

PLANNING COMMISSION MINUTES
October 15, 2020

PUBLIC HEARING

CASE NO. 20-ZONE-0067

Request: Change in zoning from R-1 & R-4 to PEC, with Detailed District Development Plan and Binding Elements, and associated Waiver

Project Name: Republic National Distribution Center

Location: 11899 - 12009 Rehl Road

Owner: Larry & Sharon Sorrell, William Andrew & Tina Coombs, Sherrill Ray & Joetta Smith, Sherrill Smith & Brent Smith & Teri Medley

Applicant: Republic National Distributing Company LLC

Representative: Bardenwerper Talbott & Roberts

Jurisdiction: Louisville Metro

Council District: 20 - Stuart Benson

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.)

00:59:11 *NOTE: Before this case commenced, Commissioner Peterson stated his opposition to taking any testimony from anyone who was driving. He expressed strong concern that that constitutes distracted driving and is a safety hazard. He asked that this become a standard Planning Commission bylaw/procedure. Commissioners Seitz, Jarboe, and Howard agreed.

Agency Testimony:

01:01:04 Dante St. Germain presented the case and showed a Power Point presentation (see recording for detailed presentation.)

01:07:38 In response to a question from Commissioner Mims, Ms. St. Germain briefly reviewed previous actions taken on another parcel in this development (see recording for detailed discussion.) She added that staff has not received building elevations at this time, although the applicant may have some.

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The following spoke in support of this request:

Nick Pregliasco, Bardenwerper Talbott & Roberts, 1000 North Hurstbourne Parkway, Louisville, KY 40223

Kent Gootee, Mindel Scott & Associates, 5151 Jefferson Boulevard, Louisville, KY 40219 (did not speak)

Diane Zimmerman, traffic engineer (did not speak)

Summary of testimony of those in support:

01:09:38 Nick Pregliasco, the applicant's representative, presented the applicant's case and showed a Power Point presentation (see recording for detailed presentation.)

01:23:34 In response to a question from Commissioner Mims, Mr. Pregliasco said there were no comments received from the Blackacre Group. He said the Tucker Station Neighborhood Association was represented at the neighborhood meeting and asked questions. He said their main issue/s seemed to be additional traffic on Rehl Road and truck access.

01:25:50 In response to a question from Commissioner Brown, Mr. Pregliasco used an aerial photo to describe the property directly to the north, which does have frontage on both Blankenbaker Road and Electron Drive.

The following spoke in opposition to this request:

No one spoke.

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

No one spoke.

01:27:54 Commissioners' deliberation.

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

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01:29:21 On a motion by Commissioner Carlson, seconded by Commissioner Howard, 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 proposal meets the intents of Community Form: Goal 1 because the site is surrounded on three sides by PEC- zoned industrial development. The proposal would not constitute a non-residential expansion into an existing residential area; Blankenbaker Parkway is a minor arterial at this location. The site is located adjacent to an existing activity center; the proposal is for industrial zoning. The site is located in the Suburban Workplace form district. Disadvantaged populations will not be disproportionately impacted by air, noise or light emissions from the site. Air, noise and light emissions must comply with LMCO and LDC restrictions; the site is located in an industrial area and noxious odors, particulates and emissions are unlikely to impact residential areas. The Tyler Rural Settlement District to the south is largely undeveloped in this location. Access to the site is via Blankenbaker Parkway, a minor arterial, and Rehl Road, a secondary collector at this location; noise impacts from the site are unlikely to affect residential uses; and the proposed zoning district would permit industries which handle hazardous or flammable materials. The site is located away from residential areas; and

WHEREAS, the Commission further finds that the proposal meets the intents of Community Form: Goal 2 because the site is located adjacent to an existing activity center zoned PEC.; retail development would be permitted by the proposed zoning district. The site is located in an existing activity center; the proposal would permit a more compact development pattern in an existing activity center; the proposal would permit a mixture of land uses which are compatible with adjacent land uses; and

WHEREAS, the Commission further finds that the proposal meets the intents of Land Use & Development Goal 2: Community Form because residential uses would not be permitted in the proposed zoning district; the proposal would permit new commercial or office structures; and the proposal does not include underutilized parking lots; and

WHEREAS, the Commission further finds that the proposal meets the intents of Community Form: Goal 3 because tree canopy will be preserved at the north of the site no wet or highly permeable soils, or severe, steep or unstable slopes are evident on the site; the site is not located in the Ohio River Corridor; and the site is not located in a flood prone area. Potential karst features on the site are being avoided; and

WHEREAS, the Commission further finds that the proposal meets the intents of Community Form: Goal 4 because the existing structures on the site are not proposed

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to be preserved. The structures do not appear to have historic or architectural value; and no distinctive cultural features are evident on the site; and

WHEREAS, the Commission further finds that the proposal meets the intents of Mobility: Goal 1 because the site is located adjacent to an existing activity center and employment center; and

WHEREAS, the Commission further finds that the proposal meets the intents of Mobility: Goal 3 because the site is accessible by car, bicycle, transit, pedestrians and people with disabilities; the site is located near a transit corridor; and Transportation Planning has approved the proposal; and

WHEREAS, the Commission further 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; and MSD has approved the proposal; and

WHEREAS, the Commission further finds that the proposal meets the intents of Economic Development: Goal 1 because the proposal is for industrial zoning in an existing workplace form district; the proposal is for industrial zoning adjacent to an existing industrial district; the proposal would not permit commercial uses generating high volumes of traffic; the site is not located near the airport or the Ohio River; and the proposal is for industrial zoning. The site is located on an arterial street and near an existing industrial subdivision; and

WHEREAS, the Commission further finds that the proposal meets the intents of Livability: Goal 1 because karst features have been identified on the site and are being avoided by the development; the site is not located in the regulatory floodplain; and the site is not located in the regulatory floodplain; and

WHEREAS, the Commission further finds that the proposal meets the intents of Housing: Goal 1 because the proposal would not permit housing; and

WHEREAS, the Commission further finds that the proposal meets the intents of Housing: Goal 2 because the proposal would not permit housing; and

WHEREAS, the Commission further finds that the proposal meets the intents of Housing: Goal 3 because no existing residents will be displaced by the proposal; and the proposal would not permit housing; 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 R-1 Single Family Residential and R-4 Single Family Residential to PEC Planned Employment Center be **APPROVED**.

The vote was as follows:

YES: Commissioners Daniels, Carlson, Brown, Seitz, Mims, Peterson, Howard, and Jarboe.

NOT PRESENT: Commissioner Lewis.

Waiver

01:30:33 On a motion by Commissioner Carlson, seconded by Commissioner Howard, 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 the adjacent properties are already developed with no plan for connectivity; and

WHEREAS, the Commission further finds that the waiver will not violate specific guidelines of Plan 2040 as Plan 2040 describes the Suburban Workplace form as encouraging public transit and walkways to buildings. No connectivity between abutting Suburban Workplace uses is described; 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 providing connectivity to abutting uses would compromise the security of the site. This site and adjacent sites are not intended to be used in such a manner that one visitor would want to visit multiple sites in a single trip; and

WHEREAS, the Commission further finds that strict application of the provisions of the regulation would deprive the applicant of the reasonable use of the land or would create an unnecessary hardship on the applicant because the security of the site would be compromised for no public benefit; now, therefore be it

RESOLVED, the Louisville Metro Planning Commission does hereby **APPROVE** the requested **Waiver** from 5.9.2.A.1.b.ii to allow omission of the required vehicular and pedestrian circulation between abutting non-residential uses (20-WAIVER-0074).

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The vote was as follows:

YES: Commissioners Howard, Carlson, Seitz, Mims, Daniels, Brown, Peterson, and Jarboe.

NOT PRESENT: Commissioner Lewis.

Detailed District Development Plan with Binding Elements

01:31:48 On a motion by Commissioner Carlson, seconded by Commissioner Howard, 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 no natural resources appear to exist on the site except for tree canopy. Tree canopy requirements will be met on the site. The existing buildings are not proposed to be retained. However, the existing buildings do not appear to be historic sites; 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 has approved the preliminary development plan; and

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

WHEREAS, the Commission further finds that the overall site design is compatible with the existing and future development of the area. The site is surrounded on three sides by industrial and commercial development, with the remaining side, to the south, separated from non-industrial and non-commercial uses by Rehl Road; and

WHEREAS, the Commission further finds that the development plan conforms to applicable guidelines and policies of the Land Development Code and the Comprehensive Plan, with the exception of the requested waiver; now, therefore be it

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RESOLVED, the Louisville Metro Planning Commission does hereby **APPROVE** the requested 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 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 for any work in the Blankenbaker Parkway right-of-way.
 - c. A minor plat or legal instrument shall be recorded consolidating the property into one lot. A copy of the recorded instrument shall be submitted to the Division of Planning and Design Services; transmittal of the approved plans to the office responsible for permit issuance will occur only after receipt of said instrument.
 - d. 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.
 - 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.
 - f. Final elevations/renderings shall be submitted for review and approval by Planning Commission staff. A copy of the approved rendering shall be

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available in the case file on record in the offices of the Louisville Metro Planning Commission.

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.
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.

The vote was as follows:

YES: Commissioners Daniels, Carlson, Brown, Seitz, Mims, Peterson, Howard, and Jarboe.

NOT PRESENT: Commissioner Lewis.