

**PLANNING COMMISSION MINUTES**  
**September 17, 2020**

**PUBLIC HEARING**

**CASE NO. 20-ZONE-0064**

Request: Change in Zoning from R-5 to C-2 and Change in form from Neighborhood to Suburban Marketplace Corridor  
Project Name: Coats Auto  
Location: 5210 Preston Highway  
Owner: Coats Properties I, LLC & Coats Properties II, LLC  
Applicant: Lockett & Farley  
Representative: Dinsmore & Shohl, LLP  
Jurisdiction: Louisville Metro  
Council District: 21 – Nicole George  
Case Manager: Joel P. Dock, 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:**

04:34:16 Mr. Dock discussed the case summary, standard of review and staff analysis from the staff report.

**The following spoke in favor of this request:**

Cliff Ashburner, Dinsmore and Shohl, LLP, 101 South 5<sup>th</sup> Street, Suite 2500, Louisville, Ky. 40202

**Summary of testimony of those in favor:**

04:39:26 Mr. Ashburner gave a power point presentation. This is a simple expansion of a business on Preston Hwy. All the homes have bridges that go across the creek. There are no variances or waivers being requested. The owner is dedicating a sewer easement to allow for drainage going from the subject property to the drainage ditch along Norton Ave. All the access will be from Preston.

**Deliberation**

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04:43:55 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.**

**Change-in-Form from Neighborhood to Suburban Marketplace Corridor**

On a motion by Commissioner Howard, seconded by Commissioner Seitz, the following resolution based on the Plan 2040 Staff Analysis, testimony heard today and the Applicant's Justification was adopted.

**WHEREAS**, the Louisville Metro Planning Commission finds that the neighborhood form district does not generally support high intensity commercial uses that might serve a regional purpose; thus, a form district change that is better suited to the intensity of the corridor is warranted. The neighborhood form is unchanged on portions of property that will remain and maintain residential occupancy. The proposed form district boundaries are generally consistent with the width of the corridor in the area. Additionally, a previously residential area to the west of the subject site has been vacated and rezoned to EZ-1 as a result of improvements at the airport.

**RESOLVED**, that the Louisville Metro Planning Commission does hereby **RECOMMEND** to the Louisville Metro Council the change in Form District from Neighborhood to Suburban Marketplace Corridor be on property described in the attached legal description be **APPROVED**.

**The vote was as follows:**

**YES: Commissioners Daniels, Howard, Mims, Seitz and Lewis**

**NOT PRESENT AND NOT VOTING: Commissioners Brown, Carlson, Peterson and Jarboe**

**Zoning Change from R-5 to C-2**

On a motion by Commissioner Howard, seconded by Commissioner Seitz, the following resolution based on the Plan 2040 Staff Analysis, testimony heard today and the Applicant's Justification was adopted.

**WHEREAS**, the Louisville Metro Planning Commission finds that the proposal meets Land Use & Development Goal 1: Community Form because, the proposed expansion

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into a residential zoning district does not result in the displacement of residents or involve access to residential roadways. All transitions will be provided and no residents will be displaced as a result of this change in zoning; the proposal is located along a major arterial roadway with TARC service, and in area with adequate infrastructure; the proposed district is located along a major arterial roadway and does not have access through lower classification roadways; the proposal does not significantly modify the existing presence of noise from the roadway corridor or the automobile service use. No outdoor repair or storage is permitted within the C-2 district; and

**WHEREAS**, the Louisville Metro Planning Commission finds that the proposal meets Land Use & Development Goal 2: Community Form because, the proposed district expands an existing district along a commercial corridor and concentrates those intensities along the corridor; the subject property is located along an activity corridor and sufficient population is available to support a wide range of uses permitted within the district; the proposed zoning district efficiently uses the land as it does not result in the displacement of residents and occupies previously undeveloped land along commercial corridor; the subject property is located along an activity corridor. TARC service and sidewalks are available; commercial, office and/or residential uses are permitted within the district which is located along an activity corridor; and

**WHEREAS**, the Louisville Metro Planning Commission finds that the proposal meets Land Use & Development Goal 3: Community Form because, the Louisville MSD has approved the preliminary development plan in this case satisfying requirements for drainage systems. No substantial changes to the topography or environmental degradation resulting from disturbance of natural systems appears to result; and

**WHEREAS**, the Louisville Metro Planning Commission finds that the proposal meets Land Use & Development Goal 4: Community Form because, no structures are proposed for removal; no distinctive cultural features including landscapes, natural elements and built features are apparent; and

**WHEREAS**, the Louisville Metro Planning Commission finds that the proposal meets Land Use & Development Goal 1: Mobility because, the proposed higher intensity use will be located with the marketplace corridor that is served by public transit and a pedestrian network; and

**WHEREAS**, the Louisville Metro Planning Commission finds that the proposal meets Land Use & Development Goal 3: Mobility because, the proposed higher intensity use will be located with the marketplace corridor that is served by public transit and a pedestrian network; the site has two access points to Preston Highway. It would not appear that additional modification to access are necessary; all improvements required of the developer within the public right-of-way will be made; sidewalks and TARC

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service are available. Facilities and services are adequate to serve the use; All improvements required of the developer within the public right-of-way will be made; and

**WHEREAS**, the Louisville Metro Planning Commission finds that the proposal meets Land Use & Development Goal 2: Community Facilities because, the proposed development is in an area of existing development. Utilities would appear to be available; the development would appear to have an adequate supply of potable water and water for fire-fighting purposes; the development has adequate means of sewage treatment and disposal to protect public health and to protect water quality; and

**WHEREAS**, the Louisville Metro Planning Commission finds that the proposal meets Land Use & Development Goal 1: Economic Development because, the proposal is located along a major arterial roadway with TARC service, in area of employment, and within proximity to infrastructure (highway and airport); and

**WHEREAS**, the Louisville Metro Planning Commission finds that the proposal meets Land Use & Development Goal 1: Livability because, the Louisville MSD has approved the preliminary development plan in this case satisfying requirements for drainage systems. No substantial changes to the topography or environmental degradation resulting from disturbance of natural systems appears to result; the Louisville MSD has approved the preliminary development plan in this case satisfying requirements for drainage systems. No negative development impacts to the integrity of the regulatory floodplain appear to result.

**RESOLVED**, that the Louisville Metro Planning Commission does hereby **RECOMMEND** to the Louisville Metro Council the change in zoning from R-5, Single Family Residential to C-2, Commercial on property described in the attached legal description be **APPROVED**.

**The vote was as follows:**

**YES: Commissioners Daniels, Howard, Mims, Seitz and Lewis**

**NOT PRESENT AND NOT VOTING: Commissioners Brown, Carlson, Peterson and Jarboe**

**Revised Detailed District Development Plan and Binding Elements**

On a motion by Commissioner Howard, seconded by Commissioner Daniels, the following resolution based on the Standard of Review and Staff Analysis was adopted.

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**WHEREAS**, the conservation of natural resources on the property proposed for development, including: trees and other living vegetation, steep slopes, water courses, flood plains, soils, air quality, scenic views, and historic sites will be conserved as the site does not appear to adversely impact these features. All required tree canopy and planting/screening material will be provided. The site does not contain protected waterways or steep slopes; and

**WHEREAS**, provisions for safe and efficient vehicular and pedestrian transportation within and around the development and the community will be provided by existing infrastructure within the public right-of-way; and

**WHEREAS**, the provision of sufficient open space (scenic and recreational) to meet the needs of the proposed development will be provided as required landscape buffers have been provided; 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 proposal is generally compatible within the scale and site design of nearby existing development and with the form district's pattern of development as architectural features are consistent with the character of the area and the existing structures on site, and form district requirements; and

**WHEREAS**, the Louisville Metro Planning Commission further finds the proposed development plan conforms to Plan 2040 and the requirements of the Land Development Code.

**RESOLVED**, that the Louisville Metro Planning Commission does hereby **APPROVE** the Detailed District Development Plan **SUBJECT** to the following 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.

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2. 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 Develop Louisville, Louisville Metro Public Works and the Metropolitan Sewer District.
  - b. Encroachment permits must be obtained from the Kentucky Transportation Cabinet.
  - 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
3. 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.
4. 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.
5. 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.

**The vote was as follows:**

**YES: Commissioners Daniels, Howard, Mims, Seitz and Lewis**

**NOT PRESENT AND NOT VOTING: Commissioners Brown, Carlson, Peterson and Jarboe**

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