PUBLIC HEARING

CASE NO. 21-ZONE-0135

Request:	To be continued to May 12, 2022 Public Hearing – Change in zoning from R-4 to CM with detailed plan and parking waiver
Project Name:	3106 Chenoweth Run Storage
Location:	3106 Chenoweth Run Road
Owner:	James R. Conti
Applicant:	One Fourteen, LLC
Representative:	Land Design and Development
Jurisdiction:	Louisville Metro
Council District:	11 – Kevin Kramer
Case Manager:	Joel Dock, AICP, Planning Coordinator

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:

00:16:09 Joel Dock said all noticing requirements were proper, but staff failed to produce notices to be mailed by the applicant (see recording for detailed presentation).

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 Carlson, seconded by Commissioner Seitz, the following resolution was adopted.

RESOLVED, that the Louisville Metro Planning Commission does hereby **CONTINUE** this case to the May 12, 2022 Planning Commission meeting.

The vote was as follows:

YES: Commissioners Brown, Carlson, Daniels, Mims, Price, Seitz, Sistrunk, Howard and Lewis
NOT PRESENT AND NOT VOTING: Commissioner Clare

PUBLIC HEARING

CASE NO. 21-ZONE-0135

Request:	Change in zoning from R-4 to CM with detailed plan and parking waiver
Project Name:	3106 Chenoweth Run Storage
Location:	3106 Chenoweth Run Road
Owner:	James R. Conti
Applicant:	One Fourteen, LLC
Representative:	Land Design and Development
Jurisdiction:	Louisville Metro
Council District:	11 – Kevin Kramer
Case Manager:	Joel Dock, AICP, Planning Coordinator

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:

02:48:45 Joel Dock discussed the case summary, standard of review and staff analysis from the staff report (see recording for detailed presentation).

The following spoke in favor of this request:

Cliff Ashburner, Dinsmore and Shohl, 101 South 5th Street, Suite 2500, Louisville, Ky. 40202

Summary of testimony of those in favor:

Cliff Ashburner gave a power point presentation. The change in zoning will allow for the construction of a mini-storage facility completely climate-controlled (see recording for detailed presentation).

Deliberation

No Planning Commission deliberation.

PUBLIC HEARING

CASE NO. 21-ZONE-0135

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 R-4 to CM

On a motion by Commissioner Carlson, seconded by Commissioner Mims, the following resolution based on the Plan 2040 Staff Analysis and testimony heard today was adopted.

WHEREAS, the Louisville Metro Planning Commission finds that the proposal meets Land Use & Development Goal 1: Community Form because, the proposal does not encroach upon residential areas or zones as the site is located wholly within the suburban workplace form district which is a form characterized by predominately industrial and office uses, and the proposed zoning district supports the intended pattern of development; the proposed district is appropriately located within the SW form where demand and infrastructure are in place to support industrial growth within the form; the proposal is in a workplace form adjacent to similar and like industrial uses that are not isolated. The proposed district abuts industrial zoning districts within the form; the proposed zoning district does not allow for M-2 or M-3 uses which might introduce noxious uses on the fringe of the workplace form where residents are located nearby; the site is concentrated in an industrial area. The proposed intensity of zoning does not allow for M-2 or M-3 uses which might result in more noxious uses on the fringe of the workplace form where residents are located nearby; no adverse traffic impacts appear to result from the proposal. The use itself produces a limited number of trips as a mini-warehouse facility. Access into the subject site will utilize a collector level roadway that serves residential development. The site is at an intersection with an arterial roadway. This location minimizes adverse traffic impacts by potential heavy truck traffic, should the proposed use change, or customer or employee vehicles. Traffic entering the site from the south on Blankenbaker Parkway will utilize a center turning lane; the proposed zoning district does not allow for M-2 or M-3 uses which might introduce uses capable of producing loud noises as uses permitted outdoors increases in these zones, including flea markets, lumber yards, and truck transfer and parking; the proposed zoning district does not allow for M-2 or M-3; thus, reducing the likelihood of offensive uses in the future that might be hazardous such as lumber yards, storage yards, coal and coke storage, insecticides, and truck transfer and parking; and

WHEREAS, the Louisville Metro Planning Commission finds that the proposal meets Land Use & Development Goal 3: Community Form because, tree canopy will be preserved in accordance with Ch. 10, Part 1 of the LDC to minimizes property damage and environmental degradation resulting from disturbance of natural systems; the site

PUBLIC HEARING

CASE NO. 21-ZONE-0135

would not appear to contain wet or highly permeable soils, severe, steep or unstable slopes where the potential for severe erosion problems exists; the site does not appear to contain features vulnerable to natural disasters such as sinkholes and landslides. A karst survey was conducted by the applicant and no apparent Karst features were identified. Steeper contours are present in the right-of-way; and

WHEREAS, the Louisville Metro Planning Commission finds that the proposal meets Land Use & Development Goal 1: Mobility because, the proposal is in a workplace form where industrial locations are encouraged to be concentrated to support transit-oriented development. Transit service is limited in this specific area of the center; and

WHEREAS, the Louisville Metro Planning Commission finds that the proposal meets Land Use & Development Goal 3: Mobility because, the proposal is in a workplace form where industrial locations are encouraged to be concentrated and supports transit-oriented development. All improvements or methods of compliance to provision pedestrian and transit infrastructure will be provided. The site is located near population centers; the proposal is in a workplace form where industrial locations are encouraged to be concentrated and supports transit-oriented development. All improvements or methods of compliance to provision pedestrian and transit infrastructure will be provided; the proposal is in a workplace form where industrial locations are encouraged to be concentrated and supports transit-oriented development. Access to the subject site is most appropriate from Blankenbaker Access Drive as this is the primary point of access for industrial uses in this section of the workplace. However, the Kentucky Transportation Cabinet has denied access to this roadway at this time; leaving the site with access from Chenoweth Run Road only. The developer should continue to work with the State to acquire access during construction planning. Access to the site from Chenoweth Run Road is minimally invasive and does not require traveling past residential uses when utilizing Blankenbaker Parkway. A center turn lane will be utilized when traveling from the south. In the event the change in zoning results in higher traffic generators or heavy truck usage, exiting the site and traveling westward on Chenoweth Run Road should be discouraged through site design or other measures. All improvements or methods of compliance to provision pedestrian and transit infrastructure will be provided; all improvements or methods of compliance to provision pedestrian and transit infrastructure made necessary by the development will be provided; and

WHEREAS, the Louisville Metro Planning Commission finds that the proposal meets Land Use & Development Goal 2: Community Facilities because, the site is in an area capable of being served by public or private utility extensions; MSD has provided preliminary approval to ensure adequate means of sewage treatment and disposal to protect public health and to protect water quality in lakes and streams; and

PUBLIC HEARING

CASE NO. 21-ZONE-0135

WHEREAS, the Louisville Metro Planning Commission finds that the proposal meets Land Use & Development Goal 1: Economic Development because, the proposed district meets the needs of the industrial subdivision and nearby populations while also maintaining the ability to provide commercial services along an arterial roadway to support the industrial subdivision; the proposal is in a workplace form and concentrates industrial uses in an industrial area; the subject site is within the workplace form and served by a collector level roadway with immediate connection to an arterial as it is at the corner; and

WHEREAS, the Louisville Metro Planning Commission finds that the proposal meets Land Use & Development Goal 1: Livability because, the site is not located within the Floodplain; and MSD preliminary plan approval has been received.

RESOLVED, that the Louisville Metro Planning Commission does hereby **RECOMMEND** to the Louisville Metro Council the change in zoning from R-4, Single Family Residential to CM, Commercial Manufacturing on property described in the attached legal description be **APPROVED**.

The vote was as follows:

YES: Commissioners Carlson, Clare, Daniels, Mims, Price, Sistrunk and Howard
NOT PRESENT AND NOT VOTING: Commissioners Brown and Lewis

Parking Waiver to reduce the required spaces from 26 to 10

On a motion by Commissioner Carlson, seconded by Commissioner Mims, the following resolution based on the Plan 2040 Staff Analysis and Applicant's testimony heard today was adopted.

WHEREAS, the parking waiver conforms to Plan 2040. Parking is being minimized based on demand for similar facilities which reduces unnecessary impervious surfaces caused by over parking; and

WHEREAS, the applicant has provided parking spaces thought to be necessary to serve the use based on the parking demand for similar uses; and

WHEREAS, the requested waiver is an appropriate reduction based on the demonstrated demand of similar facilities; and

WHEREAS, adjacent or nearby properties will not be adversely affected; and

PUBLIC HEARING

CASE NO. 21-ZONE-0135

WHEREAS, the Louisville Metro Planning Commission finds, the requirements found in table 9.1.2 do not accurately depict the parking needs of the proposed use as demonstrated in the applicant's parking study of similar uses; and

WHEREAS, the Louisville Metro Planning Commission further finds the parking study does not demonstrate that on-street or public spaces are needed for overflow. The site provides some extra spaces beyond the demonstrated demand in the event there is overflow.

RESOLVED, that the Louisville Metro Planning Commission does hereby **RECOMMEND** to the Louisville Metro Council the Parking Waiver to reduce the required spaces from 26 to 10 be **APPROVED**.

The vote was as follows:

YES: Commissioners Carlson, Clare, Daniels, Mims, Price, Sistrunk and Howard
NOT PRESENT AND NOT VOTING: Commissioners Brown and Lewis

Detailed District Development Plan and Binding Elements

On a motion by Commissioner Carlson, seconded by Commissioner Mims, the following resolution based on the Standard of Review and Staff Analysis and testimony heard today 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 will be provided. The site would not appear to contain wet or highly permeable soils, severe, steep or unstable slopes where the potential for severe erosion problems exists. The site does not appear to contain features vulnerable to natural disasters such as sinkholes and landslides. A karst survey was conducted by the applicant and no apparent Karst features were identified. Steeper contours are present in the right-of-way. Tree canopy will be preserved in accordance with Ch. 10, Part 1 of the LDC to minimizes property damage and environmental degradation resulting from disturbance of natural systems; and

WHEREAS, provisions for safe and efficient vehicular and pedestrian transportation within and around the development and the community are provided. Vehicular access to the subject site is most appropriate from Blankenbaker Access Drive as this is the primary point of access for industrial uses in this section of the workplace. However, the Kentucky Transportation Cabinet has denied access to this roadway at this time; leaving the site with access from Chenoweth Run Road only. The developer should continue to

PUBLIC HEARING

CASE NO. 21-ZONE-0135

work with the State to acquire access during construction planning. The use itself produces a limited number of trips as a mini-warehouse facility. Access into the subject site will utilize a collector level roadway that serves residential development and the site is at an intersection with an arterial roadway. This location minimizes adverse traffic impacts by potential heavy truck traffic, should the proposed use change, or customer or employee vehicles. Traffic entering the site from the south on Blankenbaker Parkway will utilize a center turning lane. All improvements or methods of compliance to provision pedestrian and transit infrastructure will be provided; and

WHEREAS, tree canopy will be preserved in accordance with Ch. 10, Part 1 of the LDC to minimizes property damage and environmental degradation resulting from disturbance of natural systems; and

WHEREAS, 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 finds, the proposal is compatible with the overall site design of the area and the pattern of the form district. No site or building design waivers are requested; and

WHEREAS, the Louisville Metro Planning Commission further finds the proposal conforms with Plan 2040 and the Land Development, except where relief has been requested to reduce the parking required. The mini-warehouse facility is located in a workplace form and does not encroach upon residential areas or occupy land for future commercial activity.

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. Before any permit (including but not limited to building, parking lot, change of use, site disturbance) is requested:

PUBLIC HEARING

CASE NO. 21-ZONE-0135

a. The development plan must receive full construction approval from Louisville Metro Construction Review, Louisville Metro Public Works and the Metropolitan Sewer District.
b. Encroachment permits must be obtained from the Kentucky Transportation Cabinet, Bureau of Highways for any work within the state right-of-way.
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
e. The materials and design of proposed structures shall be substantially the same as depicted in the rendering as presented at the May 12, 2022 Planning Commission hearing. A copy of the approved rendering is available in the case file on record in the offices of the Louisville Metro Planning Commission

3. 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.

4. 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.

5. No outdoor advertising signs, small freestanding signs, pennants, balloons, or banners shall be permitted on the site.

6. No idling of trucks shall take place within 200 feet of single-family residences. No overnight idling of trucks shall be permitted on-site.

7. Final construction plans to be approved by Louisville Metro Transportation Planning shall include an entrance design and traffic signage that prevents truck traffic from traveling west beyond the entrance on Chenoweth Run Road.

The vote was as follows:

PUBLIC HEARING

CASE NO. 21-ZONE-0135

YES: Commissioners Carlson, Clare, Daniels, Mims, Price, Sistrunk and Howard
NOT PRESENT AND NOT VOTING: Commissioners Brown and Lewis