

**Planning Commission Minutes
April 17, 2014**

Public Hearing

CASE NO. 13ZONE1026

Project Name: Kentucky Gymnastics Academy
13705 Aiken Road

Owner: F & R Friedman, LLC
11122 Brookstone Court
Louisville, KY 40223

Applicant: Kentucky Gymnastics Academy, Inc.
1920 Stanley Gault Pkwy, #300
Louisville, KY 40223

Representative: Prism Engineering & Design Group, LLC
2300 Plantside Drive, Suite B
Louisville, KY 40299

Jurisdiction: Louisville Metro
Council District: 19 – Jerry Miller

Staff Case Manager: **Christopher Brown, 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.)

Request:

Change in Zoning from M-2, Industrial, to C-M, Commercial Manufacturing, Landscape Waivers, and Detailed District Development Plan

Agency Testimony:

Christopher Brown showed a PowerPoint presentation and reviewed the requests and case summary/background from the staff report. He showed zoning and aerial maps and discussed the surrounding zoning and land uses. Mr. Brown showed a series of photos of the subject site and surrounding areas.

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He then reviewed the applicant's development plan. He also reviewed the staff analysis and conclusions from the staff report.

There was some discussion about the most current proposed development plan and the parking provided on the site. Mr. Brown explained that the number of parking spaces being provided is 51 spaces with 3 handicap spaces.

The following spoke in favor of this request:

Jason Hall, Prism Engineering, 2300 Plantside Drive, Louisville, KY 40299

Shannon Wickel, 405 Worthing Ct., Louisville, KY 40245

Summary of testimony of those in favor:

Jason Hall, representing the applicant, provided some history to the gymnastics business. He said the applicant has decided to move locations and that this site is the best location for them. He showed a zoning map and aerial photograph. Mr. Hall then reviewed the building elevations and discussed landscaping buffers. He showed the development plan and clarified that 51 spaces will be provided, which includes the 3 handicap spaces. He then discussed access, drainage, and the two requested waivers.

Commissioner Brown asked if parking accommodations would be made for special events. Shannon Wickel explained that large events will not be held on the site.

The following spoke in opposition to this request:

No one.

The following spoke neither for nor against the request:

No one.

Deliberation

Commissioner Kirchdorfer explained that the zoning is appropriate.

Commissioner Brown agreed that the downzoning is appropriate.

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Commissioner Jarboe explained that the case came before LD&T Committee and that none of the waivers looked out of line. He said it is a good reuse of the property.

An audio/visual recording of the Planning Commission hearing related to this case is available in the Planning & Design Services offices. Please contact the Customer Service staff to view the recording or to obtain a copy. The recording of this hearing will be found on the CD of the April 17, 2014 public hearing proceedings.

Abandonment of the Conditional Use Permit

On a motion by Commissioner Proffitt, the following resolution was adopted.

RESOLVED, that the Louisville Metro Planning Commission does hereby **ABANDON** the Conditional Use Permit to allow a commercial pet kennel on property described in the legal description.

The vote was as follows:

YES: Commissioners Kirchdorfer, Brown, Jarboe, Blake, Proffitt, Tomes, and Peterson

NO: No one.

NOT PRESENT FOR THIS CASE: Commissioners White and Turner

ABSTAINING: No one.

Zoning

On a motion by Commissioner Proffitt, the following resolution was adopted.

WHEREAS, the Louisville Metro Planning Commission finds, based on the discussion, staff review, and the staff report, that the proposal complies with Comprehensive Plan Guideline 1- Community Form because the proposed 1.90 acre parcel is situated between existing development, including Pet Suites along the north side of the proposed site and Custom Pool Contractors to the south. The proposal will be integrated into the existing development area, with the building setback from the street with green space and landscape buffers between the proposed parcel and the existing development and the existing roadway. The Suburban Workplace form district is typically identified by single, large-scale uses with connections to roadways, public transportation and pedestrian facilities. The proposal consists of a 12,000 sq. ft. building for operation of the

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gymnastics facility, with pedestrian connections from the proposed parking areas to the building and from the building to the frontage along Avoca Station Court. Currently, there are no pedestrian facilities along Avoca Station Court, nor along Aiken Road; and

WHEREAS, the Louisville Metro Planning Commission further finds that the proposal complies with Comprehensive Plan Guideline 3- Compatibility because the existing development consists of mix of existing non-residential uses, with varied intensity along Aiken Road and Avoca Station Court. Surrounding uses vary, but zoning classifications are similar in nature and are not adversely affected by the proposal. The proposed building, situated in the southeast corner of the lot will be visible from Avoca Station Court along the east elevation, from the existing development along the north and south elevations and the west elevation is visible from the existing railroad. The proposal incorporates building materials and design elements similar to those of the existing development industrial development, and as required by the Land Development Code. Likewise, the proposed setbacks and lot dimensions are comparable and compatible with the surrounding development and meet the Suburban Workplace form district standards. The proposal does not result in any potential odor or air quality emission concerns. During construction, mitigation measures required by the Air Pollution Control District will be in place to prevent fugitive particulate emissions from reaching existing roadways and neighboring properties; and

WHEREAS, the Louisville Metro Planning Commission further finds that the proposed development will provide 54 parking spaces and access Avoca Station Court at the northeast corner of the site. The proposal will not adversely affect traffic patterns within the surrounding area. The facility will operate throughout the daytime and into the evening, with patrons arriving and departing intermittently throughout the day. Parking areas, lighting and service areas are not located in proximity to residential areas and will not adversely affect the existing development. Proposed site lighting will conform to the regulations of the Land Development Code, thereby limiting any adverse effects of the proposal on nearby properties and the night sky; and

WHEREAS, the Louisville Metro Planning Commission further finds that since the proposal is a less intense use than the surrounding properties, landscape buffers will be provided along the north and south property lines to provide a transition between the proposed use and the slightly more intense adjacent uses. Additionally, parking and circulation areas will be buffered with proposed landscaping, as required by the Land Development Code. Proposed parking areas are located along the side and rear of the proposed lot, rather than being oriented toward the street; and

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Proposed signage will be compatible with the Suburban Workplace form district and will conform to the requirements of the Land Development Code. Freestanding signage will be located along Avoca Station Court; and

WHEREAS, the Louisville Metro Planning Commission further finds that the proposal complies with Comprehensive Plan Guideline 4- Open Space because an open space area dedicated for community use is not required for the proposed use. However, the applicant will incorporate a playground area into the proposed development. The proposed playground area, located along the east side of the building, will be fenced and have internal site access for use by patrons; and

WHEREAS, the Louisville Metro Planning Commission further finds that the proposed on-site vehicular use areas (drive aisles and parking spaces) are required to have perimeter landscaping buffer areas and interior landscape areas. The installation of landscaping features along the perimeter of the property and at the internal areas of the site, will provide a more overall open feel for the property. Existing trees and vegetation on the site will be removed for the proposed construction. However, the required tree canopy coverage will be provided, in accordance with the Land Development Code; and

WHEREAS, the Louisville Metro Planning Commission further finds that the proposal complies with Comprehensive Plan Guideline 5- Natural Area and Scenic and Historic Resources because the proposed development will provide the required tree canopy coverage, in accordance with the Land Development Code. Due to the existing elevation difference across the site, there are topographic changes necessary. As a result, the existing trees and vegetation will be substantially cleared from the site. The required tree canopy coverage and landscape will be provided through by planting new trees, shrubs and ground cover, in accordance with the Land Development Code; and

WHEREAS, the Louisville Metro Planning Commission further finds that there are no historic resources or cultural features on the site. Additionally, no development problems are anticipated in regards to soil type or steep or unstable slopes; and

WHEREAS, the Louisville Metro Planning Commission further finds that the proposal complies with Comprehensive Plan Guideline 6- Economic Growth and Sustainability because the proposed zoning classification will complement the existing zoning and uses within the development and the Suburban Workplace form district. Surrounding uses vary, but zoning classifications are similar in

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nature and are not adversely affected by the proposal. The Suburban Workplace form district is typically identified by single, large-scale uses with connections to roadways, public transportation and pedestrian facilities. The proposal consists of a 12,000 sq. ft. building for operation of the gymnastics facility, with parking facilities connecting to the existing roadway infrastructure; and

WHEREAS, the Louisville Metro Planning Commission further finds that the proposal complies with Comprehensive Plan Guideline 7 & 8- Circulation & Transportation Facility Design because the planned development area is situated in a Suburban Workplace form district, but there are no adjacent pedestrian facilities or public transit routes. Adequate parking facilities and traffic circulation accommodations will be provided on the site. The site will access Avoca Station Court from the proposed driveway at the northeast corner of the site, with appropriate turning radii for vehicles entering the site; and

WHEREAS, the Louisville Metro Planning Commission further finds that ADA compliant pedestrian accommodations are proposed from the internal sidewalks to the front door of the building and bicycle racks will be provided for bicycle oriented patrons; and

WHEREAS, the Louisville Metro Planning Commission further finds that the proposal complies with Comprehensive Plan Guideline 9- Bicycle, Pedestrian and Transit because the planned development area is situated in a Suburban Workplace form district, but there are no adjacent pedestrian facilities or public transit routes. Adequate parking facilities and traffic circulation accommodations will be provided on the site. The site will access Avoca Station Court from the proposed driveway at the northeast corner of the site, with appropriate turning radii for vehicles entering the site; and

WHEREAS, the Louisville Metro Planning Commission further finds that ADA compliant pedestrian accommodations are proposed from the internal sidewalks to the front door of the building and bicycle racks will be provided for bicycle oriented patrons; and

WHEREAS, the Louisville Metro Planning Commission further finds that the proposal complies with Comprehensive Plan Guideline 10- Flooding and Stormwater because the proposed development is not located within a floodplain or an area prone to flooding, nor does the project affect any natural water courses. An existing storm water detention basin is located at the northwest corner of the site in an existing easement, with the basin outlet located offsite. The proposal will increase the impervious area for the site, but the additional runoff will be captured and detained in the existing detention basin; and

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WHEREAS, the Louisville Metro Planning Commission further finds that the proposal complies with Comprehensive Plan Guideline 12- Air Quality because It is not expected that the Kentucky Gymnastics Academy facility and/or the associated parking area will have any adverse impacts on the air quality. Mitigation measures for dust control will be provided during construction to prevent fugitive particulate emissions from reaching roads and neighboring properties; and

WHEREAS, the Louisville Metro Planning Commission further finds that the proposal complies with Comprehensive Plan Guideline 14- Infrastructure because there are no improvements required for the public roadways for the proposed project. There is an adequate water supply at the planned development area, for both domestic use and fire protection purposes; and

WHEREAS, the Louisville Metro Planning Commission further finds that the site does not have access to a sanitary sewer connection. The sites in this area utilize on-site sewage lagoons for treatment and disposal of sewage. A shared lagoon is proposed for this site and will be utilized by Kentucky Gymnastics Academy, as well as Custom Pool Contractors; now, therefore be it

RESOLVED, that the Louisville Metro Planning Commission does hereby **RECOMMEND** to the legislative body of the Louisville Metro Council that the change in zoning from M-2 to C-M on property described in the legal description be **APPROVED**.

The vote was as follows:

YES: Commissioners Kirchdorfer, Brown, Jarboe, Blake, Proffitt, Tomes, and Peterson

NO: No one.

NOT PRESENT FOR THIS CASE: Commissioners White and Turner

ABSTAINING: No one.

Waivers 1 & 2

- 1. Chapter 10.2.4 to reduce the required 15' LBA to 10' along the north property line**
- 2. Chapter 10.2.4 to allow the property perimeter LBA along the south property line to vary from 3' to 15'**

On a motion by Commissioner Proffitt, the following resolution was adopted.

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WHEREAS, the Louisville Metro Planning Commission finds, based on the discussion, staff review, and the staff report, that the waiver will not adversely affect adjacent property owners since the intent of the buffering will be provided as well as the required planting and screening materials; and

WHEREAS, the Louisville Metro Planning Commission further finds that the strict application of the provisions of the regulation would deprive the applicant of the reasonable use of the land or would create an unnecessary hardship on the applicant by requiring removal of portions of the building or reducing the parking below the amount needed for the use; and

WHEREAS, the Louisville Metro Planning Commission further finds that the extent of the waiver of the regulation is the minimum necessary to afford relief to the applicant due to the size of the lot and need for parking and building size; and

WHEREAS, the Louisville Metro Planning Commission further finds that Guideline 3, policy 9 of Cornerstone 2020 calls for the protection of the character of residential areas, roadway corridors and public spaces from visual intrusions and mitigate when appropriate. Guideline 3, policies 21 and 22 calls for appropriate transitions between uses that are substantially different in scale and intensity or density, and to mitigate the impact caused when incompatible developments occur adjacent to one another through the use of landscaped buffer yards, vegetative berms and setback requirements to address issues such as outdoor lighting, lights from automobiles, illuminated signs, loud noise, odors, smoke, automobile exhaust or other noxious smells, dust and dirt, litter, junk, outdoor storage, and visual nuisances. Guideline 3, policy 24 states that parking, loading and delivery areas located adjacent to residential areas should be designed to minimize the impacts from noise, lights and other potential impacts, and that parking and circulation areas adjacent to streets should be screened or buffered. Guideline 13, policy 4 calls for ensuring appropriate landscape design standards for different land uses within urbanized, suburban, and rural areas. Guideline 13, Policy 6 calls for screening and buffering to mitigate adjacent incompatible uses. The intent of landscape buffer areas is to create suitable transitions where varying forms of development adjoin, to minimize the negative impacts resulting from adjoining incompatible land uses, to decrease storm water runoff volumes and velocities associated with impervious surfaces, and to filter air borne and water borne pollutants. The intent of Cornerstone 2020 will be met with the varying width buffers being provided with all required planting and screening materials. The adjacent uses are similar in nature; now, therefore be it

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RESOLVED, that the Louisville Metro Planning Commission does hereby **APPROVE** the following landscape waivers on the property described in the legal description:

- Chapter 10.2.4 to reduce the required 15' LBA to 10' along the north property line
- Chapter 10.2.4 to allow the property perimeter LBA along the south property line to vary from 3' to 15'

The vote was as follows:

YES: Commissioners Kirchdorfer, Brown, Jarboe, Blake, Proffitt, Tomes, and Peterson

NO: No one.

NOT PRESENT FOR THIS CASE: Commissioners White and Turner

ABSTAINING: No one.

Waiver 3

3. Chapter 10.2.4.B to allow encroachment of utility easements by more than 50% into the property perimeter buffers along the north and south property perimeters

On a motion by Commissioner Proffitt, the following resolution was adopted.

WHEREAS, the Louisville Metro Planning Commission finds, based on the discussion, staff review, and the staff report, that STAFF: The waiver will not adversely affect adjacent property owners since the required screening and planting materials will be provided on the site; and

WHEREAS, the Louisville Metro Planning Commission further finds that Guideline 3, policy 9 calls for the protection of the character of residential areas, roadway corridors and public spaces from visual intrusions and mitigate when appropriate. Guideline 3, policies 21 and 22 calls for appropriate transitions between uses that are substantially different in scale and intensity or density, and to mitigate the impact caused when incompatible developments occur adjacent to one another through the use of landscaped buffer yards, vegetative berms and setback requirements to address issues such as outdoor lighting, lights from automobiles, illuminated signs, loud noise, odors, smoke, automobile exhaust or other noxious smells, dust and dirt, litter, junk, outdoor storage, and visual nuisances. Guideline 3, policy 24 states that parking, loading and delivery areas located adjacent to residential areas should be designed to minimize the impacts from noise, lights and other potential impacts, and that parking and circulation

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areas adjacent to streets should be screened or buffered. Guideline 13, policy 4 calls for ensuring appropriate landscape design standards for different land uses within urbanized, suburban, and rural areas. The intent of landscape buffer areas is to create suitable transitions where varying forms of development adjoin, to minimize the negative impacts resulting from adjoining incompatible land uses, to decrease storm water runoff volumes and velocities associated with impervious surfaces, and to filter air borne and water borne pollutants. All required screening and planting materials will be provided on the site to meet the intent of Cornerstone 2020; and

WHEREAS, the Louisville Metro Planning Commission further finds that the extent of the waiver of the regulation is the minimum necessary to afford relief to the applicant to allow the location of the needed utility easements and buffering areas; and

WHEREAS, the Louisville Metro Planning Commission further finds that the strict application of the provisions of the regulation would deprive the applicant of the reasonable use of the land or would create an unnecessary hardship on the applicant by requiring movement of the buffer areas resulting in loss of building or parking; now, therefore be it

RESOLVED, that the Louisville Metro Planning Commission does hereby **APPROVE** the following waiver on the property described in the legal description:

- Chapter 10.2.4.B to allow encroachment of utility easements by more than 50% into the property perimeter buffers along the north and south property perimeters

The vote was as follows:

YES: Commissioners Kirchdorfer, Brown, Jarboe, Blake, Proffitt, Tomes, and Peterson

NO: No one.

NOT PRESENT FOR THIS CASE: Commissioners White and Turner

ABSTAINING: No one.

Detailed District Development Plan

On a motion by Commissioner Proffitt, the following resolution was adopted.

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WHEREAS, the Louisville Metro Planning Commission finds, based on the discussion, staff review, and the staff report, that the development plan conforms to applicable guidelines and policies of the Comprehensive Plan and to requirements of the Land Development Code; and

WHEREAS, the Louisville Metro Planning Commission further finds that 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, the Louisville Metro Planning Commission further finds that there are no open space requirements with the current proposal. Future multi-family developments proposed on the subject site will be required to meet Land Development Code requirements; and

WHEREAS, the Louisville Metro Planning Commission further finds that the Metropolitan Sewer District has approved the preliminary development plan and will ensure the provisions 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 further finds that 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 that there does not appear to be any environmental constraints or historic resources on the subject site. Tree canopy requirements of the Land Development Code will be provided on the subject site; now, therefore be it

RESOLVED, that the Louisville Metro Planning Commission does hereby **APPROVE** the Detailed District Development Plan on property described in the legal description **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

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designee for review and approval; any changes/additions/alterations not so referred shall not be valid.

2. The development shall not exceed 12,000 square feet of gross floor area.

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. 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.

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.

5. The materials and design of proposed structures shall be substantially the same as depicted in the rendering as presented at the April 17, 2014 Planning Commission meeting.

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. 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

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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.

The vote was as follows:

YES: Commissioners Kirchdorfer, Brown, Jarboe, Blake, Proffitt, Tomes, and Peterson

NO: No one.

NOT PRESENT FOR THIS CASE: Commissioners White and Turner

ABSTAINING: No one.