

**PLANNING COMMISSION MINUTES  
JANUARY 18, 2018**

**PUBLIC HEARING**

**CASE NUMBER 16ZONE1080**

Project Name: Fort Locks Self-Storage  
Location: 7650 Dixie Highway  
Owner(s): Valley Station Towne Center  
Applicant: Fort Locks Self-Storage, Inc.  
Representative(s): Wyatt, Tarrant, & Combs LLP – Jon Baker  
Jurisdiction: Louisville Metro  
Council District: 25 – David Yates  
Case Manager: Joel P. Dock, 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.)

**Agency Testimony:**

**00:23:47** Joel Dock discussed the case summary, standard of review and staff analysis from the staff report.

**The following spoke in favor of this request:**

Jon Baker, 500 W. Jefferson Street, Louisville, KY 40202

**Summary of testimony of those in favor:**

**00:36:22** Jon Baker discussed the applicant's proposal for a change in zoning, a conditional use permit, a variance, and a detailed district development plan. The expansion will include approximately 23,000 to 24,000 sq. ft. of mini storage and will include covered outdoor storage. Mr. Baker responded to questions from the Commissioners.

**The following spoke in opposition to this request:**

Ian Lowe, 1355 Bardstown Road, #210, Louisville, KY 40204

**Summary of testimony of those in opposition:**

**PLANNING COMMISSION MINUTES  
JANUARY 18, 2018**

**PUBLIC HEARING**

**CASE NUMBER 16ZONE1080**

**00:46:45** Ian Lowe is a manager of a neighboring apartment complex on Fury Way. He understands the desire for expansion, but he feels the expansion would transform what is currently a very quiet neighborhood. Mr. Lowe responded to questions from the Commissioners.

**Deliberation:**

**00:56:00** The majority of the Commissioners feel that the proposal is justified, however, Commissioner Brown feels that R-4 zoning is more appropriate for this area with this many access points available to provide connectivity. He raised concern of the encroachment C-2 zoning in a residential area.

Commissioner Howard recognizes that this is an infill site and would be an expansion of an existing use, but she also acknowledges that there are several access points to residential development. She also discussed landscaping and outside storage.

**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 C-2**

**01:17:27** On a motion by Commissioner Peterson, seconded by Commissioner Carlson, the following resolution, based on the Cornerstone 2020 Staff Checklist and testimony heard today, was adopted:

**WHEREAS**, the Louisville Metro Planning Commission finds that the proposal meets the Community Form guideline because the proposed zoning district is located to the rear of a non-residential corridor and incorporates itself into that corridor through an expansion of an existing use and access. The corridor consists of a mixture of uses of varying intensities. The proposed zoning district is a high intensity commercial district and is located to share access through sites having frontage along a major arterial roadway. The site fronting along the roadway through which access is shared is zoned M-2, Industrial. Access to local roads will be restricted by binding elements placed upon the development plan, and

**WHEREAS**, the Commission further finds that the proposal meets the Centers guideline because the proposal is located in the NFD, but does not create a new center as it is incorporated into an existing non-residential corridor. It includes the construction of new buildings that appear to be consistent with the existing use along the frontage of Dixie Highway. There is sufficient residential population in the area and population generated

**PLANNING COMMISSION MINUTES  
JANUARY 18, 2018**

**PUBLIC HEARING**

**CASE NUMBER 16ZONE1080**

by the corridor to support expanded commercial uses. The proposed site improvements result in an efficient use of land as the proposed use is a low generator of traffic both pedestrian and vehicular, as well as being a non-essential neighborhood use. It does not occupy viable street frontage for future commercial uses providing neighborhood or regional goods and services. Further, the shape of the lot and land area does not appear to allow for the convenient development of the land for single-family residential uses or allow them to be appropriately incorporated into the existing neighborhoods to the North and South. The proposal expands an existing use in a zoning district that is consistent with surrounding uses and districts along the corridor. The proposed land use does not detract from existing facilities or occupy space along the corridor that would detract from the use of alternative forms of transportation, vitality, or sense of place along the corridor. The C-2 commercial district would allow for a wide variety of commercial uses that might include residential and office uses above retail and/or includes other mixed-use, multi-story retail buildings. The use proposed, however, may be the most appropriate use for the site with respect to adverse impacts of traffic caused by multi-family development upon local roads. The proposed land use is designed to be compact while leaving required open space and meeting the needs for tree canopy. The proposal shares entrance and parking facilities with adjacent uses to reduce curb cuts and surface parking, and locates parking to balance safety, traffic, transit, pedestrian, environmental and aesthetic concerns. The mini-storage facility is accessed through existing infrastructure along the Dixie Highway. There would not appear to be an issue with connecting to exiting utilities and infrastructure in the area. The proposed use is easily accessible for its primary form of transportation, the automobile. Due to existing development along Dixie Highway and restricted access to local roads per binding elements access to the proposed zoning district and land use is limited to the availability of transportation modes and accessibility along Dixie Highway, and

**WHEREAS**, the Commission further finds that the proposal meets the Compatibility guideline because the proposed buildings materials are consistent with a mini-warehouse design and do not necessarily detract from the new development's compatibility. The proposal constitutes a non-residential expansion into a residential area. Despite such an expansion the specific land use proposed does not generate large amounts of traffic and any traffic would be restricted to access the proposed land use via Dixie Highway and the existing access points. Future commercial development of the site would be restricted by binding elements to only the existing access via Dixie Highway; thus, parking, traffic, or signage would not expand or appear in these residential areas. Landscape buffering as required for commercial districts abutting residential uses or districts is being complied with in full and provides an appropriate transition between possible incompatible developments. Further, the use of the land for single-family purposes may not be a convenient method of development given the shape and size of the lot and multi-family development may add unwanted traffic and

**PLANNING COMMISSION MINUTES  
JANUARY 18, 2018**

**PUBLIC HEARING**

**CASE NUMBER 16ZONE1080**

congestion. The proposed land use does not often generate adverse odors or emissions. Measure have been taken in the form of binding elements to ensure that no idling of trucks will take place within 200 feet of single-family residences and no overnight idling of trucks will be permitted on-site. The proposed land use does not generate excessive levels of traffic that would significantly impact the surrounding community. Redevelopment of the proposed commercial district for any other use would be restricted from access the site from local roads without requesting to do so before the Planning Commission. Lighting will be no more than is necessary to provide for the safety and security of the premises. The proposal is a higher intensity use and is located with primary access from a major arterial roadway. Any incompatibility between the proposed use and the abutting single family residences has been mitigated through the full application of landscape buffers, tree canopy, and restricted access for local roads. Setbacks, lot dimensions and building heights are compatible with those of nearby developments that meet form district standards. The site immediately abuts the Suburban Marketplace corridor which provides for relaxed standards for setbacks. The proposed land use is located in the Neighborhood form district and generally complies with land development code regulations pertaining to setbacks. The proposed development does not propose any new parking or loading areas adjacent to residential uses or districts. The subject site is screened from residential properties with an eight foot privacy fence. Any new signage shall be compatible with Ch.8 of the Land Development Code, and

**WHEREAS**, the Commission further finds that the proposal meets the Open Space guideline because Tree canopy and landscape areas as required by the Land Development Code are being provided. There do not appear to be any significant natural features to be incorporated into the plan, and

**WHEREAS**, the Commission further finds that the proposal meets the Natural Areas and Scenic and Historic Resources guideline because the proposal puts to use a piece of property that is currently underused and vacant. MSD will oversee water runoff and erosion that could result from the inappropriate development of the subject site resulting in environmental degradation. The site contains potential wetlands. Drainage and the appropriate development upon these lands will be approved in consultation and upon further review by MSD during the construction review phase of development, and

**WHEREAS**, the Commission further finds that the proposal meets the Economic Growth and Sustainability guideline because the proposal is for a commercial district with a conditional use permit for a light industrial use and is located to the rear of an industrial zoning district and utilizes existing infrastructure for integration of the new district and land use. The proposed land use generates low volumes of traffic and is located with access to a major arterial. Access to local roads is to be restricted by binding elements. The proposed light industrial use is located with access to an arterial street, and

**PLANNING COMMISSION MINUTES  
JANUARY 18, 2018**

**PUBLIC HEARING**

**CASE NUMBER 16ZONE1080**

**WHEREAS**, the Commission further finds that the proposal meets the Circulation guideline because the proposed use does not interfere with the promotion of mass transit, bicycle, and pedestrian movement along the corridor. No roadway improvements are required for the proposed development. Future redevelopment may require improvements. The proposed expansion to the existing use appropriately uses access through existing non-residential lands instead of through areas that would generate nuisances. No right-of-way is needed for the proposed use. Parking is sufficient to accommodate the use. The site is provided access through adjacent lands where appropriate, and

**WHEREAS**, the Commission further finds that the proposal meets the Transportation Facility Design guideline because the development provides for an appropriate functional hierarchy of streets and appropriate linkages between activity areas in and adjacent to the development site. While access from local roads and connection of these local roads which stub into the property is not being provided, the connection of these roads may only occur in instances of single-family development which may not be supported by the shape and size of the lot. Further, the connection of these roads for the proposed development would be inappropriate. Access to local roads with stub connections to the property is being restricted per binding element to eliminate access to development through areas of significantly lower intensity or density as such access would create a significant nuisance, and

**WHEREAS**, the Commission further finds that the proposal meets the Bicycle, Pedestrian, and Transit guideline because the proposed expansion does not warrant any new improvements to provide for the movement of pedestrians, bicyclists and transit users around and through the development. It does not detract from this movement either, and

**WHEREAS**, the Commission further finds that the proposal meets the Flooding and Stormwater guideline because the proposal's drainage plans have been approved by MSD, and the proposal mitigates negative impacts to the floodplain and minimizes the impact of impervious area, and

**WHEREAS**, the Commission further finds that the proposal meets the Air Quality guideline because the proposal has been reviewed by APCD and found to not have a negative impact on air quality, and

**WHEREAS**, the Commission further finds that the proposal meets the Landscape Character guideline because no natural corridors are present that warrant additions and connections to a system of providing habitat areas or allow for migration, and

**PLANNING COMMISSION MINUTES  
JANUARY 18, 2018**

**PUBLIC HEARING**

**CASE NUMBER 16ZONE1080**

**WHEREAS**, the Commission further finds that the proposal meets the Infrastructure guideline the proposal would appear to be located in an area served by existing utilities or planned for utilities. No objections to the proposal have been received by the LWC. Adequate means of sewage treatment and disposal to protect public health and to protect water quality in lakes and streams will be provided as required; now, therefore be it

**RESOLVED**, that the Louisville Metro Planning Commission does hereby **RECOMMEND** to the Louisville Metro Council that the change in zoning from R-4, Single-Family Residential to C-2, Commercial on property described in the attached legal description be **APPROVED**.

**The vote was as follows:**

**YES: Lindsey, Lewis, Jarboe, Peterson, and Carlson**

**NO: Brown and Howard**

**NOT PRESENT: Smith, Ferguson, and Tomes**

**Conditional Use Permit**

**01:18:30** On a motion by Commissioner Peterson, seconded by Commissioner Carlson, the following resolution, based on the Standard of Review and Staff Analysis and testimony heard today, was adopted:

**WHEREAS**, the Louisville Metro Planning Commission finds that the proposed conditional use permit for mini-warehouse is consistent with applicable policies of the Comprehensive Plan as proposed site improvements result in an efficient use of land and generally produce low volumes of traffic. Setbacks, lot dimensions and building heights are compatible with those of nearby developments that meet form district standards. The proposed use is located to share access and parking through sites having frontage along a major arterial roadway; thus, reducing curb cuts and surface parking. Access to local roads will be restricted. The full application of landscape buffers and tree canopy is being provided to mitigate any incompatibility between the proposed land use and abutting residential uses, and

**WHEREAS**, the Commission further finds that setbacks, lot dimensions and building heights are compatible with those of nearby developments that meet form district standards. The proposal generally meets form district standards, and

**WHEREAS**, the Commission further finds that necessary public facilities will be provided to accommodate the land use, and

**PLANNING COMMISSION MINUTES  
JANUARY 18, 2018**

**PUBLIC HEARING**

**CASE NUMBER 16ZONE1080**

**WHEREAS**, the Commission further finds that mini-warehouses may be allowed in the C-2 District where the premises abut on a roadway classified as a collector or major or minor arterial as designated in the Comprehensive Plan for all of Jefferson County, Kentucky, upon the granting of a Conditional Use Permit and compliance with the listed requirements.

- A. The property shall be landscaped so as to blend in with the surrounding area and shall be screened and buffered from adjacent uses of a non-industrial nature.
- B. No building, structure or pavement shall be located closer than 30 feet to side property lines or property lines abutting residential areas. This area is reserved as a landscape buffer area.
- C. No outside storage shall be allowed on the property.
- D. No storage of toxic or hazardous materials shall be allowed on the property.
- E. There shall be no retail or wholesale sales or distributing activities on site.
- G. No structure on the site shall be taller than one story and shall not exceed 15 feet in height (except for one freestanding sign as allowed in H below).
- H. Signs - Only one freestanding sign shall be allowed and shall conform to limits established for the form district in which the sign is located.

**WHEREAS**, the Commission further finds that the requested conditional use permit is a component of a larger mini-warehouse facility that abuts a major arterial roadway. This major arterial provides direct, primary access to the expanded portion subject to the conditional use permit. No access to abutting local roads will be permitted per binding elements. The subject property provides all required landscape buffers and complies with the required thirty foot setback. No new signage is proposed. Relief is being requested to allow for the ancillary outdoor storage (item 'C') of accessory recreational vehicles under a canopy that exceeds fifteen feet in height (item 'G'). To properly store and secure these types of vehicles a greater height is necessary. No heavy trucks or equipment will be stored on the premises and the plan indicates that the storage will primarily be for Boats and RVs. The storage is accessory to the primary use on-site and its impact is limited. Sufficient landscaping and screening is being provided to mitigate relief from these items; now, therefore be it

**RESOLVED**, that the Louisville Metro Planning Commission does hereby **APPROVE** the Conditional Use Permit for mini-warehouse, Land Development Code (LDC), section

**PLANNING COMMISSION MINUTES  
JANUARY 18, 2018**

**PUBLIC HEARING**

**CASE NUMBER 16ZONE1080**

4.2.35 with relief from items "C" & "G," **SUBJECT** to the following conditions of approval:

1. All outside storage shall be confined within the canopy.
2. No structure on the site shall be taller than one story and shall not exceed 17 feet in height.

**The vote was as follows:**

**YES: Lindsey, Lewis, Jarboe, Peterson, and Carlson**

**NO: Brown and Howard**

**NOT PRESENT: Smith, Ferguson, and Tomes**

**Variance**

**01:21:31** On a motion by Commissioner Peterson, seconded by Commissioner Carlson, the following resolution, based on the Standard of Review and Staff Analysis and testimony heard today, was adopted:

**WHEREAS**, the Louisville Metro Planning Commission finds that the requested variance will not adversely affect the public health, safety or welfare as the full application of landscape buffering, screening, and tree canopy is being provided, along with the required thirty foot conditional use permit setback which aid in mitigating any impacts upon surrounding properties.

**WHEREAS**, the Commission further finds that the requested variance will not alter the essential character of the general vicinity as Setbacks, lot dimensions and building heights are compatible with those of nearby developments that meet form district standards, and

**WHEREAS**, the Commission further finds that the requested variance will not cause a hazard or nuisance to the public as the pavement encroaching upon the setback is not used for parking and vehicular movement upon this pavement will limited by the use which generally generates low volumes of traffic. Additionally, the full application of landscape buffering, screening, and tree canopy is being provided to mitigate impacts upon neighbors, and

**WHEREAS**, the Commission further finds that the requested variance will not allow an unreasonable circumvention of the zoning regulations as all other requirements are



**PLANNING COMMISSION MINUTES  
JANUARY 18, 2018**

**PUBLIC HEARING**

**CASE NUMBER 16ZONE1080**

being met and the site complies with applicable guidelines and policies of the Comprehensive Plan, and

**WHEREAS**, the Commission further finds that the variance does not arise from special circumstances which do not generally apply to land in the general vicinity or the same zone, and

**WHEREAS**, the Commission further finds that the strict application of the provisions of the regulation would deprive the applicant of the reasonable use of the land as the remainder of the subject site is being developed in compliance with Land Development Code regulations pertaining to setbacks, buffering, and tree canopy, and

**WHEREAS**, the Commission further finds that 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; now, therefore be it

**RESOLVED**, that the Louisville Metro Planning Commission does hereby **APPROVE** the Variance from LDC, section 5.3.1.C.5 for pavement to encroach 15' upon the 50' non-residential to residential setback.

**The vote was as follows:**

**YES: Lindsey, Lewis, Jarboe, Peterson, and Carlson**

**NO: Brown and Howard**

**NOT PRESENT: Smith, Ferguson, and Tomes**

**Detailed District Development Plan**

**01:22:36** On a motion by Commissioner Peterson, seconded by Commissioner Carlson, the following resolution, based on the Standard of Review and Staff Analysis and testimony heard today, was adopted:

**WHEREAS**, the Louisville Metro Planning Commission finds that the site contains potential wetlands. MSD will oversee water runoff and erosion that could result from the inappropriate development of the subject site resulting in environmental degradation. Drainage and the appropriate development upon these lands will be approved in consultation and upon further review by MSD during the construction review phase of development, and

**WHEREAS**, the Commission further finds that the proposed development plan does not detract from the safe and efficient movement of both pedestrians and vehicles. The

**PLANNING COMMISSION MINUTES  
JANUARY 18, 2018**

**PUBLIC HEARING**

**CASE NUMBER 16ZONE1080**

proposed development is located to share access and parking through sites having frontage along a major arterial roadway; thus, reducing curb cuts and surface parking. Access to local roads will be restricted by binding elements placed upon the development plan, and

**WHEREAS**, the Commission further finds that the provision of sufficient open space (scenic and recreational) to meet the needs of the proposed development is being provided as all landscaping and tree canopy is being provided in full, and

**WHEREAS**, the Commission further finds that 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 Commission further finds that setbacks, lot dimensions and building heights are compatible with those of nearby developments that meet form district standards. The proposal generally meets form district standards. The use is generally compatible with surrounding uses as the site connects with an M-2, industrial zone serving the existing mini-warehouse facility. The corridor contains a mixture of commercial and industrial uses, and

**WHEREAS**, the Commission further finds that the development plan for mini-warehouse is consistent with applicable policies of the Comprehensive Plan as proposed site improvements result in an efficient use of land and generally produce low volumes of traffic. Setbacks, lot dimensions and building heights are compatible with those of nearby developments that meet form district standards. The proposed use is located to share access and parking through sites having frontage along a major arterial roadway; thus, reducing curb cuts and surface parking. Access to local roads will be restricted. The full application of landscape buffers and tree canopy is being provided to mitigate any incompatibility between the proposed land use and abutting residential uses; now, therefore be it

**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.

**PLANNING COMMISSION MINUTES  
JANUARY 18, 2018**

**PUBLIC HEARING**

**CASE NUMBER 16ZONE1080**

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 Louisville Metro Department of Inspections, Permits and Licenses, 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 Land Development Code, 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 Tree Preservation Plan in accordance with Chapter 10 of the LDC shall be reviewed and approved prior to obtaining approval for site disturbance.
  - d. A legal instrument shall be recorded consolidating the property as shown on the approved development plan. A copy of the recorded instrument shall be submitted to the Division of Planning and Design Services
  - e. Army Corps of Engineers approval required for any encroachments into federally regulated wetlands
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

**PLANNING COMMISSION MINUTES  
JANUARY 18, 2018**

**PUBLIC HEARING**

**CASE NUMBER 16ZONE1080**

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.

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

8. The storage of "heavy-trucks" shall be prohibited. Accessory recreation vehicles (Boats and RVs) are specifically authorized as an accessory use with no limitation on their length.

9. No access from Stuart, Elnora, Russell, or Virginia Avenues and Greenwood Manor Road shall be permitted without notification to property owners along these ways and approval by the Planning Commission or designee.

10. Hours of operation shall be 7:00 a.m. to 11:00 p.m.

**The vote was as follows:**

**YES: Lindsey, Lewis, Jarboe, Peterson, and Carlson**

**NO: Brown and Howard**

**NOT PRESENT: Smith, Ferguson, and Tomes**