

PROPOSED FINDINGS OF FACT FOR ZONE CHANGE
12413 & 12415 Old LaGrange Road

DOCKET NO. 17ZONE1044

January 18, 2018

DISCUSSION:

A transcript of the public hearing is on file in this docket.

In business session subsequent to the public hearing on this request, the Commission took the following action:

On motion by Commissioner _____, seconded by Commissioner _____, the following resolutions were adopted:

WHEREAS, the Planning Commission finds that the proposal conforms with KRS 100.213 because it agrees with the Comprehensive Plan of Metro Louisville and Jefferson County, its goals, objectives, guidelines and policies (sometimes called "Cornerstone 2020") as further detailed in these Findings; and

WHEREAS, the Planning Commission finds that the existing zoning classification is inappropriate and the proposed zoning classification is appropriate as further detailed in these findings; and

WHEREAS, the Planning Commission finds that there have been major changes of an economic, physical or social nature within the area involved which were not anticipated in the adopted comprehensive plan and which have substantially altered the basic character of the area as further detailed in these findings; and

WHEREAS, the Planning Commission further finds that the property lies in the Suburban Work Place Form Area as identified by Core Graphic 1, and is consistent with Guideline 1.B.10. because the proposal is characterized by predominately industrial and office uses where the buildings are set back from the street in a landscaped setting; because this proposal will contain small-scale uses or a cluster of uses in one structure within a master planned development; because adequate transportation access to, from, and throughout the proposal has been designed in agreement with this Guideline 1.B.10.; because significant buffering from abutting uses is provided naturally and as shown on the proposal; because the development is located at the intersection of an arterial (LaGrange Road) and a major collector (Chamberlain Lane) near an expressway (Gene Snyder Freeway I-265), as identified by Core Graphic 10, and is of a scale that is appropriate for the nearby neighborhoods, businesses and industrial uses, all as shown on the Detailed District Development Plan prepared by Land Design and

Development, Incorporated and last updated on updated and provided to the Land Design and Transportation Committee on March 23, 2006 (“Development Plan”); and

WHEREAS, the Planning Commission further finds that the proposal complies with Compatibility Guideline 3 and all applicable Policies adopted thereunder, including Policies 3.1, 3.2, 3.4, 3.7, 3.8, 3.9, 3.12, 3.21, 3.22, 3.23, 3.24, 3.28 and 3.29 because the proposed development is of a scale and site design compatible with nearby existing development and with the pattern of development within the Suburban Work Place Form Area; because the type of building materials is appropriate for the character of the area and surrounding structures; because any adverse impact on adjacent residential uses, including traffic, parking, signs, and lighting, will be mitigated through the binding elements that have been proposed and agreed upon by the applicant; because appropriate transitioning from residential to non-residential uses will be provided through the use of natural vegetative buffers and landscaping, landscaped buffer yards, vegetative berms, compatible building design and materials, height restrictions and set backs, which will also protect the character of residential areas, roadway corridors, and public spaces from visual intrusions; because the proposed development is designed to provide accessibility to people with disabilities; because the parking, loading and delivery areas are adequate for the proposed uses and are designed to minimize any adverse impact on adjacent residential areas, with the parking and circulation areas adjacent to the street screened and buffered; because the proposed signage is compatible with the Suburban Work Place Form Area and will be integrated with or attached to structures wherever possible; and

WHEREAS, the Planning Commission further finds that the proposal complies with Natural Areas and Scenic and Historic Resources Guideline 5 and all applicable Policies adopted thereunder including 5.1, 5.2, 5.3 and 5.6 because there are no known cultural or historic resources located on this site; because according to Core Graphic 5 there are also no severe or steep slopes or soils unsuitable for development on this site that could contribute to environmental degradation; and because the site is not located in a regulatory floodplain.

WHEREAS, the Planning Commission further finds that the proposal complies with Economic Growth and Sustainability Guideline 6 and all applicable Policies thereunder including 6.1, 6.4, and 6.8 because the development is appropriately located in the Suburban Work Place Form Area to meet the needs of this workplace district and its employees, and because, as stated previously, this development is adjacent to an existing facility (Chamberlain Crossing Phase 1 & Phase 2) serving the Ford Truck Plant and its’ employees, and is in close proximity to the existing Truck Plant itself; because the proposed development has chosen to locate on a site that will enable primary and secondary job creation in close proximity to existing social and economic infrastructures; because the proposed development adheres to the policies designed to promulgate the intentions of this Guideline; because the development will help keep dollars in the immediate community; because the development will have the

ability to spread tax burden for public facilities maintenance and neighborhood programs; because the development will attract new investment dollars adjacent to a major economic engine in Louisville, the Kentucky Ford Truck Plant; because the development may provide management level and entry-level positions; because the development will offer flexible working hours; because the development will assist in preserving existing standards of living over time; because the development will provide new services and products not previously available in a timely manner to nearby industries; and

WHEREAS, the Planning Commission further finds that the proposal complies with Circulation Guideline 7 and all applicable Policies thereunder including 7.1, 7.2, 7.3, 7.5, 7.6, 7.9, 7.10, 7.14, and 7.15 because proposed design provides good internal circulation as well as connections to major thoroughfares and adjacent roadway networks; because it has been demonstrated that the development will not cause adverse impacts to the traffic-carrying capacity of the existing roadway network as Stated in the Applicants traffic study; because roadway improvements, already constructed, along Collins Lane and Chamberlain Lane included signalization and a right turn onto Chamberlain Lane, as well as, shoulder improvements, and the aforesaid improvements are located on roadways with ample right of way, pavement width and carrying capacity; because sidewalks constructed along Old LaGrange Road, Collins Lane and Chamberlain Lane and throughout the development to the adjacent properties will facilitate pedestrian access to, from and throughout the development; because on-site parking (53 spaces provided, 40 spaces minimum required) is sufficient to serve the development and is set back and screened away from nearby existing residential areas; because the access point is located as reviewed and approved by the Louisville and Jefferson County Metro Department of Public Works and will not pose any safety hazards, as the Department's approval indicates; and because the applicant has installed a traffic signal at the intersection of Chamberlain Lane and Collins Lane as part of Phase 1; because the access points are located as reviewed and preliminarily approved by the Louisville and Jefferson County Metro Department of Public Works and will not pose any safety hazards for the nearby interchange with Highway 256; and because the agreed connection of this site to Chamberlain Crossing Drive provides for a safe and reliable ingress and egress for truck traffic at the request of the Louisville and Jefferson County Metro Department of Public Works to better ensure safe maneuvering of trucks; and

WHEREAS, the Planning Commission further finds that the proposal complies with Transportation Facility Design Guideline 8 and all applicable Policies adopted thereunder including Policies 8.8 and 8.10 because primary truck access to the site is off Chamberlain Crossing Drive via the signal at Collins Lane and Chamberlain Lane, and will lessen any traffic through areas of lower intensity; because the primary access points have adequate sight distance and have been constructed and approved by the Louisville and Jefferson County Metro Department of Public Works; because the system of internal traffic circulation as shown on the plan will be constructed after being reviewed and approved by the Department, and has appropriate linkages between parking

areas which have been located so as to avoid creating nuisances to surrounding uses; and

WHEREAS, The Planning Commission finds that the proposal complies with Bicycle, Pedestrian and Transit Guideline 9 and all applicable Policies adopted thereunder including Policies 9.1 and 9.2 because the location of the site has transit ("TARC") service (Route No. 64); because sidewalks will be provided along Old LaGrange Road (Chamberlain Lane and Collins Lane currently installed) connecting into the improvements made during Phase 1 & Phase 2, which connect to existing sidewalks; and because bicycle racks will be located where appropriate; and

WHEREAS, The Planning Commission further finds that the proposal complies with Flooding and Stormwater Guideline 10 and all applicable Policies adopted thereunder including Policies 10.1, 10.2, 10.5, 10.6 and 10.7 because the site has no blueline steams and is not located in the 100 year regulatory floodplain; because the proposed plan has been approved by the Metropolitan Sewer District ("MSD"); because preliminary drainage conceptual plans have been approved and future plans will meet or exceed MSD requirements as determined in the construction plan design process; because the detention and drainage facilities will be constructed in dedicated sanitary sewer and drainage easements and will ensure that peak stormwater runoff will not exceed predevelopment conditions; and

WHEREAS, The Planning Commission finds that the proposal complies with Water Quality Guideline 11 and all applicable Policies adopted thereunder including Policy 11.3 because prior to any construction activity on site, a soil erosion and sediment control plan shall be submitted to and approved by MSD. See Erosion Prevention and Sediment Control Notes on the Development Plan.

WHEREAS, The Planning Commission finds that the proposal complies with Air Quality Guideline 12 and all applicable Policies adopted thereunder including Policies 12.1, 12.3, 12.4 and 12.8 because the plan was reviewed by and approved by the Louisville and Jefferson County Metro Air Pollution Control District; and because mass transit service is available to the site and sidewalks are provided as appropriate; and

WHEREAS, The Planning Commission finds that the proposal complies with Landscape Character Guideline 13 and all applicable Policies adopted thereunder including Policies 13.1, 13.2, 13.5 and 13.6 because landscaping in compliance with Article 12 will be provided and construction fencing shall be erected prior to any construction activities on site to prevent compaction of the root systems of trees; and

WHEREAS, The Planning Commission further finds that the granting of General Landscape Buffer Area (LBA) Waivers of Section's 10.2.4.B and 10.2.10 to allow the proposed building, vehicular use area, and parking to encroach into the LBA; because the requested waivers will not adversely affect adjacent property owners

as the Northeast property line is adjacent to an existing heavily treed area owned and Operated by CSX Rail; because this property is associated with and will be a part of an operating development previously approved via the detailed development plan for Chamberlain Crossing Business park; because tenants will be identified who will choose this location because of the proximity to other manufacturing facilities and the Kentucky Truck plant; because the proposed building is the minimum size needed and the granting of the waivers would allow for the location of this business(s) at this site; because the property is located in an area that is primarily industrial and employment based in nature and zoned PEC, Commercial and CM within the Suburban Workplace Form District; because CSX owns property to the north (zoned R-4) including a large area of mature trees; because this proposal complies with the Comprehensive Plan in that the Goals and Objectives Goal A1, Objectives 1.4 & 1.5, Goal D1 Objectives D 1.1, 1.2, 1.3, and 1.4 support economic development and jobs; because all waivers requested are the minimum necessary to allow the proposed buildings and structures and to remain in compliance with other sections of the Land Development Code; and because where relief is sought from the LDC, the applicant has sufficiently attempted to comply with the LDC and has not attempted to circumvent the requirements; and because the Louisville Metro Staff Findings and Analysis, contained within the Staff Report, support the granting of the waivers; and

WHEREAS, The Planning Commission finds that the proposal complies with Infrastructure Guideline 14 and all applicable Policies adopted thereunder including Policies 14.2, 14.3 and 14.4 because the site is served by all necessary utilities including water and sewerage facilities by lateral extension to the MSD Hite Creek Treatment Plant; and

WHEREAS, The Planning Commission finds that the proposal complies with Community Facilities Guideline 15 and all applicable Policies adopted thereunder including Policy 15.9 because the site is located within the Worthington Fire Protection District; and

WHEREAS, the Planning Commission further finds that the proposal complies with all other applicable Guidelines and Policies of the Jefferson County Comprehensive Plan;

RESOLVED, that the Louisville Metro Planning and Design Services does hereby **RECOMMEND** to the Louisville / Jefferson County Metro Government that the change in zoning **from R-4 Single-Family Residential to PEC Planned Employment Center** be **APPROVED**; and

RESOLVED, that the Louisville Metro Planning and Design Service does hereby **APPROVE** the requested landscape waivers to allow the landscape buffer areas to be reduced in size as shown on the Detailed District Development Plan and detailed in these Findings of Fact because the adjacent properties will not be adversely affected, the granting of the waivers will not violate the Comprehensive

Plan, the requested waivers are the minimum necessary to afford relief to the applicant and adjacent property owners, and the strict application of the regulations would deprive the applicant of the reasonable use of the land, and the waivers are supported by the Louisville Metro Planning and Design Department Staff Report; and

RESOLVED, that the Louisville Metro Planning and Design Service does hereby **APPROVE** the Detailed District Development Plan for Docket No. 17ZONE1044 **SUBJECT** to the following binding elements:

PROPOSED BINDING ELEMENTS:

1. The development shall be in accordance with the approved district development plan, all applicable sections of the Land Development Code (LDC) and agreed upon binding elements unless amended pursuant to the Land Development Code. Any changes/additions/alterations of any binding element(s) shall be submitted to the Planning Commission or the Planning Commission's designee for review and approval; any changes/additions/alterations not so referred shall not be valid.
2. No outdoor advertising signs, small freestanding signs, pennants, balloons, or banners shall be permitted on the site.
3. Construction fencing shall be erected when off-site trees or tree canopy exists within 3' of a common property line. Fencing shall be in place prior to any grading or construction to protect the existing root systems from compaction. The fencing shall enclose the entire area beneath the tree canopy and shall remain in place until all construction is completed. No parking, material storage or construction activities are permitted within the protected area.
4. Before any permit (including but not limited to building, parking lot, change of use, site disturbance) is requested:
 - a. The development plan must receive full construction approval from Louisville Metro Department of Inspections, Permits and Licenses, Louisville Metro Public Works and the Metropolitan Sewer District.
 - b. The property owner/developer must obtain approval of a detailed plan for screening (buffering/landscaping) as described in Land Development Code, Chapter 10 prior to requesting a building permit. Such plan shall be implemented prior to occupancy of the site and shall be maintained thereafter.
 - c. A Tree Preservation Plan in accordance with Chapter 10 of the LDC shall be reviewed and approved prior to obtaining approval for site disturbance.
 - d. An Individual Historic Resource Survey Form shall be completed for any

- historic resources on the subject site. The documentation if necessary, must occur prior to the issuance of a demolition permit or ground disturbance at the site. The documentation shall be submitted to Urban Design/Historic Preservation Staff upon completion.
- e. A geotechnical report shall be submitted to staff for incorporation into the record.
 - f. A reciprocal access and crossover easement agreement for “truck access” in a form acceptable to the Planning Commission legal counsel shall be created between the adjoining property owners and recorded. A copy of the recorded instrument shall be submitted to the Division of Planning and Design Services.
 - g. A legal instrument shall be recorded consolidating the property as shown on the approved development plan. A copy of the recorded instrument shall be submitted to the Division of Planning and Design Services.
- 5. A certificate of occupancy must be received from the appropriate code enforcement department prior to occupancy of the structure or land for the proposed use. All binding elements requiring action and approval must be implemented prior to requesting issuance of the certificate of occupancy, unless specifically waived by the Planning Commission.
 - 6. The applicant, developer, or property owner shall provide copies of these binding elements to tenants, purchasers, contractors, subcontractors and other parties engaged in development of this site and shall advise them of the content of these binding elements. These binding elements shall run with the land and the owner of the property and occupant of the property shall at all times be responsible for compliance with these binding elements. At all times during development of the site, the applicant and developer, their heirs, successors; and assignees, contractors, subcontractors, and other parties engaged in development of the site, shall be responsible for compliance with these binding elements.
 - 7. No idling of trucks shall take place within 200 feet of single-family residences. No overnight idling of trucks shall be permitted on-site.
 - 8. No heavy-truck shall enter or exit the facility via Old La Grange Road. All heavy-truck access shall be limited to Chamberlain Crossing Drive.
 - 9. The design of the façade and landscaping along Old La Grange Road, including a four-board fence shall be substantially the same as depicted in the renderings as presented at the 01/04/18 Planning Commission meeting and stamped “received 12/27/17”.

All binding elements stated in this report are accepted in total without exception by the entity requesting approval of these development items.

Name

Title

Date