

PLANNING COMMISSION MINUTES
November 9, 2022

PUBLIC HEARING

CASE NO. 22-ZONE-0086

Request: Change in Zoning from R-4 to C-M, Waiver, and Detailed District Development Plan with Binding Elements
Project Name: Hagan Westport Road Self Storage
Location: 4301 Westport Road
Owner: Paul & Suetta Thieneman
Applicant: Hagan Properties Inc.
Representative: Bardenwerper, Talbott & Roberts; Land Design & Development
Jurisdiction: Louisville Metro and City of St. Matthews
Council District: 7 – Paula McCraney
Case Manager: Dante St. Germain, AICP, Planner II
Presenter: 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:

00:03:55 Julia Williams discussed the case summary, standard of review and staff analysis from the staff report (see video of PowerPoint presentation).

The following spoke in favor of this request:

John Talbott, Bardenwerper Talbott & Roberts, 1000 N. Hurstbourne Parkway, Louisville, KY 40223
Ted Bernstein, Land Design & Development, 503 Washburn Avenue, Louisville, KY 40222
Tommy Edwards, Hagan Properties Inc., 12911 Reamers Road, Louisville, KY 40245
Mary Kay Chadwick, 13415 Kirkview Road, Prospect, KY 40059

Summary of testimony of those in favor:

00:18:04 John Talbott spoke on behalf of the applicant in support of the application and presented a PowerPoint presentation (see video for details).

PLANNING COMMISSION MINUTES
November 9, 2022

PUBLIC HEARING

CASE NO. 22-ZONE-0086

00:39:00 Ted Bernstein spoke in support of the application discussing the drainage, safe truck maneuvering around the building and landscaping (see recording for detailed presentation).

00:43:13 John Talbott resumed testimony discussing renderings and neighborhood meetings (see recording for detailed presentation).

00:46:27 Tommy Edwards spoke in support of the application. He spoke with the city of St. Matthews and is willing to place restrictive binding elements on the project (see recording for detailed presentation).

00:49:34 John Talbott resumed testimony discussing the proposed binding element, zoning and plan certain. There are limited impacts at this site and will provide a nice fence, gate and additional landscaping (see recording for detailed presentation).

00:58:36 Mary Kay Chadwick spoke in support of the application. The proposed rezoning is in keeping with the progress that has been developed along Westport Rd. (see recording for detailed presentation).

1:00:10 Planning Commissioners asked questions of those in support (see recording for detailed presentation).

The following spoke in opposition to this request:

Timothy Mayer, 730 West Main Street, Louisville, KY 40202
David Lee, 1008 Westgate Place, Louisville, KY 40207
Hunter G. Louis, 4050 Westport Road, Louisville, KY 40207
James Maloney, 4307 Westport Road, Louisville, KY 40207
Phil Lawver, 803 Perryman Road, Louisville, KY 40207
Linda Roberts, 8610 Westover Drive, Prospect, KY 40059
Bob Hook, 1001 Westgate Place, Louisville, KY 40207
Dan Burgess, 1024 Westgate Place, Louisville, KY 40207
Lee Wilcox, 4317 Ahland Road, Louisville, KY 40207
Miles Deason, 4302 Westport Road, Louisville, KY 40207
James Kruger, 6889 Green Meadows Circle, Louisville, KY 40207
Steve Farkus, 425 Deerfield Lane, Louisville, KY 40207
Tom Galle, 321 North Hubbards Lane, Louisville, KY 40207
Sarah Gallagher, 4071 Elmwood Avenue, Louisville, KY 40207
Laura Heimrich, 915 Perryman Road, Louisville, KY 40207
Madge Tucker, 303 Chelsea Lane, Louisville, KY 40207
Robin Goodman, 427 Deerfield Lane, Louisville, KY 40207

PLANNING COMMISSION MINUTES
November 9, 2022

PUBLIC HEARING

CASE NO. 22-ZONE-0086

Helen Davis, 732 Wicklow Road, Louisville, KY 40207
Brian Weinberg, 908 Perryman Road, Louisville, KY 40207

Summary of testimony of those in opposition:

01:21:56 Timothy Mayer stated he represents the city of Windy Hills. The main issue is the fact that this portion of Westport Rd. has to lead to commercial development (not part of the plan in 1989). It's meant to remain residential (see recording for detailed presentation).

01:26:30 David Lee discussed the fact that this case is about appropriateness of the rezoning, not the mitigation of impacts with binding elements. It's an example of "Spot Zoning" and has significant implications on the character of the surrounding neighborhoods (see recording for detailed presentation).

01:32:50 Hunter Louis gave some background information. The proposal is not compatible and is inappropriate (see recording for detailed presentation).

01:36:33 James Maloney said he's opposed because the potential basin will be placed near his home. There will also be light intrusion (see recording for detailed presentation).

01:38:12 Phil Lawver said there are other storage facilities in close proximity (see recording for detailed presentation).

01:39:10 Linda Roberts said the industrial storage facility will tower over residential homes and is not in character with the neighborhood (see recording for detailed presentation).

01:43:00 Bob Hook said he lives in a historical home (on National Registry) one street over from the proposal.

Mr. Hook said he can move if it's necessary, but there are others in the neighborhood who can't afford to move (see recording for detailed presentation).

01:45:30 Dan Burgess thanks the commission for coming out for a night hearing in the neighborhood. The neighborhood is truly residential and not an Activity Center (see recording for detailed presentation).

01:49:12 Lee Wilcox said it's inappropriate to put a warehouse in the middle of a residential neighborhood (see recording for detailed presentation).

PLANNING COMMISSION MINUTES
November 9, 2022

PUBLIC HEARING

CASE NO. 22-ZONE-0086

01:50:23 Miles Deason said his main concern is that every lot across from his home may become commercial. It will also generate a lot of traffic (see recording for detailed presentation).

01:51:56 James Kruger said the proposal is low impact in terms of the green space, cultural benefit, services, privacy, jobs and benefits (see recording for detailed presentation).

01:54:20 Steve Farkus discussed the vehicle layout design, risk assessment associated with traffic, vehicle density, lighting of the facility and the Activity Center extension across the street (see recording for detailed presentation).

01:56:15 Tom Galle asked if this property is rezoned to CM, will it set a precedent for other properties (see recording for detailed presentation)?

01:58:10 Sarah Gallagher said a mini-warehouse is not necessary. It's also setting a precedent for more commercial (see recording for detailed presentation).

02:47:00 Laura Heimrich said she wants her home (investment) protected. The proposal will not be low impact due to the lighting (see recording for detailed presentation).

02:04:20 Madge Tucker said she loves living in Louisville because the neighborhoods are protected. This neighborhood needs the same consideration (see recording for detailed presentation).

02:07:40 Robin Goodman said she raised her family in a residential area assuming it would stay residential. Has the applicant looked at different locations for this proposal (see recording for detailed presentation)?

02:08:56 Helen Davis, Mayor of Windy Hills, stated there are 20+ warehouses within a 5-mile radius of the proposed property and is not in character with the neighborhood (see recording for detailed presentation).

02:10:36 Brian Weinberg said his main concern is safety (see recording for detailed presentation).

02:13:56 David Lee resumed testimony. This proposal is not in compliance with the Comprehensive Plan 2040 (see recording for detailed presentation).

Rebuttal

PLANNING COMMISSION MINUTES
November 9, 2022

PUBLIC HEARING

CASE NO. 22-ZONE-0086

02:22:42 John Talbott provided rebuttal to the opposing comments. There is a need for a warehouse in the proposed area (see recording for detailed presentation).

02:35:20 Ted Bernstein and Tommy Edwards answered questions from the commissioners (see recording for detailed presentation).

Deliberation

02:55:07 Planning Commission 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.

Zoning Change from R-4 Single Family Residential to C-M Commercial Manufacturing

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

WHEREAS the Planning Commission finds that the proposal does not meet Community Form Goal 1 Policies 6 and 8 because the neighborhood of the site is characterized by single-family and multi-family development, and there is no non-residential zoning or development near the site. The nearest non-residential zoning or development is located to the west at the intersection with N Hubbards Lane, where OR-3 zoning is closest to the site. The proposal would constitute a non-residential expansion into an existing residential area with a higher-intensity, more regional-serving commercial-manufacturing district. The proposal is for industrial zoning located in a Neighborhood Form District but would be an isolated industrial site as there are no other industrially zoned properties nearby; and

WHEREAS the Planning Commission finds that the proposal does not meet Community Form Goal 2 Policies 1, 5, 6, 7, and 11 because the site is on the perimeter of what could be considered the edge of the center located at the intersection of N Hubbards Lane and Westport Road. C-M zoning allows C-2 high intensity commercial uses, as well as M-1 uses. The site is disconnected from the existing commercial uses within the activity center. The site is on the perimeter of what could be considered the edge of the center located at the intersection of N Hubbards Lane and Westport Road. C-M zoning

PLANNING COMMISSION MINUTES
November 9, 2022

PUBLIC HEARING

CASE NO. 22-ZONE-0086

allows C-2 high intensity commercial uses, as well as M-1 uses. The site is disconnected from the existing commercial uses within the activity center. The site is on the perimeter of what could be considered the edge of the center located at the intersection of N Hubbards Lane and Westport Road. The C-M zoning would add an industrial element that is not present in the activity center or the area. Industrial infrastructure needs may differ from those of commercial uses alone. The proposed zoning district would permit more regional-serving commercial uses in an existing neighborhood. The site is located on the perimeter of the center located at the intersection of N Hubbards Lane and Westport Road. Many uses permitted by C-M are not compatible with the nearby residences; and

WHEREAS the Planning Commission finds that the proposal does not meet Mobility Goal 3 Policy 1 because the proposal would permit more regional-serving and industrial uses than are appropriate for the neighborhood; and

WHEREAS the Planning Commission finds that the proposal does not meet Economic Development Goal 1 Policy 2 because the proposal is for industrial zoning. The site is not located in or near an existing industrial subdivision or existing industry.

RESOLVED, that the Louisville Metro Planning Commission does hereby **RECOMMEND** to Louisville Metro Council and the city of St. Matthews to **DENY** the change in zoning from R-4, Single Family Residential to C-M, Commercial Manufacturing on property described in the attached legal description.

The vote was as follows:

YES: Commissioners Sistrunk, Price, Carlson, Howard and Lewis

NO: Commissioners Mims and Cheek

NOT PRESENT AND NOT VOTING: Commissioners Brown, Pennix and Clare

PLANNING COMMISSION MINUTES
October 6, 2022

BUSINESS SESSION

CASE NO. 22-ZONE-0086

Request: Change in zoning from R-4 to C-M, with Detailed District Development Plan and Binding Elements, and Waiver – **SET NIGHT HEARING DATE**

Project Name: Hagan Westport Road Self Storage

Location: 4301 Westport Road

Owner: Paul & Suetta Thieneman

Applicant: Hagan Properties Inc.

Representative: Bardenwerper Talbott & Roberts

Jurisdiction: City of St. Matthews, Louisville Metro

Council District: 7 – Paula McCraney

Case Manager: Dante St. Germain, 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.)

Discussion

00:09:09 Dante St. Germain stated she has received and verified a petition for a night hearing (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 Howard, seconded by Commissioner Sistrunk, the following resolution was adopted.

RESOLVED, that the Louisville Metro Planning Commission does hereby **SET** a night public hearing for Wednesday November 9, 2022, 6:30 p.m. at the Walden School.

The vote was as follows:

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

NOT PRESENT AND NOT VOTING: Commissioner Cheek