

PLANNING COMMISSION MINUTES
January 7, 2016

PUBLIC HEARING

CASE NO. 15ZONE1020

Request: Change in zoning from R-4 to C-2, a variance, and waivers
Project Name: Swope Auto Repair Facility
Location: 6780 Dixie Highway, 4532 and 4534 Kerrick Lane & TB 1032
Lot 200

Owners: Stephen and Jean Gillespie
3002 Crystal Waters Way
Louisville, Ky. 40299

Jackie Allen

John and Kathi Moreland

Applicant: Swope Development LLC
Richard Swope, Vice President
10 Swope Autocenter Drive
Louisville, Ky. 40299

Representative: BTM Engineering; Frost Brown Todd
John Addington, RLA
3001 Taylor Springs Drive
Louisville, Ky. 40220

Jurisdiction: Louisville Metro
Council District: 12-Rick Blackwell
Case Manager: Julia Williams, RLA, AICP, Planner II

THIS CASE WAS CONTINUED FROM THE DECEMBER 17, 2015 PLANNING COMMISSION MEETING.

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:

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00:15:08 Mrs. Williams discussed the case summary, standard of review and staff analysis from the staff report.

The following spoke in favor of this request:

Glenn Price, Frost Brown Todd, 400 West Market Street, 32nd floor, Louisville, Ky. 40202

Richard Swope, 11601 Plantside Drive, Louisville, Ky. 40299

Summary of testimony of those in favor:

00:27:25 Mr. Price provided a power point presentation. The applicant will provide heavy landscaping and a fence. Also, the drive lane will be in the setback area and will have no negative impact on anyone.

00:38:39 Mr. Swope stated there will be a manager on site. The auto/body shop doors will remain shut mainly because of the climate control of the building.

Deliberation

00:41:12 Commissioner Brown stated, "Since they removed the access to Kerrick Ln., I don't think it's gone through a thorough review on circulation. Another issue is pedestrian connectivity and the state is asking them to provide better pedestrian facilities north of the Dixie Hwy. access."

Commissioner Brown requests a note be placed on the plan saying they'll reconstruct the sidewalk with the reconstruction of the entrance to mitigate the pedestrian connection waiver.

00:43:52 Vice Chair Proffitt requests a binding element be added to state: The landscaping will be substantially similar to or greater than what was shown in today's presentation.

00:44:36 Mrs. Williams said a binding element needs to be added regarding the applicant putting an 8 foot wooden fence on the Moreland property.

Mrs. Williams also suggests, regarding circulation, approving the development plan on condition that the applicant work with Transportation staff – not as a binding element because these issues are off site.

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Zoning Change from R-4 to C-2

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

WHEREAS, The 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; and

WHEREAS, The Neighborhood Form will contain diverse housing types in order to provide housing choice for differing ages and incomes. 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, neo- 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 condominium-style or rental housing; and

WHEREAS, 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, bicycles and transit; and

WHEREAS, Neighborhood streets may be either curvilinear, rectilinear or in a grid pattern and should be designed to 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; and

WHEREAS, Buffer yards and setbacks are being provided on the site. There are some encroachments that are being mitigated by the landscape and screening requirements

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for those buffers. A 30' buffer is being provided along Kerrick to reduce the impact of the site along that roadway and adjacent neighborhood; and

WHEREAS, the Louisville Metro Planning Commission finds, the proposal is not a neighborhood center and is for one use. C-2 permits more regional oriented uses rather than neighborhood oriented uses. Residential is not part of the proposal. Entrance to the site will be from an access easement off of Dixie. Vehicular and pedestrian access is provided to the site. The proposal is a non-residential expansion into an existing residential area. The proposed zoning change includes the demolition of an existing 2-2 1/2 story frame structure. The demolition of the structure would have an adverse effect on a potentially eligible historic resource, the context is not fully known at this time. Historic Preservation staff recommends adaptive re-use of the structure instead of demolition. Staff is asking that site be documented at the State Level 1 documentation; and

WHEREAS, the Louisville Metro Planning Commission further finds the proposal is to allow for an expansion onto a site where single family residential has been in existence for a century or more. Dixie Highway is a major arterial and where the site will have its main access. Kerrick Lane is a local level road and will not be used for access to the site. The high intensity zoning is not directly located on an arterial but with vehicle access only coming from an access easement, impact to Kerrick Lane will be minimal. The proposal is not a neighborhood center. It includes new construction for high intensity commercial zoning. C-2 zoning, while permitting C-1 uses allows for more intense commercial users outside the general neighborhood population. Much of the area is already zoned C-2. There is sufficient population in the vicinity to support the zoning. Expanding the existing C-2 in the area results in an efficient land use pattern as the residential zones have commercial zoning interspersed for some time. C-2 zoning allows for a variety of compatible commercial land uses. Transit is available on Dixie and no access will be from Kerrick Lane.

RESOLVED, that the Louisville Metro Planning Commission does hereby **RECOMMEND**, to Metro Council, **APPROVAL** of Case No. 15ZONE1020, change in zoning from R-4 to C-2 based on the staff report and testimony heard today.

The vote was as follows:

YES: Commissioners Brown, Jarboe, Kirchdorfer, Lewis, Peterson, Proffitt, Tomes and Turner

NOT PRESENT AND NOT VOTING: Commissioners Blake and White

Variance

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

WHEREAS, The requested variance will not adversely affect public health safety or welfare since an 8' fence is proposed in the area of encroachment; and

WHEREAS, The requested variance will not alter the essential character of the general vicinity since the drive lane is internal to the site and being screened from adjacent owners; and

WHEREAS, The requested variance will not cause a hazard or nuisance to the public since the drive lane is internal to the site and being screened from adjacent owners; and

WHEREAS, The requested variance will not allow an unreasonable circumvention of the zoning regulations since the drive lane is internal to the site and being screened from adjacent owners; and

WHEREAS, The requested variance does not arise from special circumstances which do not generally apply to land in the general vicinity or the same zone because encroachments into setbacks are not permitted in the neighborhood form district. The NFD applies to this site and other sites to the west of this site; and

WHEREAS, the Louisville Metro Planning Commission finds, the strict application of the provisions of the regulation would not deprive the applicant of reasonable use of the land since the applicant chose the size of the structure and layout of the site. There are other site designs that would have prevented the variance; and

WHEREAS, the Louisville Metro Planning Commission further finds the circumstances are not the result of actions of the applicant taken subsequent to the adoption of the zoning regulation from which relief is sought. The applicant was aware of the regulations when submitting the application.

RESOLVED, that the Louisville Metro Planning Commission does hereby **APPROVE** the variance to permit the encroachment of a drive lane into the required 25 foot setback along the north property line as indicated on the development plan based on the staff report, testimony heard today and the vinyl fence being proposed by the applicant to mitigate the impact of the abutting property.

The vote was as follows:

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YES: Commissioners Brown, Jarboe, Kirchdorfer, Lewis, Peterson, Proffitt, Tomes and Turner

NOT PRESENT AND NOT VOTING: Commissioners Blake and White

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

Waiver of section 10.2.4. to permit the encroachment of a drive lane into the required 25' LBA along the north property line as indicated on the development plan.

WHEREAS, The waiver will not adversely affect adjacent property owners since the drive lane is internal to the site and being screened from adjacent owners; and

WHEREAS, Guideline 3, policy 9 of Cornerstone 2020 calls for the protection of the character of residential areas, roadway corridors and public spaces from visual intrusions and mitigate when appropriate.

Guideline 3, policies 21 and 22 calls for appropriate transitions between uses that are substantially different in scale and intensity or density, and to mitigate the impact caused when incompatible developments occur adjacent to one another through the use of landscaped buffer yards, vegetative berms and setback requirements to 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. Guideline 3, policy 24 states that parking, loading and delivery areas located adjacent to residential areas should be designed to minimize the impacts from noise, lights and other potential impacts, and that parking and circulation areas adjacent to streets should be screened or buffered. Guideline 13, policy 4 calls for ensuring appropriate landscape design standards for different land uses within urbanized, suburban, and rural areas. Guideline 13, Policy 6 calls for screening and buffering to mitigate adjacent incompatible uses. The intent of landscape buffer areas is to create suitable transitions where varying forms of development adjoin, to minimize the negative impacts resulting from adjoining incompatible land uses, to decrease storm water runoff volumes and velocities associated with impervious surfaces, and to filter air borne and water borne pollutants. Since the drive lane is internal to the site and being screened from adjacent owners Cornerstone 2020 is not being violated; and

WHEREAS, the Louisville Metro Planning Commission finds, the extent of the waiver of the regulation is the minimum necessary to afford relief to the applicant since the

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landscape requirements and buffering will still be met in the area of the encroachment; and

WHEREAS, the Louisville Metro Planning Commission further finds the strict application of the provisions of the regulation would not deprive the applicant of reasonable use of the land since the applicant chose the size of the structure and layout of the site. There are other site designs that would have prevented the waiver.

Waiver of section 10.2.4. to allow a utility easement to encroach more than 50% into the landscape buffer area

WHEREAS, The waiver will not adversely affect adjacent property owners since the landscape and buffering requirements will still be met; and

WHEREAS, Guideline 3, policy 9 calls for the protection of the character of residential areas, roadway corridors and public spaces from visual intrusions and mitigate when appropriate. Guideline 3, policies 21 and 22 calls for appropriate transitions between uses that are substantially different in scale and intensity or density, and to mitigate the impact caused when incompatible developments occur adjacent to one another through the use of landscaped buffer yards, vegetative berms and setback requirements to 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. Guideline 3, policy 24 states that parking, loading and delivery areas located adjacent to residential areas should be designed to minimize the impacts from noise, lights and other potential impacts, and that parking and circulation areas adjacent to streets should be screened or buffered. Guideline 13, policy 4 calls for ensuring appropriate landscape design standards for different land uses within urbanized, suburban, and rural areas. The intent of landscape buffer areas is to create suitable transitions where varying forms of development adjoin, to minimize the negative impacts resulting from adjoining incompatible land uses, to decrease storm water runoff volumes and velocities associated with impervious surfaces, and to filter air borne and water borne pollutants. Since the landscape and buffering requirements will still be met, Cornerstone 2020 is not being violated; and

WHEREAS, the Louisville Metro Planning Commission finds, the extent of the waiver of the regulation is the minimum necessary to afford relief to the applicant since the landscape and buffering requirements will still be met; and

WHEREAS, the Louisville Metro Planning Commission further finds the strict application of the provisions of the regulation would deprive the applicant of the reasonable use of

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the land or would create an unnecessary hardship on the applicant since the landscape and buffering requirements will still be met.

Waiver of section 5.9.2.A.1.b.i. to not provide a pedestrian connection from Kerrick Lane to the building entrance.

WHEREAS, The waiver will not adversely affect adjacent property owners since a pedestrian connection is provided from Dixie Highway; and

WHEREAS, Guideline 9, Policy 1 states that new development should provide, where appropriate, for the movement of pedestrians, bicyclists and transit users with walkways for access to public transportation stops. Safe and appropriate access is being provided to the auto repair facility. Transit is available along Dixie Highway and there is pedestrian access from the main Dixie lot to the repair facility; and

WHEREAS, the Louisville Metro Planning Commission finds, the extent of the waiver of the regulation is the minimum necessary to afford relief to the applicant since pedestrian access is being provided from Dixie to the building; and

WHEREAS, the Louisville Metro Planning Commission further finds the applicant has incorporated other design measures that compensate for non-compliance with the requirements to be waived since pedestrian access is being provided from Dixie to the repair facility.

RESOLVED, that the Louisville Metro Planning Commission does hereby **APPROVE** Case No. 15ZONE1020, the three waivers listed in the staff report as waivers 1, 2 and 3 based on the staff report and testimony heard today.

The vote was as follows:

YES: Commissioners Brown, Jarboe, Kirchdorfer, Lewis, Peterson, Proffitt, Tomes and Turner

NOT PRESENT AND NOT VOTING: Commissioners Blake and White

RDDP and Binding Elements

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

WHEREAS, The development plan includes the demolition of an existing 2-2 1/2 story frame structure. The demolition of the structure would have an adverse effect on a potentially eligible historic resource, the context is not fully known at this time. Tree

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canopy requirements of the Land Development Code will be provided on the subject site; and

WHEREAS, 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. Safe pedestrian connectivity has not been provided on site from either Kerrick Lane or Dixie Highway; and

WHEREAS, There are no open space requirements with the current proposal. Open space is provided in the form of buffers and setbacks; and

WHEREAS, the Louisville Metro Planning Commission finds, the Metropolitan Sewer District has approved the preliminary development plan and will ensure the provisions 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 further finds the overall site design and land uses are compatible with the existing and future development of the area. Appropriate landscape buffering and screening will be provided to screen adjacent properties and roadways; and

WHEREAS, the Louisville Metro Planning Commission further finds the development plan conforms to applicable guidelines and policies of the Comprehensive Plan but not the requirements of the Land Development Code. A safe pedestrian connection needs to be made from the main Swope lot along Dixie to the proposed collision center structure.

RESOLVED, that the Louisville Metro Planning Commission does hereby **APPROVE** Case No. 15ZONE1020, the Detailed District Development Plan and the binding elements shown on pages 17 and 18 of the staff report with the following 2 additional binding elements: 1) The landscaping shall comply substantially with what has been presented at today's Planning Commission meeting and 2) The 8 foot tall fence abutting the Moreland property will be a solid white pvc fence as outlined in the applicant's statement dated December 14, 2015. Also, a condition of approval to be added as follows: The applicant shall work with Transportation Planning to provide any necessary signs and markings that deal with circulation around the parking lot, and that the encroachment permit required for the improvements at Dixie Highway include the improvements along the off-site frontage to the north of the sandfill property to improve the sidewalk connectivity based on the staff report, testimony heard today and **SUBJECT** to the following binding elements:

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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. The development shall not exceed 12,000 square feet of gross floor area.
3. No outdoor advertising signs, small freestanding signs, pennants, balloons, or banners shall be permitted on the site.
4. 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.
5. Before any permit (including but not limited to building, parking lot, change of use, site disturbance, alteration permit or demolition permit) is requested:
 - a. The development plan must receive full construction approval from Develop Louisville, 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 minor plat or legal instrument shall be recorded consolidating the property into one lot. A copy of the recorded instrument shall be submitted to the Division of Planning and Design Services; transmittal of the approved plans to the office responsible for permit issuance will occur only after receipt of said instrument.
 - d. A Tree Preservation Plan in accordance with Chapter 10 of the

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LDC shall be reviewed and approved prior to obtaining approval for site disturbance.

- e. The developer shall provide Planning and Design staff Kentucky State level 1 documentation for the historic home at 6780 Dixie Highway before demolition of the home. Documentation must be received and approved by Planning and Design staff prior to demolition.
6. 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.
7. There shall be no outdoor music (live, piped, radio or amplified) or outdoor entertainment or outdoor PA system audible beyond the property line.
8. 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.
9. The materials and design of proposed structures shall be substantially the same as depicted in the rendering as presented at the December 17, 2015 Planning Commission meeting.
10. No idling of trucks shall take place within 200 feet of single-family residences. No overnight idling of trucks shall be permitted on-site.
11. There shall be no direct access from Kerrick Lane to the proposed site.
12. No junked or inoperable vehicles are to remain on the site for more than 24 hours.
13. The landscaping shall comply substantially with what has been presented at today's Planning Commission meeting.

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14. The 8 foot tall fence abutting the Moreland property will be a solid white pvc fence as outlined in the applicant's statement dated December 14, 2015.

CONDITION OF APPROVAL

1. The applicant shall work with Transportation Planning to provide any necessary signs and markings that deal with circulation around the parking lot, and that the encroachment permit required for the improvements at Dixie Highway include the improvements along the off –site frontage to the north of the sandfill property to improve the sidewalk connectivity.

The vote was as follows:

YES: Commissioners Brown, Jarboe, Kirchdorfer, Lewis, Peterson, Proffitt, Tomes and Turner

NOT PRESENT AND NOT VOTING: Commissioners Blake and White

**PLANNING COMMISSION MINUTES
DECEMBER 17, 2015**

PUBLIC HEARING

CASE NO. 15ZONE1020

Request: Change in zoning from R-4 to C-2, a variance, and waivers

Project Name: Swope Auto Repair Facility

Location: 6780 Dixie Hwy., 4532 & 4534 Kerrick Lane & TB 1032 Lot 200

Owner: Stephen and Jean Gillespie, Jackie Allen, John and Kathi Moreland

Applicant: Swope Development LLC

Representative: BTM Engineering; Frost Brown Todd

Jurisdiction: Louisville Metro

Council District: 12-Rick Blackwell

Case Manager: **Julia Williams, RLA, 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.)

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.

Agency Testimony:

00:04:32 Julia Williams presented the case and showed a Powerpoint presentation (see recording and staff report for detailed presentation).

The following spoke in favor of the request:

Glenn Price, 400 W. Market Street, Suite 3200, Louisville, KY 40202
John Adelington, 3001 Taylor Springs Drive, Louisville, KY 40220

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Summary of testimony of those in favor:

00:12:54 Glenn Price spoke on behalf of the applicant. Mr. Price explained why he felt the case should be heard today instead of continuing to the January 7, 2015 Planning Commission Public Hearing (see recording for detailed presentation).

00:17:24 Commissioner Brown stated the elimination of that Kerrick access will change the distribution of traffic, and what he doesn't have are details on what the geometry is at that Dixie Highway access point, so he thinks they would need additional details before he's comfortable approving a plan that doesn't have Kerrick Lane access (see recording for detailed presentation).

00:18:33 John Adelington stated there's an existing Dixie Highway entrance there now and that entrance and the design for that entrance will be reviewed by the State Highway Department; Dixie Highway is a State highway. He stated they are not trying to hide anything but he thinks it's their jurisdiction to approve the geometry of that entrance and they'll do what they have to do to provide the adequate radii and geometry.

00:19:18 Commissioner Brown stated he'd still like to see it on the development plan though if that's going to be the only access to the site. Commissioner Brown stated he thinks that's an important part of the development plan.

00:19:26 Mr. Adelington stated he agrees, he just wasn't sure if we had to delay the proceedings here because that's not shown there or if they could add that on the plan knowing that that would have to be approved by the Highway Department and designed accordingly.

00:19:40 Commissioner Brown stated there may be Conditions of Approval or even a Binding Element that requires improvements to that Dixie Highway intersection because of the impact you have by the additional traffic and that's something he can't say just looking at that development plan.

00:19:56 Commissioners, staff and the applicant's representative discussed whether to continue the case or proceed.

00:23:51 On a motion by Commissioner Peterson, seconded by Commissioner Lewis, the following resolution was adopted:

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RESOLVED, that the Louisville Metro Planning Commission does hereby **CONTINUE** Case Number 15ZONE1020 to the January 7, 2016 Planning Commission Public Hearing.

The vote was as follows:

YES: Commissioners Lewis, Turner, Peterson, Brown, Kirchdorfer, Vice Chair Proffitt and Chair Person Blake

NO: No one

NOT PRESENT: Commissioners White, Jarboe and Tomes

ABSTAINING: No one

**MINUTES OF THE MEETING
OF THE
LAND DEVELOPMENT AND TRANSPORTATION COMMITTEE**

November 12, 2015

New Cases

CASE NO. 15ZONE1020

Request: Change in form district from Neighborhood to Suburban Marketplace; change in zoning from R-4 to C-2; a variance, and waivers

Project Name: Swope Auto Repair Facility

Location: 6780 & 6840 Dixie Highway and 4532 & 4534 Kerrick Lane

Owners: Stephen & Jean Gillespie, Jackie Allen, John & Kathi Moreland

Applicant: Swope Development LLC

Representative: BTM Engineering Inc.

Jurisdiction: Louisville Metro

Council District: 12 – Rick Blackwell

Case Manager: **Julia Williams, RLA, AICP, Planner II**

The staff report prepared for this case was incorporated into the record. This report was available to any interested party prior to the LD&T meeting. (Staff report is part of the case file maintained in Planning and Design Services offices, 444 S. 5th Street.)

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.

Agency Testimony:

01:57:32 Julia Williams presented the case (see staff report and recording for detailed presentation.) She noted that, at the time the staff report was prepared, no comments had been received from adjacent property owners. Since then, some letters have been received from neighbors, one asking for a night hearing at the South Government Center on Dixie Highway (all were distributed to the Commissioners.) In response to a question from Commissioner Jarboe, Ms. Williams said that 300 signatures were required for a night hearing.

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New Cases

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The following spoke in favor of the request:

John Addington, BTM Engineering, 3001 Taylor Springs Drive, Louisville, KY 40220

Richard S. Swope, 10 Swope Auto Center Drive, Louisville, KY 40299

Summary of testimony of those in favor:

02:01:27 John Addington, the applicant's representative, presented the applicant's request and showed a Power Point presentation (see recording for detailed presentation.)

02:07:31 Richard Swope, the applicant, used the site plan to explain about the proposed development in more detail. He said the reason for this proposal is because more inventory storage, employee parking, and a small amount of customer parking are needed. He said he is aware of concerns from neighbors on Kerrick Lane, but that those concerns have been addressed with additional landscaping and the traffic intensity will be from Dixie Highway.

02:10:39 Mr. Addington discussed the turning lane. In response to a question from Commissioner Jarboe, he also discussed lighting issues. Mr. Swope added that there will be no display lighting, only security lighting.

The following spoke in opposition to the request:

Donald J. Graf, 4535 Kerrick Lane, Louisville, KY 40258

Lora Marquess, 8408 Madrone Avenue, Louisville, KY 40258

Summary of testimony of those in opposition:

02:12:02 Donald Graf discussed his concerns about light pollution, increased traffic on Kerrick Lane, noise from the collision center, and decreasing property values. He said the applicant already owns 3 more dealerships on Dixie Highway and he sees no reason why this center should be put in a residential area. He said that car storage lots attract crime, which could increase crime on his streets. He described problems caused by water runoff from another nearby development which has caused mosquitos and water damage, and expressed concerns that another large paved lot will exacerbate those problems. He said this proposal is already impacting the residents' quality of life due to stress.

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02:19:16 Laura Marquess said that this proposal would diminish a low-crime, quiet street where people have lived for 50+ years. She also expressed concern about diminished property values, light pollution, crime, and notably drainage issues. She described flooding and standing water issues that have damaged yards and caused other problems.

02:21:58 Mr. Addington said the building will be climate-controlled and enclosed, so there should not be noise from the repair center. The doors will remain closed during working hours, except for moving vehicles in and out. He said there are mature trees along the back of the property, which should address concerns about light pollution, and he discussed how security lighting is done. He discussed the intersection, the traffic signal and turning lane, and said the majority of traffic should on the existing drive on Dixie Highway. Setbacks and drainage were discussed.

02:26:21 Mr. Addington said the proposed landscaping will be fit in with the existing mature trees, and that the applicant is willing to work with the adjacent property owners on a detailed landscape plan and "go door to door" around the site perimeter to make sure the neighbors are satisfied with the landscaping. He said the applicant has asked for a sidewalk waiver to not connect to Kerrick, although there is a sidewalk along the side of the building. He said he did not think that drainage problems will exist after the applicant develops this lot.

02:30:24 Commissioner Jarboe and Mr. Swope discussed security lighting.

The following spoke neither for nor against:

Loretta Roberts, 4526 Kerrick Lane, Louisville, KY 40258

John Moreland, 4534 Kerrick Lane, Louisville, KY 40258

Summary of testimony of those neither for nor against the proposal:

02:31:11 Loretta Roberts said light pollution from other businesses are already a problem. She said the neighbors were not told that this would be a collision-repair center; they were told it would be vehicle storage. She said she is against a collision repair center. She said the Swope Center already uses a P.A. system (to call for sales people, etc.)

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02:33:57 Mr. Graf added that the neighbors can hear things from other car lots that are further away than this one. He disputed Mr. Addington's assertion that drainage problems will be helped by this development. He also said that the neighbors were not told the full extent of the proposal.

02:35:03 Mr. Addington said Mr. Swope would be willing to agree to a binding element stating that the damaged vehicles would be parked behind the center on the south property line (currently labeled "display spaces".) The sales operation would be focused along the Dixie Highway frontage.

02:36:09 In response to a question from Commissioner Brown, Ms. Williams discussed the C-2 Suburban Marketplace parcel (information located in the staff report.)

02:37:55 John Moreland, a Kerrick Lane resident, said his property is one that is being purchased by Mr. Swope. He discussed why the C-2 parcel came to be. He said that other Kerrick Lane residents have told him that they are pleased with the proposal, and that it could benefit the area.

02:41:02 Before going into deliberation, Commissioner Jarboe explained the rules for obtaining a night hearing, either in the Old Jail Building or in a government center.

02:41:55 Commissioners' deliberation.

02:43:00 The Committee by general consensus scheduled this case to be heard at the December 17, 2015 Planning Commission public hearing.