

PLANNING COMMISSION MINUTES
April 21, 2022

PUBLIC HEARING

CASE NO. 22-DDP-0009

Project Name:	Orell Mini Warehouse
Location:	11905 Dixie Hwy
Owner(s):	11905 Dixie LLC
Applicant:	11905 Dixie LLC
Jurisdiction:	Louisville Metro
Council District:	14 – Cindi Fowler
Case Manager:	Jay Luckett, AICP, Planner II

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. (Staff report is part of the case file maintained in Planning and Design Services offices, 444 S. 5th Street.)

Agency Testimony:

00:17:52 Jay Luckett said there are some outstanding issues regarding plumbing permitting and use on the site, so the applicant is requesting a continuance (see recording for detailed presentation).

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.

On a motion by Commissioner Carlson, seconded by Commissioner Seitz, the following resolution was adopted.

RESOLVED, that the Louisville Metro Planning Commission does hereby **CONTINUE** this case to the May 12, 2022 Planning Commission meeting.

The vote was as follows:

YES: Commissioners Brown, Carlson, Daniels, Mims, Price, Seitz, Sistrunk, Howard and Lewis

NOT PRESENT AND NOT VOTING: Commissioner Clare

PLANNING COMMISSION MINUTES
May 12, 2002

PUBLIC HEARING

CASE NO. 22-DDP-0009

Project Name:	Orell Mini Warehouse
Location:	11905 Dixie Hwy
Owner(s):	11905 Dixie LLC
Applicant:	11905 Dixie LLC
Jurisdiction:	Louisville Metro
Council District:	14 – Cindi Fowler Case
Manager:	Jay Lockett, AICP, Planner II

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. (Staff report is part of the case file maintained in Planning and Design Services offices, 444 S. 5th Street.)

Agency Testimony:

01:52:50 Jay Lockett discussed the case summary, standard of review and staff analysis from the staff report (see recording for detailed presentation).

The following spoke in favor of this request:

Jon Baker, 400 West Market Street, Louisville, Ky. 40202

Mike Hill, Land Design and Development, 503 Washburn Avenue, Louisville, Ky. 40222

Summary of testimony of those in favor:

Jon Baker gave a power point presentation. The request is for a revised development plan. There are new binding elements requested by Metro Council. The plan was redlined without going through the full Planning Commission and Metro Council prior to approval (see recording for detailed presentation).

The following spoke neither for nor against the request:

Cindi Fowler, 601 West Jefferson Street, Louisville, Ky. 40202

Summary of testimony of those neither for nor against:

Cindi Fowler asked why it took four years to be approved by Metro Council. Also, why not do the contractor shop? (see recording for detailed presentation)

Rebuttal

PLANNING COMMISSION MINUTES
May 12, 2002

PUBLIC HEARING

CASE NO. 22-DDP-0009

Jon Baker said a contractor shop is welcome if Metro Council allows it (see recording for detailed presentation).

Deliberation

No Planning Commission 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.

Revised Detailed District Development plan

On a motion by Commissioner Carlson, seconded by Commissioner Mims, the following resolution based on the Applicant's testimony and the Standard of Review and Staff Analysis was adopted.

WHEREAS, there do not appear to be any environmental constraints or historic resources on the subject site; and

WHEREAS, provisions for safe and efficient vehicular and pedestrian transportation within and around the development and the community has been provided, and Metro Public Works has approved the preliminary development plan; and

WHEREAS, there are no open space requirements pertinent to the current proposal; and

WHEREAS, the Metropolitan Sewer District has approved the preliminary development plan and will ensure the provision of adequate drainage facilities on the subject site in order to prevent drainage problems from occurring on the subject site or within the community; and

WHEREAS, the Louisville Metro Planning Commission finds, the overall site design and land uses are compatible with the existing and future development of the area. Appropriate landscape buffering and screening will be provided to screen adjacent properties and roadways except where waivers have been approved. Buildings and parking lots will meet all required setbacks except where variances have been approved; and

PLANNING COMMISSION MINUTES
May 12, 2002

PUBLIC HEARING

CASE NO. 22-DDP-0009

WHEREAS, the Louisville Metro Planning Commission further finds the development plan conforms to applicable guidelines and policies of the Comprehensive Plan and to requirements of the Land Development Code.

RESOLVED, that the Louisville Metro Planning Commission does hereby **RECOMMEND** to the Louisville Metro Council the Revised Detailed District Development Plan, **SUBJECT** to the following Binding Elements, be **APPROVED**:

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, alteration permit or demolition permit) 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. Encroachment permits must be obtained from the Kentucky Department of Transportation, Bureau of Highways
 - c. The property owner/developer must obtain approval of a detailed plan for screening (buffering/landscaping) as described in Chapter 10 prior to requesting a building permit. Such plan shall be implemented prior to occupancy of the site and shall be maintained thereafter.
 - d. A minor plat or legal instrument shall be recorded consolidating the property into one lot. A copy of the recorded instrument shall be submitted to the Division of Planning and Design Services; transmittal of the approved plans to the office responsible for permit issuance will occur only after receipt of said instrument.
 - e. A Tree Preservation Plan in accordance with Chapter 10 of the LDC shall be reviewed and approved prior to obtaining approval for site disturbance.

PLANNING COMMISSION MINUTES
May 12, 2002

PUBLIC HEARING

CASE NO. 22-DDP-0009

5. Prior to any site disturbance permit being issued and prior to any clearing, grading or issuance of a site disturbance permit, a site inspection shall be conducted by PDS staff to ensure proper placement of required tree protection fencing in accordance with the approved Tree Preservation Plan.
6. 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.
7. There shall be no outdoor music (live, piped, radio or amplified) or outdoor entertainment or outdoor PA system audible beyond the property line.
8. 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.
9. The materials and design of proposed structures shall be substantially the same as depicted in the rendering as presented at the November 2, 2017 and May 12, 2022 Planning Commission hearings.
10. The subject property shall only be used for those uses allowed in the C-M zoning district that are otherwise allowed in the C-2 zoning district and for "Warehouse, storage" but for no other use permitted in the M-1 zoning district. Any amendment to this binding element shall require approval from the Louisville Metro Planning Commission and from the Louisville Metro Council.
11. There shall be no storage of coal ash/fly ash on the premises.
12. The sidewalks along E. Orell Rd. shall be extended to the Orell Rd. intersection.
13. Any change of use or change to the approved development plan shall require Metro Council review and approval.

PLANNING COMMISSION MINUTES
May 12, 2002

PUBLIC HEARING

CASE NO. 22-DDP-0009

The vote was as follows:

YES: Commissioners Carlson, Clare, Daniels, Mims, Price, Sistrunk and Howard
NOT PRESENT AND NOT VOTING: Commissioners Brown and Lewis