

PLANNING COMMISSION MINUTES
April 20, 2017

PUBLIC HEARING

CASE NUMBER 16ZONE1091

Project Name:	Mason Dixon Business Park
Location:	4520 Mason Dixon Lane
Owner(s):	Mason Dixon Properties, LLC.
Applicant:	Mason Dixon Properties, LLC.
Representative(s):	Mindel, Scott & Associates, Inc.
Project Area/Size:	3.61 acres
Existing Zoning District:	R-4
Existing Form District:	SW, Suburban Workplace
Jurisdiction:	Louisville Metro
Council District:	10 – Pat Mulvihill
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.)

An audio/visual recording of the Planning Commission meeting 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.

Agency Testimony:

02:15:25 Joel Dock presented the case (see Staff Report and recording for detailed presentation).

The following spoke in favor of the request:

Raymond Bannon, Electron Drive, Louisville, KY 40299

Summary of testimony of those in favor:

02:21:10 Raymond Bannon spoke on behalf of the applicant who is requesting approval of a General District Development Plan and a change in zoning from R-4 Single-Family Residential to M-2 Industrial (see recording for detailed presentation).

02:29:47 Kathy Linares responded to questions from the Commissioners.

The following spoke neither for nor against the request:

Catherine Wallace (sp), Education Chair for the NAACP, Louisville Branch

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Summary of testimony of neutral parties:

02:30:30 Catherine Wallace (sp) spoke on behalf of the Louisville Branch of the NAACP. Her organization owns 4636 Poplar Level Road, and they are concerned that change in zoning could have a negative impact on the value of their property.

02:35:37 Commissioners' deliberation

02:43:47 Kathy Linares stated that the applicant is willing to finish the sidewalk along Produce Road, but would like to do this as the property is developed in the future.

02:45:25 On a motion by Commissioner Brown, seconded by Commissioner Tomes, the following resolution was adopted:

WHEREAS, the Louisville Metro Planning Commission finds that the rezoning constitutes appropriate land use consistent with **Guideline 1-Community Form B-10** since no structures are proposed at this time, and the rezoning is compatible with surrounding land uses; the roadway surrounding the perimeter of the property contains a mixture of commercial and industrial uses and the subject site is within an industrial center. The subject property fronts an arterial level roadway, and

WHEREAS, the Commission further finds that the rezoning constitutes appropriate land use consistent with **Guideline 3-Land Use Compatibility** since no new structures are contemplated at this time; the surrounding area constitutes a mixture of commercial and industrial uses; the subject site is within an industrial center; the rezoning change will facilitate redevelopment ; traffic will not increase as a result of the request; the rezoning will not impact lighting as no new structures are contemplated; no landscaping is required as buffers that would be required upon redevelopment will be compatible with surrounding uses; development is consistent with adjacent industrial and commercial property and property across Poplar level Road,

WHEREAS, the Commission further finds that the rezoning constitutes appropriate land use consistent with **Guideline 4-Open Space** in that no new structures are contemplated at this time and any open space requirements incidental to redevelopment of the Park will be evaluated at that time, based upon such redevelopment, and

WHEREAS, the Commission further finds that the rezoning constitutes appropriate land use consistent with **Guideline 5-Natural Areas and Scenic and Historic Resources** in that no new structures are contemplated at this time and natural features and design will be addressed in any redevelopment within the area so as to ensure that any issues related to erosion or hydric soils are appropriately mitigated in consultation with appropriate agencies, and

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WHEREAS, the Commission further finds that the rezoning constitutes appropriate land use consistent with **Guideline 6-Economic Growth and Sustainability** in that the rezoning will create a common zoning district with the Park which will facilitate development and industrial use within an existing industrial area; the Park is located along an arterial level roadway roughly one mile from Interstate-264, and

WHEREAS, the Commission further finds that the rezoning constitutes appropriate land use consistent with **Guideline 7-Circulation** in that a Right of Way is being dedicated as required; a sidewalk exists along the frontage and industrial use is supported by easy access to an interstate and public transportation corridor for employees; a drive lane through the subject site will allow for redevelopment in the Park and constitutes a primary means of access by virtue of the approval of the requested rezoning; adequate parking is available in the Park and/ or will be provided upon redevelopment of the Park, and

WHEREAS, the Commission further finds that the rezoning constitutes appropriate land use consistent with **Guideline 8-Transportation Facility Design** in that the Rezoning will facilitate future development of the Park and provide for access to an industrial site through industrial rather than residential zoning district. Future development in the Park will be evaluated based upon the requirements of the LDC and comprehensive plan, and

WHEREAS, the Commission further finds that the rezoning constitutes appropriate land use consistent with **Guideline 9-Bicycle, Pedestrian and Transit** in that a sidewalk is available along the frontage and redevelopment of the Park will trigger additional pedestrian and transportation requirements. The intensity of the use is appropriately served by transportation infrastructure, and

WHEREAS, the Commission further finds that the rezoning constitutes appropriate land use consistent with **Guideline 10-Flooding and Storm Water** in that no new structures are contemplated within the area to be rezoned at this time. As set out above, much of the area to be rezoned consists of a detention basin evidenced by a recorded easement to Metropolitan Sewer District. No disturbance of the basin is anticipated at this time. Drainage plans for the site have been approved by MSD and the rezoning mitigates negative impact to the floodplain and minimizes impervious area, and

WHEREAS, the Commission further finds that the rezoning constitutes appropriate land use consistent with **Guideline 12-Air Quality** in that the proposed rezoning has been reviewed by APCD and found not to have a negative impact on air quality, and

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WHEREAS, the Commission further finds that the rezoning constitutes appropriate land use consistent with **Guideline 13-Landscape Character** in that the Park contains a system of natural corridors that can provide habitat areas and allow for migration, and

WHEREAS, the Commission further finds that the rezoning constitutes appropriate land use consistent with Community **Guideline 14-Infrastructure** in that the Park is located in an area served by existing utilities; has access to an adequate supply of potable water and water for fire-fighting purposes (as indicated by LWC) and the proposed rezoning has adequate means of sewage treatment and disposal to protect public health and water quality in lakes and streams since no new structures or uses are anticipated at this time, and

WHEREAS, the Commission further finds that, based on the staff report, the applicant's justification, and the evidence and testimony presented today, that all of the applicable guidelines of Cornerstone 2020 are being met; now, therefore be it

RESOLVED, the Louisville Metro Planning Commission does hereby **RECOMMEND** to the Louisville Metro Count that the change in zoning from R-4 Single-Family Residential to M2 Industrial be **APPROVED**.

The vote was as follows:

Yes: Ferguson, Peterson, Smith, Tomes, Howard, Carlson, Brown, and Jarboe

Absent: Lewis

Abstain: None

No: None

02:46:05 On a motion by Commissioner Brown, seconded by Commissioner Peterson, the following resolution was adopted:

WHEREAS, the Louisville Metro Planning Commission finds that no additional natural resources appeared to be present on the subject site of the change in zoning request. The larger area of the industrial site contains natural features that will be evaluated at the time of redevelopment, and

WHEREAS, the Commission further finds that provisions for safe and efficient vehicular and pedestrian transportation within and around the development and the community has been provided. Sidewalks are present on Poplar level Road and Public Transportation is available. Interstate-264 is within close proximity providing the necessary infrastructure for industrial development, and

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WHEREAS, the Commission further finds that open space and outdoor amenities will be evaluated at the time of redevelopment of the larger industrial on which the change in zoning request is being made. The district development plan contains no proposed structures, 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 the overall site design and land uses are compatible with the surrounding area. The area surrounding the development contains a mixture of commercial and industrial uses, and the subject site is within an industrial center. The proposal will create a common zoning district on the subject site to facilitate development and industrial use of the property within a workplace form district, and

WHEREAS, the Commission further finds that the development plan conforms to applicable guidelines and policies of the Comprehensive Plan as demonstrated in the *Cornerstone 2020 Staff Review Checklist* for the change in zoning request, and

WHEREAS, the Commission further finds that, based on the staff report and the evidence and testimony presented today, that all of the applicable guidelines of Cornerstone 2020 are being met; now, therefore be it

RESOLVED, the Louisville Metro Planning Commission does hereby **APPROVE** the General District Development Plan on the **CONDITIONS** that **(1)** the sidewalk shown along Produce Road as proposed will be removed from development plan, but will be provided in the future as the site is developed and meets the threshold for sidewalks, and **(2)** right of way dedication by deed or minor plat for the requirement along Poplar Level Road frontage shall be provided prior to plan transmittal, **SUBJECT** to the following binding elements:

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.

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2. Prior to development (includes clearing and grading), the applicant, developer, or property owner shall obtain approval of a detailed district development plan in accordance with Chapter 11, Part 6. Each plan shall be in adequate detail and subject to additional binding elements.
3. No outdoor advertising signs, small freestanding signs, pennants, balloons, or banners shall be permitted on the site.
4. 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.

The vote was as follows:

Yes: Ferguson, Peterson, Smith, Tomes, Howard, Carlson, Brown, and Jarboe

Absent: Lewis

Abstain: None

No: None