

PLANNING COMMISSION MINUTES
May 26, 2022

PUBLIC HEARING

CASE NO. 21-ZONE-0164

Request:	Change in Zoning from C-2 to M-2
Project Name:	Drum Trucking
Location:	8315 Nash Road
Owner:	Drum Trucking LLC
Applicant:	Drum Trucking LLC
Representative:	Bardenwerper Talbott & Roberts LLC; Mindel Scott
Jurisdiction:	Louisville Metro
Council District:	13 – Mark Fox
Case Manager:	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. (The staff report is part of the case file maintained in Planning and Design Services offices, 444 S. 5th Street.)

Agency Testimony:

02:17:20 Julia Williams presented an overview of the case and showed a Power Point presentation (see staff report and recording for detailed presentation). The applicant is requesting the change to allow the establishment of a truck parking facility on the site. The applicant notified staff they are no longer wishing to do gravel in the parking area, and they will elaborate on this change during their presentation.

The following spoke in support of the request:

Nick Pregliasco, Bardenwerper Talbott & Roberts, 1000 N. Hurstbourne Parkway, Louisville, KY 40223

Salihbeg Ferhatbegovic, Drum Trucking, 7607 Mackie Lane, Louisville, KY 40214

Kathy Linares, Mindel Scott, 5151 Jefferson Boulevard, Louisville, KY 40219

Summary of testimony of those in support:

02:22:33 Nick Pregliasco, the applicant's representative, spoke in support of the application and provided a PowerPoint presentation (see video). There are no proposed structures, only parking areas and some detention areas to address stormwater runoff. Core borings were done along Nash Road in order to determine the road's ability to handle the trucks. The applicant has agreed to include a binding element that prohibits storage of hazardous materials in the trucks that are being parked on the site.

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02:31:27 Pregliasco showed a slide with proposed additional binding elements.

02:34:24 Pregliasco continued to present on behalf of the applicant. There are no waivers or variances being requested.

Commissioner Mims asked Pregliasco about the intended operation, how drivers will get and from their trucks on the site, etc.

02:39:40 Salihbeg Ferhatbegovic spoke on behalf of the application and stated drivers would drive cars to the site and be able to park on the site.

02:41:33 In response to a question from Commissioner Carlson, Kathy Linares testified regarding the location of existing fire hydrants.

Commissioner Sistrunk asked about whether a portable toilet would be provided on site. Pregliasco said there isn't a need for one on the site and such an item would be more of an eye sore than a benefit.

In response to a question from Commissioner Daniels, Ferhatbegovic said no drivers will be spending the night on the site.

The following spoke in opposition of the request:

Frank Kerr, 8205 Nash Road, Louisville, KY 40214

Summary of testimony of those in opposition:

02:51:51 Frank Kerr spoke in opposition to the request. His property is one of the few remaining residential properties on Nash Road. The trucking and industrial uses that have moved into the area have disrupted the condition of the road and character of the area.

Rebuttal:

02:55:10 Nick Pregliasco spoke in rebuttal. Pregliasco pointed out the property is in a Suburban Workplace Form District and the use is similar to other uses in the vicinity. Kathy Linares pointed out that the site plan has been prepared to minimize grading and filling on the site so as not to add to the flood issues in the area.

03:07:11 **Commissioners' deliberation.**

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.

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03:14:36 On a motion by Commissioner Carlson, seconded by Commissioner Mims, the following resolution, based on the Standard of Review and Staff Analysis and evidence and testimony heard at today's hearing, was adopted:

Change in Zoning:

WHEREAS, the Louisville Metro Planning Commission finds that the proposal meets Community Form: Goal 1 because the proposal does not encroach upon residential areas or zones. Buffers are in compliance with the LDC;

The proposed district is appropriately located adjacent to like zones and uses;

The proposal is in a workplace form adjacent to similar and like industrial uses readily served by infrastructure and transportation facilities;

The proposal concentrates like uses and zones and no disadvantaged populations are within the immediate vicinity;

The site is concentrated in an industrial area. No residences, schools, parks or vulnerable populations will be impacted;

Traffic entering the area will not need to pass through residential areas to access the interstate or arterial roadways;

The site is concentrated in an industrial area. No residences, schools, parks or vulnerable populations will be impacted;

The proposal is in a workplace form adjacent to similar and like industrial uses located away from residential areas; and

WHEREAS, the Commission further finds that the proposal meets Community Form: Goal 2 because the proposal is located in an existing industrial activity center; and

The proposal is in a workplace form adjacent to similar and like industrial uses readily served by infrastructure and transportation facilities;

WHEREAS, the Commission further finds that the proposal meets Community Form: Goal 3 because the site is developed, and it would not appear to contain natural resources;

MSD has preliminarily approved the proposal; and

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WHEREAS, the Commission further finds that the proposal meets Community Form: Goal 4 because the site has no historic or cultural value; and

WHEREAS, the Commission further finds that the proposal meets Mobility: Goal 1 because the proposal is in a workplace form adjacent to similar and like industrial uses readily served by infrastructure and transportation facilities; and

WHEREAS, the Commission further finds that the proposal meets Mobility: Goal 3 because the proposal is in a workplace form adjacent to similar and like industrial uses readily served by infrastructure and transportation facilities;

A sidewalk is proposed to begin a walkable area;

Transportation planning has preliminarily approved the proposal; and

WHEREAS, the Commission further finds that the proposal meets Community Facilities: Goal 2 because utilities are available for the site;

MSD has preliminarily approved the proposal; and

WHEREAS, the Commission further finds that the proposal meets Economic Development: Goal 1 because the proposal is in a workplace form adjacent to similar and like industrial uses readily served by infrastructure and transportation facilities; and

WHEREAS, the Commission further finds that the proposal meets Livability: Goal 1 because soil erosion does not appear to be an issue with the proposal;

MSD has preliminarily approved the approval. Two compensation basins are proposed to alleviate the impact of the floodplain; and

RESOLVED, that the Louisville Metro Planning Commission does hereby **RECOMMEND** that the Louisville Metro Council **APPROVE** the change in zoning, for case 21-ZONE-0164, from C-2 to M-2, for the property at 8315 Nash Road described in the staff report.

The vote was as follows:

YES: Commissioners Brown, Carlson, Clare, Daniels, Mims, Price, Sistrunk, and Lewis

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NO: None

ABSTAIN: None

ABSENT: Commissioners Cheek and Howard

03:15:30 On a motion by Commissioner Carlson, seconded by Commissioner Mims, the following resolution, based on the Standard of Review and Staff Analysis and evidence and testimony heard at today's hearing, was adopted:

Detailed District Development Plan:

WHEREAS, the Louisville Metro Planning Commission finds the site is completely within a floodplain. Two compensation basins are proposed. There do not appear to be any other environmental constraints or historic resources on the subject site. Tree canopy requirements of the Land Development Code will be provided on the subject site;

WHEREAS, the Commission further finds provisions for safe and efficient vehicular and pedestrian transportation within and around the development and the community has been provided, and Metro Public Works has approved the preliminary development plan;

WHEREAS, the Commission further finds 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;

WHEREAS, the 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. Buildings and parking lots will meet all required setbacks; and

WHEREAS, the development plan conforms to applicable guidelines and policies of the Comprehensive Plan and to requirements of the Land Development Code.

RESOLVED, the Louisville Metro Planning Commission does hereby **APPROVE** the requested 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

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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 Construction Review, Louisville Metro Public Works and the Metropolitan Sewer District.
 - b. A minor subdivision plat or legal instrument shall be recorded dedicating additional right-of-way to Nash Road to provide a total of 30 feet from the centerline. A copy of the recorded instrument shall be submitted to the Division of Planning and Design Services prior to obtaining a building permit.
 - 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.
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

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other parties engaged in development of the site, shall be responsible for compliance with these binding elements.

7. No trucks or trailers that are required by US Department of Transportation regulations to display a hazardous materials placard shall be parked on the site.

8. The gate shown on the development plan shall comply with safety requirements for gated connections as determined by Louisville Metro Public Works and the relevant emergency authorities (fire, police, EMS). The applicant shall install a concrete driving surface from Nash Road up to the entrance gate shown on the development plan.

9. Applicant to reconstruct Nash Road adjacent to the proposed site to include at minimum 6 inches of asphalt. The work shall include the removal of asphalt and stone 6 inches deep, proof roll the area, and add 4 inches of base, and 2 inches of surface, in the area shown on the Pavement Evaluation Report (being approximately 100' x 20' wide).

10. Applicant shall use asphalt millings instead of gravel, or a top layer of asphalt millings to mitigate any dust, with same to be approved by Public Works and/or Transportation Planning. In the event asphalt millings are not approved, mitigation measures for gravel dust control, such as a binding agent, shall be in place to prevent fugitive emissions from reaching existing roads and neighborhoods.

11. There shall be no overnight idling of trucks on the site.

The vote was as follows:

YES: Commissioners Brown, Carlson, Clare, Daniels, Mims, Price, Sistrunk, and Lewis

NO: None

ABSTAIN: None

ABSENT: Commissioners Cheek and Howard