

**PLANNING COMMISSION MINUTES**  
**November 1, 2018**

**PUBLIC HEARING**

**CASE NO. 18ZONE1023**

Request: Change in zoning and form district from C-1 to C-2 for contractor's shop  
Project Name: 5401 Valley Station Road  
Location: 5401 Valley Station Road  
Owner: A1 Sewer and Drain  
Applicant: A1 Sewer and Drain  
Representative: Thoroughbred Engineering  
Jurisdiction: Louisville Metro  
Council District: 25 – David Yates

**Case Manager: Joel Dock, 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. (The staff report is part of the case file maintained in Planning and Design Services offices, 444 S. 5th Street.)

**Agency Testimony:**

01:43:35 Joel Dock presented the case and showed a Power Point presentation (see staff report and recording for detailed presentation.)

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

Jeremy Duncan, 110 East Main Street, Georgetown, KY 40524

**Summary of testimony of those in support:**

01:46:08 Jeremy Duncan, the applicant's representative, presented the applicant's case (see recording for detailed presentation.)

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

No one spoke.

**Rebuttal:**

There was no rebuttal, since no one spoke in opposition.

**PLANNING COMMISSION MINUTES**  
**November 1, 2018**

**PUBLIC HEARING**

**CASE NO. 18ZONE1023**

**Deliberation:**

01:47:25 Commissioners' 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.**

**Change in zoning from C-1 to C-2, Commercial**

01:48:42 On a motion by Commissioner Carlson, seconded by Commissioner Howard, the following resolution, based on the Standard of Review and Staff Analysis, the Cornerstone 2020 Staff Checklist and evidence and testimony heard today, was adopted:

**WHEREAS**, the Louisville Metro Planning Commission finds that the proposal meets the intents of Guideline 1: Community Form because the proposed district is consistent with existing development in the area, which consists of auto-centric higher intensity uses; pedestrian accommodations are not required for this application and the use is a non-retail commercial use that is gated from the public; the proposal includes the reuse of an existing facility and uses an existing curb-cut; the proposal is of a medium to high intensity and is consistent with surrounding districts and uses. The R-4 district to the rear of the property is a religious institution; and the proposal is located within the boundaries of the existing SMC form district; and

**WHEREAS**, the Commission further finds that the proposal meets the intents of Guideline 2: Centers because The proposal will not create a new center, is located in the SMC form, and includes the reuse of an existing facility; the proposed districts allows for retail commercial development. The use is a non- retail commercial use; the proposed development is compact and results in an efficient land use pattern and cost-effective infrastructure investment as the proposal includes the reuse of an existing facility and parking; the proposal will not create a new center, is not required to provide pedestrian accommodations, includes the reuse of an existing facility, and does not negatively impact the existing character of the area; the proposed zoning district does not prevent the incorporation of residential and office uses above retail and/or includes other mixed-use, multi-story retail buildings; the proposed use is minimal in scale and reuses existing facilities; an existing curb-cut is being utilized, the use is gated from the public, and is a non-retail commercial use; utilities appear to be existing infrastructure;

**PLANNING COMMISSION MINUTES**  
**November 1, 2018**

**PUBLIC HEARING**

**CASE NO. 18ZONE1023**

and easy access for automobiles is provided. Pedestrian accommodations are not required for this application and the use is a non-retail commercial use that is gated from the public; and

**WHEREAS**, the Commission further finds that the proposal meets the intents of Guideline 3: Compatibility because no changes to the existing building have been proposed; the proposal does not constitute a non-residential expansion into an existing residential area as the majority of the abutting districts are commercial and all surrounding uses are non-residential. The area contains a mixture of medium to high intensity districts; the proposal mitigates any potential odor or emissions associated with the development as all components of the use are required to be indoors; the proposed use is a low traffic generator; the districts would be appropriately located in the event of expansion to support an increase in traffic as it is located along an arterial roadway; the proposal mitigates adverse impacts of its lighting on nearby properties, and on the night sky as lighting will comply with LDC 4.1.3.; the proposed district is located along an arterial roadway; the proposal provides appropriate transitions between uses that are substantially different in scale and intensity as abutting uses are similar in intensity or are not adversely impacted; the proposal mitigates the impacts caused when incompatible developments unavoidably occur adjacent to one another as development is compatible; setbacks, lot dimensions and building heights are compatible with those of nearby developments that meet form district standard as existing facilities are being repurposed; parking, loading and delivery areas located adjacent to residential areas are designed to minimize adverse impacts of lighting, noise and other potential impacts, and that these areas are located to avoid negatively impacting motorists, residents and pedestrians as parking areas are located near the street frontage, but are gated from the public; the facility does not require additional provisions for screening as no expanded structures or parking is being provided; there is not proposed parking garage; and signage will be compliant with LDC, Ch.8; and

**WHEREAS**, the Commission further finds that the proposal meets the intents of Guideline 4: Open Space because there are no open space requirements with this proposal and there are no natural features on-site; and

**WHEREAS**, the Commission further finds that the proposal meets the intents of Guideline 5: Natural Areas and Scenic and Historic Resources because There are no natural features on-site; the proposal includes the preservation, use or adaptive reuse of buildings; and the proposed district does not impact wet or highly permeable soils, severe, steep or unstable slopes with the potential for severe erosion; and

**WHEREAS**, the Commission further finds that the proposal meets the intents of Guideline 6: Economic Growth and Sustainability because the proposal is not located

**PLANNING COMMISSION MINUTES**  
**November 1, 2018**

**PUBLIC HEARING**

**CASE NO. 18ZONE1023**

downtown; this proposal is not industrial use; the proposed district is located along an arterial road. The proposed use is a non-retail commercial use; and this proposal is not industrial use and proposes 7 employees; and

**WHEREAS**, the Commission further finds that the proposal meets the intents of Guideline 7: Circulation because the proposal will contribute its proportional share of the cost of roadway improvements and other services and public facilities made necessary by the development through physical improvements to these facilities, contribution of money, or other means; pedestrian accommodations are not required for this application and the use is a non-retail commercial use that is gated from the public; the proposal's transportation facilities are compatible with and support access to surrounding land uses, and contribute to the appropriate development of adjacent lands as existing facilities are being reused; additional right-of-way was not required for the proposal; parking is sufficient to serve the use; and cross-connectivity was not required and would not be appropriate at this time as the proposal is currently for a non-retail use that does not serve the public; and

**WHEREAS**, the Commission further finds that the proposal meets the intents of Guideline 8: Transportation Facility Design because this proposal is located on an existing roadway network and is not creating any new roadways; access is from existing commercial areas of similar intensity; and this proposal is located on an existing roadway network that is sufficient; and

**WHEREAS**, the Commission further finds that the proposal meets the intents of Guideline 9: Bicycle, Pedestrian and Transit because pedestrian accommodations are not required for this application and the use is a non-retail commercial use that is gated from the public; and

**WHEREAS**, the Commission further finds that the proposal meets the intents of Guideline 10: Flooding and Stormwater because the proposal's drainage plans have been approved by MSD; and

**WHEREAS**, the Commission further finds that the proposal meets the intents of Guideline 12: Air Quality 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 intents of Guideline 13: Landscape Character because this area is highly developed and there are no existing natural corridors; and

**PLANNING COMMISSION MINUTES**  
**November 1, 2018**

**PUBLIC HEARING**

**CASE NO. 18ZONE1023**

**WHEREAS**, the Commission further finds that the proposal meets the intents of Guideline 14: Infrastructure because the proposal is located in an area served by existing utilities or planned for utilities; the proposal has access to an adequate supply of potable water and water for fire- fighting purposes; and the proposal's drainage plans have been approved by MSD; now, therefore be it

**RESOLVED**, the Louisville Metro Planning Commission does hereby **RECOMMEND** to the Louisville Metro Council that the proposed Change in zoning from C-1 to C-2, Commercial on property described in the attached legal description be **APPROVED**.

**The vote was as follows:**

**YES: Commissioners Peterson, Robinson, Tomes, Daniels, Howard, Carlson, and Jarboe.**

**NOT PRESENT: Commissioners Lewis, Smith, and Brown.**

**Detailed District Development Plan**

01:49:24 On a motion by Commissioner Carlson, seconded by Commissioner Howard, the following resolution, based on the Standard of Review and Staff Analysis, and evidence and testimony heard today, was adopted:

**WHEREAS**, the Louisville Metro Planning Commission finds that the subject site does not appear to contain any significant natural resources and existing facilities will be reused; 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 as the proposal does not require pedestrian accommodations and is gated from the public. No significant improvements are proposed and the use is a non-retail commercial use which does not necessitate customer interaction; 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 not required; and

**WHEREAS**, the Commission further finds that the Metropolitan Sewer District has approved the preliminary development plan and will ensure the provision of adequate

**PLANNING COMMISSION MINUTES**  
**November 1, 2018**

**PUBLIC HEARING**

**CASE NO. 18ZONE1023**

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 existing and future development of the area as surrounding uses are similar in intensity; and

**WHEREAS**, the Commission further finds that the development plan conforms to applicable guidelines and policies of the Comprehensive Plan as the proposal will not create a new center and is located within the existing boundaries of the SMC form district. It includes the reuse of an existing facility. Pedestrian accommodations are not required for this application and the use is a non-retail commercial use at a minimal scale that is gated from the public. An existing curb-cut is being utilized. The proposal is located along an arterial roadway; now, therefore be it

**RESOLVED**, the Louisville Metro Planning Commission does hereby **APPROVE** the requested 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. Before any permit (including but not limited to building, parking lot, change of use, site disturbance, alteration permit or demolition permit) is requested:
  - a. The development plan must receive full construction approval from Louisville Metro Department of Codes and Regulations Construction Permits and Transportation Planning Review and the Metropolitan Sewer District.
  - b. Encroachment permits must be obtained from the Kentucky Department of Transportation, Bureau of Highways.

**PLANNING COMMISSION MINUTES**  
**November 1, 2018**

**PUBLIC HEARING**

**CASE NO. 18ZONE1023**

4. 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.
5. 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: Commissioners Peterson, Robinson, Tomes, Daniels, Howard, Carlson, and Jarboe.**

**NOT PRESENT: Commissioners Lewis, Smith, and Brown.**