is left up to MSD. Further, at construction stage, work done on this property must be in compliance with the soil erosion and sediment control guidelines of MSD and probably also with the new water quality standards adopted by MSD.

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## **GUIDELINE 12: AIR QUALITY**

This Intents and applicable Policies 1, 2, 4, 6, 7, 8 and 9 of this Guideline all pertain to the various issues of air quality regulated by the Air Pollution Control District (APCD).

This application complies with these Intents and applicable Policies of this Guideline for a number of reasons, mainly because APCD adopts regulations that require compliance. But moreover, because one of the goals of the Comprehensive Plan as evident in this Guideline is to reduce commuting distances and to assure that major truck traffic, to the maximum extent possible, utilize routes that are typically traveled by trucks, this project helps reduce vehicle miles traveled, and the proposed industrial facility is located in an already industrial area which truck traffic and employees are already accessing.

## **GUIDELINE 13: LANDSCAPE CHARACTER**

The Intents and applicable Policies 1, 2, 4, and 6 of this Guideline all pertain to the issues of land development code compliance with landscaping requirements and to the need to screen and adequately buffer adjoining uses that might be of a different nature, such as the church next door. Accordingly, the landscape plan discussed at LD&T and public hearing and eventually to be filed assuming rezoning and development plan approval must address the issues contained in the LDC and as raised by the adjoining church.

## **GUIDELINES 14 & 15 : INFRASTRUCTURE AND COMMUNITY FACILITIES**

The Intents and applicable Policies 2, 3, 4, 6 and 7 of Guideline 14 and Policies 3, 4, and 9 of Guideline 15 all pertain to the issues of assuring that adequate water supply, sewage treatment, other utility services and public services are available to serve sites, including industrial ones, of this kind.

This application and the accompanying DDDP demonstrate, in part, how utilities and public services, such as fire and emergency, are available at this site or close by.

\* \* \* \* \*

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

Respectfully submitted,

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