

PLANNING COMMISSION MINUTES
January 24, 2019

PUBLIC HEARING

CASE NO. 17ZONE1068

Request: Change in zoning from C-1 to C-2 with detailed district development plan
Project Name: 2300 Hikes Lane
Location: 2220-2300 Hikes Lane
Owner: Crystal Clean Carwash
Applicant: Kheder Kutmah
Representative: Kheder Kutmah
Jurisdiction: Louisville Metro
Council District: 10 – Pat Mulvihill
Case Manager: Joel Dock, AICP, Planner II
Presented by: Julia Williams, AICP, Planning Supervisor

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. (Staff report is part of the case file maintained in Planning and Design Services offices, 444 S. 5th Street.)

Agency Testimony:

01:14:57 Ms. Williams discussed the case summary, standard of review and staff analysis from the staff report.

The following spoke in favor of this request:

Chris Schipper, 1950 Blackeston Mill Road, Clarksville, In. 47129

Summary of testimony of those in favor:

01:20:42 Mr. Schipper said he will remove some entrances and set up a bond. Parking in the right-of-way will be cleaned up.

Deliberation

01:22:11 Planning Commission deliberation.

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Zoning Change from C-1, Commercial to C-2, Commercial

On a motion by Commissioner Brown, seconded by Commissioner Carlson, the following resolution based on the Cornerstone 2020 Staff Analysis and testimony heard today was adopted.

WHEREAS, the Louisville Metro Planning Commission finds that the proposal meets the Community Form guideline because the proposal integrates into the existing pattern of development as the area contains a mixture of commercial districts of low to medium intensity. Pedestrian connections to building entrances, sidewalk improvements, and reduction in curb-cuts are provided to improve accommodations for transit users, pedestrians and bicyclists. The proposal includes a compact group of buildings using the same curb cut, parking and signs, and that have a common buffering or streetscape plan with respect to any abutting lower density or intensity uses as no new construction is proposed. The proposal is of a medium to high density designed to be compatible with both non-residential development in the corridor and adjacent low density residential development in other form districts as no changes to the site are proposed that would increase non-compatibility and adjacent uses are commercial and high density residential. The proposal is located within the boundaries of the existing form district intended for non-residential uses; and

WHEREAS, the Louisville Metro Planning Commission finds that the proposal meets the Centers guideline because the proposal does not create a new center. It is located in the Suburban Marketplace Corridor Form District and no new construction is proposed. Sufficient residential population, employment, and traffic are present in the area to support the use. The proposed development is compact and results in an efficient land use pattern and cost-effective infrastructure investment as no new construction is proposed and the facilities will be repurposed for similar uses. The proposed district is in an area of mixed commercial uses of varying intensities. The proposal includes no new construction; therefore, the incorporation of residential and/or additional mixed uses is not warranted. The proposal is an existing development in an activity center. The proposal shares entrance and parking facilities with adjacent uses to reduce curb cuts and surface parking, and locates parking to balance safety, traffic, transit, pedestrian, environmental and aesthetic concerns as pedestrian connections to building entrances, sidewalk improvements, and reduction in curb-cuts are provided to improve accommodations for transit users, pedestrians and bicyclists. It would appear that the proposal is designed to share utility hookups and service entrances with

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adjacent developments. The proposal is designed to support easy access by bicycle, car and transit and by pedestrians and persons with disabilities as ADA spaces and sidewalks improvements are proposed; and

WHEREAS, the Louisville Metro Planning Commission finds that the proposal meets the Compatibility guideline because No exterior changes are proposed which impact compatibility. The proposal does not constitute a non-residential expansion into an existing residential area as the area of the rezoning is within the Suburban Marketplace Corridor, a non-residential from district, and located along and incorporated into a commercial corridor. No odors or emissions beyond the existing operations of auto service station are expected. The change in zoning would not appear to generate any greater traffic than what would have previously existed for a service station with multiple bays for repair and employees. Lighting will comply with LDC 4.1.3. The proposal is a slightly higher intensity than the previous district on the site, although it is a similar use. It is, however, located along a major arterial roadway with public transit access, and located within an activity center containing similar intensities of uses. Transitions between adjacent uses are preexisting and no further transitions in the form of landscaping is required as the intensity classification of the new use is in the same classification of the previous use. The existing facilities are not proposed to be expanded beyond the current level of impervious surface. The proposed district is similar in intensity to surrounding established uses and the current use is well established along the corridor and adjacent to a high density residential use. There are no changes to the subject site that would increase non-compatibility with respect to setbacks, lot dimensions and building heights. Parking, loading and delivery areas located adjacent to residential areas are designed to minimize adverse impacts of lighting, noise and other potential impacts, and that these areas are located to avoid negatively impacting motorists, residents and pedestrians as conditions will remain relatively unchanged and an existing 6' wood fence provides screening. Parking areas along the street remain relatively unchanged except for where curbs are to be closed. A buffer area is proposed along the street in an existing area of transition on the property at 2300 Hikes Lane. Signs will be compatible with the form district pattern and contribute to the visual quality of their surroundings; and

WHEREAS, the Louisville Metro Planning Commission finds that the proposal meets the Open Space guideline because Open space as a component of the development is not necessary or required for the proposed use given that the existing facilities are being reused. There do not appear to be any significant natural features that require incorporation into the development; and

WHEREAS, the Louisville Metro Planning Commission finds that the proposal meets the Natural Areas and Scenic Historic Resources guideline because the site does not contain sensitive natural features that would result in environmental degradation if

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disturbed. Further, no construction is proposed. The proposal includes the preservation, use or adaptive reuse of buildings and sites as the existing service station will be repurposed for a new repair garage and auto sales. Features on-site are not recognized as having any historic significance. The site does contain wet or highly permeable soils, severe, steep or unstable slopes with the potential for severe erosion; and

WHEREAS, the Louisville Metro Planning Commission finds that the proposal meets the Economic Growth and Sustainability guideline because the proposed use and district do not allow for industrial development. The proposed rezoning is located in an activity along an arterial roadway in an area of mixed intensity commercial uses; and

WHEREAS, the Louisville Metro Planning Commission finds that the proposal meets the Circulation guideline because the proposal will contribute its proportional share of the cost of roadway improvements and other services and public facilities made necessary by the development through physical improvements to these facilities, contribution of money, or other means as right-of-way improvements will be made to reduce curb cuts and improve sidewalk connectivity. While the proposal is an auto-oriented use, it appropriately reuses an existing auto-oriented use in an area that is capable of supporting both auto orientation and transit use. The proposal has adequate transportation facilities in place to serve the development as sidewalks are present and TARC service is readily available. R/W is being dedicated as required. The proposal includes adequate parking spaces to support the use. Existing joint and cross access through the development and to connect to adjacent development sites is available; and

WHEREAS, the Louisville Metro Planning Commission finds that the proposal meets the Transportation Facility Design guideline because no new streets are proposed, required, or needed. Primary access to the site is through areas of similar intensity. No changes to the function of streets or the street network are proposed; and

WHEREAS, the Louisville Metro Planning Commission finds that the proposal meets the Bicycle, Pedestrian and Transit guideline because No new pedestrian connections are necessary and the subject site is served by multiple TARC routes and sidewalks are present; and

WHEREAS, the Louisville Metro Planning Commission finds that the proposal meets the Flooding and Stormwater guideline because the proposal's drainage plans have been approved by MSD; and

WHEREAS, the Louisville Metro Planning Commission finds that the proposal meets the Air Quality guideline because The proposal has been reviewed by APCD and found to not have a negative impact on air quality; and

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WHEREAS, the Louisville Metro Planning Commission finds that the proposal meets the Landscape Character guideline because the subject site does not contain natural corridors, nor can natural corridors be provided given its location along a high traffic roadway in the midst of commercial uses; and

WHEREAS, the Louisville Metro Planning Commission finds that the proposal meets the Infrastructure guideline because the proposal is located in an area served by existing utilities or planned for utilities. LWC had no concerns with the proposal and adequate water supply is available. The proposal has adequate means of sewage treatment and disposal to protect public health and to protect water quality in lakes and streams.

RESOLVED, that the Louisville Metro Planning Commission does hereby **RECOMMEND** to the Louisville Metro Council the change in zoning from C-1, Commercial to C-2, Commercial on property described in the attached legal description be **APPROVED**.

The vote was as follows:

YES: Commissioners Brown, Carlson, Daniels, Howard, Peterson, Robinson, Smith, Tomes and Jarboe

NOT PRESENT AND NOT VOTING: Commissioner Lewis

Detailed District Development Plan and Binding Elements

On a motion by Commissioner Brown, seconded by Commissioner Carlson, the following resolution based on the Standard of Review and Staff Analysis and testimony heard today was adopted.

WHEREAS, there are no features of historic significance on the property and no apparent natural resources. The existing structures and parking facilities are being reused; and

WHEREAS, provisions for safe and efficient vehicular and pedestrian transportation within and around the development and the community has been provided as pedestrian connections to building entrances, sidewalk improvements, and reduction in curb-cuts are provided to improve accommodations for transit users, pedestrians and bicyclists. Cross connectivity is available; and

WHEREAS, open space is not required as a component of this development; and

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WHEREAS, 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 Metro Planning Commission finds, the overall site design and land uses are compatible with the existing and future development of the area. There are no changes to the subject site that would increase non-compatibility with respect to setbacks, lot dimensions and building heights. Adjacent uses are commercial and high density residential. Conditions in parking areas will remain relatively unchanged and an existing 6' wood fence provides screening; and

WHEREAS, the Louisville Metro Planning Commission further finds the development plan conforms to applicable guidelines and policies of the Comprehensive Plan as demonstrated in the Cornerstone 2020 Staff Analysis provided in *Attachment 3* of the staff report. No waivers or variances have been requested.

RESOLVED, that the Louisville Metro Planning Commission does hereby **APPROVE** the 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, streamers 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. Prior to issuance of a permit (including but not limited to building, parking lot, change of use, site disturbance, alteration permit or demolition permit):

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- a. The development plan must receive full construction approval from Louisville Metro Department of Codes and Regulations Construction Permits and Transportation Planning Review and the Metropolitan Sewer District.
 - b. A reciprocal access and crossover easement agreement in a form acceptable to the Planning Commission legal counsel shall be created between each site as shown on the approved development plan. A copy of the recorded instrument shall be submitted to the Division of Planning and Design Services.
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. 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.
 7. Right-of-way dedication by deed or minor plat and a license agreement for parking and signage within the right-of-way shall be completed prior to the release of the encroachment bond.

The vote was as follows:

YES: Commissioners Brown, Carlson, Daniels, Howard, Peterson, Robinson, Smith, Tomes and Jarboe

NOT PRESENT AND NOT VOTING: Commissioner Lewis

PLANNING COMMISSION MINUTES
January 10, 2019

PUBLIC HEARING

CASE NO. 17ZONE1068

Request:	TO BE CONTINUED TO JANUARY 24, 2019 PUBLIC HEARING Change in zoning from C-1 to C-2 with detailed district development plan
Project Name:	2300 Hikes Lane
Location:	2220-2300 Hikes Lane
Owner:	Crystal Clean Carwash
Applicant:	Kheder Kutmah
Representative:	Kheder Kutmah
Jurisdiction:	Louisville Metro
Council District:	10 – Pat Mulvihill
Case Manager:	Joel Dock, AICP, Planner II

Discussion

00:38:10 Mr. Dock said APO notices were sent through the mail, electronic notice was sent and signs were posted, but the applicant failed to post the legal ad. The legal ad will be posted in time for a new hearing date of January 24, 2019.

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.

On a motion by Commissioner Howard, seconded by Commissioner Carlson, the following resolution was adopted.

RESOLVED, that the Louisville Metro Planning Commission does hereby **CONTINUE** this case to the January 24, 2019 Planning Commission meeting.

The vote was as follows:

YES: Commissioners Brown, Carlson, Daniels, Howard, Lewis, Peterson, Smith, Tomes and Jarboe

NOT PRESENT AND NOT VOTING: Commissioner Robinson