

Planning Commission
Staff Report
May 26, 2022



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| Case No: | 21-ZONE-0164 |
| Project Name: | Drum Trucking |
| Location: | 8315 Nash Road |
| Owner(s): | Drum Trucking LLC |
| Applicant: | Drum Trucking LLC |
| Jurisdiction: | Louisville Metro |
| Council District: | 13- Mark Fox |
| Case Manager: | Julia Williams, AICP, Planning Supervisor |

REQUEST(S)

- Change in zoning from C-2 to M-2
- Detailed District Development plan

CASE SUMMARY/BACKGROUND

The proposal is for 50 tractor trailer parking spaces on 2.29 acres. The spaces are proposed in a gravel lot with a gated entrance.

STAFF FINDING

Staff finds that the proposal meets the guidelines of the Comprehensive Plan and requirements of the Land Development Code.

TECHNICAL REVIEW

Concrete pavement needs to be extended to the gate.

Transportation Planning and MSD have preliminarily approved the proposal.

INTERESTED PARTY COMMENTS

Theresa Jones-

Trucks drive in the middle of the road. The area floods and they are raising the site more. There are no bathrooms for the truck drivers. Kids walk down the road or in ditches because there are no sidewalks.

Milt Schrenger-

1. Nash is a narrow road with no sidewalks and children walk to their houses at the end of road...there are no shoulders and i do not believe two trucks can pass each other without running off road

2. When the property located next door at 805 Hay Court was rezoned it was agreed that because of the drainage problem that only property that was currently rocked could be re-rocked and property not rocked must stay that way...this property at 8315 Nash has no rock on it what so ever.

STANDARD OF REVIEW FOR REZONING

Criteria for granting the proposed form district change/rezoning: KRS Chapter 100.213

1. The proposed form district/rezoning change complies with the applicable guidelines and policies Plan 2040; OR
2. The existing form district/zoning classification is inappropriate and the proposed classification is appropriate; OR
3. There have been major changes of an economic, physical, or social nature within the area involved which were not anticipated in Plan 2040 which have substantially altered the basic character of the area.

STAFF ANALYSIS FOR CHANGE IN ZONING

Following is staff's analysis of the proposed rezoning against the Guidelines and Policies of Plan 2040.

The site is located in the Suburban Workplace Form District

A Suburban Workplace is a form characterized by predominately industrial and office uses where the buildings are set back from the street in a landscaped setting. Suburban Workplaces often contain a single large-scale use or a cluster of uses within a master planned development. New larger proposed industrial uses are encouraged to apply for a planned development district.

In order to provide adequate transportation access in suburban workplaces connected roads, public transportation and pedestrian facilities should be encouraged. Walkways to workplace serving uses are encouraged for workplace employees. Development within Suburban Workplace Form Districts may need significant buffering from abutting uses.

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.

All other agency comments should be addressed to demonstrate compliance with the remaining Guidelines and Policies of Plan 2040.

A checklist is attached to the end of this staff report with a more detailed analysis. The Louisville Metro Planning Commission is charged with making a recommendation to the Louisville Metro Council regarding the appropriateness of this zoning map amendment. The Louisville Metro Council has zoning authority over the property in question.

STANDARD OF REVIEW AND STAFF ANALYSIS FOR DDP

- a. 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;

STAFF: 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.

- b. The provisions for safe and efficient vehicular and pedestrian transportation both within the development and the community;

STAFF: 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.

- c. The provision of sufficient open space (scenic and recreational) to meet the needs of the proposed development;

STAFF: There are no open space requirements pertinent to the current proposal.

- d. 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;

STAFF: 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.

- e. The compatibility of the overall site design (location of buildings, parking lots, screening, landscaping) and land use or uses with the existing and projected future development of the area;

STAFF: 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.

- f. Conformance of the development plan with the Comprehensive Plan and Land Development Code.

STAFF: The development plan conforms to applicable guidelines and policies of the Comprehensive Plan and to requirements of the Land Development Code.

REQUIRED ACTIONS:

- **RECOMMEND** that the Louisville Metro Council **APPROVE** or **DENY** the **Change-in-Zoning** from C-2 to M-2
- **APPROVED** or **DENY** the **Detailed District Development Plan**

Based upon the information in the staff report, the testimony and evidence provided at the public hearing, the Planning Commission must determine if the proposal is in conformance with the Comprehensive Plan; OR the existing form district/zoning classification is inappropriate and the proposed classification is appropriate; OR if there have been major changes of an economic, physical, or social nature within the area involved which were not anticipated in Plan 2040 which have substantially altered the basic character of the area.

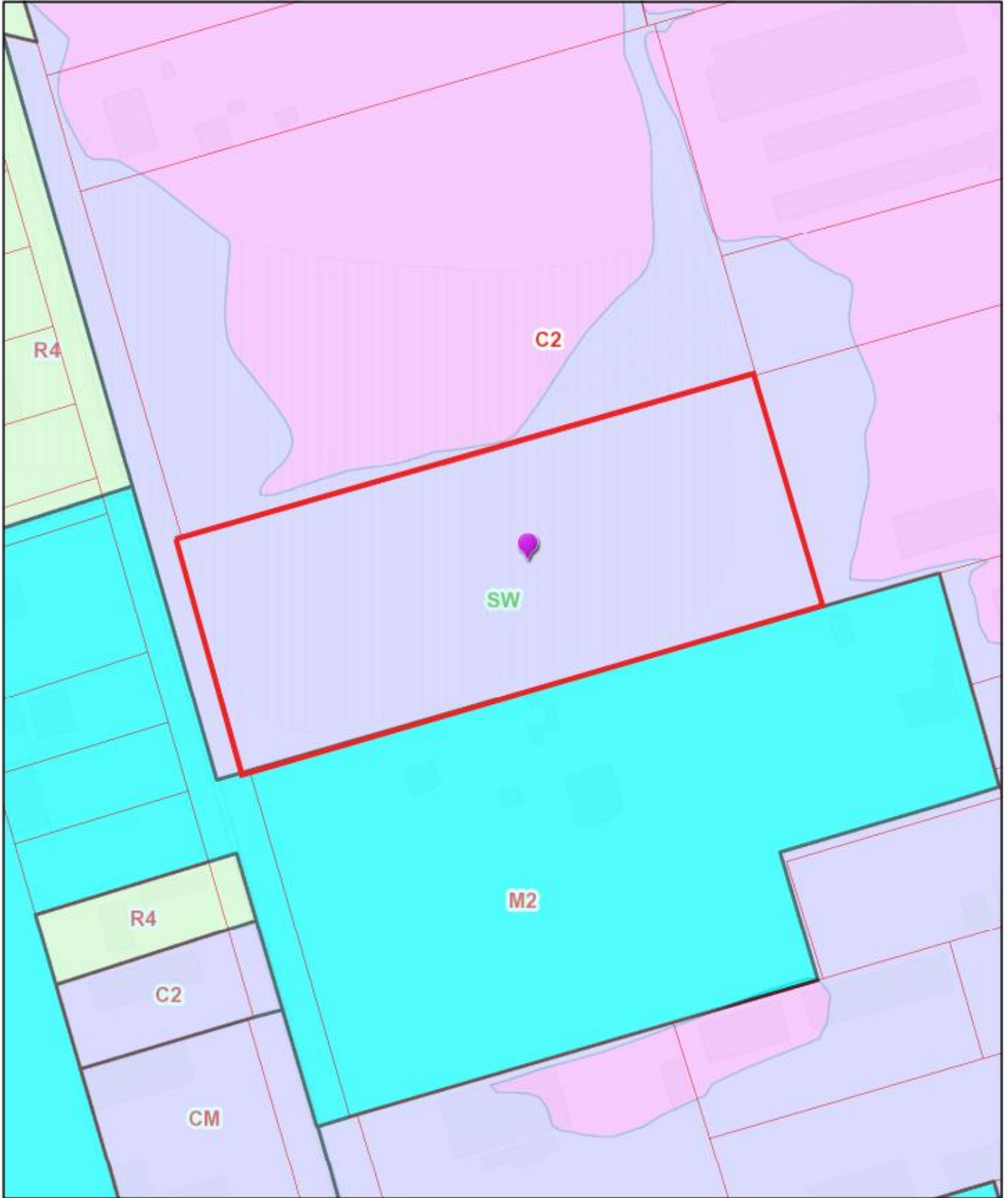
NOTIFICATION

| Date | Purpose of Notice | Recipients |
|-------------|-----------------------------------|---|
| 2/23/22 | Hearing before LD&T on 3/10/22 | 1 st and 2 nd tier adjoining property owners Registered Neighborhood Groups in Council District 13 |
| 5/12/22 | Hearing before PC on May 26, 2022 | 1 st and 2 nd tier adjoining property owners Registered Neighborhood Groups in Council District 13 |
| 5/9/22 | Hearing before PC | Sign Posting on property |
| | Hearing before PC | Legal Advertisement in the Courier-Journal |

ATTACHMENTS

1. Zoning Map
2. Aerial Photograph
3. Staff Plan 2040 Checklist
4. Proposed Binding Elements

1. Zoning Map



2. Aerial Photograph



3. Staff Plan 2040 Checklist

- + Exceeds Guideline
- ✓ Meets Guideline
- Does Not Meet Guideline
- +/- More Information Needed
- NA Not Applicable

Suburban Workplace: Non-Residential

| # | Plan 2040 Plan Element | Land Use & Development Policy | Staff Finding | Staff Analysis |
|---|------------------------|---|---------------|--|
| 1 | Community Form: Goal 1 | 6. Discourage non-residential expansion into existing residential areas unless applicant can demonstrate that any adverse impact on residential uses will be mitigated. Evaluation of impacts may include, but not be limited to, displacement of residents, loss of affordable housing units, traffic, parking, signs, lighting, noise, odor, and stormwater. Appropriate transitions from non-residential to residential uses should depend on the pattern of development of the Form District and may include natural vegetative buffers, landscaping or the use of higher density residential between lower density residential and/or non-residential. | ✓ | The proposal does not encroach upon residential areas or zones. Buffers are in compliance with the LDC. |
| 2 | Community Form: Goal 1 | 7. Locate higher density and intensity uses near major transportation facilities and transit corridors, employment centers, in or near activity centers and other areas where demand and adequate infrastructure exists or is planned. | ✓ | The proposed district is appropriately located adjacent to like zones and uses. |
| 3 | Community Form: Goal 1 | 8. Encourage industries to locate in workplace Form Districts or in areas readily served by infrastructure and transportation facilities, including transit, rather than isolated industrial sites. | ✓ | The proposal is in a workplace form adjacent to similar and like industrial uses readily served by infrastructure and transportation facilities. |
| 4 | Community Form: Goal 1 | 15. When reviewing proposals for siting hazardous uses and uses with air, noise and light emissions, ensure disadvantaged populations are not disproportionately impacted. | ✓ | The proposal concentrates like uses and zones and no disadvantaged populations are within the immediate vicinity. |

| # | Plan 2040 Plan Element | Land Use & Development Policy | Staff Finding | Staff Analysis |
|----|------------------------|---|---------------|--|
| 5 | Community Form: Goal 1 | 16. Consider impacts on human health, quality of life and the environment including prevailing meteorological conditions and the potential to transport noxious odors, particulates and emissions when reviewing new developments and redevelopments. Special attention should be paid to air and water quality when residences, schools, parks or vulnerable populations will be impacted. Mitigate impacts to areas that are disproportionately affected. | ✓ | The site is concentrated in an industrial area. No residences, schools, parks or vulnerable populations will be impacted. |
| 6 | Community Form: Goal 1 | 17. Mitigate adverse impacts of traffic from proposed development on nearby existing communities. | ✓ | Traffic entering the area will not need to pass through residential areas to access the interstate or arterial roadways. |
| 7 | Community Form: Goal 1 | 18. Mitigate adverse impacts of noise from proposed development on existing communities. | ✓ | The site is concentrated in an industrial area. No residences, schools, parks or vulnerable populations will be impacted. |
| 8 | Community Form: Goal 1 | 21. Require that industries which handle hazardous or flammable materials or are potentially offensive such as junkyards, landfills and quarries are sited to protect public health, safety and welfare and are located away from residential areas and population centers. | ✓ | The proposal is in a workplace form adjacent to similar and like industrial uses located away from residential areas. |
| 9 | Community Form: Goal 2 | 1. Locate activity centers in appropriate areas in all Form Districts. Design and density should be compatible with desired form, adjacent uses, and existing and planned infrastructure. | ✓ | The proposal is located in an existing industrial activity center. |
| 10 | Community Form: Goal 2 | 5. Locate retail commercial development in activity centers where it can be demonstrated that sufficient population exists or is anticipated to support it. | NA | The proposal is not for commercial. |
| 11 | Community Form: Goal 2 | 6. Encourage a more compact development pattern in activity centers that result in efficient land use and cost-effective infrastructure investment. | ✓ | The proposal is in a workplace form adjacent to similar and like industrial uses readily served by infrastructure and transportation facilities. |
| 12 | Community Form: Goal 2 | 7. Encourage activity centers to include a mixture of compatible land uses in order to reduce traffic congestion by requiring fewer trips, support and enhance alternative modes of travel, and encourage vitality and a sense of place. | ✓ | The proposal is in a workplace form adjacent to similar and like industrial uses readily served by infrastructure and transportation facilities. |

| # | Plan 2040 Plan Element | Land Use & Development Policy | Staff Finding | Staff Analysis |
|----|---|---|---------------|--|
| 13 | Land Use & Development Goal 2: Community Form | 8. Encourage residential land uses in designated centers. Encourage residential and office uses above retail and other mixed-use multi-story retail buildings. | NA | The proposal doesn't allow for residential. |
| 14 | Community Form: Goal 2 | 9. Encourage new developments and rehabilitation of buildings that provide commercial, office and/or residential uses. | NA | The proposal does not permit residential or commercial. |
| 15 | Community Form: Goal 2 | 10. Encourage outlot development in underutilized parking lots of existing development to promote utilization of existing infrastructure provided specific criteria for elements such as location, scale, signs, parking, lighting, and landscaping are met. Outlot development shall encourage street-level retail with residential units above. | NA | The proposal is not part of a larger commercial center and is not an outlot. |
| 16 | Community Form: Goal 3 | 9. Encourage development that respects the natural features of the site through sensitive site design, avoids substantial changes to the topography, and minimizes property damage and environmental degradation resulting from disturbance of natural systems. | ✓ | The site is developed, and it would not appear to contain natural resources. |
| 17 | Community Form: Goal 3 | 10. Encourage development to avoid wet or highly permeable soils, severe, steep or unstable slopes where the potential for severe erosion problems exists in order to prevent property damage and public costs associated with soil slippage and foundation failure and to minimize environmental degradation. | ✓ | The site is developed, and it would not appear to contain natural resources. |

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|----|------------------------|---|---------------|--|
| 18 | Community Form: Goal 3 | 11. Encourage land uses within the Ohio River Corridor that are appropriate for and related to river corridor activities and that are consistent with the goals and objectives of the Ohio River Corridor Master Plan. Reserve appropriate riverfront sites such as the Upper River Road industrial area for river-related development. Allow development of commercial leisure businesses related to the river, such as boating services and restaurants in appropriate locations. Encourage new development in the Ohio River corridor and along key greenway and street connections to provide for public access in new riverfront development and to maintain views of the river from public rights-of-way. | NA | The proposal is not located in the Ohio River corridor. |
| 19 | Community Form: Goal 3 | 12. When reviewing proposed developments consider changes to flood-prone areas and other features vulnerable to natural disasters such as sinkholes and landslides. Ensure appropriate measures to protect health, safety and welfare of future users of the development. | ✓ | MSD has preliminarily approved the proposal. |
| 20 | Community Form: Goal 4 | 1. Preserve buildings, sites, districts and landscapes that are recognized as having historic or architectural value and ensure that new land uses are compatible in height, massing, scale, architecture style and placement when located within the impact area of such resources. | ✓ | The proposed site does not have any historic or cultural value. |
| 21 | Community Form: Goal 4 | 2. Encourage preservation of distinctive cultural features including landscapes, natural elements and built features. | ✓ | The proposed site does not have any historic or cultural value. |
| 22 | Mobility: Goal 1 | 4. Encourage higher densities and intensities within or near existing marketplace corridors, existing and future activity centers, and employment centers to support transit-oriented development and an efficient public transportation system. | ✓ | The proposal is in a workplace form adjacent to similar and like industrial uses readily served by infrastructure and transportation facilities. |

| # | Plan 2040 Plan Element | Land Use & Development Policy | Staff Finding | Staff Analysis |
|----|------------------------|--|---------------|--|
| 23 | Mobility: Goal 3 | 2. To improve mobility, and reduce vehicle miles traveled and congestion, encourage a mixture of compatible land uses that are easily accessible by bicycle, car, transit, pedestrians and people with disabilities. Housing should be encouraged near employment centers. | ✓ | The proposal is in a workplace form adjacent to similar and like industrial uses readily served by infrastructure and transportation facilities. |
| 24 | Mobility: Goal 3 | 3. Evaluate developments for their ability to promote public transit and pedestrian use. Encourage higher density mixed-use developments that reduce the need for multiple automobile trips as a means of achieving air quality standards and providing transportation and housing choices. | ✓ | The proposal is in a workplace form adjacent to similar and like industrial uses readily served by infrastructure and transportation facilities. |
| 25 | Mobility: Goal 3 | 4. Encourage development of walkable centers to connect different modes of travel. Siting of these multi-modal centers shall consider the effects of the following: 4.1. nodal connections identified by Move Louisville; 4.2. impact on freight routes; 4.3. time of operation of facilities; 4.4. safety; 4.5. appropriate linkages between neighborhoods and employment; and 4.6. the potential for reducing travel times and vehicle miles traveled. | ✓ | A sidewalk is proposed to begin a walkable area. |
| 26 | Mobility: Goal 3 | 5. Evaluate developments for their impact on the transportation network (including the street, pedestrian, transit, freight movement and bike facilities and services) and air quality. | ✓ | The proposal is in a workplace form adjacent to similar and like industrial uses readily served by infrastructure and transportation facilities. |
| 27 | Mobility: Goal 3 | 6. Ensure that those who propose new developments bear or share in rough proportionality the costs of transportation facilities and services made necessary by development. | ✓ | The proposal is in a workplace form adjacent to similar and like industrial uses readily served by infrastructure and transportation facilities. |

| # | Plan 2040 Plan Element | Land Use & Development Policy | Staff Finding | Staff Analysis |
|----|------------------------------|--|---------------|--|
| 28 | Mobility: Goal 3 | 9. When existing transportation facilities and services are inadequate and public funds are not available to rectify the situation, the developer may be asked to make improvements, roughly proportional to the projected impact of the proposed development, to eliminate present inadequacies if such improvements would be the only means by which the development would be considered appropriate at the proposed location. | ✓ | Transportation planning has preliminarily approved the proposal. |
| 29 | Mobility: Goal 3 | 10. Ensure that necessary improvements occur in accordance with long-range transportation plans and level of mobility criteria for all modes of travel. | ✓ | Transportation planning has preliminarily approved the proposal. |
| 30 | Community Facilities: Goal 2 | 1. Locate development in areas served by existing utilities or capable of being served by public or private utility extensions. | ✓ | All utilities should be provided as required. |
| 31 | Community Facilities: Goal 2 | 2. Ensure that all development has an adequate supply of potable water and water for fire-fighting purposes. Locate only very low-density land uses on sites that use on-lot sewage disposal systems or on a private supply of potable water. | ✓ | An adequate water supply exists for the site. |
| 32 | Community Facilities: Goal 2 | 3. Ensure that all development has adequate means of sewage treatment and disposal to protect public health and to protect water quality in lakes and streams as determined by the Metropolitan Sewer District (MSD). | ✓ | MSD has preliminarily approved the proposal. |
| 33 | Economic Development: Goal 1 | 1. Limit land uses in workplace Form Districts to compatible uses that meet the needs of the industrial subdivision or workplace district and their employees. | ✓ | The proposal is in a workplace form adjacent to similar and like industrial uses readily served by infrastructure and transportation facilities. |
| 34 | Economic Development: Goal 1 | 2. Encourage industries, to the extent possible, to locate in industrial subdivisions or adjacent to an existing industry to take advantage of special infrastructure needs. | ✓ | The proposal is in a workplace form adjacent to similar and like industrial uses readily served by infrastructure and transportation facilities. |

| # | Plan 2040 Plan Element | Land Use & Development Policy | Staff Finding | Staff Analysis |
|----|------------------------------|--|---------------|--|
| 35 | Economic Development: Goal 1 | 3. Locate commercial uses generating high volumes of traffic on a major arterial street, at the intersection of two minor arterials, or at a location with adequate access to a major arterial and at locations where nuisances and activities of the proposed use will not adversely affect adjacent areas. | NA | Commerical is not permitted with the proposal. |
| 36 | Economic Development: Goal 1 | 4. Utilize industrial sites near the airport and the Ohio River to support the growth and development of uses whose infrastructure and production needs require such a location or for land uses that support airport-oriented or river-oriented industrial uses. | NA | The proposal is not located in the Ohio River corridor. |
| 37 | Economic Development: Goal 1 | 5. Require industrial developments to locate with the appropriate transportation connectivity, near an arterial street or within existing industrial subdivisions. | ✓ | The proposal is in a workplace form adjacent to similar and like industrial uses readily served by infrastructure and transportation facilities. |
| 38 | Livability: Goal 1 | 17. Determine site susceptibility to erosion; identify the presence of on-site carbonate conditions and features that are vulnerable to site disturbance; identify the extent of existing groundwater use and the impacts of the project on groundwater resources, flow patterns, and existing and proposed surface drainage. Then mitigate potential hazards to such systems resulting from the project. | ✓ | Soil erosion does not appear to be an issue with the proposal. |
| 39 | Livability: Goal 1 | 21. Mitigate negative development impacts to the integrity of the regulatory floodplain by encouraging development patterns that minimize disturbance and consider the increased risk of more frequent flooding events. | ✓ | MSD has preliminarily approved the proposal. |
| 40 | Livability: Goal 1 | 24. Ensure, to the extent feasible, that critical facilities and those that store or use hazardous wastes are located outside the regulatory floodplain. Where essential community facilities must be located within a floodplain (e.g., pumping stations), ensure that these facilities are designed, located and operated in a manner that minimizes loss of services during flood events as well as limits, to the extent possible, floodplain disturbance. | ✓ | MSD has preliminarily approved the proposal. Two compensation basins are proposed to alleviate the impact on the floodplain. |

| # | Plan 2040 Plan Element | Land Use & Development Policy | Staff Finding | Staff Analysis |
|----|------------------------|---|---------------|---|
| 41 | Housing: Goal 1 | 2. Promote housing options and environments that support aging in place. Encourage housing for older adults and people with disabilities to be located close to shopping and transit routes and, when possible, medical and other supportive facilities. | NA | Housing is not permitted with the proposal. |
| 42 | Housing: Goal 2 | 1. Encourage inter-generational, mixed-income and mixed-use development that is connected to the neighborhood and surrounding area. | NA | Housing is not permitted with the proposal. |
| 43 | Housing: Goal 2 | 2. Locate housing within proximity to multi-modal transportation corridors providing safe and convenient access to employment opportunities, as well as within proximity to amenities providing neighborhood goods and services. Higher density, accessible residential uses should be located along transit corridors and in or near activity centers. | NA | Housing is not permitted with the proposal. |
| 44 | Housing: Goal 3 | 2. As neighborhoods evolve, discourage displacement of existing residents from their community. | NA | Housing is not permitted with the proposal. |
| 45 | Housing: Goal 3 | 3. Encourage the use of innovative methods such as clustering, mixed-use developments, co-housing, and accessory apartments to increase the production of fair and affordable housing. | NA | Housing is not permitted with the proposal. |

4. **Proposed 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. 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 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).
9. 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.
10. Applicant to install a 2-inch asphalt overlay in the area of P-11 as shown on the Pavement Evaluation Report.
11. 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.