

ORDINANCE NO. _____, SERIES 2019

AN ORDINANCE MAINTAINING THE EXISTING ZONING OF C-1 COMMERCIAL ON PROPERTY LOCATED AT 5102 EAST INDIAN TRAIL CONTAINING .42 ACRES AND BEING IN LOUISVILLE METRO (CASE NO. 18ZONE1065) (AMENDMENT BY SUBSTITUTION).

SPONSORED BY: COUNCILWOMAN MADONNA FLOOD

WHEREAS, The Legislative Council of the Louisville/Jefferson County Metro Government (the "Council") has considered the evidence presented at the public hearing held by the Louisville Metro Planning Commission and the recommendations of the Planning Commission and its staff as set out in the minutes and records of the Planning Commission in Case No. 18ZONE1065; and

WHEREAS, the Council rejects the findings of the Planning Commission for the zoning change in Case No. 18ZONE1065 and has made alternative findings of fact based upon the Planning Commission's record that support maintaining the existing C-1 Commercial zoning designation; and

NOW THEREFORE BE IT ORDAINED BY THE LEGISLATIVE COUNCIL OF THE LOUISVILLE/JEFFERSON COUNTY METRO GOVERNMENT ("COUNCIL") AS FOLLOWS:

SECTION I: That the zoning of the property located at 5102 East Indian Trail containing .42 acres and being in Louisville Metro, as more particularly described in the minutes and records of the Planning Commission in Case No. 18ZONE1065, is hereby maintained as C-1 Commercial.

SECTION II: The Council makes the following findings of fact based upon the record established before the Planning Commission in Case No. 18ZONE1065 to overturn the recommendations of the Planning Commission and to maintain the existing

C-1 Commercial zoning designation on property located at 5102 East Indian Trail, and being in Louisville Metro:

1. Case No. 18ZONE1065 includes, among other requests for relief, a request to change the existing C-1 Commercial to M-2 Industrial to allow heavy truck parking and storage along a primary collector roadway in a Neighborhood Form District (“The Proposal”); and

2. The Proposal is in a site within the Neighborhood Form District comprised of residential and neighborhood serving commercial uses; and

3. The Proposal does not comply with the Guidelines and Policies of Cornerstone 2020 as set forth below:

a. The Proposal does not comply with Guideline 1: Community Form, as it is not a neighborhood center and does not provide neighborhood serving uses, and its scale is not appropriate as defined boundaries for industrial uses are to the rear of the subject site. It is a high intensity use located along a collector level roadway and adjoins a single-family neighborhood, and impacts may be presented as industrial uses from nearby would be permitted to expand onto this property or use it for means of access within close proximity to residential use; and

b. The Proposal does not comply with Guideline 2: Centers, as it is not a neighborhood center and does not provide neighborhood serving uses, and construction activities that have occurred recently on site are not in keeping with the form district. It does not provide retail activities to serve the neighborhood. It is inefficiently organized on the site as the existing improvements were made improperly and exceed the minimum standards for setback and landscaping at a scale that is inappropriate for

the Neighborhood form district. It does not include a mix of compatible land uses that will reduce trips, support the use of alternative forms of transportation, and encourage vitality and sense of place as the proposed district allows for heavy truck parking and other industrial uses adjoining commercial uses and a residential area. It does not incorporate residential and office uses above retail, and/or includes other mixed-use, multi-story retail buildings. The site contains no landscape elements or central focal point. It does not share entrance and parking facilities with adjacent uses to reduce curb cuts and surface parking, and the sharing of commercial entrances with an industrial use would be inappropriate; the heavy truck maneuvering is inappropriate within such close proximity to residences and commercial services within the neighborhood form district; and the expansion of the district beyond the boundaries of the workplace form to the rear pose additional concerns as industrial uses from nearby centers would be permitted to expand onto this property or use it for means of access within close proximity to residential uses. It does not support easy access by bicycle, car, transit, pedestrians, and persons with disabilities; the heavy truck maneuvering is inappropriate within such close proximity to residences within the neighborhood form district; pedestrian facilities are not provided and pedestrian access to the facility would be inappropriate; and maneuvering of truck along the roadway makes pedestrian travel unsafe; and

c. The Proposal does not comply with Guideline 3: Compatibility, as metal fencing is not an appropriate material for screening and buffering within close proximity to residential and decreases compatibility with nearby industrial uses as well. It constitutes an inappropriate expansion of an industrial use into the neighborhood form district and into a residential and neighborhood commercial area as the existing zoning

district supports commercial services and goods and the adjacent workplace form supports the location of industry. Odors and emissions from trucks pose a significant nuisance upon nearby residents. Industrial traffic along this roadway introduces a nuisance that is not currently present. It is a high intensity use and would result in the inappropriate expansion of an industrial area into a neighborhood. Appropriate transitions have not been provided and the use is not permitted as it currently exists. The current use of the property could have been avoided, and landscaping and setbacks consistent with the Land Development Code have not been provided and were thus placed in violation of the Land Development Code. Setbacks, lot dimensions, and building heights are not compatible with those of nearby developments that meet form district standards. Adverse impacts of industrial uses have not been minimized as current site condition present encroachments into required buffers and setbacks. It does not include screening and buffering that is compatible and conforming to the requirements, and significant buffers and screening beyond the minimum requirements would be absolutely necessary to make this development conforming to the concepts of the neighborhood form district; and

d. The Proposal does not comply with Guideline 4: Open Space, as it does not provide any open or public space for the community as intended by the form; and

e. The Proposal does not comply with Guideline 6: Economic Growth and Sustainability, as its industrial development is outside the limits of the workplace form and industrial subdivision, and promotes the inappropriate use of a primarily residential

road for heavy truck use. The site is located on a collector level roadway and residential uses will be negatively impacted; and

f. The Proposal does not comply with Guideline 7: Circulation, as it does not promote mass transit, bicycle, and pedestrian use, and provides amenities to support these modes of transportation. The expansion of the district beyond the boundaries of the workplace form to the rear pose additional concerns as industrial uses from nearby centers would be permitted to expand onto this property or use it for means of access within close proximity to residential uses. The expansion of the district beyond the boundaries of the workplace form to the rear pose additional concerns as industrial uses from nearby centers would be permitted to expand onto this property or use it for means of access within close proximity to residential uses; and

g. The Proposal does not comply with Guideline 8: Transportation Facility Design, as access to the site is through areas of significantly lower intensity as the site is located on a roadway which serves moderate intensity commercial and residential development. The expansion of the district behind the boundaries of the workplace form to the rear pose additional concerns as industrial uses from nearby centers would be permitted to expand onto this property or use it for means of access within close proximity to residential uses; and

h. The Proposal does not comply with Guideline 9: Bicycle, Pedestrian and Transit, as the proposed use does not provide for the movement of pedestrians, bicyclists and transit users around and through the development.

SECTION III: This Ordinance shall take effect upon its passage and approval.

H. Stephen Ott
Metro Council Clerk

David James
President of the Council

Greg Fischer
Mayor

Approval Date

APPROVED AS TO FORM AND LEGALITY:

Michael J. O'Connell
Jefferson County Attorney

By: _____
O-147-19 – Denying Zoning at 5102 East Indian Trail (Amend by Sub)(6-3-19).docx (pbw)