

**PLANNING COMMISSION MINUTES**  
**November 1, 2018**

**PUBLIC HEARING**

**CASE NO. 18ZONE1058**

Request: Change in zoning from R-4 to C-M with a landscape waiver, sidewalk waiver, pedestrian connection waiver, and setback variance

Project Name: Chamberlain Lane Mini-Storage

Location: 2801 Chamberlain Ln. & 3014 North Winchester Acres Rd.

Owner: Johannes Appelboom & Huong Pham

Applicant: Hagan Properties Inc.

Representative: Jon Baker – Wyatt Tarrant & Combs LLP

Jurisdiction: Louisville Metro

Council District: 17 – Glen Stuckel

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

**Agency Testimony:**

03:05:50 Joel Dock presented the case and showed a Power Point presentation (See staff report and recording for detailed presentation.) Before beginning his presentation, Mr. Dock handed out revised plans to the Commissioners that he received this morning. He said there were three waivers being requested; two of those requests have now been rescinded. The only waiver still being requested is a waiver of Land Development Code, section 5.5.4.B.1 to reduce 50' LBA along north property line as shown on the development plan. The applicant has provided plans to show pedestrian connectivity and public sidewalks along Chamberlain Lane.

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

Jon Baker, Wyatt Tarrant & Combs, 500 West Jefferson Street Suite 2800, Louisville, KY 40202

Chris Brown, BTM Engineering, 3001 Taylor Springs Drive, Louisville, KY 40220

Kristin Hedden (sp), Hagan Properties, 12911 Reamers Road, Louisville, KY 40245

**Summary of testimony of those in support:**

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03:13:14 Jon Baker, the applicant's representative, presented the applicant's case and showed a Power Point presentation (See recording for detailed presentation.) He explained why the applicant had previously been requesting a sidewalk waiver; however, the applicant has brought in a new plan that has the sidewalks on the plan, thus eliminating the need for the waiver.

03:20:57 Chris Brown, an applicant's representative, provided details about the design of the site. He discussed maintaining greenspace and adding landscaping; fencing; and the detention basin and improved drainage.

03:25:32 Mr. Baker discussed the renderings, the site plan, traffic movement; the privacy fence, and tree planting.

03:28:49 In response to a question from Commissioner Carlson, Mr. Baker discussed proposed binding element #6 and the North Winchester Acres Road privacy fence. The applicant has committed to installing that fence. Commissioner Carlson also asked if the applicant would be willing to add a binding element stating that this property will only be used for a self-storage facility; if this use ever changes, the applicant would have to come back before the Planning Commission for approval. Mr. Baker said he would have an answer to this during rebuttal.

03:31:18 In response to a question from Commissioner Jarboe, Mr. Brown described in detail drainage and MSD requirements for the detention area.

03:33:19 Mr. Baker handed out three proposed binding elements from the applicant regarding building materials.

03:33:47 Karl Sebree (sp) said he is still concerned about where vehicles coming from this facility are going to go on Chamberlain Lane. Mr. Baker used the site plan to point out vehicular access and stated that there will be no access directly from the property onto Chamberlain Lane. See recording for detailed discussion. Mr. Sebree added that there is a North Winchester Acres Road, and a **South** Winchester Acres Road. He mentioned that this distinction could be important for traffic flow discussions.

**The following spoke neither for nor against ("Other"):**

No one spoke.

**The following spoke in opposition to this request:**

Jennifer Mangeot, 3015 Winchester Acres Road, Louisville, KY 40245

Evelyn Sindelar, 3009 Winchester Acres Road North, Louisville, KY 40245

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Dan Smith, 3015 North Winchester Acres Road, Louisville, KY 40245

Karl Sebree (sp), 417 Christian Village Circle, Apartment 204, Louisville, KY 40243

**Summary of testimony of those in opposition:**

03:35:57 Dan Smith said his property is directly across the street from the subject site. He said he is mostly concerned about privacy and security. He is concerned about light pollution, headlights shining into his bedroom window, and increased crime. He said this is a "fully functional" residential neighborhood, and he objects to putting in a corner commercial property at the entrance to his neighborhood. He said this site is located at a blind corner, creating a potentially dangerous traffic situation. He expressed concerns about no sewers, and drainage. Mr. Smith added that this general area is "saturated" with storage facilities; why is the applicant building another one in a residential neighborhood?

03:42:04 Jennifer Mangeot said she objected to seeing a 600-unit storage facility in her front yard. This is a residential neighborhood. She said the applicant seems to be making many accommodations for Ford, and for themselves, but not or the neighbors. She also raised traffic and construction issues, and the concern that vehicles' headlights would be shining directly into her home. She expressed concern about this project decreasing her property value.

03:46:11 Evelyn Sindelar reiterated that this is a private residential neighborhood, not commercial. She is concerned with lights, noise, and crime. She discussed the curve in the road and how dangerous it is.

03:50:34 Karl Sebree (sp) read a statement into the record (see recording.) He discussed prior attempts to develop this parcel which were denied.

03:53:02 In response to a question from Commissioner Jarboe, Ms. Sindelar discussed the 800 tractor trailers that she said passed her house every day. She said it wasn't that many until Ford increased their business; also, she has three-story evergreen trees to buffer the road traffic.

03:54:54 In response to a question from Commissioner Jarboe, Ms. Mangeot said the applicant could move the access to the north so that vehicle headlights would not shine into her house. Commissioner Jarboe noted that these types of facilities are very low density and intensity. Ms. Mangeot said that, at the neighborhood meeting, the neighbors had asked that the access be onto Chamberlain Lane and not onto Winchester Acres.

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03:58:08 Commissioner Carlson asked Ms. Mangeot if she would be willing to have the applicant plant evergreen trees or other landscaping on her property, to act as a buffer. Ms. Mangeot suggested getting rid of the last building on the plan, and putting nothing but trees and a taller fence there instead.

**Rebuttal:**

04:00:53 Mr. Baker said the applicant agrees to a binding element restricting use. He also discussed offering Winchester Place plantings (especially dense evergreens). He said that, with the development of this property, the applicant will be adding another five feet of pavement to North Winchester Acres along the site frontage. This will give more room to traffic. He added that the applicant will comply with all LDC lighting regulations.

04:02:58 Krstin Hedden (sp), an applicant's representative, discussed a rendering of what the back side of the building would look like. She said this building "naturally acts as a screen" and will have brick and stucco. She said the four-board fence with trees is another layer of screening. She said the applicant is willing to plant some arbor vitae and pines to help screen the neighbors' side. Regarding the septic issue, she said the applicant has already met with the Health Department, which expressed no concerns.

04:04:13 Mr. Baker said the applicant is willing to agree in a binding element to a restriction of use on this property (the property will be utilized as a self-storage facility; if this use changes, it will have to come back to the Planning Commission or a Committee thereof to change.)

04:05:36 In response to a question from Commissioner Tomes, Ms. Hedden explained where the lighting would be going on the buildings, the type of lighting, and the type of poles that might be used in the driving lanes. Lights will be fully-shielded, down-facing.

04:06:55 In response to a question from Commissioner Carlson, Mr. Baker said he would work on a binding element regarding plantings on the opposite side for the neighbors.

04:07:16 Regarding the variance, Commissioners Howard and Jarboe asked Mr. Baker if there is a reason why the first building cannot be moved, or removed?

04:09:53 Mr. Baker said the applicant agrees to withdraw the variance application. The applicant will re-file a revised development plan. He and Ms. Hedden explained the changes that this would entail to the plan.



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**04:12:59     The Commission took a 5-minute recess**

04:13:18     Mr. Baker discussed the incorporation of an additional binding element for all off-site planting, which has been included into the record as binding element #9.

04:16:31     Ms. Mangeot asked for verification that the requested variance is being withdrawn. Commissioner Jarboe said it had. She asked to see a slide showing the trees and fence along the frontage.

04:18:35     Mr. Dock explained that there is already an existing binding element in the staff report that requires a four-board fence and intermittent trees as present at today's hearing; also, these binding elements and landscape plan will be reviewed by the Metro staff Landscape Architect.

04:19:20     Mr. Smith asked what the sewage plan is. Mr. Baker said there will be a septic field that has been approved by Mike Ballard of the Health Department. Mr. Brown pointed out the location of the field on the development plan.

**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.**

**04:20:30     Commissioners' Deliberation**

**Change-in-Zoning from R-4, Single-family Residential to CM, Commercial-Manufacturing**

**04:28:07     Travis Fiechter, legal counsel for the Planning Commission, provided clarification to the Commissioners regarding the applicant's and staff's justifications since they have been revised based on the evidence and testimony during the public hearing.**

**04:28:40     On a motion by Commissioner Carlson, seconded by Commissioner Robinson, the following resolution, based on the Staff Cornerstone 2020 checklist, the applicant's justification, and evidence and testimony heard today, was adopted:**

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**WHEREAS**, the Louisville Metro Planning Commission finds that the proposal meets the intents of Guideline 1: Community Form because the proposal integrates into the pattern of development as the immediate vicinity contains a mixture of industrial and commercial activities of varying intensities. Industrial or employment centers dominate much of the nearby land; the proposal integrates into a planned development that features a mixture of related uses, and that may contain either a single major use or a cluster of uses as the general vicinity contains a variety of industrial or employment centers. The proposed use may serve nearby residences or non-residential users; and

**WHEREAS**, the Commission further finds that the proposal meets the intents of Guideline 3: Compatibility because renderings provided indicated that the proposal is consistent with surrounding industrial and employment center development; the proposal does not constitute a non-residential expansion into an existing residential area as the surrounding area is largely non-residential and the existing pocket of residential wherein the site is located is wholly encompassed by industrial, commercial and office uses and located within the Suburban Workplace form district; the proposal mitigates any potential odor or emissions associated with the development as uses permitted by the proposed district will not produce odors that would not ordinarily be expected by industrial development in the area; the proposed use generates limited traffic; the site is located along a collector with immediate service to an arterial and the interstate. The roadway network supports a wide variety of uses permitted by the district; lighting will be compliant with LDC 4.1.3; the proposed use is located in an activity center consisting of a range of low intensity office uses and higher intensity manufacturing uses. It is within the SW form district; the proposal provides appropriate transitions between uses that are substantially different in scale and intensity or density of development as landscape screening will be provided as required adjacent to an existing low-density residential property. The buffering provided will be compatible for future non-residential development; the proposal mitigates the impacts caused when incompatible developments unavoidably occur adjacent to one another as landscape screening will be provided as required adjacent to an existing low-density residential property. The buffering provided will be compatible for future non-residential development; parking area locations are consistent with the pattern of development in the area and do not infringe on residential properties; the proposal includes screening and buffering of parking and circulation areas adjacent to the street as a landscape buffer immediately adjacent to the parking area is provided; no parking structures have been proposed; and signage will be compliant with Chapter 8 of the LDC; and

**WHEREAS**, the Commission further finds that the proposal meets the intents of Guideline 4: Open Space because open space is not required for the proposal and is not needed to help meet the needs of the larger community; detention areas are provided to manage run-off and through drainage during rain events; the proposal is a

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SW form district; and the proposal will provide the required tree canopy per Chapter 10 of the LDC; and

**WHEREAS**, the Commission further finds that the proposal meets the intents of Guideline 5: Natural Areas and Scenic and Historic Resources because detention areas are provided to manage run-off and through drainage during rain events; the proposal does not contain any features of historical significance; the development site does not appear to contain wet or highly permeable soils, or contain significant portions of erodible soils. No steep slopes are present. Detention areas are provided to manage run-off and through drainage during rain events; and

**WHEREAS**, the Commission further finds that the proposal meets the intents of Guideline 6: Economic Growth and Sustainability because the proposed use will serve a wide range of users. The district is able to provide supportive services consistent with an industrial or employment district; the proposal is not downtown; the proposed district is consistent with the industrial and employment district in the area with respect to land use and the ability to provide supportive services; the proposed use is a limited traffic generator. The proposed district is located along a collector with immediate service to an arterial and the interstate; and the proposed district allows for industrial development with no limit on the number of employees. It is located along a collector level roadway with immediate service to an arterial and the interstate, as well as being located adjacent to Ford truck Plant and a number of other similar uses within activity center; and

**WHEREAS**, the Commission further finds that the proposal meets the intents of Guideline 7: Circulation because no additional right-of-way has been requested; the proposal includes adequate parking spaces to support the use; and upon future development of the area for non-residential uses Winchester Acres Road appears to provide internal connectivity to adjacent development without entering collector or arterial roadways; and

**WHEREAS**, the Commission further finds that the proposal meets the intents of Guideline 8: Transportation Facility Design because no stub roadways are needed to facilitate this or adjacent development as N. Winchester will provide for appropriate connectivity; access to the development site is from areas of similar intensity from a collector roadway with arterial and interstate access within close proximity; the development provides for an appropriate functional hierarchy of streets and appropriate linkages between activity areas in and adjacent to the development site as Chamberlain Lane provides access to the interstate and nearby industrial uses; and

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**WHEREAS**, the Commission further finds that the proposal meets the intents of Guideline 10: Flooding and Stormwater because the proposal's drainage plans have been approved by MSD; and

**WHEREAS**, the Commission further finds that the proposal meets the intents of Guideline 12: Air Quality because the proposal has been reviewed by APCD and found to not have a negative impact on air quality; and

**WHEREAS**, the Commission further finds that the proposal meets the intents of Guideline 13: Landscape Character because the development site does not appear to contain any natural corridors that can provide habitat areas and allow for migration; and

**WHEREAS**, the Commission further finds that the proposal meets the intents of Guideline 14: Infrastructure because the proposal is located in an area served by existing utilities or planned for utilities; the proposal will have access to an adequate supply of potable water and water for fire-fighting purposes; and the proposal has adequate means of sewage treatment and disposal to protect public health and to protect water quality in lakes and streams; and

**WHEREAS**, the Commission further finds that the proposal meets the intents of Guideline 1. Community Form because the Property is located in the Suburban Workplace Form District, which is characterized by predominantly industrial and office uses and often contain a single large-scale use or a cluster of uses within a master planned development; with over 400 acres of property whereon it manufactures trucks, the Ford Plant is the (very) large-scale use in this particular Suburban Workplace District; a cluster of mid-sized to smaller industrial and office uses also are present within the area, especially north of the Property along Collins Lane near its intersection with Westport Road, where the cluster of industrial uses becomes more dense and is served by railway; a small grouping of industrial and office uses is located southeast of the property between Chamberlain Lane and Old Lagrange Road; the proposed use is of low intensity and of low traffic volume; to reduce any conflicts between semi-truck trips coming/going from the Ford Plant, which maintains a very active access point adjacent to the Property's western boundary, access to/from the self-storage facility is planned off N. Winchester Acres Road, a private roadway; the proposed use will provide a storage service to the many employees working within the immediate area as well as residents living in the residential neighborhoods of the general area; and

**WHEREAS**, the Commission further finds that the proposal meets the intents of Guideline 2. Centers because the Property is located in the Suburban Workplace Form District where a number of different industrial and office uses are established and, together, employ thousands of workers who frequent the area on a daily basis and are



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often traditional self-storage users; indeed, between the Ford Plant and the uses along Collins Lane, this area certainly qualifies as an employment center; a small pocket of residential properties remain within the immediate area along N. Winchester Acres Rd. and along the western side of Collins Ln.; larger residential neighborhoods are within a short drive from the Property; the Proposal is a compact, efficient use of the land situated at the corner of Chamberlain Ln., a primary collector, and N. Winchester Acres Rd., a private local road, and has convenient access to I-265, an expressway; thus, the Property is an ideal location to safely serve the storage needs of both workers and residential customers as well as any storage demands the mix of businesses located within the vicinity will have; and

**WHEREAS**, the Commission further finds that the proposal meets the intents of Guideline 3. Compatibility because it is located on a corner property and fronting Chamberlain Ln, a primary collector roadway, in an area the Louisville Metro Planning Commission and Louisville Metro Council, considering their respective roles in 2000 when they adopted Cornerstone 2020, designated as Suburban Workplace Form; indeed, with the immediate area located adjacent to the vast manufacturing complex that is the Ford Plant, as well as the area along Collins Ln. that is home to numerous industrial and logistical land uses, many of which have convenient access to railway and all to the Gene Snyder Freeway; in response, prospective investors and developers of land have noticed and acted upon Metro's designation of the area as Suburban Workplace; one out- of-state entity has recently purchased seven (3013, 3016, 3017, 3019 (2 separate tracts with same address), 3021, and 3106 N. Winchester Acres Rd.) of the seventeen properties, totaling 17 acres, all of which front N. Winchester Acres Rd and intends to utilize these properties to develop industrial/logistical warehousing type uses; suffice it to say, this small pocket of residential properties between industrial areas is undoubtedly transitioning from residential to land uses more aptly suited for the Suburban Workplace Form in which it is located; consequently, sooner or later, commercial, industrial and/or office uses will expand into this last remaining residential area of the Suburban Workplace Form; the Proposal, as described herein, is a fitting use to locate on the Property because it is a low-intensity use that generates low traffic volumes and will be situated next door to a high-intensity manufacturing complex that generates large amounts of semi-truck traffic, thereby acting as an effective transition between levels of intensity of land uses; and

**WHEREAS**, furthermore, the Proposal is consistent with the intent and applicable Policies of Cornerstone 2020, Guideline 3, because it includes a mix of one- and two-story buildings that will be constructed out of high quality, durable materials including stone, masonry, architectural metal panels, steel accents, commercial storefront glass and stucco; proposed building facades along Chamberlain Ln. and N. Winchester Acres Rd exhibit heightened architectural design more appropriate for the area considering the current residences along N. Winchester Acres Rd. as well as the eventual

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industrial/office-type uses that will locate in the Suburban Workplace Form encompassing the area; these exterior facades will screen the outside area from the inside of the facility, where customers pick up and drop off their respective storage items; further, the length of the one-story building along N. Winchester Acres Rd. will be activated with animating architecture features, landscaping, tree plantings and a handsome four-board horse fence, which blends well with the character of the existing residential properties on N. Winchester Acres Rd; the Property will be sufficiently secured to keep individuals without proper access from gaining entry into the facility; the surrounding areas will not be adversely affected by noise as it is a storage use and not constantly accessed by costumers; when customers are in the process of storing belongings, noise will be mitigated by surrounding storage buildings, large trees and other vegetation surrounding the development; security lighting will not extend above the roof line and will be directed down so it will not negatively impact nearby properties; traffic is very low and peak hour traffic is immaterial for storage use and, instead, is more distributed throughout the day; signage on-site will comport with applicable regulations; and

**WHEREAS**, the Commission further finds that the proposal meets the intents of Guideline 6. Marketplace because the proposed rezoning of this Property to C-M, Commercial Manufacturing will generate economic growth within the existing Suburban Workplace Form, as opposed to the continuation of an idle R-4, single-family property with no home constructed thereon and in which reluctance to purchase and invest in the property as a residential use exists, notably because the property is located next door to the Ford Plant and within the Suburban Workplace Form; moreover,as previously stated, a solid mix of businesses exist in the area that will require storage and, combined with the expectation that residential units within the vicinity will increase, the Proposal will ensure availability of necessary usable land to facilitate commercial, industrial and residential development; during the course of the Applicant's market research and due diligence, a shortage in storage units - especially climate-controlled units - for the area was identified and without additional storage units, the increase in dwelling units over the next five years within the area will exacerbate demand in the market; in response to this demand in the market, the Proposal will offer both the standard drive-up storage units without climate control as well as indoor, climate-controlled storage space; accordingly, the Proposal complies with the intent and applicable Policies of Guideline 6, Economic Growth and Sustainability; and

**WHEREAS**, the Commission further finds that the proposal meets the intents of Guidelines 7, 8 & 9- Circulation, Transportation Facility Design & Bicycle, Pedestrian & Transit because the Proposal will have minimal impact on mobility and transportation of the surrounding area, as self-storage facilities generate one of the lowest traffic volumes associated with commercial development; the site will have two access points off of N. Winchester Acres Rd., the second access point being a right-out-only exit, restricting

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vehicles exiting the site southward towards Chamberlain Ln. and away from the dead end of N. Winchester Acres Rd.; along the Property's frontage, additional pavement width to N. Winchester Acres Rd. will be provided to accommodate those vehicles exiting the right-turn-only at the rear of the site; considering the Property's very near proximity to the Ford Plant, and specifically to Ford's primary entrance/exit for semi-trailer trucks being located next to the shared property line, access from the Property directly to Chamberlain Ln. is unsafe; indeed, semi-trailer trucks are prevalent on this section of Chamberlain Ln. and often queue in front of the Property while awaiting entry into the Ford Plant; and, at times, semi-trucks will park for longer durations directly in front of the Property, along the shoulder of the Chamberlain Lane right-of-way; as a result, N. Winchester Acres Road allows the safest access from the Property and to Chamberlain Lane, via a controlled stop at the intersection of N. Winchester Acres and Chamberlain; and

**WHEREAS**, the Commission further finds that the proposal meets the intents of Guidelines 10 & 11- Flooding and Stormwater & Water Quality because the Applicant's zoning application is consistent with the applicable intents and policies of Guideline 10 and 11 because stormwater from the Property, as well as drainage from a portion of the neighboring property (3016 N. Winchester Acres Road), will be sufficiently accommodated by on-site detention, discussions of which the Applicant has begun with MSD, thereby ensuring peak post-development surface water runoff will not exceed pre-development levels and no significant increase in flooding or excess drainage to adjoining properties will occur; The Property contains no streams nor is it located in a regulatory floodplain; an Erosion Prevention and Sediment Control Plan utilizing best management practices as recommended by MSD will be implemented prior to commencing construction of the development; additionally, the applicant's final design for development of the Property will address and comply with all MS4 water quality regulations established by MSD; and

**WHEREAS**, the Commission further finds that the proposal meets the intents of Guideline 12. Air Quality because the activity associated with the proposed development is one of the lowest intensity traffic generators on commercial property; as a storage facility, the site will only be accessed by vehicles as customers drop off and pick up their storage items; these items are typically stored for months at a time and given the Proposal's near proximity to its future commercial and residential patrons it will reduce vehicular drive distances and help alleviate any impacts on air quality; therefore, the Proposal complies with the intent and applicable Policies of Guideline 12; and

**WHEREAS**, the Commission further finds that the proposal meets the intents of Guideline 13. Landscape Character because the Applicant's Proposal is consistent with the intent and applicable Policies of Guideline 13; the LDC requires interior and

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perimeter landscaping as well as minimum tree canopy on-site, all of which will be satisfied, if not exceeded with the Proposal; one hundred type A trees will be provided to re-establish tree canopy on-site, most of which will be native species; the Applicant is requesting a waiver from LDC Chapter 5.5.4.B.1 to reduce the required 50' landscape buffer along the north property perimeter adjacent to a residentially zoned property; tree plantings will be inserted within the remaining buffer area to bolster the already established tree line existing on the shared property boundary and, as such, any negative impacts created by the Proposal will be mitigated by the proposed perimeter screening; as mentioned herein, the immediate area along N. Winchester Acres Rd., pursuant to the guidance of the Comprehensive Plan, is undergoing a transition from residential to uses more appropriately located within the Suburban Workplace Form; the adjacent property to the north (3016 N. Winchester Acres Rd.) is no exception, for it was recently purchased in late 2017 by an out-of-town entity that has acquired in total seven parcels along N. Winchester Acres Rd; it is undetermined what land use the property owner ultimately will establish on the property next door, but it's safe to say it will not be residential; consequently, the Applicant's waiver will become moot in the near future; and

**WHEREAS**, the Commission further finds that, for all of the reasons set forth at the LD&T Committee meeting and the November 1, 2018 Planning Commission public hearing, as well as all of the information submitted in the administrative record for Case No. 18ZONE1058, as evidenced by the most recent detailed development plan presented to the Commission, the applicant's request to change the zoning designation of the Property from R-4 Single-Family Residential and CM Commercial Manufacturing is in agreement with all other applicable Intentions, Policies, and Guidelines of the Cornerstone 2020 Comprehensive Plan; as a result, the Planning Commission finds the proposed rezoning complies with the required statutory criteria of KRS 100.213; now, therefore be it

**RESOLVED**, the Louisville Metro Planning Commission does hereby **RECOMMEND** to the Louisville Metro Council that the proposed Change-in-Zoning from R-4, Single-family Residential to CM, Commercial-Manufacturing as described in the attached legal description, be **APPROVED**.

**The vote was as follows:**

**YES: Commissioners Peterson, Robinson, Tomes, Daniels, Howard, Carlson, and Jarboe.**

**NOT PRESENT: Commissioners Lewis, Smith, and Brown.**



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**Waiver of Land Development Code, section 5.5.4.B.1 to reduce the 50' LBA along north property line as shown on the development plan**

04:34:26 On a motion by Commissioner Carlson, seconded by Commissioner Robinson, the following resolution, based on the Standard of Review and Staff Analysis and evidence and testimony heard today, was adopted:

**WHEREAS**, the Louisville Metro Planning Commission finds that the waiver will not adversely affect adjacent property owners as all planting and screening will be provided as required and the buffer is consistent with future non-residential development within the form; and

**WHEREAS**, the 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 13, Policy 4 calls for ensuring appropriate landscape design standards for different land uses within urbanized, suburban, and rural areas. The subject site and all surrounding development are located in the workplace form and the buffer proposed is consistent with future non-residential development. Further, all required screening is provided; 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 existing conditions are not representative of future development of the area as intended within the form; and

**WHEREAS**, the Commission further finds that the strict application of the provisions of the regulation would create an unnecessary hardship on the applicant as existing conditions are not representative of future development of the area as intended within the form; now, therefore be it

**RESOLVED**, the Louisville Metro Planning Commission does hereby **APPROVE** the requested Waiver of Land Development Code, section 5.5.4.B.1 to reduce 50' LBA along north property line as shown on the development plan.

**The vote was as follows:**

**YES: Commissioners Peterson, Robinson, Tomes, Daniels, Howard, Carlson, and Jarboe.**

**NOT PRESENT: Commissioners Lewis, Smith, and Brown.**

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**Detailed District Development Plan**

04:35:21 On a motion by Commissioner Carlson, seconded by Commissioner Robinson, the following resolution, based on evidence and testimony heard today, was adopted:

**RESOLVED**, the Louisville Metro Planning Commission does hereby **APPROVE** the requested Detailed District Development Plan, **ON CONDITION** that the Revised Plan be submitted for approval that provides the 25-foot setback on North Winchester Acres Road, and **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. 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.
3. Before any permit (including but not limited to building, parking lot, change of use, site disturbance, or alteration 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. 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 Chapter 10 prior to requesting a building permit. Such plan shall be implemented prior to occupancy of the site and shall be maintained thereafter.

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**PUBLIC HEARING**

**CASE NO. 18ZONE1058**

- d. An appropriate legal instrument shall be recorded consolidating the property as shown on the development plan. A copy of the recorded instrument shall be submitted to the Division of Planning and Design Services.
4. 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.
  5. 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.
  6. A four-board fence with intermittent trees shall be provided along N. Winchester Acres and shall be substantially the same as presented at the public hearing on November 1, 2018.
  7. A fence shall be installed along the north property line, and it shall be substantially similar to the fence presented at the November 1, 2018 Planning Commission public hearing.
  8. The property shall be only used for mini-warehouse unless otherwise approved by the Planning Commission in a public hearing.
  9. Applicant shall provide a 25' wide swath of arborvitae and pine trees on a portion of the frontage on property at 3015 N. Winchester Acres Road. No planting or entry onto the aforementioned property for the purpose of planting shall occur without the written consent of the respective property owner(s). Developer shall provide a written request for consent which request must be responded to within 30 days of receipt. Should developer not receive a timely response, it's buffer obligation on the affected property shall be void. Provided consent is given, planting shall occur within 1 year of receipt of consent. Agreed upon plantings

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shall be installed at a height of 6-8 feet. Developer shall not responsible for continued maintenance of agreed upon plantings after their installation.

10. As it relates to the principal indoor storage building facing Chamberlain Lane, design of the structure shall be reasonably similar to the photographs shown and testimony heard at the November 1, 2018 Planning Commission public hearing of "Winchester Acres" self-storage facility. Building materials shall include any of the following materials, or combination thereof: brick, stone, veneer, glass, metal and stucco or EFIS in proportions that would complement the building.
11. As it relates to the outdoor storage building's façade, facing North Winchester Acres Road, its building materials shall include any of the following materials, or a combination thereof: brick, stone, veneer and/or stucco or EFIS in proportions that would complement the building.
12. Except for what is already set forth in other binding elements related to building materials and building design, the North, South, and West elevations of building facades adjacent to North Winchester Acres Road, and the design for the buildings facing the interior portion of the site, shall include any of the following materials, or a combination thereof: concrete block, metal doors and other materials at Developer's discretion that would complement other buildings.

**The vote was as follows:**

**YES: Commissioners Peterson, Robinson, Tomes, Daniels, Howard, Carlson, and Jarboe.**

**NOT PRESENT: Commissioners Lewis, Smith, and Brown.**