

# Planning Commission

## Staff Report

December 5, 2019



<b>Case No:</b>	19-zone-0065
<b>Project Name:</b>	Logistics Airpark North
<b>Location:</b>	5400 & 5402 Minor Lane & 3101, 3201, 3202, & 3206 Dupin Drive
<b>Owner(s):</b>	Evangel World Prayer Center of KY Inc.
<b>Applicant:</b>	Nicklies Development Inc.
<b>Jurisdiction:</b>	Louisville Metro
<b>Council District:</b>	13-Mark Fox
<b>Case Manager:</b>	Julia Williams, AICP, Planning Supervisor

### REQUEST(S)

- Change in form district from Neighborhood to Suburban Workplace
- Change in zoning district from R-4 to PEC
- Waivers:
  1. Waiver from 10.2.4 to permit existing encroachments into the 35' LBA along the north property line (see exhibit)
  2. Waiver from 10.2.10 to permit existing encroachments into the 15' VUA LBA along both Dupin Drive and Minor Lane and to not provide the required screening and plantings
  3. Waiver from 10.2.12 to allow the spacing between ILAs to be more than 20 spaces and to not provide ILAs (around school area only)
- District Development plan

### CASE SUMMARY/BACKGROUND

The proposal is for semi-trailer parking and storage within an existing religious institution parking lot. There are several access points into the site, 4 curb cuts along Minor Lane, 2 curb cuts along Dupin Drive, and one shared access from the proposed site to the south. All existing buildings are to remain.

### STAFF FINDING

Staff finds that the proposal does not meet the guidelines of the Comprehensive Plan and requirements of the Land Development Code as industrial traffic is not prevented from using Minor Lane and Dupin Drive, which mainly serve residential, for access to the site. The proposal does not provide for pedestrians and is requesting a waiver to not provide landscaping that would help screen the existing parking areas from the adjacent residential across the roadways from the site. The Planning Commission should further discuss screening the existing vehicle uses areas and providing for pedestrians on the site.

### TECHNICAL REVIEW

Transportation Planning and MSD have preliminarily approved the proposal.

Staff has concerns regarding access to the site. The proposal increases industrial traffic along Minor Lane (Collector level road) which mainly serves residential uses. The original development proposed

for the lot to the south (current Logistics Airpark 18ZONE1049, 19DEVPLAN1120, 19-DDP-0048) proposed a direct access to Outer Loop. That direct access prevented users of the site from accessing the residential neighborhood. Access through Minors Lane was approved for the current proposal, Logistics Airpark.

### **INTERESTED PARTY COMMENTS**

None received.

### **STANDARD OF REVIEW FOR REZONING AND FORM DISTRICT CHANGES**

Criteria for granting the proposed form district change/rezoning: KRS Chapter 100.213

1. The proposed form district/rezoning change complies with the applicable guidelines and policies Plan 2040; OR
2. The existing form district/zoning classification is inappropriate and the proposed classification is appropriate; OR
3. There have been major changes of an economic, physical, or social nature within the area involved which were not anticipated in Plan 2040 which have substantially altered the basic character of the area.

### **STAFF ANALYSIS FOR CHANGE IN ZONING / FORM DISTRICT**

Following is staff's analysis of the proposed rezoning against the Guidelines and Policies of Plan 2040.

#### The site is located in the Neighborhood Form District

Neighborhood Form is characterized by predominantly residential uses that vary from low to high density and that blend compatibly into the existing landscape and neighborhood areas. High-density uses will be limited in scope to minor or major arterials and to areas that have limited impact on the low to moderate density residential areas.

The Neighborhood Form will contain diverse housing types in order to provide housing choice for differing ages, incomes and abilities. New neighborhoods are encouraged to incorporate these different housing types within a neighborhood as long as the different types are designed to be compatible with nearby land uses. These types may include, but not be limited to, large lot single family developments with cul-de-sacs, traditional neighborhoods with short blocks or walkways in the middle of long blocks to connect with other streets, villages and zero-lot line neighborhoods with open space, and high density multi-family housing.

The Neighborhood Form may contain open space and, at appropriate locations, civic uses and neighborhood centers with a mixture of uses such as offices, retail shops, restaurants and services. These neighborhood centers should be at a scale that is appropriate for nearby neighborhoods. The Neighborhood Form should provide for accessibility and connectivity between adjacent uses and neighborhoods by automobile, pedestrian, bicycle and transit.

Neighborhood streets may be either curvilinear, rectilinear or in a grid pattern and should be designed to support physical activity for all users and invite human interaction. Streets are connected and easily accessible to each other, using design elements such as short blocks or bike/walkways in the middle of long blocks to connect with other streets. Examples of design elements that encourage this interaction include narrow street widths, street trees, sidewalks, shaded seating/gathering areas and bus stops. Placement of utilities should permit the planting of shade trees along both sides of the streets.

The site is proposed to be located in the Suburban Workplace Form District

A Suburban Workplace is a form characterized by predominately industrial and office uses where the buildings are set back from the street in a landscaped setting. Suburban Workplaces often contain a single large-scale use or a cluster of uses within a master planned development. New larger proposed industrial uses are encouraged to apply for a planned development district.

In order to provide adequate transportation access in suburban workplaces connected roads, public transportation and pedestrian facilities should be encouraged. Walkways to workplace serving uses are encouraged for workplace employees. Development within Suburban Workplace Form Districts may need significant buffering from abutting uses.

While the subject property is currently used as non-residential (institutional use), the proposed district expands industrial uses within close proximity of a residential neighborhood that may result in negative impacts as outdoor activities and higher intensity manufacturing uses are permitted. Industrial uses in the area are constrained to the north radiating out from Fern Valley Road and on the west side of I-65. The expansion of an industrial zoning district may result in nuisance odors or noise as outdoor activities are permitted and the manufacturing or storage of products including coal and coke, lumber yards, sheet metal processing, concrete products, distillation and food processing, truck terminals, and storage yards. PEC does not permit a CUP for hazardous uses but does allow for uses with air, noise, and light emissions adjacent to residential neighborhood which is disproportionately impacted with the expansion of industrial to the area. Mitigation of the expansion is not evident as the applicant is requesting landscape waivers to not provide required plantings. Industrial traffic is not prevented from using Minor Lane to gain access to the site. Minor Lane mainly serves residential in this area. PEC zoning permits uses with noise emissions adjacent to a residential neighborhood as PEC allows for outdoor storage and encourages heavy truck traffic. Transit is not available to the site. PEC permits a mix of compatible uses that could reduce trips by vehicle. Pedestrians are not provided for on the site.

The high intensity zoning proposal is located near a major transportation facility (I-65), across the interstate from an employment center as well as adjacent to an employment center to the south. The proposal is for a change in form from Neighborhood to SW with access to transportation facilities. The proposed district is a high intensity use. Transit service is not readily available near the site. The site is not isolated due to the existing PEC zoning to the south and EZ-1 zoning to the north. The proposal is inappropriate for a Neighborhood Form and is more appropriate for the proposed Suburban Workplace Form. An activity center was created with the PEC zoning to the south of the subject site. Suburban Workplace is evident east of I-65 in this area. PEC permits C-1 uses which is consistent with the existing PEC to the south where an activity center has been created. The proposed PEC zoning and SW Form encourages a compact development pattern and efficient land use as it links the industrial zoning from the south to the existing EZ-1 to the north of the subject site. PEC permits both industrial and commercial which can reduce trips by having trips be captured internally. Activity centers with a mix of uses can encourage a sense of place by creating a design for the overall developments.

All other agency comments should be addressed to demonstrate compliance with the remaining Guidelines and Policies of Plan 2040.

A checklist is attached to the end of this staff report with a more detailed analysis. The Louisville Metro Planning Commission is charged with making a recommendation to the Louisville Metro Council regarding the appropriateness of this zoning map amendment. The Louisville Metro Council has zoning authority over the property in question.

**STANDARD OF REVIEW AND STAFF ANALYSIS FOR WAIVER of section 10.2.4. to allow existing encroachments into the 35' LBA**

- (a) The waiver will not adversely affect adjacent property owners; and

STAFF: The waiver will not adversely affect adjacent property owners since the screening and buffering will still be provided.

- (b) The waiver will not violate specific guidelines of Plan 2040; and

STAFF: Community Form Guideline 1, Policy 6 of Plan 2040 calls for Appropriate transitions from non-residential to residential uses should depend on the pattern of development of the Form District and may include natural vegetative buffers, landscaping or the use of higher density residential between lower density residential and/or non-residential. Policy 9 calls for an appropriate transition between uses that are substantially different in scale and intensity or density of development. The transition may be achieved through methods such as landscaped buffer yards, vegetative berms, compatible building design and materials, height restrictions and setback requirements. Policy 10 calls for mitigation of the impacts caused when incompatible developments unavoidably occur adjacent to one another. Buffers should be used between uses that are substantially different in intensity or density. Buffers should be variable in design and may include landscaping, vegetative berms and/or walls and should 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. Residential uses that develop adjacent to agricultural land uses may be required to provide screening and buffering to protect both the farmer and homeowners. Policy 12 calls for parking and circulation areas adjacent to the street shall be screened or buffered. Use landscaping, trees, walls, colonnades or other design features to fill gaps along the street and sidewalk created by surface parking lots. Policy 20 calls for mitigation of adverse visual intrusions when there are impacts to residential areas, roadway corridors, and public spaces. Policy 23 calls for mitigation of adverse noise and lighting impacts and other nuisances of transportation facilities, services, and operations by considering site design solutions such as screening/buffering. Economic Development Guideline 2, Policy 3 encourages design elements that address the urban heat island effect and energy efficiency, such as the planting and preservation of trees, cool roofs and green infrastructure, for new development. Livability Guideline 1, Policy 7 calls for appropriate landscape design standards for different land uses within urbanized, suburban, and rural areas. Since the screening and buffering will be provided, the site still meets the intent of Plan 2040.

- (c) The extent of the waiver of the regulation is the minimum necessary to afford relief to the applicant; and

STAFF: The extent of the waiver of the regulation is the minimum necessary to afford relief to the applicant since the encroachments are existing and the planting and screening requirements will still be met.

- (d) Either:  
(i) The applicant has incorporated other design measures that exceed the minimums of the district and compensate for non-compliance with the requirements to be waived (net beneficial effect); OR  
(ii) The 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.

STAFF: The 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 since the encroachments are existing and the planting and screening requirements will still be met.

**STANDARD OF REVIEW AND STAFF ANALYSIS FOR WAIVER of section 10.2.10. to permit existing encroachments into the 15' VUA LBA along both Dupin Drive and Minor Lane and to not provide the required screening and plantings**

- (a) The waiver will not adversely affect adjacent property owners; and

STAFF: The waiver will adversely affect adjacent property owners since there will be no screening or buffering of the existing parking lot.

- (b) The waiver will not violate specific guidelines of Plan 2040; and

STAFF: Community Form Guideline 1, Policy 6 of Plan 2040 calls for Appropriate transitions from non-residential to residential uses should depend on the pattern of development of the Form District and may include natural vegetative buffers, landscaping or the use of higher density residential between lower density residential and/or non-residential. Policy 9 calls for an appropriate transition between uses that are substantially different in scale and intensity or density of development. The transition may be achieved through methods such as landscaped buffer yards, vegetative berms, compatible building design and materials, height restrictions and setback requirements. Policy 10 calls for mitigation of the impacts caused when incompatible developments unavoidably occur adjacent to one another. Buffers should be used between uses that are substantially different in intensity or density. Buffers should be variable in design and may include landscaping, vegetative berms and/or walls and should 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. Residential uses that develop adjacent to agricultural land uses may be required to provide screening and buffering to protect both the farmer and homeowners. Policy 12 calls for parking and circulation areas adjacent to the street shall be screened or buffered. Use landscaping, trees, walls, colonnades or other design features to fill gaps along the street and sidewalk created by surface parking lots. Policy 20 calls for mitigation of adverse visual intrusions when there are impacts to residential areas, roadway corridors, and public spaces. Policy 23 calls for mitigation of adverse noise and lighting impacts and other nuisances of transportation facilities, services, and operations by considering site design solutions such as screening/buffering. Economic Development Guideline 2, Policy 3 encourages design elements that address the urban heat island effect and energy efficiency, such as the planting and preservation of trees, cool roofs and green infrastructure, for new development. Livability Guideline 1, Policy 7 calls for appropriate landscape design standards for different land uses within urbanized, suburban, and rural areas. Since there will be no screening and buffering of the existing parking lot, the site does not meet the intent of Plan 2040.

- (c) The extent of the waiver of the regulation is the minimum necessary to afford relief to the applicant; and

STAFF: The extent of the waiver of the regulation is not the minimum necessary to afford relief to the applicant since, at a minimum, shrubs could be provided to screen the site from the adjacent residential across the street.

- (d) Either:

- (i) The applicant has incorporated other design measures that exceed the minimums of the district and compensate for non-compliance with the requirements to be waived (net beneficial effect); OR  
(ii) The 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.

STAFF: The applicant has not incorporated other design measures and the strict application of the provisions of the regulation would not deprive the applicant of the reasonable use of the land or would create an unnecessary hardship on the applicant since, at a minimum, shrubs could be provided to screen the site from the adjacent residential across the street.

**STANDARD OF REVIEW AND STAFF ANALYSIS FOR WAIVER of section 10.2.12 to allow the spacing between ILAs to be more than 20 spaces and to not provide ILAs (around school area only)**

- (a) The waiver will not adversely affect adjacent property owners; and

STAFF: The waiver to not provide the ILA area around the school site will not adversely affect adjacent property owners because the minimum ILA square footage and plantings will still be met on the site.

- (b) The waiver will not violate specific guidelines of Cornerstone 2020; and

STAFF: Community Form Guideline 1, Policy 6 of Plan 2040 calls for Appropriate transitions from non-residential to residential uses should depend on the pattern of development of the Form District and may include natural vegetative buffers, landscaping or the use of higher density residential between lower density residential and/or non-residential. Policy 9 calls for an appropriate transition between uses that are substantially different in scale and intensity or density of development. The transition may be achieved through methods such as landscaped buffer yards, vegetative berms, compatible building design and materials, height restrictions and setback requirements. Policy 10 calls for mitigation of the impacts caused when incompatible developments unavoidably occur adjacent to one another. Buffers should be used between uses that are substantially different in intensity or density. Buffers should be variable in design and may include landscaping, vegetative berms and/or walls and should 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. Residential uses that develop adjacent to agricultural land uses may be required to provide screening and buffering to protect both the farmer and homeowners. Policy 12 calls for parking and circulation areas adjacent to the street shall be screened or buffered. Use landscaping, trees, walls, colonnades or other design features to fill gaps along the street and sidewalk created by surface parking lots. Policy 20 calls for mitigation of adverse visual intrusions when there are impacts to residential areas, roadway corridors, and public spaces. Policy 23 calls for mitigation of adverse noise and lighting impacts and other nuisances of transportation facilities, services, and operations by considering site design solutions such as screening/buffering. Economic Development Guideline 2, Policy 3 encourages design elements that address the urban heat island effect and energy efficiency, such as the planting and preservation of trees, cool roofs and green infrastructure, for new development. Livability Guideline 1, Policy 7 calls for appropriate landscape design standards for different land uses within urbanized, suburban, and rural areas. Since the minimum ILA square footage and plantings will still be met on the site, the proposal will meet Plan 2040.

- (c) The extent of the waiver of the regulation is the minimum necessary to afford relief to the applicant; and

STAFF: The extent of the waiver of the regulation is the minimum necessary to afford relief to the applicant because the minimum ILA square footage and plantings will still be met on the site.

- (d) Either:

(i) The applicant has incorporated other design measures that exceed the minimums of the district and compensate for non-compliance with the requirements to be waived (net beneficial effect); OR

(ii) The 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.

STAFF: The 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 minimum ILA square footage and plantings can still be met on the site without disturbing the existing conditions.

### **STANDARD OF REVIEW AND STAFF ANALYSIS FOR DDP**

- a. The conservation of natural resources on the property proposed for development, including: trees and other living vegetation, steep slopes, water courses, flood plains, soils, air quality, scenic views, and historic sites;

STAFF: There do not appear to be any environmental constraints or historic resources on the subject site.

- b. The provisions for safe and efficient vehicular and pedestrian transportation both within the development and the community;

STAFF: Provisions for safe and efficient vehicular 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. Pedestrians are not provided for as there are no sidewalks proposed along the roadways.

- c. The provision of sufficient open space (scenic and recreational) to meet the needs of the proposed development;

STAFF: There are no open space requirements pertinent to the current proposal.

- d. 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;

STAFF: 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.

- e. The compatibility of the overall site design (location of buildings, parking lots, screening, landscaping) and land use or uses with the existing and projected future development of the area;

STAFF: The overall site design and land uses are compatible with the existing and future development of the area. Appropriate landscape buffering and screening is not being provided to screen adjacent properties and roadways. Trees are being planted in ILAs to help reduce the heat island effect of the property.

f. Conformance of the development plan with the Comprehensive Plan and Land Development Code.

STAFF: The development plan does not conform to applicable guidelines and policies of the Comprehensive Plan and to requirements of the Land Development Code due to the lack of sidewalks and landscaping being provided on the site.

**REQUIRED ACTIONS:**

- **RECOMMEND** that the Louisville Metro Council **APPROVE** or **DENY** the **Change-in-Form District** from Neighborhood to Suburban Workplace
- **RECOMMEND** that the Louisville Metro Council **APPROVE** or **DENY** the **Change-in-Zoning** from R-4 to PEC
- **APPROVE** or **DENY** the **Waiver** from 10.2.4 to permit existing encroachments into the 35' LBA along the north property line (see exhibit)
- **APPROVE** or **DENY** the **Waiver** from 10.2.10 to permit existing encroachments into the 15' VUA LBA along both Dupin Drive and Minor Lane and to not provide the required screening and plantings
- **APPROVE** or **DENY** the **Waiver** from 10.2.12 to allow the spacing between ILAs to be more than 20 spaces and to not provide ILAs (around school area only)
- **APPROVED** or **DENY** the **Detailed District Development Plan**

Based upon the information in the staff report, the testimony and evidence provided at the public hearing, the Planning Commission must determine if the proposal is in conformance with the Comprehensive Plan; OR the existing form district/zoning classification is inappropriate and the proposed classification is appropriate; OR if there have been major changes of an economic, physical, or social nature within the area involved which were not anticipated in Plan 2040 which have substantially altered the basic character of the area.

**NOTIFICATION**

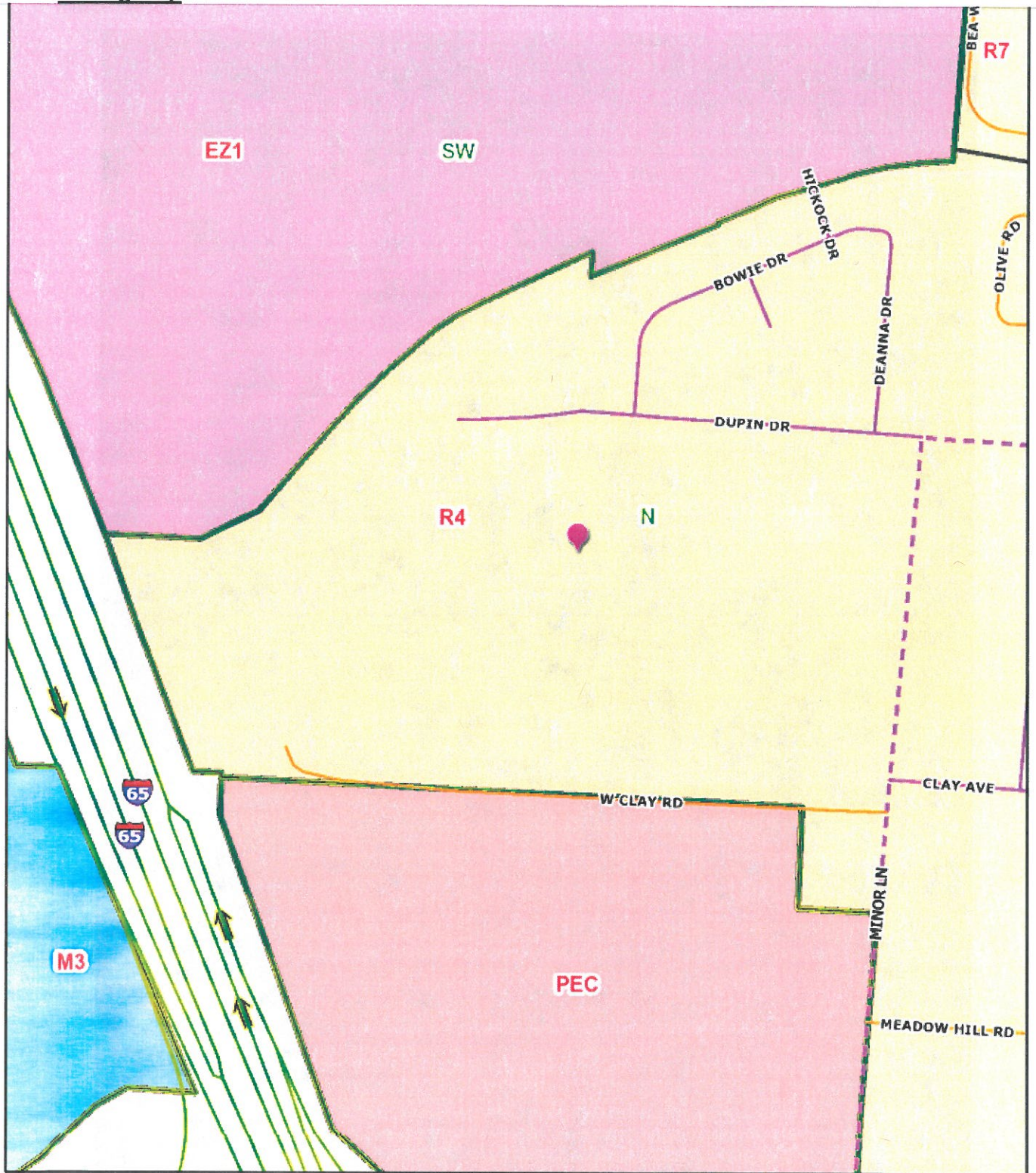
Date	Purpose of Notice	Recipients
10/30/19	Hearing before LD&T on 11/14/19	1 <sup>st</sup> and 2 <sup>nd</sup> tier adjoining property owners Registered Neighborhood Groups in Council District 13
11/21/19	Hearing before PC on 12/5/19	1 <sup>st</sup> and 2 <sup>nd</sup> tier adjoining property owners Registered Neighborhood Groups in Council District 13
11/15/19	Hearing before PC	Sign Posting on property
	Hearing before PC	Legal Advertisement in the Courier-Journal

**ATTACHMENTS**

1. Zoning Map
2. Aerial Photograph
3. Staff Plan 2040 Checklist
4. Proposed Binding Elements



1. Zoning Map



2. Aerial Photograph



**3. Staff Plan 2040 Checklist**

- + Exceeds Guideline
- ✓ Meets Guideline
- Does Not Meet Guideline
- +/- More Information Needed
- NA Not Applicable

Suburban Workplace: Non-Residential

#	Plan 2040 Plan Element	Land Use & Development Policy	Staff Finding	Staff Analysis
1	Community Form: Goal 1	6. Discourage non-residential expansion into existing residential areas unless applicant can demonstrate that any adverse impact on residential uses will be mitigated. Evaluation of impacts may include, but not be limited to, displacement of residents, loss of affordable housing units, traffic, parking, signs, lighting, noise, odor, and stormwater. Appropriate transitions from non-residential to residential uses should depend on the pattern of development of the Form District and may include natural vegetative buffers, landscaping or the use of higher density residential between lower density residential and/or non-residential.	-	While the subject property is currently used as non-residential (institutional use), the proposed district expands industrial uses within close proximity of a residential neighborhood that may result in negative impacts as outdoor activities and higher intensity manufacturing uses are permitted. Industrial uses in the area are constrained to the north radiating out from Fern Valley Road and on the west side of I-65. The expansion of an industrial zoning district may result in nuisance odors or noise as outdoor activities are permitted and the manufacturing or storage of products including coal and coke, lumber yards, sheet metal processing, concrete products, distillation and food processing, truck terminals, and storage yards.
2	Community Form: Goal 1	7. Locate higher density and intensity uses near major transportation facilities and transit corridors, employment centers, in or near activity centers and other areas where demand and adequate infrastructure exists or is planned.	✓	The high intensity zoning proposal is located near a major transportation facility (I-65), across the interstate from an employment center as well as adjacent to an employment center to the south.
3	Community Form: Goal 1	8. Encourage industries to locate in workplace Form Districts or in areas readily served by infrastructure and transportation facilities, including transit, rather than isolated industrial sites.	✓	The proposal is for a change in form from Neighborhood to SW with access to transportation facilities. The proposed district is a high intensity use. Transit service is not readily available near the site. The site is not isolated due to the existing PEC zoning to the south and EZ-1 zoning to the north.
4	Community Form: Goal 1	15. When reviewing proposals for siting hazardous uses and uses with air, noise and light emissions, ensure disadvantaged populations are not disproportionately impacted.	-	PEC does not permit a CUP for hazardous uses but does allow for uses with air, noise, and light emissions adjacent to residential neighborhood which is disproportionately impacted with the expansion of industrial to the area.

#	Plan 2040 Plan Element	Land Use & Development Policy	Staff Finding	Staff Analysis
5	Community Form: Goal 1	16. Consider impacts on human health, quality of life and the environment including prevailing meteorological conditions and the potential to transport noxious odors, particulates and emissions when reviewing new developments and redevelopments. Special attention should be paid to air and water quality when residences, schools, parks or vulnerable populations will be impacted. Mitigate impacts to areas that are disproportionately affected.	-	PEC does not permit a CUP for hazardous uses but does allow for uses with air, noise, and light emissions adjacent to residential neighborhood which is disproportionately impacted with the expansion of industrial to the area. Mitigation of the expansion is not evident as the applicant is requesting landscape waivers to not provide required plantings.
6	Community Form: Goal 1	17. Mitigate adverse impacts of traffic from proposed development on nearby existing communities.	-	Industrial traffic is not prevented from using Minor Lane to gain access to the site. Minor Lane mainly serves residential in this area.
7	Community Form: Goal 1	18. Mitigate adverse impacts of noise from proposed development on existing communities.	-	PEC zoning permits uses with noise emissions adjacent to a residential neighborhood as PEC allows for outdoor storage and encourages heavy truck traffic.
8	Community Form: Goal 1	21. Require that industries which handle hazardous or flammable materials or are potentially offensive such as junkyards, landfills and quarries are sited to protect public health, safety and welfare and are located away from residential areas and population centers.	✓	The proposed zoning district does not permit a CUP for hazardous uses.
9	Community Form: Goal 2	1. Locate activity centers in appropriate areas in all Form Districts. Design and density should be compatible with desired form, adjacent uses, and existing and planned infrastructure.	✓	The proposal is inappropriate for a Neighborhood Form and is more appropriate for the proposed Suburban Workplace Form. An activity center was created with the PEC zoning to the south of the subject site. Suburban Workplace is evident east of I-65 in this area.
10	Community Form: Goal 2	5. Locate retail commercial development in activity centers where it can be demonstrated that sufficient population exists or is anticipated to support it.	✓	PEC permits C-1 uses which is consistent with the existing PEC to the south where an activity center has been created.
11	Community Form: Goal 2	6. Encourage a more compact development pattern in activity centers that result in efficient land use and cost-effective infrastructure investment.	✓	The proposed PEC zoning and SW Form encourages a compact development pattern and efficient land use as it links the industrial zoning from the south to the existing EZ-1 to the north of the subject site.
12	Community Form: Goal 2	7. Encourage activity centers to include a mixture of compatible land uses in order to reduce traffic congestion by requiring fewer trips, support and enhance alternative modes of travel, and encourage vitality and a sense of place.	✓	PEC permits both industrial and commercial which can reduce trips by having trips be captured internally. Activity centers with a mix of uses can encourage a sense of place by creating a design for the overall developments.

#	Plan 2040 Plan Element	Land Use & Development Policy	Staff Finding	Staff Analysis
13	Land Use & Development Goal 2: Community Form	8. Encourage residential land uses in designated centers. Encourage residential and office uses above retail and other mixed-use multi-story retail buildings.	✓	The proposal does not permit residential land uses.
14	Community Form: Goal 2	9. Encourage new developments and rehabilitation of buildings that provide commercial, office and/or residential uses.	NA	No new building is proposed at this time.
15	Community Form: Goal 2	10. Encourage outlot development in underutilized parking lots of existing development to promote utilization of existing infrastructure provided specific criteria for elements such as location, scale, signs, parking, lighting, and landscaping are met. Outlot development shall encourage street-level retail with residential units above.	NA	The proposal is not for outlot development.
16	Community Form: Goal 3	9. Encourage development that respects the natural features of the site through sensitive site design, avoids substantial changes to the topography, and minimizes property damage and environmental degradation resulting from disturbance of natural systems.	NA	No new development is proposed with the change in zoning.
17	Community Form: Goal 3	10. Encourage development to avoid wet or highly permeable soils, severe, steep or unstable slopes where the potential for severe erosion problems exists in order to prevent property damage and public costs associated with soil slippage and foundation failure and to minimize environmental degradation.	NA	No new development is proposed with the change in zoning.

#	Plan 2040 Plan Element	Land Use & Development Policy	Staff Finding	Staff Analysis
18	Community Form: Goal 3	11. Encourage land uses within the Ohio River Corridor that are appropriate for and related to river corridor activities and that are consistent with the goals and objectives of the Ohio River Corridor Master Plan. Reserve appropriate riverfront sites such as the Upper River Road industrial area for river-related development. Allow development of commercial leisure businesses related to the river, such as boating services and restaurants in appropriate locations. Encourage new development in the Ohio River corridor and along key greenway and street connections to provide for public access in new riverfront development and to maintain views of the river from public rights-of-way.	NA	The proposal is not located within the Ohio River corridor.
19	Community Form: Goal 3	12. When reviewing proposed developments consider changes to flood-prone areas and other features vulnerable to natural disasters such as sinkholes and landslides. Ensure appropriate measures to protect health, safety and welfare of future users of the development.	NA	No new development is proposed with the change in zoning.
20	Community Form: Goal 4	1. Preserve buildings, sites, districts and landscapes that are recognized as having historic or architectural value and ensure that new land uses are compatible in height, massing, scale, architecture style and placement when located within the impact area of such resources.	NA	The site does not have any historical or cultural value.
21	Community Form: Goal 4	2. Encourage preservation of distinctive cultural features including landscapes, natural elements and built features.	NA	No new development is proposed with the change in zoning.
22	Mobility: Goal 1	4. Encourage higher densities and intensities within or near existing marketplace corridors, existing and future activity centers, and employment centers to support transit-oriented development and an efficient public transportation system.	✓	The proposal is located near a SMC which has been created along the nearby Preston Highway and at the intersection of Preston and Outer Loop. The proposed high intensity zoning is located as an expansion of an existing employment center that has been created to the south of the subject site. Transit is not available.

#	Plan 2040 Plan Element	Land Use & Development Policy	Staff Finding	Staff Analysis
23	Mobility: Goal 3	2. To improve mobility, and reduce vehicle miles traveled and congestion, encourage a mixture of compatible land uses that are easily accessible by bicycle, car, transit, pedestrians and people with disabilities. Housing should be encouraged near employment centers.	✓	PEC permits a mix of compatible uses. The site is located across a connector level roadway (Minor Lane) from a residential subdivision.
24	Mobility: Goal 3	3. Evaluate developments for their ability to promote public transit and pedestrian use. Encourage higher density mixed-use developments that reduce the need for multiple automobile trips as a means of achieving air quality standards and providing transportation and housing choices.	-	Transit is not available to the site. PEC permits a mix of compatible uses that could reduce trips by vehicle. Pedestrians are not provided for on the site.
25	Mobility: Goal 3	4. Encourage development of walkable centers to connect different modes of travel. Siting of these multi-modal centers shall consider the effects of the following: 4.1. nodal connections identified by Move Louisville; 4.2. impact on freight routes; 4.3. time of operation of facilities; 4.4. safety; 4.5. appropriate linkages between neighborhoods and employment; and 4.6. the potential for reducing travel times and vehicle miles traveled.	-	The proposal is only accessible to vehicles and bicycles by way of the existing roadway.
26	Mobility: Goal 3	5. Evaluate developments for their impact on the transportation network (including the street, pedestrian, transit, freight movement and bike facilities and services) and air quality.	-	The proposal is accessible through a collector level roadway that mainly serves the existing residential subdivision at the intersection of Minor Lane and Outer Loop. The site to the south is providing a cross access to allow the subject site to be accessed through that site. Transit is not available. Pedestrian access is not evident.
27	Mobility: Goal 3	6. Ensure that those who propose new developments bear or share in rough proportionality the costs of transportation facilities and services made necessary by development.	✓	Right of way is being dedicated to Minor Lane.

#	Plan 2040 Plan Element	Land Use & Development Policy	Staff Finding	Staff Analysis
28	Mobility: Goal 3	9. When existing transportation facilities and services are inadequate and public funds are not available to rectify the situation, the developer may be asked to make improvements, roughly proportional to the projected impact of the proposed development, to eliminate present inadequacies if such improvements would be the only means by which the development would be considered appropriate at the proposed location.	✓	Right of way is being dedicated to Minor Lane. No other improvements are being requested by Transportation Planning.
29	Mobility: Goal 3	10. Ensure that necessary improvements occur in accordance with long-range transportation plans and level of mobility criteria for all modes of travel.	✓	Right of way is being dedicated to Minor Lane. No other improvements are being requested by Transportation Planning.
30	Community Facilities: Goal 2	1. Locate development in areas served by existing utilities or capable of being served by public or private utility extensions.	✓	Existing and proposed utilities will serve the site.
31	Community Facilities: Goal 2	2. Ensure that all development has an adequate supply of potable water and water for fire-fighting purposes. Locate only very low-density land uses on sites that use on-lot sewage disposal systems or on a private supply of potable water.	✓	The fire department has not indicated any issues with the proposal.
32	Community Facilities: Goal 2	3. Ensure that all development has adequate means of sewage treatment and disposal to protect public health and to protect water quality in lakes and streams as determined by the Metropolitan Sewer District (MSD).	✓	MSD has preliminarily approved the proposal.
33	Economic Development: Goal 1	1. Limit land uses in workplace Form Districts to compatible uses that meet the needs of the industrial subdivision or workplace district and their employees.	✓	The proposed PEC zoning is compatible with the existing PEC zoning and EZ-1 zoning both located in the existing SW form.
34	Economic Development: Goal 1	2. Encourage industries, to the extent possible, to locate in industrial subdivisions or adjacent to an existing industry to take advantage of special infrastructure needs.	✓	The proposed PEC zoning is located adjacent to existing industry to the north and south of the site.



#	Plan 2040 Plan Element	Land Use & Development Policy	Staff Finding	Staff Analysis
35	Economic Development: Goal 1	3. Locate commercial uses generating high volumes of traffic on a major arterial street, at the intersection of two minor arterials, or at a location with adequate access to a major arterial and at locations where nuisances and activities of the proposed use will not adversely affect adjacent areas.	-	PEC permits commercial uses not located on a major arterial. The site has access to a major arterial via the existing collector (Minor Lane) which mainly serves residential uses. Access to the subject site is not prevented from the existing collector. Industrial traffic along Minor Lane could be considered a nuisance and adversely affect the adjacent residential by adding industrial traffic along Minor Lane which has been used to serve residential.
36	Economic Development: Goal 1	4. Utilize industrial sites near the airport and the Ohio River to support the growth and development of uses whose infrastructure and production needs require such a location or for land uses that support airport-oriented or river-oriented industrial uses.	✓	The proposal is located in the vicinity of the airport.
37	Economic Development: Goal 1	5. Require industrial developments to locate with the appropriate transportation connectivity, near an arterial street or within existing industrial subdivisions.	✓	The proposed PEC zoning is located with a connection to the existing PEC to the south as well as a collector level connection to an arterial (Outer Loop).
38	Livability: Goal 1	17. Determine site susceptibility to erosion; identify the presence of on-site carbonate conditions and features that are vulnerable to site disturbance; identify the extent of existing groundwater use and the impacts of the project on groundwater resources, flow patterns, and existing and proposed surface drainage. Then mitigate potential hazards to such systems resulting from the project.	✓	MSD has preliminarily approved the proposal.
39	Livability: Goal 1	21. Mitigate negative development impacts to the integrity of the regulatory floodplain by encouraging development patterns that minimize disturbance and consider the increased risk of more frequent flooding events.	✓	MSD has preliminarily approved the proposal.

#	Plan 2040 Plan Element	Land Use & Development Policy	Staff Finding	Staff Analysis
40	Livability: Goal 1	24. Ensure, to the extent feasible, that critical facilities and those that store or use hazardous wastes are located outside the regulatory floodplain. Where essential community facilities must be located within a floodplain (e.g., pumping stations), ensure that these facilities are designed, located and operated in a manner that minimizes loss of services during flood events as well as limits, to the extent possible, floodplain disturbance.	✓	MSD has preliminarily approved the proposal.
41	Housing: Goal 1	2. Promote housing options and environments that support aging in place. Encourage housing for older adults and people with disabilities to be located close to shopping and transit routes and, when possible, medical and other supportive facilities.	NA	The proposal does not permit housing.
42	Housing: Goal 2	1. Encourage inter-generational, mixed-income and mixed-use development that is connected to the neighborhood and surrounding area.	✓	PEC allows for both industrial and commercial development located across a collector from single family housing.
43	Housing: Goal 2	2. Locate housing within proximity to multi-modal transportation corridors providing safe and convenient access to employment opportunities, as well as within proximity to amenities providing neighborhood goods and services. Higher density, accessible residential uses should be located along transit corridors and in or near activity centers.	NA	The proposal does not permit housing.
44	Housing: Goal 3	2. As neighborhoods evolve, discourage displacement of existing residents from their community.	✓	The proposal does not permit residential. The site is currently not used residentially.
45	Housing: Goal 3	3. Encourage the use of innovative methods such as clustering, mixed-use developments, co-housing, and accessory apartments to increase the production of fair and affordable housing.	NA	The proposal does not permit housing.

#### 4. **Proposed 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. Before any permit (including but not limited to building, parking lot, change of use, site disturbance) is requested:
  - a. The development plan must receive full construction approval from Construction Review, 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.
  - c. A reciprocal access and crossover easement agreement in a form acceptable to the Planning Commission legal counsel shall be created between the adjoining property owner to the south and recorded. A copy of the recorded instrument shall be submitted to the Division of Planning and Design Services; A copy of the recorded instrument shall be submitted to the Division of Planning and Design Services prior to obtaining a building permit.
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. The property owner shall provide a cross over access easement if the property to the north is ever developed for a nonresidential use. A copy of the signed easement agreement shall be provided to Planning Commission staff upon request.
7. No idling of trucks shall take place within 200 feet of residences. No overnight idling of trucks shall be permitted on-site.

**Land Development and Transportation  
Committee  
Staff Report  
November 14, 2019**



<b>Case No:</b>	19-zone-0065
<b>Project Name:</b>	Logistics Airpark North
<b>Location:</b>	5400 & 5402 Minor Lane & 3101, 3201, 3202, & 3206 Dupin Drive
<b>Owner(s):</b>	Evangel World Prayer Center of KY Inc.
<b>Applicant:</b>	Nicklies Development Inc.
<b>Jurisdiction:</b>	Louisville Metro
<b>Council District:</b>	13-Mark Fox
<b>Case Manager:</b>	Julia Williams, AICP, Planning Supervisor

**REQUEST(S)**

- Change in form district from Neighborhood to Suburban Workplace
- Change in zoning district from R-4 to PEC
- Waivers:
  1. Waiver from 10.2.4 to permit existing encroachments into the 35' LBA along the north property line (see exhibit)
  2. Waiver from 10.2.10 to permit existing encroachments into the 15' VUA LBA along both Dupin Drive and Minor Lane and to not provide the required screening and plantings
  3. Waiver from 10.2.12 to allow the spacing between ILAs to be more than 20 spaces and to not provide ILAs or ILA planting (around school area only)
- District Development plan

**CASE SUMMARY/BACKGROUND**

The proposal is for semi-trailer parking and storage within an existing religious institution parking lot. There are several access points into the site, 4 curb cuts along Minor Lane, 2 curb cuts along Dupin Drive, and one shared access from the proposed site to the south. All existing buildings are to remain.

**STAFF FINDING**

The proposal is ready for a public hearing date to be set.

**TECHNICAL REVIEW**

Transportation Planning and MSD have preliminarily approved the proposal.

Staff has concerns regarding access to the site. The proposal increases industrial traffic along Minor Lane (Collector level road) which mainly serves residential uses. The original development proposed for the lot to the south (current Logistics Airpark 18ZONE1049, 19DEVPLAN1120, 19-DDP-0048) proposed a direct access to Outer Loop. That direct access prevented users of the site from accessing the residential neighborhood. Access through Minors Lane was approved for the current proposal, Logistics Airpark.

## **INTERESTED PARTY COMMENTS**

None received.

## **STANDARD OF REVIEW FOR REZONING AND FORM DISTRICT CHANGES**

Criteria for granting the proposed form district change/rezoning: KRS Chapter 100.213

1. The proposed form district/rezoning change complies with the applicable guidelines and policies Plan 2040; OR
2. The existing form district/zoning classification is inappropriate and the proposed classification is appropriate; OR
3. There have been major changes of an economic, physical, or social nature within the area involved which were not anticipated in Plan 2040 which have substantially altered the basic character of the area.

## **STAFF ANALYSIS FOR CHANGE IN ZONING / FORM DISTRICT**

The site is located in the Neighborhood Form District

Neighborhood Form is characterized by predominantly residential uses that vary from low to high density and that blend compatibly into the existing landscape and neighborhood areas. High-density uses will be limited in scope to minor or major arterials and to areas that have limited impact on the low to moderate density residential areas.

The Neighborhood Form will contain diverse housing types in order to provide housing choice for differing ages, incomes and abilities. New neighborhoods are encouraged to incorporate these different housing types within a neighborhood as long as the different types are designed to be compatible with nearby land uses. These types may include, but not be limited to, large lot single family developments with cul-de-sacs, traditional neighborhoods with short blocks or walkways in the middle of long blocks to connect with other streets, villages and zero-lot line neighborhoods with open space, and high density multi-family housing.

The Neighborhood Form may contain open space and, at appropriate locations, civic uses and neighborhood centers with a mixture of uses such as offices, retail shops, restaurants and services. These neighborhood centers should be at a scale that is appropriate for nearby neighborhoods. The Neighborhood Form should provide for accessibility and connectivity between adjacent uses and neighborhoods by automobile, pedestrian, bicycle and transit.

Neighborhood streets may be either curvilinear, rectilinear or in a grid pattern and should be designed to support physical activity for all users and invite human interaction. Streets are connected and easily accessible to each other, using design elements such as short blocks or bike/walkways in the middle of long blocks to connect with other streets. Examples of design elements that encourage this interaction include narrow street widths, street trees, sidewalks, shaded seating/gathering areas and bus stops. Placement of utilities should permit the planting of shade trees along both sides of the streets.

The site is proposed to be located in the Suburban Workplace Form District

A Suburban Workplace is a form characterized by predominately industrial and office uses where the buildings are set back from the street in a landscaped setting. Suburban Workplaces often contain a single large-scale use or a cluster of uses within a master planned development.

New larger proposed industrial uses are encouraged to apply for a planned development district.

In order to provide adequate transportation access in suburban workplaces connected roads, public transportation and pedestrian facilities should be encouraged. Walkways to workplace serving uses are encouraged for workplace employees. Development within Suburban Workplace Form Districts may need significant buffering from abutting uses.

**REQUIRED ACTIONS:**

SET the public hearing date.

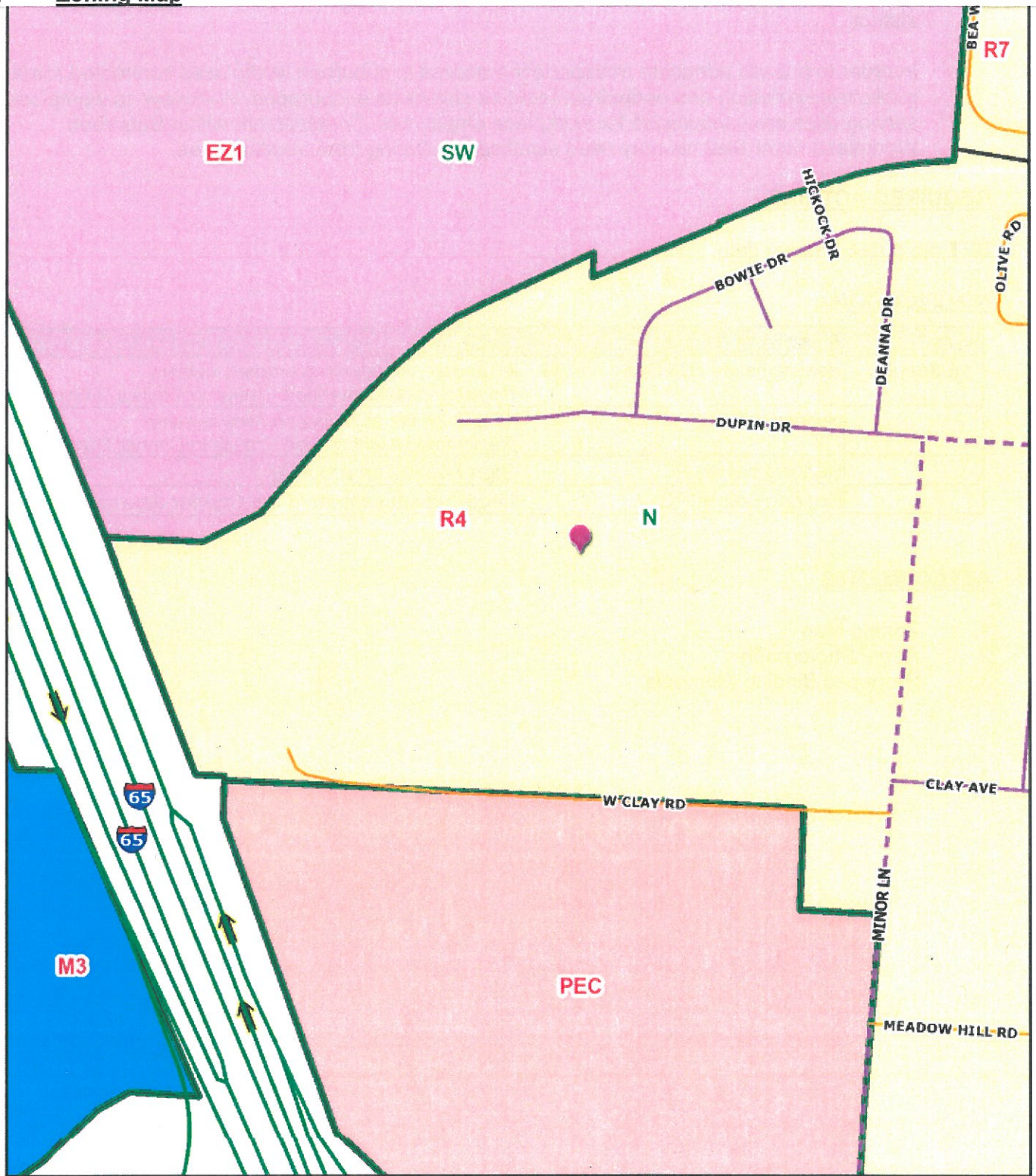
**NOTIFICATION**

<b>Date</b>	<b>Purpose of Notice</b>	<b>Recipients</b>
<b>10/30/19</b>	Hearing before LD&T on 11/14/19	1 <sup>st</sup> and 2 <sup>nd</sup> tier adjoining property owners Registered Neighborhood Groups in Council District 13
	Hearing before ____	1 <sup>st</sup> and 2 <sup>nd</sup> tier adjoining property owners Registered Neighborhood Groups in Council District 13
	Hearing before PC	Sign Posting on property
	Hearing before PC	Legal Advertisement in the Courier-Journal

**ATTACHMENTS**

1. Zoning Map
2. Aerial Photograph
3. Proposed Binding Elements

1. Zoning Map



2. Aerial Photograph





### **3. Proposed Binding Elements**

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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.
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