

**PLANNING COMMISSION MINUTES
MAY 10, 2018**

PUBLIC HEARING

CASE NO. 17ZONE1071

Request: Change in zoning from C-1 and R-4 to C-2 and a Detailed District Development Plan with Conditional Use Permit and a Landscape Waiver

Project Name: Mini-Storage

Location: 12307 – 12313 Old LaGrange Road

Owner: Alibro Holdings, LLC

Applicant: CRP & Associates Inc.

Representative: CRP & Associates Inc.

Jurisdiction: Louisville Metro

Council District: 17 – Glen Stuckel

Case Manager: Laura Mattingly, 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. (The staff report is part of the case file maintained in Planning and Design Services offices, 444 S. 5th Street.)

Agency Testimony:

02:57:49 Laura Mattingly presented the case and showed a Power Point presentation (see staff report and recording for detailed presentation.)

The following spoke in favor of this request:

Charles Podgursky, CRP & Associates, 7321 New LaGrange Road Suite 111, Louisville, 40222

Summary of testimony of those in favor:

03:02:09 Charles Podgursky, the applicant's representative, presented the applicant's case and showed a Power Point presentation (see recording for detailed presentation.)

The following spoke in opposition to this request:

No one spoke.

Deliberation:

03:05:57 The Commissioners concur that the proposal is justified.

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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 Zoning

03:07:53 On a motion by Commissioner Carlson, seconded by Commissioner Smith, the following resolution, based on the Cornerstone 2020 Checklist, and the evidence and testimony heard today, was adopted:

WHEREAS, the Louisville Metro Planning Commission finds that that proposal meets the intents of Guideline 1: Community Form because the building setback from Old La Grange Road is adequate and the required 10' vehicle use area landscape buffer area is provided; this use is proposed in a mixed-use area, with office, commercial, residential and an industrial park nearby; the proposal has provided a sidewalk along the Old Lagrange Road frontage and there is a transit route along La Grange Road; and

WHEREAS, the Commission further finds that the proposal meets the intents of Guideline 3: Compatibility because the proposed building materials appear to be in character with the surrounding area; this proposal does not create a non-residential expansion into a residential area; the current zoning is mostly non- residential with only a portion of the parcel being zoned R-4; the site design and proposed buffers and landscaping aide in mitigating any potential odor or emissions created by vehicles associated with the development. APCD has no issues with the proposal; the proposed use does not typically generate high volumes of traffic and the site will be accessed from the adjacent roadway and away from the residential area to the north; a note has been placed on plan that states that all lighting will be directed downwards and away from surrounding development; the proposal is a higher intensity use than what the current zoning allows. It is located just off of Lagrange Rd, a major arterial which does have transit access. The site is located among other commercial uses and near the Gene Snyder Freeway; the proposal has provided adequate buffering and screening adjacent to lower intensity uses and setbacks are generally compliant; the proposal has provided adequate buffering and screening adjacent to lower intensity uses and setbacks are generally compliant. The internal building orientation adds additional buffering of the vehicular use area; building height and massing are appropriate and the setbacks appear to be compatible with nearby development; there is no parking or loading near residential; a 10' VUA LBA is proposed adjacent to Old La Grange Road; a parking garage is not proposed; and signs will be in conformance with Land Development Code standards; and

WHEREAS, the Commission further finds that the proposal meets the intents of Guideline 4: Open Space because the building square footage does not hit the threshold for open space; open space is not required with this proposal.; and tree canopy requirements are being met and will be providing more tree canopy than what currently exists on the site; and

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WHEREAS, the Commission further finds that the proposal meets the intents of Guideline 5: Natural Areas and Scenic and Historic Resources because the proposal does not appear to negatively impact any natural resources as the site is cleared of trees and LOJIC has not identified any other natural features; this site is vacant and therefore no historic resources appear to be affected; and LOJIC has not identified any hydric soils on site; and

WHEREAS, the Commission further finds that the proposal meets the intents of Guideline 6: Economic Growth and Sustainability because the proposal is not located in a downtown; this proposal is located near other office/industrial uses where infrastructure exists; the use is not likely to produce large amounts of traffic. It is located along the minor arterial of Lagrange Road; and this proposal will have very few employees but is located along a minor arterial; and

WHEREAS, the Commission further finds that the proposal meets the intents of Guideline 7: Circulation because Transportation staff has determined that no roadway improvements are required; the applicant has provided sidewalks and a pedestrian access to the office entrance. Bike racks are provided and there is a transit line along LaGrange Road; transportation facilities are adequate; dedication of ROW is not required; the proposal includes adequate parking to support the use; and the proposed access is adequate; and

WHEREAS, the Commission further finds that the proposal meets the intents of Guideline 8: Transportation Facility Design because roadway connections are adequate; access is proposed from Old Lagrange Rd and does not impact the single family residential properties to the north; and the existing road network is unaffected; and

WHEREAS, the Commission further finds that the proposal meets the intents of Guideline 9: Bicycle, Pedestrian and Transit because the applicant has provided sidewalks and a pedestrian access to the office entrance; and

WHEREAS, the Commission further finds that the proposal meets the intents of Guideline 10: Flooding and Stormwater because MSD has approved the proposal; and

WHEREAS, the Commission further finds that the proposal meets the intents of Guideline 12: Air Quality because APCD has no issues with the proposal; and

WHEREAS, the Commission further finds that the proposal meets the intents of Guideline 13: Landscape Character because the proposal does not appear to impact any natural corridors; and

WHEREAS, the Commission further finds that the proposal meets the intents of Guideline 14: Infrastructure because existing utilities are available and will be utilized to serve the site; Louisville Water Company has adequate infrastructure in place to supply the development as proposed; and the Health Department has no issues with the proposal; now, therefore be it

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RESOLVED, the Louisville Metro Planning Commission does hereby **RECOMMEND** to the Louisville Metro Council that the requested Change in zoning from C-1 Commercial and R-4 Single Family Residential to C-2Commercial on 1.81 acres be **APPROVED**.

The vote was as follows:

YES: Commissioners Brown, Howard, Smith, Carlson, Peterson, Ferguson, Jarboe, and Tomes.

NOT PRESENT: Commissioner Lewis.

Conditional Use Permit

03:08:57 On a motion by Commissioner Carlson, seconded by Commissioner Smith, the following resolution, based on the Standard of Review and Staff Analysis and the evidence and testimony heard today, was adopted:

WHEREAS, the Louisville Metro Planning Commission finds that the proposal consistent with the applicable policies of the Comprehensive Plan because the proposal for mini-warehouses does generally comply with the applicable Guidelines within Cornerstone 2020, as detailed in the Comprehensive Plan checklist; and

WHEREAS, the Commission further finds that the proposal is compatible with surrounding land uses and the general character of the area including such factors as height, bulk, scale, intensity, traffic, noise, odor, drainage, dust, lighting, appearance because the proposed Mini-Warehouses appear to be at a scale appropriate with the surrounding area, and will seemingly have limited impact on adjacent and nearby residential uses. The proposal provides appropriate transitions to adjacent residential uses through the use of landscape buffer yards, setbacks and screening. While relief is requested from the 30' setback, the design and mitigation measures proposed appear to provide good transitions for surrounding uses. Therefore, the proposal is compatible with surrounding uses and the general character of the area; and

WHEREAS, the Commission further finds that improvements to the site and right-of-way made necessary by the proposed development, such as transportation and drainage, have been adequately provided to serve the proposed use; and

WHEREAS, the Commission further finds that the proposal provides appropriate transitions to adjacent residential uses through the use of landscape buffer yards, setbacks and screening. Setbacks and building heights are compatible with nearby properties due to the layout of buildings and the screening provided; and

WHEREAS, the Commission further finds that the proposal provides a consistent 30' foot landscape buffer area adjacent to the residential zoning district. The requested relief for encroachments is located on the western property line abutting commercial uses. The setback and buffer adjacent to non-compatible uses is adequate; and

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WHEREAS, the Commission further finds that no outdoor storage areas are proposed on the development plan; and

WHEREAS, the Commission further finds that no toxic or hazardous materials will be stored on the property; and

WHEREAS, the Commission further finds that no retail or wholesale or distributing activities are proposed on the site; and

WHEREAS, the Commission further finds that all loading doors and vehicle maneuvering areas are facing the interior of the site, away from the exterior of the property; and

WHEREAS, the Commission further finds that all proposed structures are one story in height and do not exceed 15 feet in height; and

WHEREAS, the Commission further finds that the proposed freestanding sign will conform to size, height and style requirements of the Land Development Code; now, therefore be it

RESOLVED, the Louisville Metro Planning Commission does hereby **APPROVE** the requested Conditional Use Permit to allow self-storage with relief to allow encroachments into the 30' required setback.

The vote was as follows:

YES: Commissioners Brown, Howard, Smith, Carlson, Peterson, Ferguson, Jarboe, and Tomes.

NOT PRESENT: Commissioner Lewis.

Landscape Waiver and DDDP

03:09:47 On a motion by Commissioner Carlson, seconded by Commissioner Smith, the following resolution, based on the Standard of Review and Staff Analysis and the evidence and testimony heard today, was adopted:

(Waiver) WHEREAS, the Louisville Metro Planning Commission finds that the waiver will not adversely affect adjacent property owners as all planting and screening requirements will still be met and the structures themselves are oriented inward and act as additional buffer; and

WHEREAS, the Commission further finds that the waiver will not violate specific guidelines of Cornerstone 2020. Guideline 3, Policy 9 of Cornerstone 2020 calls for protection of the character of residential areas, roadway corridors and public spaces from visual intrusions and mitigation when appropriate. Guideline 3, Policies 21 and 22 call for appropriate transitions

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between uses that are substantially different in scale and intensity or density, and mitigation of 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 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 airborne and waterborne pollutants. These guidelines are not violated as the applicant has provided as much buffer as the site design will allow and all planting requirements will be met with the buildings themselves serving as a buffer from drive aisles; therefore the plan meets the intent of the Comprehensive Plan; and

WHEREAS, the Commission further finds that the extent of the waiver of the regulation is the minimum necessary to afford relief to the applicant as all plantings and screening will still be met; and

WHEREAS, the Commission further finds that the strict application of the provisions of the regulation would deprive the applicant of the reasonable use of the land and would create an unnecessary hardship on the applicant as it would require a major redesign of the site with fewer buildings; and

(DDDP) WHEREAS, the Commission further finds that Karst Terrain was identified on this site. A geotechnical survey will be completed for this site and the applicant will follow the recommendations contained in the report. Tree canopy requirements of the Land Development Code will be provided on the subject site; and

WHEREAS, the 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 Commission further finds that no open space is required for this site; and

WHEREAS, the Commission further finds that 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

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WHEREAS, the commission further finds that the overall site design and land uses are compatible with the existing and future development of the area, as there is existing commercial/office to the north and south. Appropriate landscape buffering and screening will be provided to screen adjacent properties and roadways; and

WHEREAS, the commission further finds that the development plan generally conforms to applicable guidelines and policies of the Comprehensive Plan and to requirements of the Land Development Code; now, therefore be it

RESOLVED, the Louisville Metro Planning Commission does hereby **APPROVE** the requested Waiver of Section 5.5.4.B.1 to allow a reduction of 20' of the required 50' landscape buffer required when an industrial use abuts a residential use in the Suburban Workplace form district; **AND** the requested Detailed District Development Plan with Binding Elements, **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.
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, 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. 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.
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

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issuance of the certificate of occupancy, unless specifically waived by the Planning Commission.

6. There shall be no outdoor music (live, piped, radio or amplified) or outdoor entertainment or outdoor PA system audible beyond the property line.
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 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.
8. The materials and design of proposed structures shall be substantially the same as depicted in the rendering as presented at the May 10, 2018 Planning Commission hearing.

The vote was as follows:

YES: Commissioners Brown, Howard, Smith, Carlson, Peterson, Ferguson, Jarboe, and Tomes.

NOT PRESENT: Commissioner Lewis.