

PLANNING COMMISSION MINUTES
October 6, 2022

PUBLIC HEARING

CASE NO. 22-ZONE-0014

Request: Change in Zoning from R-4 to C-1 with a Variances and District Development Plan with Binding Elements
Project Name: Hopewell Animal Hospital
Location: 12404/12406 Taylorsville Road & 3830 Sweeney Lane
Owner: AFB Properties LLC
Applicant: Hopewell Animal Hospital
Representative: Land Design and Development; Bardenwerper Talbott and Roberts PLLC
Jurisdiction: Louisville Metro
Council District: 20-Stuart Benson
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. (Staff report is part of the case file maintained in Planning and Design Services offices, 444 S. 5th Street.)

Agency Testimony:

01:30:43 Julia Williams discussed the case summary, standard of review and staff analysis from the staff report.

The following spoke in favor of this request:

Nick Pregliasco, Bardenwerper, Talbott and Roberts, 1000 North Hurstbourne Parkway, Louisville, Ky. 40223

Summary of testimony of those in favor:

01:37:48 Nick Pregliasco gave a power point presentation discussing the frontage on the arterial road, potential future Sweeney Ln. access and layout of the plan (see recording for detailed presentation).

Deliberation

00:00:00 Planning Commission deliberation.

PLANNING COMMISSION MINUTES
October 6, 2022

PUBLIC HEARING

CASE NO. 22-ZONE-0014

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.

Change in zoning from R-4 to C-1

On a motion by Commissioner Brown, seconded by Commissioner Sistrunk, 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 for non-residential zoning is located along Taylorsville Road across the street and in the vicinity of other nonresidential zoning; the proposal is located along a major arterial. Near the activity center that has been created at Stone Lakes Dr.; the proposal does not include issues with light and air; The proposal will not negatively affect air quality; Transportation Planning has not indicated any issues with traffic with the proposal; all required buffers are in compliance with the LDC; and

WHEREAS, the Louisville Metro Planning Commission finds that the proposal meets Land Use & Development Goal 2: Community Form because, the proposal is located across Taylorsville Road from other commercial zoning but is also located near an activity center that has been created at Taylorsville and Stone Lakes; the proposal is located within the neighborhood form with access to both a local level road and a major arterial. Sidewalks are proposed; the proposal is located along a major arterial near an existing activity center. Population is proposed and exists in the area to support the use; the proposal for mixed use on the site encourages efficient land use and cost-effective infrastructure; the proposal is not located in an activity center but is located near an existing activity center. The proposed zonings support fewer trips by allowing commercial uses close to residential; the proposal allows for mixed use; the new development is for both commercial and residential zoning; the proposal is located near an existing activity center where residential is proposed adjacent to residential and commercial is proposed along a major arterial in the vicinity of an activity center but also across the street from other C-1 zoning; and

WHEREAS, the Louisville Metro Planning Commission finds that the proposal meets Land Use & Development Goal 3: Community Form because, the proposal is not located in an area with many natural features. The site has 43% tree canopy where none are proposed to be preserved. Tree canopy requirement will be met on site; soils are not an issue with the proposal; the proposal is not located in the floodplain; and

PLANNING COMMISSION MINUTES
October 6, 2022

PUBLIC HEARING

CASE NO. 22-ZONE-0014

WHEREAS, the Louisville Metro Planning Commission finds that the proposal meets Land Use & Development Goal 4: Community Form because, the proposal does not have any historical or cultural value; and

WHEREAS, the Louisville Metro Planning Commission finds that the proposal meets Land Use & Development Goal 1: Mobility because, the proposal is located near the existing activity center located along Taylorsville Road and Stone Lakes. Transit is not currently operating along Taylorsville Road in this area;

WHEREAS, the Louisville Metro Planning Commission finds that the proposal meets Land Use & Development Goal 2: Mobility because, access to the development is by way of a local road and major arterial; and

WHEREAS, the Louisville Metro Planning Commission finds that the proposal meets Land Use & Development Goal 3: Mobility because, the proposal allows for a mix of uses and density which encourages short trips that once a fully connected pedestrian system is made can be accessed by walking; Transportation Planning has preliminarily approved the proposal; and

WHEREAS, the Louisville Metro Planning Commission finds that the proposal meets Land Use & Development Goal 2: Community Facilities because, utility availability is not an issue with the proposal; An adequate water supply exists for the site; MSD has preliminarily approved the proposal; and

WHEREAS, the Louisville Metro Planning Commission finds that the proposal meets Land Use & Development Goal 1: Economic Development because, the proposal is located along a major arterial where the uses will not cause a nuisance to the adjacent property;

WHEREAS, the Louisville Metro Planning Commission finds that the proposal meets Land Use & Development Goal 1: Livability because, MSD has preliminarily approved the proposal; The proposal is not located within the floodplain; the proposal doesn't allow for hazardous uses;

WHEREAS, the Louisville Metro Planning Commission finds that the proposal meets Land Use & Development Goal 1: Housing because, the proposed district supports and promotes housing options and environments that support aging in place as the proposal provides another option to provision senior, affordable, or intergenerational housing; and

WHEREAS, the Louisville Metro Planning Commission finds that the proposal meets Land Use & Development Goal 2: Housing because, the proposal allows for consistent

PLANNING COMMISSION MINUTES
October 6, 2022

PUBLIC HEARING

CASE NO. 22-ZONE-0014

redevelopment on a lot to encourage intergenerational, mixed-income and mixed-use development that is connected to the neighborhood and surrounding area; the proposed district is located where it will provide safe and convenient access to employment opportunities, as well as within proximity to amenities providing neighborhood goods and services; and

WHEREAS, the Louisville Metro Planning Commission finds that the proposal meets Land Use & Development Goal 3: Housing because, the proposed zoning district does not result in the displacement of residents; and the proposed district encourages a variety of housing types and occupancy types within the area to increase the production of fair and affordable housing.

RESOLVED, that the Louisville Metro Planning Commission does hereby **RECOMMEND** to the Louisville Metro Council the change in zoning R-4, Single Family Residential to C-1, Commercial on property described in the attached legal description be **APPROVED**.

The vote was as follows:

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

NOT PRESENT AND NOT VOTING: Commissioner Cheek

Variance from 5.3.1 to permit the building to exceed the 80' maximum setback along the proposed access easement

On a motion by Commissioner Brown, seconded by Commissioner Carlson, the following resolution based on the Standard of Review and Staff Analysis and testimony heard today was adopted.

WHEREAS, the requested variance will not adversely affect the public health, safety or welfare since the access easement is internal to the site; and

WHEREAS, the requested variance will not alter the essential character of the general vicinity since the access easement is internal to the site and acts like a driveway rather than a roadway; and

WHEREAS, the requested variance will not cause a hazard or nuisance to the public since the access easement is internal to the site where it will not affect the public; and

PLANNING COMMISSION MINUTES
October 6, 2022

PUBLIC HEARING

CASE NO. 22-ZONE-0014

WHEREAS, the requested variance will not allow an unreasonable circumvention of the zoning regulations since the access is more of a driveway than a roadway; and

WHEREAS, the variance arises due to the access easement to the adjacent R-4 portion of the property which is not a usual circumstance; and

WHEREAS, the Louisville Metro Planning Commission finds, the access easement is more of a driveway than a roadway where compliance with the setback would put the structure closer to the driveway and alter the maneuverability to the parking lot; and

WHEREAS, the Louisville Metro Planning Commission further finds the circumstances are the result of action of the applicant taken subsequent to the adoption of the zoning regulations from which relief is sought.

RESOLVED, that the Louisville Metro Planning Commission does hereby **APPROVE** the Variance from 5.3.1 to permit the building to exceed the 80' maximum setback along the proposed access easement.

The vote was as follows:

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

NOT PRESENT AND NOT VOTING: Commissioner Cheek

Detailed District Development Plan and Binding Elements

On a motion by Commissioner Brown, seconded by Commissioner Carlson, the following resolution based on the Standard of Review and Staff Analysis and testimony heard today was adopted.

WHEREAS, there do not appear to be any environmental constraints or historic resources on the subject site. Tree canopy requirements of the Land Development Code will be provided on the subject site; and

WHEREAS, provisions for safe and efficient vehicular and pedestrian 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; and

PLANNING COMMISSION MINUTES
October 6, 2022

PUBLIC HEARING

CASE NO. 22-ZONE-0014

WHEREAS, there are no open space requirements pertinent to the current proposal. Future multifamily development proposed on the subject site will be required to meet Land Development Code requirements; and

WHEREAS, 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; and

WHEREAS, the Louisville Metro Planning Commission 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 and to requirements of the Land Development Code.

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. No outdoor advertising signs, small freestanding signs, pennants, balloons, or banners shall be permitted on the site.
3. The existing access point(s) to Taylorsville Road (are) to be removed and access to the site be made from the new curb cuts as shown on the development plan.
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.

PLANNING COMMISSION MINUTES

October 6, 2022

PUBLIC HEARING

CASE NO. 22-ZONE-0014

5. 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. Encroachment permits must be obtained from the Kentucky Transportation Cabinet.
 - c. A minor subdivision plat or legal instrument shall be recorded creating the lot lines as shown on the development plan and dedicating additional right-of-way to Taylorsville Road to provide a total of 65 feet from the centerline. The minor plat shall also show an access easement to the R-4 property to the south. A copy of the recorded instrument shall be submitted to the Division of Planning and Design Services prior to obtaining a building permit.
 - d. 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.
 - e. A Tree Preservation Plan in accordance with Chapter 10 of the LDC shall be reviewed and approved prior to obtaining approval for site disturbance.
 - f. The materials and design of proposed structures shall be substantially the same as depicted in the rendering as presented at the October 6, 2022 Planning Commission meeting. A copy of the approved rendering is available in the case file on record in the offices of the Louisville Metro Planning Commission.
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 permitted on the site.
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.

PLANNING COMMISSION MINUTES
October 6, 2022

PUBLIC HEARING

CASE NO. 22-ZONE-0014

9. The fencing along Taylorsville Road shall be a four-board horse fence with wire fencing attached to the back.

10. Lighting: a) All exterior lighting, whether freestanding or attached to any structure, including street lights, lot lights and lighting for any signage, shall be fully shielded, shall utilize flat or hidden lenses, and shall be pointed directly to the ground. The following are exceptions to this requirement: a) Low voltage landscape lighting aimed away from adjacent properties and not exceeding 2000 lumens in output per fixture. b) No lighting shall have a correlated color temperature (CCT) exceeding 2700 degrees Kelvin. c) No parking lot light fixtures shall be more than fourteen feet high, measured from ground level.

11. Signage:

a) No lighted signage shall be placed above the first-floor level, except it shall be allowed on a gable over an entrance if fully shielded and pointed directly to the ground and not backlit.

b) No changing image or moving signs shall be permitted.

c) All freestanding signage shall not exceed six feet in height, measured from ground level.

12. The R-4 portion of the subject property (Tract 2) shall not be developed in any manner, including a building permit for a single-family residence, without written approval from the Kentucky Transportation Cabinet (KYTC). Development of said parcel may require additional roadway improvements, and such improvements, will be noted in the approval from KYTC.

The vote was as follows:

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

NOT PRESENT AND NOT VOTING: Commissioner Cheek