

**PLANNING COMMISSION MINUTES**  
**July 18, 2019**

**PUBLIC HEARING**

**CASE NO. 19ZONE1023**

**Request:** Change in form district from N to SW, Change in zoning from C-2 and R-4 to C-M, with removal of existing Binding Elements, abandonment of an existing CUP, and a new Detailed District Development Plan with Binding Elements

**Project Name:** Shepherdsville Road Warehouse

**Location:** 6611 Shepherdsville Road

**Owner:** Country Club Recreation Inc.

**Applicant:** Core 5 Industrial Properties

**Representative:** Frost Brown Todd LLC

**Jurisdiction:** Louisville Metro

**Council District:** 24 – Madonna Flood

**Case Manager:** Dante St. Germain, 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:**

03:02:41 Dante St. Germain presented the case via Power Point slide show (see staff report and recording for detailed presentation.) Ms. St. Germain noted the removal of existing structures, the proposed use for the warehouse, a CSX railway easement, and the landscape buffer along multi-family housing.

03:10:36 Commissioner Carlson and Dante St. Germain discussed binding element for hours of operation (see recording for detailed presentation).

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

Glenn Price, 400 West Market, Suite 3200, Louisville, Kentucky, 40202

Derek Triplett, 503 Washburn Avenue, Louisville, Kentucky, 40222

Mitch Green, 3 HMB Circle, Frankfort, Kentucky, 40601

**PLANNING COMMISSION MINUTES**  
**July 18, 2019**

**PUBLIC HEARING**

**CASE NO. 19ZONE1023**

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

03:11:23 Glenn Price detailed the house of operations for the development. Mr. Price presented a slide show of the suburban workplace district, CSX railway line easement, and proposed access to the site. Glenn stated Derek Triplett and Mitch Green are present to speak at today's meeting (see recording for detailed presentation).

03:16:10 Derek Triplett explained access location of the development and maneuverability of trucks in and out of the site. Mr. Triplett presented colored rendering of the buffer area and loading dock areas of the development.

03:24:00 Mitch Green, HMB, presented paper copies of a noise study made to Commissioner. Mr. Green stated there will be materials used with the privacy fencing to prevent noise impact on adjacent properties (see recording for the detailed presentation).

03:31:01 Glenn Price presented areal views of other warehouse truck docking areas proximity to adjacent properties in the Commerce Crossing area. Mr. Price referenced to exhibit booklet presented to Commissioners detailing the binding elements for the proposed development (see recording for detailed presentation).

03:39:53 Commissioner Brown, Mitch Green, and Glenn Price discussed current levels of noise impact on the site (see recording for detailed presentation).

03:42:44 Commissioner Tomes, Glenn Price, and Mitch Green discussed existing noise impact studies done prior to development, maintenance of materials used for noise reduction, the proposed business hours, and binding element regarding storage on the development. (see recording for detailed presentation).

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

No one spoke.

**The following spoke neither for nor against the request:**

Gavin Smith, 6905 Connecticut Drive, Louisville, Kentucky, 40219

**Summary of testimony of those neither for nor against:**

04:12:35 Gavin Smith stated his concerns with lighting, docking area on the warehouse, and noise levels from the development site. (see recording for detailed presentation).

**PLANNING COMMISSION MINUTES**  
**July 18, 2019**

**PUBLIC HEARING**

**CASE NO. 19ZONE1023**

04:014:01 Emily Liu and Dante St. Germain discussed language for the binding elements (see recording for detailed presentation).

**Deliberation:**

04:18:39 Commissioners' discussed inspection and maintenance of materials used for noise reduction in the privacy fencing. (see recording for detailed presentation).

**An audio/visual recording of the Planning Commission hearing related to this case is available on the Planning & Design Services website, or you may contact the Customer Service staff to view the recording or to obtain a copy.**

**Change in Form District**

04:28:57 On a motion by Commissioner Howard, seconded by Commissioner Tomes, the following resolution, based on standard of review and staff analysis for change in form district and testimony, was adopted:

**WHEREAS**, the Louisville Planning Commission finds there do not appear to be any environmental constraints or historic resources on the subject site. Tree canopy requirements of the Land Development Code will be provided on the subject site; and

**WHEREAS**, the Louisville Planning Commission further finds Provisions for safe and efficient vehicular and pedestrian transportation within and around the development and the community has been provided, and Metro Public Works and the Kentucky Transportation Cabinet have approved the preliminary development plan; and

**WHEREAS**, the Louisville Planning Commission further finds there are no open space requirements pertinent to the current proposal; and

**WHEREAS**, the Louisville Planning Commission further finds the Metropolitan Sewer District has approved the preliminary development plan and will ensure the provision of adequate drainage facilities on the subject site in order to prevent drainage problems from occurring on the subject site or within the community; and

**WHEREAS**, the Louisville Planning Commission further finds the overall site design and land uses are not compatible with the existing and future development of the area. The existing development south of the site is residential, and the building is oriented with the

**PLANNING COMMISSION MINUTES**  
**July 18, 2019**

**PUBLIC HEARING**

**CASE NO. 19ZONE1023**

loading docks facing south. While tree canopy is proposed to be preserved and the applicant has proposed a fence to block headlights, these measures are insufficient to block the noise of vehicles shifting and of backup beepers, especially at night when ambient sounds which drown out the noises are reduced; and

**WHEREAS**, the Louisville Planning Commission further finds the development plan does not conform to applicable guidelines and policies of the Comprehensive Plan. Plan 2040 emphasizes that livability and quality of life for all residents of Louisville Metro should be preserved and improved. The proposed development plan would negatively impact the quality of life of the residents of the development to the south. The development plan does comply with the requirements of the Land Development Code; now, therefore be it

**RESOLVED**, that the Louisville Metro Planning Commission does hereby **RECOMMEND** to the Louisville Metro Council to **APPROVE** Change in form district from Neighborhood to Suburban Workplace

**YES: Commissioners Tomes, Daniels, Smith, Howard, Carlson, and Jarboe.**  
**NOT PRESENT: Commissioners Brown, Peterson, Robinson, and Lewis**

**Zoning**

04:30:19 On a motion by Commissioner Howard, seconded by Commissioner Smith, the following resolution based on Standard Plan 2040 was adopted:

**WHEREAS**, the Louisville Metro Planning Commission finds that the proposal meets the **Community Form – Goal 1** The site is currently non-residential and the rezoning would not constitute a non-residential expansion into a residential area; The proposed zoning district would permit higher density and intensity uses. The site is located on a minor arterial road and transit corridor; The proposed zoning district is for industrial uses. The site is located in the Suburban Workplace form district, with the exception of the railway easement to the east which is in the Neighborhood form. The applicant proposes to change the form district of the eastern portion of the site to Suburban Workplace; Air and water quality is unlikely to be impacted by uses permitted in the proposed zoning district; The subject site is located on a minor arterial and access to the site will be achieved directly from Shepherdsville Road; The proposed zoning district would not permit junkyards, landfills or quarries, or similar high intensity industrial uses; and

**PLANNING COMMISSION MINUTES**  
**July 18, 2019**

**PUBLIC HEARING**

**CASE NO. 19ZONE1023**

**WHEREAS**, the Louisville Metro Planning Commission finds that the proposal meets the **Community Form – Goal 2** because the proposed zoning district would be compatible with the Suburban Workplace form and would provide an appropriate transition between the medium-intensity industrial uses to the north and the residential uses to the south; The proposed zoning district would permit retail development. The site is located in an existing activity center with retail development; The proposal would intensify the use of the property and encourage a more compact development pattern; The proposed zoning district would encourage a mixture of compatible land uses by allowing both low-intensity industrial uses and medium intensity commercial uses; The proposed zoning district would allow residential uses above retail or other mixed use multi-story retail buildings; The proposal would permit commercial and/or multi-family residential; and

**WHEREAS**, the Louisville Metro Planning Commission finds that the proposal meets the intents of **Community Form – Goal 3** because No natural features are evident on the site; No wet or highly permeable soils, or severe, steep or unstable slopes are evident on the site; No karst features are located on the site. The site is not located in the floodplain; and

**WHEREAS**, the Louisville Metro Planning Commission finds that the proposal meets the intents of **Mobility: Goal 1** because the proposal would allow for higher density and intensity uses.; the subject site is located on the edge of an existing activity and employment center; the site is adjacent to an existing TARC stop; and

**WHEREAS**, the Louisville Metro Planning Commission finds that the proposal meets the intents of **Mobility: Goal 3** because the proposed zoning district would permit an appropriate transition between the medium intensity industrial uses to the north and the residential uses to the south; the proposed zoning district would permit mixed-use development; Transportation Planning has approved the proposal; and

**WHEREAS**, the Louisville Metro Planning Commission finds that the proposal meets the intents of **Community Facilities: Goal 2** because the relevant utilities have approved the proposal; Louisville Water Company has approved the proposal; MSD has approved the proposal; and

**WHEREAS**, the Louisville Metro Planning Commission finds that the proposal meets the intents of **Economic Development: Goal 1** because the subject site is located mainly in the Suburban Workplace form district and the proposed zoning district would be compatible with that form; Existing industry is located to the north of the subject site; the proposed use is not commercial. The proposed zoning district would permit commercial uses, and the subject site is located with adequate access to a major

**PLANNING COMMISSION MINUTES**  
**July 18, 2019**

**PUBLIC HEARING**

**CASE NO. 19ZONE1023**

arterial; the subject site is located on a minor arterial street and adjacent to existing industry; and

**WHEREAS**, the Louisville Metro Planning Commission finds that the proposal meets the intents of **Livability: Goal 1** because No karst features are evident on the site; and

**WHEREAS**, the Louisville Metro Planning Commission finds that the proposal meets the intents of **Housing: Goal 1** because the proposed zoning district would permit housing options and environments that support aging in place; and

**WHEREAS**, the Louisville Metro Planning Commission finds that the proposal meets the intents of **Housing: Goal 2** because the proposed zoning district would permit inter-generational mixed-income and mixed use development; The proposed zoning district would permit housing in proximity to a multi-modal corridor with transit access; and

**WHEREAS**, the Louisville Metro Planning Commission finds that the proposal meets the intents of **Housing: Goal 3** because the subject site is currently used as a golf driving range and no existing residents will be displaced; The proposed zoning district would permit the use of innovating methods of housing; now, therefore be it:

**RESOLVED**, that the Louisville Metro Planning Commission does hereby **RECOMMEND** to the Louisville Metro Council to **APPROVE** Change in zoning from C-2 Commercial and R-4 Single Family Residential to C-M Commercial Manufacturing

**The vote was as follows:**

**YES: Commissioners Tomes, Daniels, Smith, Howard, Carlson, and Jarboe.**  
**NOT PRESENT: Commissioners Brown, Peterson, Robinson, and Lewis**

**Removal of existing binding elements and Abandonment of existing Conditional Use Permit and Revised Detailed District Development Plan with Binding Elements and additional binding elements from the applicant's proposal**

04:33:16 On a motion by Commissioner Howard, seconded by Commissioner Tomes, the following resolution, based on standard of review and staff analysis and testimony, was adopted:

**PLANNING COMMISSION MINUTES**  
**July 18, 2019**

**PUBLIC HEARING**

**CASE NO. 19ZONE1023**

**WHEREAS**, the Louisville Metro Planning Commission finds there do not appear to be any environmental constraints or historic resources on the subject site. Tree canopy requirements of the Land Development Code will be provided on the subject site; and

**WHEREAS**, the Commission further finds 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 there are no open space requirements pertinent to the current proposal; and

**WHEREAS**, the Commission further finds the Metropolitan Sewer District has approved the preliminary development plan and will ensure the provision of adequate drainage facilities on the subject site in order to prevent drainage problems from occurring on the subject site or within the community; and

**WHEREAS**, the Commission further finds the overall site design and land uses are not compatible with the existing and future development of the area. The existing development south of the site is residential, and the building is oriented with the loading docks facing south. While tree canopy is proposed to be preserved and the applicant has proposed a fence to block headlights, these measures are insufficient to block the noise of vehicles shifting and of backup beepers, especially at night when ambient sounds which drown out the noises are reduced; and

**WHEREAS**, the Commission further finds the development plan does not conform to applicable guidelines and policies of the Comprehensive Plan. Plan 2040 emphasizes that livability and quality of life for all residents of Louisville Metro should be preserved and improved. The proposed development plan would negatively impact the quality of life of the residents of the development to the south. The development plan does comply with the requirements of the Land Development Code; now, therefore be it

**RESOLVED**, the Louisville Metro Planning Commission does hereby **APPROVE** of the Removal of existing binding elements and Abandonment of existing Conditional Use Permit and Revised Detailed District Development Plan and subject to the following Binding Elements:

**PLANNING COMMISSION MINUTES**  
**July 18, 2019**

**PUBLIC HEARING**

**CASE NO. 19ZONE1023**

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 Construction Review, Louisville Metro Public Works and the Metropolitan Sewer District.
  - b. Encroachment permits must be obtained from the Kentucky Transportation Cabinet.
  - c. The property owner/developer must obtain approval of a detailed plan for screening (buffering/landscaping) as described in Chapter 10 prior to requesting a certificate of occupancy. Such plan shall be implemented prior to occupancy of the site and shall be maintained thereafter.
  - d. Final elevations/renderings shall be submitted for review and approval by Planning Commission staff. A copy of the approved rendering shall be available in the case file on record in the offices of the Louisville Metro Planning Commission.
  - e. 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. There shall be no outdoor music (live, piped, radio or amplified) or outdoor entertainment or outdoor PA system audible beyond the property line.

**PLANNING COMMISSION MINUTES**  
**July 18, 2019**

**PUBLIC HEARING**

**CASE NO. 19ZONE1023**

6. No idling of trucks shall take place within 200 feet of residential uses. No overnight idling of trucks shall be permitted on-site.
7. 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.
8. 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.
9. The existing conditional use permit (for a golf driving range, miniature golf course and related uses) shall not be deemed abandoned until the issuance of building permits for the warehouse/distribution building.
10. Trucks that are required by the US Department of Transportation regulations to display a "Hazardous Materials" placard may not be stored on site for more than 24 hours.
11. The filament of truck headlights shall not be visible from adjacent apartment units.
12. A berm shall be located where shown on the development plan (6-feet tall in relation to the loading dock) and a 6-foot solid privacy fence located atop the berm together with the Acoustifence® product attached to the fence.
13. The AcoustiFence® product shall be installed in compliance with manufacturer recommendations. The fence and AcoustiFence® product shall be inspected twice per year and repaired or replaced as necessary according to manufacturer's recommendations. If it is found to be damaged or worn such that

**PLANNING COMMISSION MINUTES**  
**July 18, 2019**

**PUBLIC HEARING**

**CASE NO. 19ZONE1023**

its effectiveness shall be conducted by a person competent to inspect the AcoustiFence® product at the property owner or tenant's expense.

**YES: Commissioners Tomes, Daniels, Smith, Howard, Carlson, and Jarboe.**  
**NOT PRESENT: Commissioners Brown Peterson, Robinson, and Lewis**