

PLANNING COMMISSION MINUTES
February 16, 2017

PUBLIC HEARING

CASE NO. 16ZONE1068

Request: C-1 to C-2 with CUP and associated waivers
Project Name: River City Mini-Warehouse
Location: 3383 Freys Hill Road

Owner: River City Realty Group, LLC
Jeff Sleadd
123 Travois Road
Louisville, Ky. 40207

Applicant: River City Realty Group, LLC
Jeff Sleadd
123 Travois Road
Louisville, Ky. 40207

Representative: Land Design & Development
Kevin Young
503 Washburn Avenue
Louisville, Ky. 40222

Jurisdiction: Louisville Metro
Council District: 17 – Glen Stuckel
Staff Case Manager: Beth Jones, 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. (Staff report is part of the case file maintained in Planning and Design Services offices, 444 S. 5th Street.)

Agency Testimony:

01:10:07 Ms. Jones discussed the case summary, standard of review and staff analysis from the staff report.

01:18:40 Ms. Jones stated binding element number 11 needs to be amended – “proposed structure”, materials and design of structure and change the date to February 16, 2017.

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01:19:13 Commissioner Carlson requests striking the first sentence in binding element number 11. Chair Jarboe suggests deleting binding element 11 altogether.

The following spoke in favor of this request:

Tracy Walker, 401 West Main Street, Suite 1200, Louisville, Ky. 40202
Kevin Young, Land Design and Development, 503 Washburn Avenue, Louisville, Ky. 40222

Summary of testimony of those in favor:

01:21:35 Mr. Walker is the attorney for the applicant/owner.

01:22:18 Mr. Young gave a power point presentation. There is a shared access easement used by at least 3 users. There is a small encroachment in the landscape buffer area (existing conditions).

The neighbors' main concern is outdoor storage, but it was explained that it will be indoor storage.

01:27:13 Vice Chair Lewis asked, "What is the height of the sign attached to the wall? Mr. Young said he's not sure but it does appear to be greater than the 20 feet height relief that's being asked for today. Mr. Davis replied, "We don't do sign reviews as part of the zoning application unless they submit a sign permit to us."

Deliberation

01:34:20 The commissioners agree that it's a good re-use for the property and appropriate; however, Commissioner Carlson suggests that the sign height issue go back to DRC for sign approval so neighbors can be re-noticed and have the opportunity to express any concerns they may have.

The following spoke as other:

Ed Heymann, 10602 Wemberley Hill Boulevard, Louisville, Ky. 40241

Summary of testimony of other:

01:43:23 Mr. Heymann said he has attended neighborhood meetings and everything that was presented there, is being presented here today, except the signage.

01:44:18 **Back to Deliberation**

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01:45:45 Commissioner Peterson stated that the height breaks up the plainness of the corner.

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.

Zoning Change from C-1 to C-2

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

WHEREAS, The site is located within a Regional Center form district. A Regional Center is a development form that typically contains a mixture of high intensity uses including regional shopping, office, services, entertainment facilities and medium to high-density residential uses. Regional Centers may include a variety of stores under one roof or may consist of freestanding structures. The amount of floor space in regional centers usually exceeds 400,000 square feet, reflecting a market area designed to serve a population of at least 100,000. Redevelopment and infill development are encouraged; and

WHEREAS, Integration of civic uses such as branch libraries, community centers or government offices is encouraged and can strengthen the identity and success of the center. Regional Centers are most appropriately located on or near major arterials, state or interstate highways. Development in Regional Centers should be compact and provide for site accessibility through all means of transportation. A high level of transit access is desirable and Regional Centers should serve as focal points for transit from homes and workplaces. Connectivity and the capacity to handle traffic should be addressed through unified access and circulation. The site plan should encourage pedestrian activity within the Regional Center with human-scale design that provides pedestrian amenities and connectivity between buildings; and

WHEREAS, the Louisville Metro Planning Commission finds, landscaping, building design and unified signs in the Regional Center give character to the development, define and reinforce identity and provide a human scale. A center may include several internal focal points. Several uses sharing a building may have separate entrances and the design of the building facades may mimic a traditional market place corridor or "Main Street." Parking in Regional Centers is provided on a shared basis to avoid excessive impervious area, and the center is designed to encourage customers to visit several establishments without moving their vehicles; and

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WHEREAS, the Louisville Metro Planning Commission further finds Regional Center site design should provide screening of the parking lot and outbuildings as the site is viewed from the arterial roadway. The rear or loading area of buildings should be well screened from arterials, freeways and adjacent residential areas. Human safety or “crime prevention through environmental design” should be a factor in the design of regional centers.

RESOLVED, that the Louisville Metro Planning Commission does hereby **RECOMMEND**, to Metro Council, **APPROVAL** of Case No. 16ZONE1068, a change in zoning from C-1 Commercial to C-2 Commercial based on the staff report pages 1, 2 and half of 3, information provided today, renderings of the property and testimony today.

The vote was as follows:

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

NOT PRESENT AND NOT VOTING: Commissioner Gazaway

Conditional Use Permit

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

WHEREAS, The proposed re-use of the property as a mini-warehouse provides a neighborhood service to surrounding residential uses and provides multi-modal access. The parking area is shared with adjoining commercial uses; and

WHEREAS, No exterior structural changes are planned. The use is expected to result in lower traffic volumes; and

WHEREAS, The site is fully served by public utilities and the development plan has been approved by MSD and Public Works; and

WHEREAS, The residential property directly adjacent to the site on the north has been developed for and is in use by the Louisville Water Company. The property adjacent to the east is a narrow strip of land that is undevelopable for residential use. Residential properties across the street to the south are buffered by an existing neighborhood open space. Properties to the west are in compatible commercial use; and

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WHEREAS, The applicant is requesting reliefs and waivers of landscape buffer area requirements, which cannot be met due to the placement of the existing structure on the site. The applicant is making no exterior changes which will worsen existing site conditions; and

WHEREAS, No outdoor storage is proposed; and

WHEREAS, No toxic or hazardous materials will be permitted; and

WHEREAS, The applicant proposes to sell packing materials for the use of clients. This is permissible as an accessory use to the primary use of mini-warehouse; and

WHEREAS, the Louisville Metro Planning Commission finds, the applicant is requesting a waiver based on the height of the existing structure. The applicant is making no exterior changes which will worsen existing site conditions; and

WHEREAS, the Louisville Metro Planning Commission further finds the applicant is re-using the existing sign.

RESOLVED, that the Louisville Metro Planning Commission does hereby give partial relief for Case No. 16ZONE1068, a conditional use permit for use as a mini-warehouse with relief from the Land Development Code 4.2.35.B, a conditional use requirement for a 30 foot landscape buffer area along property lines adjoining R-4 properties because of the existing site conditions and the Land Development Code 4.2.35.G, a conditional use requirement limiting building height to 15 feet based on the existing site conditions and the staff report, pages 3 and 4.

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

NOT PRESENT AND NOT VOTING: Commissioner Gazaway

Development Plan and Binding Elements

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

WHEREAS, 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; These conditions do not currently exist on the site; and

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WHEREAS, the addition of a striped pedestrian connection from the existing sidewalk to the structure, the applicant will meet all transportation requirements. The development plan has been reviewed and approved by Public Works; and

WHEREAS, There are no open space requirements applicable to the proposal; and

WHEREAS, the development plan has been reviewed and approved by MSD; and

WHEREAS, the Louisville Metro Planning Commission finds, the land use is compatible with development in the area. The applicant has submitted building elevations showing the exterior of the structure; and

WHEREAS, the Louisville Metro Planning Commission further finds the development plan conforms to applicable guidelines and policies of the Comprehensive Plan and to requirements of the Land Development Code.

WAIVER 1:

LDC 10.2.4./Table 10.2.2 requiring a landscape buffer

WHEREAS, The waiver is made necessary by existing site conditions and will not result in a worsening of existing conditions; and

WHEREAS, The waiver will not violate Cornerstone 2020; and

WHEREAS, the Louisville Metro Planning Commission finds, the waiver is made necessary by existing site conditions and will not result in a worsening of existing conditions; and

WHEREAS, the Louisville Metro Planning Commission further finds exterior elevations for the existing structure appear to be an improvement over existing conditions.

WAIVER 2:

LDC 10.2.10 requiring a 10 foot LBA along Freys Hill Road

WHEREAS, The waiver is made necessary by existing site conditions and will not result in a worsening of existing conditions; and

WHEREAS, The waiver will not violate Cornerstone 2020; and

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WHEREAS, The waiver is made necessary by existing site conditions and will not result in a worsening of existing conditions; and

WHEREAS, Exterior elevations for the existing structure appear to be an improvement over existing conditions.

RESOLVED, that the Louisville Metro Planning Commission does hereby **APPROVE** Case No. 16ZONE1068, the Revised District Development Plan with waivers from the Land Development Code 10.2.4 table 10.2.2 requiring a 30 foot landscape buffer area along property lines adjoining R-4 properties based on the site conditions, the existing building already in place and the staff report, middle of page 5; also, Land Development Code 10.2.10 requiring a 10 foot landscape buffer area along Freys Hill Road based on the same reasons, the waiver will not adversely affect the adjoining property owners and the waiver is necessary because of the existing site conditions; also, the proposed signage will be presented to DRC for approval; also, the binding elements with a change to number 11 – remove the first sentence, change “structures” to “structure”, change the date to February 16, 2017 and the height and signage requirements will come back to the Development Review Committee with prior notice to adjoining neighbors in accordance with the regulations of the Land Development Code and binding element number 3 - The development shall not exceed 36,000 square feet of gross floor area, **SUBJECT** to the following Binding Elements:

Commissioner Howard **AMENDED** the motion to delete binding element number 3. Commissioner Peterson accepts the amended motion.

Binding Elements

1. The site shall be maintained in accordance with all applicable sections of the Land Development Code (LDC) and agreed-upon binding elements unless amended pursuant to the LDC. Changes/additions/alterations of any binding element(s) shall be submitted to the Planning Commission or to its designee for review and approval; any changes/additions/alterations not so referred shall not be valid.
2. Use of the subject site shall be limited to mini-warehouse and other uses permitted in the C-2 Commercial district. There shall be no other use of the property without prior approval of the Planning Commission. Notice of a request to amend these binding elements shall be provided in accordance with Planning Commission policies and procedures. The Planning Commission may require a public hearing on any request to amend these binding elements.

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3. All signs shall be in accordance with LDC Chapter 8 sign regulations. No outdoor advertising signs, small freestanding signs, pennants, balloons or banners shall be permitted on the site.
4. There shall be no outdoor music from any source, outdoor entertainment or outdoor PA system usage permitted on the site.
5. All lighting shall comply with the requirements of LDC 4.1.3, including any special requirements for the Regional Center form district.
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 and/or use of this site and shall advise them of the content of 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. These binding elements shall run with the land and the owner(s) and occupant(s) of the property shall at all times be responsible for compliance with them.
7. No outside storage shall be allowed on the property.
8. No storage of toxic or hazardous materials shall be allowed on the property.
9. Retail activities shall be limited to those which are an accessory use to the primary use of the site as a mini-warehouse.
10. Materials and design of the structure shall be substantially the same as depicted in rendering(s) as presented at the February 16, 2017 Planning Commission public hearing. The height and signage requirements will come back to the Development Review Committee with prior notice to adjoining neighbors in accordance with the regulations of the Land Development Code.

The vote was as follows:

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

NOT PRESENT AND NOT VOTING: Commissioner Gazaway