

PLANNING COMMISSION MINUTES
July 7, 2022

PUBLIC HEARING

CASE NO. 21-ZONE-0095

Request: Change in zoning from RR to C-2 with detailed district development plan in Floyds Fork Review Overlay and variance and waivers

Project Name: 2nds in Building Materials

Location: 2612 S. English Station Road

Owner: 2nds in Building Materials

Applicant: 2nds in Building Materials

Representative: Bardenwerper, Talbott, & Roberts, PLLC

Jurisdiction: Louisville Metro

Council District: 20 - Stuart Benson

Case Manager: Joel Dock, AICP, Planning Coordinator

The staff report prepared for this case was incorporated into the record. The Commissioners received this report in advance of the hearing, and this report was available to any interested party prior to the public hearing. (The staff report is part of the case file maintained in Planning and Design Services offices, 444 S. 5th Street.)

Agency Testimony:

01:41:04 Joel Dock presented the case and showed a Power Point presentation (see staff report and recording for detailed presentation.) He handed out copies of opposition testimony to the Commissioners.

01:49:39 In response to a question from Commissioner Mims, Mr. Dock said he did not know the exact width of the roadways that would serve this site, but that they were adequate.

01:50:11 In response to another question from Commissioner Mims, Mr. Dock said the previous use was agricultural (horse barns), which did not require a rezoning.

The following spoke in support of the request:

Nick Pregliasco, Bardenwerper Talbott & Roberts PLLC, 1000 North Hurstbourne Parkway, Louisville, KY 40223

Kelli Jones, Sabak Wilson & Lingo, 608 South Third Street, Louisville, KY 40202

Scott LeRoy (applicant), 6052 Lee Highway, Chattanooga TN 37421

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Paul Baggett, 5959 Shallowford Road, Chattanooga, TN 37421 (signed in but did not speak)

Anthony Butler, 2330 Frankfort Avenue, Louisville, KY 40206 (signed in but did not speak)

Summary of testimony of those in support:

01:50:40 Nick Pregliasco, the applicant's representative, presented the applicant's case and showed a Power Point presentation (see recording for detailed presentation.)

02:08:36 Kelli Jones, an applicant's representative, said she and the architect were present today to answer any questions about the site, and the conversion of the buildings from an agricultural to a commercial use.

02:09:07 Mr. Pregliasco added that the question of sprinklers was brought up at LD&T. He said sprinklers would be added.

02:10:01 In response to questions from Commissioner Mims, Mr. Pregliasco said that everything will be stored inside the building, with the exception of the garden center (outdoor statuary, etc.) The garden center will be outside surrounded on three sides by the buildings. He said truck traffic will be about one to two trucks per week, and noted that horse trailers regularly accessed the site. Mr. Pregliasco discussed how vehicle traffic from a horse stable would compare to the proposed use (see recording for detailed discussion.) He said the barn was built sometime between 2006-2008, and there is no residential use on the site.

02:14:34 In response to a question from Commissioner Price, Mr. Pregliasco discussed a letter received from the attorney for Parklands.

02:15:47 In response to a question from Commissioner Brown, Scott LeRoy and Mr. Pregliasco discussed hours of operation (see recording.)

The following spoke in opposition to the request:

Teena Halbig, Floyds Fork Environmental Association, 6505 Echo Trail, Louisville KY 40299

Randy Strobo, 730 West Main Street Suite 202, Louisville, KY 40202

Jeff Frank, Friends of Floyds Fork, 16509 Bradbe Road, Louisville, KY 40023

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Lucas Frazier, 15700 Piercy Mill Road, Louisville, KY 40245

Mike Farmer, 15100 Old Taylorsville Road, Louisville, KY 40023

Steve Porter, 2406 Tucker Station Road, Louisville, KY 40299

Summary of testimony of those in opposition:

02:17:30 Teena Halbig discussed the mission of the Floyds Fork Environmental Association and expressed concern about runoff of oil/other pollutants into the creek. She requested that the RR zoning category be maintained. No expansion into the Floyds Fork DRO should occur.

02:23:38 Randy Strobo, representing Friends of Floyds Fork, said his clients agree with the staff report (see recording for detailed presentation.)

02:25:51 Jeff Frank said a big-box, retail business is not appropriate for this site. He said this site drains directly into Floyds Fork. This site should not be changed from the DRO restrictions. He said the former stable business has not been in operation for years, but the property has been vacant.

02:28:40 Lucas Frazier said that the Parklands was previously against this project – they had a list of five issues, but only one of those issues was resolved. He said the main concern was the proposed addition of 3 ½ acres of impervious surface, with a 200% increase in parking. He said semi trucks normally do not go down this part of the road and would pose a hazard to pedestrians and bicyclists.

02:31:01 Mike Farmer reiterated that the DRO must be protected and that a big-box store is inappropriate. He also expressed concern about Floyds Fork and the expense of trying to repair the abuse of Beargrass and other creeks in the area.

02:33:33 Steve Porter, representing the Fisherville Neighborhood Association, handed out the opposition's Findings of Fact for denial of this request (on file). He reviewed and commented on the previously-discussed email from the Parklands attorney and said that several of the original objections have not been resolved. See recording for his detailed presentation.

02:44:49 Commissioner Brown and Mr. Strobo discussed the Beargrass Creek / Ecosystem Restoration Study being conducted by the Army Corps of Engineers (see recording for detailed discussion.)

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Rebuttal:

02:47:38 Mr. Pregliasco presented rebuttal (see recording for detailed presentation.)

Deliberation:

02:52:33 Commissioners' deliberation.

An audio/visual recording of the Planning Commission hearing related to this case is available on the Planning & Design Services website, or you may contact the Customer Service staff to view the recording or to obtain a copy.

02:57:18 On a motion by Commissioner Brown, seconded by Commissioner Howard, the following resolution, based on the Standard of Review and Staff Analysis and evidence and testimony heard today, was adopted:

WHEREAS, the Louisville Metro Planning Commission finds that the proposal does not meet Community Form: Goal 1 because the proposed zoning district would result in the expansion of a higher intensity non-residential district into an area that primarily serves residential and recreational areas in the neighborhood form district. The adjacent M-2, industrial district has existed since at least 1954 and is within the neighborhood form, which indicates that it should not be expanded; the proposed commercial district is not located near major transportation facilities or transit corridors, or in or near a commercial activity center. Transit service does not extend east of I-265. Commercial and workplace activity centers also do not extend east of I-265 in this area; the proposed district may result in uses that are regional and attract a higher volume of traffic than is considered by the proposed use. This section of S. English Station Road does currently provide a higher level of access to industrial uses and increased traffic through an industrial zone would not necessarily be a nuisance to those users; and

WHEREAS, the Commission further finds that the proposal does not meet Community Form: Goal 2 because the proposed district is not located in a commercial activity center in a form district where high intensity commercial should be located, such as marketplace or regional center; the proposed commercial district is in the neighborhood form. It is not located near major transportation facilities or transit corridors, or in or near a commercial activity center. Transit service does not extend east of I-265; commercial and workplace activity centers also do not extend east of I-265 in this area; the proposal

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is not located in a commercial activity center and expands existing non-residential uses into residential, agricultural, and recreational areas; the proposed commercial district is in the neighborhood form. It is not located near major transportation facilities or transit corridors, or in or near a commercial activity center. Transit service does not extend east of I-265; commercial and workplace activity centers also do not extend east of I-265 in this area. Small scale, low-intensity commercial that is multi-modal oriented to serve the park may be appropriate nearby and support vitality and a sense of place; and the proposed use would result in dedicated trips to a single commercial use; and

WHEREAS, the Commission further finds that the proposal does not meet Community Form: Goal 3 because the proposed district allows for an expansion of impervious surfaces and building footprint in area of agricultural, low-density, and recreational uses for a district that is better suited for an existing activity center or near a commercial activity center where the potential for adverse environmental impact may be greatly minimized. The floodplain and Floyds Fork are located are the northside of S. English Station Road and an intermittent stream is located to the rear of the proposed zone. The proposed district allows for an expansion of impervious surfaces and building footprint in area of agricultural, low-density, and recreational uses for a district that is better suited for an existing activity center or near a commercial activity center where the potential for adverse environmental impact may be greatly minimized; and

WHEREAS, the Commission further finds that the proposal does not meet Community Form: Goal 4 because existing structures for a former equine use will be repurposed and the architectural styles carries forward this theme. The scale of impervious surfaces and building expansion is better suited for an existing activity center or near a commercial activity center; and the proposed district allows for an expansion of impervious surfaces and building footprint in area of agricultural, low-density, and recreational uses for a district that is better suited for an existing activity center or near a commercial activity center where the potential for adverse environmental impact may be greatly minimized; and

WHEREAS, the Commission further finds that the proposal does not meet Mobility: Goal 1 because the proposed district is not located in a commercial activity center in a form district where high intensity commercial should be located, such as marketplace or regional center to support transit-oriented development and an efficient transportation system; and

WHEREAS, the Commission further finds that the proposal does not meet Mobility: Goal 3 because the proposed district allows for regional oriented goods and services at a scale that is not consistent with the area and does not encourage short trips easily made by walking or bicycling. It would result in dedicated vehicle trips; the proposed

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district is not located in a commercial activity center in a form district where high intensity commercial should be located, such as marketplace or regional center. Because of this, it is also not located near major transportation facilities or transit corridors, or in or near a commercial activity center to encourage a mixture of compatible land uses that are easily accessible by bicycle, car, transit, pedestrians and people with disabilities. Transit service does not extend east of I-265. Commercial and workplace activity centers also do not extend east of I- 265 in this area; and

WHEREAS, the Commission further finds that the proposal does not meet Community Facilities: Goal 2 because full connectivity to utilities, specifically sewers is not available; the site is not connected to sewers and the proposed district is a high intensity district; now, therefore be it

RESOLVED that the Louisville Metro Planning Commission does hereby **RECOMMEND** to the Louisville Metro Council that the proposed change-in-zoning from RR, rural residential to C-2, commercial be **DENIED**.

The vote was as follows:

YES: Commissioners Price, Clare, Brown, Howard, Mims, Daniels, Sistrunk, and Lewis.

ABSENT: Commissioners Carlson and Cheek.