

PLANNING COMMISSION MINUTES
March 3, 2016

PUBLIC HEARING

CASE NO. 15ZONE1053

Request: Change in form district from Neighborhood to Suburban Workplace, a change in zoning from R-4 to EZ-1 (8.5 acres) and OR-1 (3.01 acres) and a General/Detailed District Development Plan

Project Name: 7205 Johnstontown Road
Location: 7205 Johnstontown Road

Owner: Imelda Linnig and Crimmi Fox
Tim Finn, Seller's Representative/Power of Attorney
3804 Shannon Run Trace
Louisville, Ky. 40299

Applicant: Dynacraft
PACCAR, Inc.
Carole Roberts
777 – 106th Avenue, N.E.
Bellevue, Wa. 98004

Representative: Land Design and Development
Kevin Young/Ann Richard
503 Washburn Avenue, Suite 101
Louisville, Ky. 40222

Bardenwerper Talbott and Roberts PLLC
William B. Bardenwerper
1000 North Hurstbourne Parkway, 2nd floor
Louisville, Ky. 40223

Jurisdiction: Louisville Metro
Council District: 12-Rick Blackwell
Case Manager: Julia Williams, RLA, AICP, Planner II

Notice of this public hearing appeared in **The Courier Journal**, a notice was posted on the property, and notices were sent by first class mail to those adjoining property owners whose names were supplied by the applicants.

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:

PLANNING COMMISSION MINUTES
March 3, 2016

PUBLIC HEARING

CASE NO. 15ZONE1053

01:23:06 Mrs. Williams discussed the case summary, standard of review and staff analysis from the staff report.

The following spoke in favor of this request:

Bill Bardenwerper, Bardenwerper, Talbott and Roberts, PLLC, 1000 North Hurstbourne Parkway, 2nd floor, Louisville, Ky. 40223
Kevin Young, Land Design and Development, 503 Washburn Avenue, Suite 101, Louisville, Ky. 40222

Summary of testimony of those in favor:

01:28:40 Mr. Bardenwerper gave a power point presentation. Dynacraft is a division of PACCAR. They have approximately 400 employees and make the hoses, cables and other various parts for trucks.

Mr. Bardenwerper also handed out booklets to the commissioners.

01:34:56 Mr. Young said they eliminated one entrance for safety purposes. There will be a detention basin, 6 foot tall berm, an 8 foot wooden fence, evergreen plantings and an increased setback of 75 feet. Also, the loading dock will be on the side instead of the resident's side.

Additional Agency Testimony:

1:39:30 Mr. Kelly, MSD stated, "The cross section that Kevin showed shows the basin and the berm flip flopped." Mr. Young said he forgot to update the cross section, but the plan is correct.

The following spoke in opposition to this request:

Michael K. Ezell, 9502 Shoshone Way, Louisville, Ky. 40258

Summary of testimony of those in opposition:

01:40:44 Mr. Ezell is concerned that living between 2 warehouses will decrease the value of his property.

Deliberation

PLANNING COMMISSION MINUTES
March 3, 2016

PUBLIC HEARING

CASE NO. 15ZONE1053

01:44:28 Planning Commission deliberation. Commissioner Kirchdorfer said all the issues have been addressed and the zoning will be appropriate at the expansion of the Greenbelt Corridor.

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.

Change in Form District from Neighborhood to Suburban Workplace

WHEREAS, A Suburban Workplace is a form characterized by predominately industrial and office uses where the buildings are set back from the street in a landscaped setting. Suburban workplaces often contain a single large-scale use or a cluster of uses within a master planned development. New larger proposed industrial uses are encouraged to apply for a planned development district.

In order to provide adequate transportation access in suburban workplaces connected roads, public transportation and pedestrian facilities should be encouraged. Walkways to workplace-serving uses are encouraged for workplace employees. Development within suburban workplace form districts may need significant buffering from abutting uses; and

WHEREAS, the Louisville Metro Planning Commission finds, the proposal integrates into the form district pattern to the north of the subject site along Greenbelt Highway and into a planned development that has been created along Greenbelt Highway. A mix of zoning is proposed. A sidewalk is proposed along the Greenbelt. A pedestrian connection is being made from the Greenbelt to the warehouse and office. Cross access is being provided. The building materials will be similar to other materials found in the area. The proposal is an existing residential site in an area of mixed residential and non-residential uses. The non-residential proposal is a more intense classification where buffers will be provided to lessen the intensity of the zone adjacent to the residential zones; and

WHEREAS, the Louisville Metro Planning Commission further finds the higher intensity proposal is not located along an existing transit corridor but is located in an activity area north of the site along the Greenbelt Highway. All existing tree canopy on the site will be removed and replaced by new trees.

Zoning Change from R-4 to EZ-1 and OR-1

WHEREAS, A Suburban Workplace is a form characterized by predominately industrial and office uses where the buildings are set back from the street in a landscaped

PLANNING COMMISSION MINUTES
March 3, 2016

PUBLIC HEARING

CASE NO. 15ZONE1053

setting. Suburban workplaces often contain a single large-scale use or a cluster of uses within a master planned development. New larger proposed industrial uses are encouraged to apply for a planned development district; and

In order to provide adequate transportation access in suburban workplaces connected roads, public transportation and pedestrian facilities should be encouraged. Walkways to workplace-serving uses are encouraged for workplace employees. Development within suburban workplace form districts may need significant buffering from abutting uses; and

WHEREAS, the Louisville Metro Planning Commission finds, the proposal integrates into the form district pattern to the north of the subject site along Greenbelt Highway and into a planned development that has been created along Greenbelt Highway. A mix of zoning is proposed. A sidewalk is proposed along the Greenbelt. A pedestrian connection is being made from the Greenbelt to the warehouse and office. Cross access is being provided. The building materials will be similar to other materials found in the area. The proposal is an existing residential site in an area of mixed residential and non-residential uses. The non-residential proposal is a more intense classification where buffers will be provided to lessen the intensity of the zone adjacent to the residential zones; and

WHEREAS, the Louisville Metro Planning Commission further finds the higher intensity proposal is not located along an existing transit corridor but is located in an activity area north of the site along the Greenbelt Highway. All existing tree canopy on the site will be removed and replaced by new trees.

General/Detailed District Development Plan and Binding Elements

WHEREAS, There are no historic resources on the subject site. All existing tree canopy on the site will be removed and replaced by new trees and meet the tree canopy requirements; 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 and the Kentucky Transportation Cabinet have approved the preliminary development plan; and

WHEREAS, Open space is provided in the form of buffers and drainage areas; and

WHEREAS, The Metropolitan Sewer District has approved the preliminary development plan and will ensure the provisions of adequate drainage facilities on the subject site in

PLANNING COMMISSION MINUTES
March 3, 2016

PUBLIC HEARING

CASE NO. 15ZONE1053

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. Buildings and parking lots will meet all required setbacks; and

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.

On a motion by Commissioner White, seconded by Commissioner Jarboe, the following resolution was adopted.

RESOLVED, that the Louisville Metro Planning Commission does hereby **RECOMMEND**, to Metro Council, **APPROVAL** of the change in form district from Neighborhood to Suburban Workplace, **RECOMMEND**, to Metro Council, **APPROVAL** of the change in zoning from R-4 to EZ-1 and OR-1 and **APPROVE** the General/Detailed District Development Plan as presented based on the testimony heard today and staff report; also, to include the amendment to the binding element number 2 on page 12 – change 9,000 square feet to 15,000 square feet.

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. The development shall not exceed 15,000 square feet of gross floor area for Tract 1.
The development shall not exceed 100,500 square feet of gross floor area for Tract 2.
3. No outdoor advertising signs, small freestanding signs, pennants, balloons, or banners shall be permitted on the site.

PLANNING COMMISSION MINUTES
March 3, 2016

PUBLIC HEARING

CASE NO. 15ZONE1053

4. 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.
5. 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 Develop Louisville, 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. A minor subdivision plat or legal instrument shall be recorded creating the lot lines as shown on the development plan. A copy of the recorded instrument shall be submitted to the Division of Planning and Design Services; transmittal of approved plans to the office responsible for permit issuance will occur only after receipt of said instrument.
 - d. 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.
 - e. A reciprocal access and crossover easement agreement in a form acceptable to the Planning Commission legal counsel shall be created between the created lots and recorded. A copy of the recorded instrument shall be submitted to the Division of Planning and Design Services; transmittal of approved plans to the office responsible for permit issuance will occur only after receipt of said instrument.
 - f. A Tree Preservation Plan in accordance with Chapter 10 of the LDC shall be reviewed and approved prior to obtaining approval for site disturbance.
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.

PLANNING COMMISSION MINUTES
March 3, 2016

PUBLIC HEARING

CASE NO. 15ZONE1053

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 façade elevations shall be in accordance with applicable form district standards and shall be approved by PDS staff prior to construction permit approval.
10. No idling of trucks shall take place within 200 feet of single-family residences. No overnight idling of trucks shall be permitted on-site.
11. Archaeological discoveries such as artifacts, features, and other archaeological deposits shall be reported to the Landmarks Commission. Examples include Native American spear points and tools, historic objects, historic trash pits/dumps, privies (outhouse pits), cisterns, wells, and foundations.

The vote was as follows:

YES: Commissioners Blake, Brown, Jarboe, Kirchdorfer, Lewis, Tomes, Turner and White

NOT PRESENT AND NOT VOTING: Commissioner Peterson