

Land Development and Transportation Committee

Staff Report

July 13, 2023



Case No:	22-ZONE-0142
Project Name:	13300 Old Henry Rd
Location:	13300 Old Henry Rd
Owner(s):	Fetter Properties LLC
Applicant:	WSA Realty Properties LLC
Jurisdiction:	Louisville Metro
Council District:	17-Markus Winkler
Case Manager:	Jay Lockett, AICP, Planner II

REQUEST(S)

- **Change in zoning** from C-2 to PEC
- **Revised Detailed District Development plan** with revisions to binding elements

CASE SUMMARY/BACKGROUND

The applicant is proposing to construct outdoor storage. The subject site is within the Suburban Workplace form district along Old Henry Rd just west of the Gene Snyder Freeway. The site is accessed via an existing private access easement. The proposal is within the Old Henry Rd Subarea plan originally adopted in May of 2000. The site was previously rezoned R-4 to C-2 under docket 17833 for an auto auction site that was never constructed.

STAFF FINDING

The proposal is ready for a public hearing.

TECHNICAL REVIEW

The proposed development plan has been approved by MSD and Transportation Planning.

STANDARD OF REVIEW FOR REZONING

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

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

The site is 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.

The Louisville Metro Planning Commission is charged with making a recommendation to the Louisville Metro Council regarding the appropriateness of this zoning map amendment.

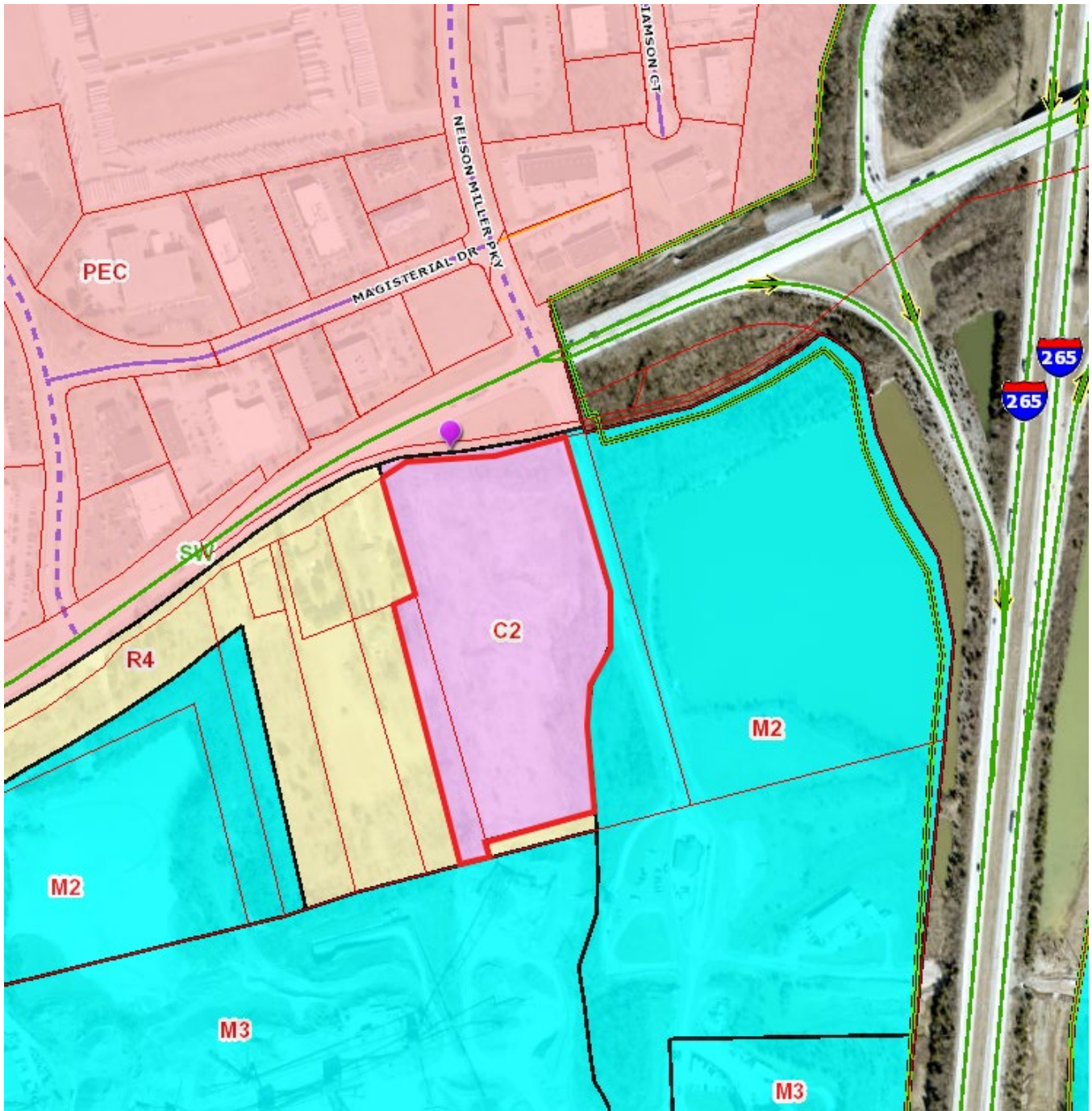
NOTIFICATION

Date	Purpose of Notice	Recipients
6-28-23	Hearing before 17	1 st and 2 nd tier adjoining property owners and current residents Registered Neighborhood Groups in Council District 17
	Hearing before ____	1 st and 2 nd tier adjoining property owners and current residents Registered Neighborhood Groups in Council District 17
	Hearing before PC	Sign Posting on property
	Hearing before PC	Legal Advertisement in the Courier-Journal

ATTACHMENTS

1. Zoning Map
2. Aerial Photograph
3. Existing Binding Elements with proposed revisions
4. Proposed binding elements

1. Zoning Map



2. Aerial Photograph



3. Existing Binding Elements with proposed changes

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) is requested:
 - a. The development plan must receive full construction approval from Louisville Metro Department of Inspections, Permits and Licenses, Louisville Metro Public Works and the Metropolitan Sewer District.
 - b. Encroachment permits must be obtained from the Kentucky Department of Transportation, Bureau of Highways.
 - c. The property owner/developer must obtain approval of a detailed plan for screening (buffering/landscaping) as described in Chapter 10 prior to requesting a building permit. Such plan shall be implemented prior to occupancy of the site and shall be maintained thereafter.
 - d. 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. 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 materials and design of proposed structures shall be substantially the same as depicted in the rendering as presented at the August 26, 2013 Planning Commission meeting.~~
- ~~7. At such time as the adjoining property to the west is rezoned and developed, if Metro Public Works and Planning and Design Services determine that a cross access between the subject property and the adjoining property is appropriate, at that time an access easement can be created within the designated area.~~

8. A 50 ft Landscape Buffer Area (LBA) shall be provided along the west property line. Tree canopy in this 50 ft LBA shall be preserved as delineated and labeled on the approved development plan as "Tree Canopy Preservation Area."
- ~~9. Hours of operation shall be limited to Monday through Friday from 8:00 a.m. to 6:00 p.m. There shall be only one auto auction held per week. Auctions shall be scheduled to begin no earlier than 10:00 a.m. and end no later than 3:00 p.m.~~
10. There shall be no outdoor PA or other outdoor sound system installed or used on the subject property.
- ~~11. Outdoor lighting shall be in accordance with the lighting plan submitted at the August 26, 2013 Planning Commission public hearing.~~
- ~~12. Perimeter landscaping and buffering shall be installed as shown on the approved development plan, shall be implemented prior to use of the site, and shall be permanently maintained by the property owner thereafter.~~
- ~~13. Prior to requesting a certificate of occupancy, an eight-foot solid wood fence shall be constructed along the west property line as shown on the approved development plan; and vinyl coated chain link fencing shall be installed around the perimeter of the vehicle storage area where shown on the approved development plan. There shall be no electric wire, razor wire, or barbed wire fences installed on the subject property. The applicant shall work with the adjoining property owners to the west on the color of the vinyl coated fencing.~~
14. No junked or wrecked vehicles or vehicles awaiting repair shall be allowed to be stored on the subject property.
- ~~15. No auto repair or tire repair shall be conducted on the subject property. Auto detailing, cleaning, and minor reconditioning is permitted.~~
- 10. Prior to requesting a certificate of occupancy for the site, the developer/property owner/applicant shall construct sidewalks along the Old Henry Road frontages of 13130 Magisterial Dr and 13200 Magisterial Dr as shown on the sidewalk submitted 5-18-23 on file with Planning and Design Services.**

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.
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 - d. 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. The applicant, developer, or property owner shall provide copies of these binding elements to tenants, purchasers, contractors, subcontractors and other parties engaged in development of this site and shall advise them of the content of these binding elements. These binding elements shall run with the land and the owner of the property and occupant of the property shall at all times be responsible for compliance with these binding elements. At all times during development of the site, the applicant and developer, their heirs, successors; and assignees, contractors, subcontractors, and other parties engaged in development of the site, shall be responsible for compliance with these binding elements.
6. A 50 ft Landscape Buffer Area (LBA) shall be provided along the west property line. Tree canopy in this 50 ft LBA shall be preserved as delineated and labeled on the approved development plan as "Tree Canopy Preservation Area."
7. There shall be no outdoor PA or other outdoor sound system installed or used on the subject property.
8. No junked or wrecked vehicles or vehicles awaiting repair shall be allowed to be stored on the subject property.

9. Prior to requesting a certificate of occupancy for the site, the developer/property owner/applicant shall construct sidewalks along the Old Henry Road frontages of 13130 Magisterial Dr and 13200 Magisterial Dr as shown on the sidewalk submitted 5-18-23 on file with Planning and Design Services.