

PLANNING COMMISSION MINUTES
December 7, 2017

PUBLIC HEARING

CASE NO. 16ZONE1089

Request: Change in Zoning from R-4, Single-Family Residential to C-2, Commercial with a conditional use permit for mini-warehouse and detailed district development plan

Project Name: Mini-Storage

Location: 4900 South Hurstbourne Parkway

Owner: MALDS, LLC.
3103 Lakeview Drive
Louisville, Ky. 40205

Applicant: Luke Williams
1128 South Park Drive
Bowling Green, Ky. 42103

Representative: Bardenwerper, Talbott, & Roberts, PLLC
Bill Bardenwerper
1000 North Hurstbourne Parkway, 2nd floor
Louisville, Ky. 40223

Jurisdiction: Louisville Metro

Council District: 22 – Robin Engel

Case Manager: Joel Dock, Planner II

NOTE: COMMISSIONER TOMES ARRIVED APPROXIMATELY 1:39 AND DID VOTE ON THIS CASE

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:

00:23:48 Mr. Dock discussed the case summary, standard of review and staff analysis from the staff report.

The following spoke in favor of this request:

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Nick Pregliasco, Bardenwerper, Talbott and Roberts, 1000 North Hurstbourne Parkway, 2nd floor, Louisville, Ky. 40223

Summary of testimony of those in favor:

00:31:11 Mr. Pregliasco gave a power point presentation. The request for a C-2 with a conditional use permit was suggested (in prior cases) by staff because C-M is more intense and allows more uses.

00:49:17 Ms. Liu stated there is a significant increase in mini-warehouse. In the past they were situated near industrial areas. "In order to be more compatible in an urban setting or close to residential areas, we feel C-2 with a CUP is a better zoning classification for mini-warehouses. Although, traditionally in the past we would go the C-M route, C-M also allows all M-1 uses so that's why we started to look at it differently."

The following spoke in opposition to this request:

No one.

Deliberation

00:51:35 Planning Commission deliberation.

Commissioner Tomes stated mini-warehouses are a needed use and low impact. Also, the design of the mini-warehouses seems to be getting better. "It goes against good planning practices to only allow these in manufacturing or industrial zones because it's quite often the residents using it. Those zones are pretty far away from residential areas."

Commissioner Howard remarked, "To me this is introducing commercial use on a highway that does not have activity for commercial uses. Also, I don't agree with, 'just because a site is zoned C-2 directly across the street does not make it an activity center'. It's not needed at this location."

Commissioner Brown stated the appropriateness for the C-2 zone and use are up for debate.

Commissioner Lewis stated the lay of this lot is the best suited for the proposal because it's very steep and a good portion of the land will not be used.

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Commissioner Smith stated it's a mixed use area and doesn't feel it's incompatible. There is a need for the mini-warehouse.

Commissioner Ferguson stated the proposed use is complimentary to the area. The issue is the conditional use permit and how it fits with Cornerstone 2020 at this time.

Chair Jarboe stated it's not activity center, but it has to start somewhere.

Commissioner Tomes stated the site is not going to be a good R-4 site (too steep) anymore.

Commissioner Howard stated, "The Neighborhood Form District calls for centers to be located at street intersections with one of the corners containing an established non-residential use. This is not at an intersection."

01;08:45 Mr. Davis said 49.93% of existing tree canopy will be remain.

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.

Zoning Change from R-4 to C-2

On a motion by Commissioner Brown, seconded by Commissioner Tomes, the following resolution based on the applicant's finding of fact and the testimony heard today was adopted.

WHEREAS, the subject property is located in the Suburban Neighborhood Form District, which is characterized by predominantly low to high density residential uses but which may contain appropriately located and integrated neighborhood centers with a mixture of mostly neighborhood – serving uses. What this infers is that a very well screened and buffered self-storage facility along a major arterial is appropriate in a form district such as this because, among other things, it serves the neighborhood; and

WHEREAS, the proposed project complies with all of the applicable Intents and Policies 1,2,3,4, 5, 7, 8, 11, 13, 14, and 16 of Guideline 2 for these reasons:

This is an existing small activity center, because it includes the recently constructed Morning Pointe Senior Living facility and another parcel rezoned C-2 across Hurstbourne Parkway for a proposed car lot, with the current proposed development of similar intensity as the adjoining uses and designed to serve the nearby neighborhoods as there are many residences near Hurstbourne Parkway and Bardstown Road to

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support this facility. The newly constructed senior living facility across Hurstbourne Parkway will benefit from their utilization of the proposed new storage facility because the senior residents are often downsizing to enter the facility and the residents and their families need storage space. There are not many mini-storage facilities in the area and as an underserved area this facility promotes an efficient use of land and investment in existing infrastructure, including the extension of Hurstbourne Parkway to this area, and utilizes utilities already available to the site. The recent Kentucky Transportation Cabinet improvements in front of this site, including a median cut and left turn lane into this site and a left turn lane into the adjoining C-2 property rezoned for a car lot provide additional infrastructure that otherwise would never been used in its current undeveloped state. The proposed development also keeps commuting time between the nearby residents and storage facilities short, brings a diversity of services to the area on a lot that is not suited for most retail development because of the elevation fall from Hurstbourne Parkway reducing visibility necessary for many uses.

This is a small Neighborhood activity center where mixed activities already exist, and the nonresidential nature of this use adds to that mix in an already existing small activity center where a sufficient support population clearly exists in the general area due to the residential subdivisions along Hurstbourne Parkway and Bardstown Road, these Policies of this Guideline are also served. Hurstbourne Parkway is a major arterial and the proposed storage facility buildings are located Hurstbourne Parkway will only view the project if looking for it. The project will provide a stub connection to the adjoining property owned by the Archdiocese of Louisville for use when it is utilized by the Archdiocese, benefitting the Archdiocese who would also be able to use the recently constructed full cut and turn lanes on Hurstbourne Parkway; and

WHEREAS, the proposed project complies with all of the applicable Intents and Policies 1,2,4, 5, 6, 7, 8,9, 12, 19,20,21,22,23,24, and 28 of Guideline 3 for these reasons.

This new storage facility use adds to the mixture of land uses in the immediate area and to the developing area along Hurstbourne Parkway and Bardstown Road and does not involve any known nuisances, as the adjoining properties, with the exception of the residential home to the North, are all wooded and vacant, or otherwise rezoned for development. Prior to filing the application, the applicant met with the property owner to the North and added substantial screening and buffering through landscaping and increasing the distance for the first proposed building to the neighbor's property confirming this addressed the neighbor's concerns. Further, due to the significant elevation drop falling away from Hurstbourne Parkway, most of the buildings will not be visible from Hurstbourne Parkway; and

The proposed development plan has been designed to increase the distance from Hurstbourne Parkway and provide additional screening and landscaping. As a storage facility use, it does not involve odors, create traffic or noise, involve unusual lighting or create unacceptable aesthetic impacts. The proposed self-storage facility will be LDC

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design-compliant, including building materials which are evident within the area and facade treatments that break up the building and make it appropriate at the street level where it is located. It will not involve the storage of hazardous materials. The screening, buffering, and drop in elevation assure that the little parking and small loading areas proposed do not have adverse aesthetic impacts on the properties across Hurstbourne Parkway. Also, it will not involve noise nor more than security lighting, and visually, because it will comply with design criteria of the LDC, it will not have negative aesthetic impacts. Further, the site has been designed taking into account required transitions, buffers, setbacks, and landscaping, as well as signage that is LDC compliant; and

WHEREAS, this application complies with the applicable Intents and applicable Policies 1 and 6 of this Guideline as follows. The proposed development leaves the entire southern portion of the property, which includes a stream, to remain wooded and in its natural state, with the developed portion approximately 360 feet from the southern property line. In preserving this area and the preserving the trees along the east and west property lines, the proposed development will provide more than 50% tree canopy, far more than the 15% LDC required tree canopy. Further, by locating the development away from the southern edge of the property, the development will stay away from the portion of the property with wet and permeable soils and steep slopes; and

WHEREAS, this application complies with the applicable Intents and applicable Policies 1, 2, and 6 of this Guideline as follows. Hurstbourne Parkway and Bardstown Road are expanding commercial corridors evidenced by the recent senior living development across the street. As such, this is a workplace area and thus, although not employing a significant number of people, contributes to the economic health of businesses by addressing their storage needs. Also, as noted above Guideline 2, in an activity center mixed desirable uses are recommended, and will address the storage needs of the area. One of the reasons for that is because Hurstbourne Parkway has a lot of businesses that require storage and is also in close proximity to lots of residential users. The fact that Hurstbourne Parkway is a major arterial, also allows easy access to those that commute along this road; and

WHEREAS, this application complies with the applicable Intents and applicable Policies 1, 2, 4, 5, 6, 8, 9, 10,12,13,14,15 and 16 of Guidelines 7, Applicable Policies 1,8,9,10, and 11 of Guideline 8 and Applicable Policy 1 of Guideline 9 as follows. Most importantly, as a very low traffic-generating use, the proposed self-storage facility will not add to the existing traffic along Hurstbourne Parkway in this area and can reduce traffic being on a road used for many commuters on a daily basis and in close proximity to the nearby residences. As stated, the recent median cut and turn lanes constructed in front of this property result in already installed public infrastructure for this intended use. The existing sidewalk along Hurstbourne Parkway will be reconstructed and

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repaired providing continued pedestrian access. The required right of way for this site has already been dedicated, but any additional right of way required will be dedicated. Further, the development will provide a stub connection providing cross access should the property owned by the Archdiocese ever develop. The proposal also provides more than the required parking for the use.

Access to the site will be designed in accordance with Metro Public Works and Transportation Planning, as well as the Kentucky Transportation Cabinet, requirements with respect to corner clearances, driveway design and so on. This not being a pedestrian or transit used development, it is not really designed with those types of transportation in mind, although sidewalks along its frontage will be provided; and

WHEREAS, the application complies with the applicable Intents and applicable Policies 1,2,3, 7, 10 and 11 of Guideline 10 and applicable Intents and applicable Policies 3 and 5 of Guideline 11 as follows. As usual, storm water will need to be accommodated on site, thus there will be detention provided through a proposed detention basin. The normal requirement is that post-development peak rates of stormwater run-off may not exceed pre-development peak rates. Also, MSD now has soil erosion and sediment control plus water quality ordinances that must be complied with at times of construction plan approval, and they will be; and

WHEREAS, this application complies with the applicable Intents and the applicable Policies 1, 4, 6, 8 and 9 of this Guideline as follows. As explained above, this being as it is a low traffic-generating use, it will not contribute to air quality problems. Instead, this low traffic generating use will tend to help alleviate that problem, as opposed to high traffic generators that that would contribute to same, as well as reduce traffic by providing this use along an easily accessible major arterial and near the support population. Also the sidewalks along the frontage will be reconstructed and repaired; and

WHEREAS, the Louisville Metro Planning Commission finds this application complies with the applicable Intent and applicable Policies 1, 2, 4, 5, and 6 of this Guideline as follows. The LDC includes requirements for both interior and perimeter landscaping, which will be provided. As stated, in preserving the southern portion of the property and preserving the trees along the east and west property lines, the proposed development will provide more than 50% tree canopy, far more than the 15% LDC required tree canopy. All of the requirements of the LDC in this regard will be met; and

WHEREAS, the Louisville Metro Planning Commission further finds for all of the reasons explained at LD&T and the Planning Commission public hearing and also in the public hearing exhibit books on the Detailed District Development Plan and Conditional Use Permit site plan accompanying this application and in accordance with evidence

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presented at Planning Commission public hearings, this application will comply with all other applicable Guidelines and Policies of the Cornerstone 2020 Comprehensive Plan.

RESOLVED, that the Louisville Metro Planning Commission does hereby **RECOMMEND** to the Louisville Metro Council that the change in zoning from R-4 Single Family Residential to C-2 Commercial on property described in the attached legal description be **APPROVED**.

The vote was as follows:

YES: Commissioners Brown, Ferguson, Lewis, Smith, Tomes and Jarboe

NO: Commissioner Howard

NOT PRESENT AND NOT VOTING: Commissioners Carlson, Lindsey and Peterson

Conditional Use Permit for mini-warehouse, Land Development Code, section 4.2.35

On a motion by Commissioner Brown, seconded by Commissioner Tomes, the following resolution based on the applicant's finding of facts, testimony heard today and the conditional use permit does comply with the 7 specific standards outlined in Chapter 4 of the Land Development Code for mini-warehouses in a C-2 district was adopted.

WHEREAS, the subject property is located in the Suburban Neighborhood Form District, which is characterized by predominantly low to high density residential uses but which may contain appropriately located and integrated neighborhood centers with a mixture of mostly neighborhood – serving uses. What this infers is that a very well screened and buffered self-storage facility along a major arterial is appropriate in a form district such as this because, among other things, it serves the neighborhood; and

WHEREAS, the proposed project complies with all of the applicable Intents and Policies 1,2,3,4, 5, 7, 8, 11, 13, 14, and 16 of Guideline 2 for these reasons:

This is an existing small activity center, because it includes the recently constructed Morning Pointe Senior Living facility and another parcel rezoned C-2 across Hurstbourne Parkway for a proposed car lot, with the current proposed development of similar intensity as the adjoining uses and designed to serve the nearby neighborhoods as there are many residences near Hurstbourne Parkway and Bardstown Road to support this facility. The newly constructed senior living facility across Hurstbourne Parkway will benefit from their utilization of the proposed new storage facility because the senior residents are often downsizing to enter the facility and the residents and their

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families need storage space. There are not many mini-storage facilities in the area and as an underserved area this facility promotes an efficient use of land and investment in existing infrastructure, including the extension of Hurstbourne Parkway to this area, and utilizes utilities already available to the site. The recent Kentucky Transportation Cabinet improvements in front of this site, including a median cut and left turn lane into this site and a left turn lane into the adjoining C-2 property rezoned for a car lot provide additional infrastructure that otherwise would never been used in its current undeveloped state. The proposed development also keeps commuting time between the nearby residents and storage facilities short, brings a diversity of services to the area on a lot that is not suited for most retail development because of the elevation fall from Hurstbourne Parkway reducing visibility necessary for many uses.

This is a small Neighborhood activity center where mixed activities already exist, and the nonresidential nature of this use adds to that mix in an already existing small activity center where a sufficient support population clearly exists in the general area due to the residential subdivisions along Hurstbourne Parkway and Bardstown Road, these Policies of this Guideline are also served. Hurstbourne Parkway is a major arterial and the proposed storage facility buildings are located Hurstbourne Parkway will only view the project if looking for it. The project will provide a stub connection to the adjoining property owned by the Archdiocese of Louisville for use when it is utilized by the Archdiocese, benefitting the Archdiocese who would also be able to use the recently constructed full cut and turn lanes on Hurstbourne Parkway; and

WHEREAS, the proposed project complies with all of the applicable Intentions and Policies 1,2,4, 5, 6, 7, 8,9, 12, 19,20,21,22,23,24, and 28 of Guideline 3 for these reasons.

This new storage facility use adds to the mixture of land uses in the immediate area and to the developing area along Hurstbourne Parkway and Bardstown Road and does not involve any known nuisances, as the adjoining properties, with the exception of the residential home to the North, are all wooded and vacant, or otherwise rezoned for development. Prior to filing the application, the applicant met with the property owner to the North and added substantial screening and buffering through landscaping and increasing the distance for the first proposed building to the neighbor's property confirming this addressed the neighbor's concerns. Further, due to the significant elevation drop falling away from Hurstbourne Parkway, most of the buildings will not be visible from Hurstbourne Parkway; and

The proposed development plan has been designed to increase the distance from Hurstbourne Parkway and provide additional screening and landscaping. As a storage facility use, it does not involve odors, create traffic or noise, involve unusual lighting or create unacceptable aesthetic impacts. The proposed self-storage facility will be LDC design-compliant, including building materials which are evident within the area and facade treatments that break up the building and make it appropriate at the street level where it is located. It will not involve the storage of hazardous materials. The screening,

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buffering, and drop in elevation assure that the little parking and small loading areas proposed do not have adverse aesthetic impacts on the properties across Hurstbourne Parkway. Also, it will not involve noise nor more than security lighting, and visually, because it will comply with design criteria of the LDC, it will not have negative aesthetic impacts. Further, the site has been designed taking into account required transitions, buffers, setbacks, and landscaping, as well as signage that is LDC compliant; and

WHEREAS, this application complies with the applicable Intents and applicable Policies 1 and 6 of this Guideline as follows. The proposed development leaves the entire southern portion of the property, which includes a stream, to remain wooded and in its natural state, with the developed portion approximately 360 feet from the southern property line. In preserving this area and the preserving the trees along the east and west property lines, the proposed development will provide more than 50% tree canopy, far more than the 15% LDC required tree canopy. Further, by locating the development away from the southern edge of the property, the development will stay away from the portion of the property with wet and permeable soils and steep slopes; and

WHEREAS, this application complies with the applicable Intents and applicable Policies 1, 2, and 6 of this Guideline as follows. Hurstbourne Parkway and Bardstown Road are expanding commercial corridors evidenced by the recent senior living development across the street. As such, this is a workplace area and thus, although not employing a significant number of people, contributes to the economic health of businesses by addressing their storage needs. Also, as noted above Guideline 2, in an activity center mixed desirable uses are recommended, and will address the storage needs of the area. One of the reasons for that is because Hurstbourne Parkway has a lot of businesses that require storage and is also in close proximity to lots of residential users. The fact that Hurstbourne Parkway is a major arterial, also allows easy access to those that commute along this road; and

WHEREAS, this application complies with the applicable Intents and applicable Policies 1, 2, 4, 5, 6, 8, 9, 10,12,13,14,15 and 16 of Guidelines 7, Applicable Policies 1,8,9,10, and 11 of Guideline 8 and Applicable Policy 1 of Guideline 9 as follows. Most importantly, as a very low traffic-generating use, the proposed self-storage facility will not add to the existing traffic along Hurstbourne Parkway in this area and can reduce traffic being on a road used for many commuters on a daily basis and in close proximity to the nearby residences. As stated, the recent median cut and turn lanes constructed in front of this property result in already installed public infrastructure for this intended use. The existing sidewalk along Hurstbourne Parkway will be reconstructed and repaired providing continued pedestrian access. The required right of way for this site has already been dedicated, but any additional right of way required will be dedicated. Further, the development will provide a stub connection providing cross access should

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the property owned by the Archdiocese ever develop. The proposal also provides more than the required parking for the use.

Access to the site will be designed in accordance with Metro Public Works and Transportation Planning, as well as the Kentucky Transportation Cabinet, requirements with respect to corner clearances, driveway design and so on. This not being a pedestrian or transit used development, it is not really designed with those types of transportation in mind, although sidewalks along its frontage will be provided; and

WHEREAS, the application complies with the applicable Intents and applicable Policies 1,2,3, 7, 10 and 11 of Guideline 10 and applicable Intents and applicable Policies 3 and 5 of Guideline 11 as follows. As usual, storm water will need to be accommodated on site, thus there will be detention provided through a proposed detention basin. The normal requirement is that post-development peak rates of stormwater run-off may not exceed pre-development peak rates. Also, MSD now has soil erosion and sediment control plus water quality ordinances that must be complied with at times of construction plan approval, and they will be; and

WHEREAS, this application complies with the applicable Intents and the applicable Policies 1, 4, 6, 8 and 9 of this Guideline as follows. As explained above, this being as it is a low traffic-generating use, it will not contribute to air quality problems. Instead, this low traffic generating use will tend to help alleviate that problem, as opposed to high traffic generators that that would contribute to same, as well as reduce traffic by providing this use along an easily accessible major arterial and near the support population. Also the sidewalks along the frontage will be reconstructed and repaired; and

WHEREAS, the Louisville Metro Planning Commission finds this application complies with the applicable Intent and applicable Policies 1, 2, 4, 5, and 6 of this Guideline as follows. The LDC includes requirements for both interior and perimeter landscaping, which will be provided. As stated, in preserving the southern portion of the property and preserving the trees along the east and west property lines, the proposed development will provide more than 50% tree canopy, far more than the 15% LDC required tree canopy. All of the requirements of the LDC in this regard will be met; and

WHEREAS, the Louisville Metro Planning Commission further finds for all of the reasons explained at LD&T and the Planning Commission public hearing and also in the public hearing exhibit books on the Detailed District Development Plan and Conditional Use Permit site plan accompanying this application and in accordance with evidence presented at Planning Commission public hearings, this application will comply with all other applicable Guidelines and Policies of the Cornerstone 2020 Comprehensive Plan.

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RESOLVED, that the Louisville Metro Planning Commission does hereby **APPROVE** the Conditional Use Permit for a mini-warehouse in accordance with the Land Development Code Section 4.2.35.

The vote was as follows:

YES: Commissioners Brown, Lewis, Smith and Tomes

NO: Ferguson, Howard and Jarboe

NOT PRESENT AND NOT VOTING: Commissioners Carlson, Lindsey and Peterson

Detailed District Development Plan and Binding Elements

On a motion by Commissioner Brown, seconded by Commissioner Tomes, the following resolution based on the applicant's finding of facts and testimony heard today was adopted.

WHEREAS, the subject property is located in the Suburban Neighborhood Form District, which is characterized by predominantly low to high density residential uses but which may contain appropriately located and integrated neighborhood centers with a mixture of mostly neighborhood – serving uses. What this infers is that a very well screened and buffered self-storage facility along a major arterial is appropriate in a form district such as this because, among other things, it serves the neighborhood; and

WHEREAS, the proposed project complies with all of the applicable Intents and Policies 1,2,3,4, 5, 7, 8, 11, 13, 14, and 16 of Guideline 2 for these reasons:

This is an existing small activity center, because it includes the recently constructed Morning Pointe Senior Living facility and another parcel rezoned C-2 across Hurstbourne Parkway for a proposed car lot, with the current proposed development of similar intensity as the adjoining uses and designed to serve the nearby neighborhoods as there are many residences near Hurstbourne Parkway and Bardstown Road to support this facility. The newly constructed senior living facility across Hurstbourne Parkway will benefit from their utilization of the proposed new storage facility because the senior residents are often downsizing to enter the facility and the residents and their families need storage space. There are not many mini-storage facilities in the area and as an underserved area this facility promotes an efficient use of land and investment in existing infrastructure, including the extension of Hurstbourne Parkway to this area, and utilizes utilities already available to the site. The recent Kentucky Transportation Cabinet improvements in front of this site, including a median cut and left turn lane into this site and a left turn lane into the adjoining C-2 property rezoned for a car lot provide additional infrastructure that otherwise would never been used in its current

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This is a small Neighborhood activity center where mixed activities already exist, and the nonresidential nature of this use adds to that mix in an already existing small activity center where a sufficient support population clearly exists in the general area due to the residential subdivisions along Hurstbourne Parkway and Bardstown Road, these Policies of this Guideline are also served. Hurstbourne Parkway is a major arterial and the proposed storage facility buildings are located Hurstbourne Parkway will only view the project if looking for it. The project will provide a stub connection to the adjoining property owned by the Archdiocese of Louisville for use when it is utilized by the Archdiocese, benefitting the Archdiocese who would also be able to use the recently constructed full cut and turn lanes on Hurstbourne Parkway; and

WHEREAS, the proposed project complies with all of the applicable Intents and Policies 1,2,4, 5, 6, 7, 8,9, 12, 19,20,21,22,23,24, and 28 of Guideline 3 for these reasons.

This new storage facility use adds to the mixture of land uses in the immediate area and to the developing area along Hurstbourne Parkway and Bardstown Road and does not involve any known nuisances, as the adjoining properties, with the exception of the residential home to the North, are all wooded and vacant, or otherwise rezoned for development. Prior to filing the application, the applicant met with the property owner to the North and added substantial screening and buffering through landscaping and increasing the distance for the first proposed building to the neighbor's property confirming this addressed the neighbor's concerns. Further, due to the significant elevation drop falling away from Hurstbourne Parkway, most of the buildings will not be visible from Hurstbourne Parkway; and

The proposed development plan has been designed to increase the distance from Hurstbourne Parkway and provide additional screening and landscaping. As a storage facility use, it does not involve odors, create traffic or noise, involve unusual lighting or create unacceptable aesthetic impacts. The proposed self-storage facility will be LDC design-compliant, including building materials which are evident within the area and facade treatments that break up the building and make it appropriate at the street level where it is located. It will not involve the storage of hazardous materials. The screening, buffering, and drop in elevation assure that the little parking and small loading areas proposed do not have adverse aesthetic impacts on the properties across Hurstbourne Parkway. Also, it will not involve noise nor more than security lighting, and visually, because it will comply with design criteria of the LDC, it will not have negative aesthetic impacts. Further, the site has been designed taking into account required transitions, buffers, setbacks, and landscaping, as well as signage that is LDC compliant; and

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WHEREAS, this application complies with the applicable Intents and applicable Policies 1, 2, and 6 of this Guideline as follows. Hurstbourne Parkway and Bardstown Road are expanding commercial corridors evidenced by the recent senior living development across the street. As such, this is a workplace area and thus, although not employing a significant number of people, contributes to the economic health of businesses by addressing their storage needs. Also, as noted above Guideline 2, in an activity center mixed desirable uses are recommended, and will address the storage needs of the area. One of the reasons for that is because Hurstbourne Parkway has a lot of businesses that require storage and is also in close proximity to lots of residential users. The fact that Hurstbourne Parkway is a major arterial, also allows easy access to those that commute along this road; and

WHEREAS, this application complies with the applicable Intents and applicable Policies 1, 2, 4, 5, 6, 8, 9, 10,12,13,14,15 and 16 of Guidelines 7, Applicable Policies 1,8,9,10, and 11 of Guideline 8 and Applicable Policy 1 of Guideline 9 as follows. Most importantly, as a very low traffic-generating use, the proposed self-storage facility will not add to the existing traffic along Hurstbourne Parkway in this area and can reduce traffic being on a road used for many commuters on a daily basis and in close proximity to the nearby residences. As stated, the recent median cut and turn lanes constructed in front of this property result in already installed public infrastructure for this intended use. The existing sidewalk along Hurstbourne Parkway will be reconstructed and repaired providing continued pedestrian access. The required right of way for this site has already been dedicated, but any additional right of way required will be dedicated. Further, the development will provide a stub connection providing cross access should the property owned by the Archdiocese ever develop. The proposal also provides more than the required parking for the use.

Access to the site will be designed in accordance with Metro Public Works and Transportation Planning, as well as the Kentucky Transportation Cabinet, requirements with respect to corner clearances, driveway design and so on. This not being a

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pedestrian or transit used development, it is not really designed with those types of transportation in mind, although sidewalks along its frontage will be provided; and

WHEREAS, the application complies with the applicable Intents and applicable Policies 1,2,3, 7, 10 and 11 of Guideline 10 and applicable Intents and applicable Policies 3 and 5 of Guideline 11 as follows. As usual, storm water will need to be accommodated on site, thus there will be detention provided through a proposed detention basin. The normal requirement is that post-development peak rates of stormwater run-off may not exceed pre-development peak rates. Also, MSD now has soil erosion and sediment control plus water quality ordinances that must be complied with at times of construction plan approval, and they will be; and

WHEREAS, this application complies with the applicable Intents and the applicable Policies 1, 4, 6, 8 and 9 of this Guideline as follows. As explained above, this being as it is a low traffic-generating use, it will not contribute to air quality problems. Instead, this low traffic generating use will tend to help alleviate that problem, as opposed to high traffic generators that that would contribute to same, as well as reduce traffic by providing this use along an easily accessible major arterial and near the support population. Also the sidewalks along the frontage will be reconstructed and repaired; and

WHEREAS, the Louisville Metro Planning Commission finds this application complies with the applicable Intent and applicable Policies 1, 2, 4, 5, and 6 of this Guideline as follows. The LDC includes requirements for both interior and perimeter landscaping, which will be provided. As stated, in preserving the southern portion of the property and preserving the trees along the east and west property lines, the proposed development will provide more than 50% tree canopy, far more than the 15% LDC required tree canopy. All of the requirements of the LDC in this regard will be met; and

WHEREAS, the Louisville Metro Planning Commission further finds for all of the reasons explained at LD&T and the Planning Commission public hearing and also in the public hearing exhibit books on the Detailed District Development Plan and Conditional Use Permit site plan accompanying this application and in accordance with evidence presented at Planning Commission public hearings, this application will comply with all other applicable Guidelines and Policies of the Cornerstone 2020 Comprehensive Plan.

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

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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) 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 Land Development Code, 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 Tree Preservation Plan in accordance with Chapter 10 of the LDC shall be reviewed and approved prior to obtaining approval for site disturbance.
5. 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 and the City of St. Matthews.
6. 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

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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.

7. No idling of trucks shall take place within 200 feet of single-family residences. No overnight idling of trucks shall be permitted on-site.

The vote was as follows:

YES: Commissioners Brown, Lewis, Smith and Tomes

NO: Ferguson, Howard and Jarboe

NOT PRESENT AND NOT VOTING: Commissioners Carlson, Lindsey and Peterson