

**MINUTES OF THE MEETING
OF THE
LOUISVILLE METRO PLANNING COMMISSION
December 7, 2017**

A meeting of the Louisville Metro Planning Commission was held on December 7, 2017 at 1:00 p.m. at the Old Jail Building, located at 514 W. Liberty Street, Louisville, Kentucky.

Commission members present:

Vince Jarboe – Chair
Marilyn Lewis – Vice Chair
Jeff Brown
Lula Howard
Laura Ferguson
David Tomes – arrived approximately 1:39 p.m.
Emma Smith

Commission members absent:

Rich Carlson
Ramona Lindsey
Rob Peterson

Staff Members present:

Emily Liu, Director, Planning and Design Services
Joseph Reverman, Assistant Director, Planning and Design Services
Brian Davis, Planning and Design Manager
Laura Mattingly, AICP, Planner II
Joel Dock, Planner II
Jay Lockett, Planner I
John Carroll, Legal Counsel
Travis Fiechter, Legal Counsel
Pamela M. Brashear, Management Assistant

The following matters were considered:

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APPROVAL OF MINUTES

NOVEMBER 16, 2017 PLANNING COMMISSION REGULAR MEETING MINUTES

On a motion by Commissioner Howard, seconded by Commissioner Smith, the following resolution was adopted.

RESOLVED, that the Planning Commission does hereby **APPROVE** the minutes of its meeting conducted on November 16, 2017.

The vote was as follows:

YES: Commissioners Brown, Ferguson, Howard, Smith and Jarboe

NOT PRESENT FOR THIS CASE: Commissioners Carlson, Lindsey, Peterson and Tomes

ABSTAINING: Commissioner Lewis

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CONSENT AGENDA

2018 Meeting Calendar

Request: Adopt 2018 Meeting Calendar
Staff Case Manager: **Brian Davis, Manager, AICP**

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

00:11:39 Mr. Davis discussed the proposed 2018 meeting dates and explained some of the changes.

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 Lewis, the following resolution was adopted.

RESOLVED, that the Louisville Metro Planning Commission does hereby **APPROVE** the 2018 public meeting dates for the Development Review Committee, Land Development and Transportation and the Planning Commission.

The vote was as follows:

YES: Commissioners Brown, Ferguson, Howard, Lewis, Smith and Jarboe
NOT PRESENT AND NOT VOTING: Commissioners Carlson, Lindsey, Peterson and Tomes

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CONSENT AGENDA

CASE NO. 17STREETS1025

Request: Street Closure
Project Name: Rama Road
Location: Rama Road, West of Venkata Way
Owner: Louisville Metro

Applicant: Latha Arla
1402 Hadleigh Place
Louisville, Ky. 40222

Representative: Kathy Linares
Mindel Scott and Associates
5151 Jefferson Boulevard
Louisville, Ky. 40219

Jurisdiction: Louisville Metro
Council District: 16 – Scott Reed
Case Manager: Jay Lockett, Planner I

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

00:14:48 Mr. Lockett stated the 4 adjacent property owners have given notarized consent to close a cul-de-sac and record it as a private access and public utility easement.

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 Brown, seconded by Commissioner Smith, the following resolution was adopted.

WHEREAS, this proposal is to close Rama Road as a public road and replacing it with a 50' private access, public utility, sanitary sewer and drainage easement. Access will continue to be provided to each of the lots that abut the road and the existing utilities shall remain in an easement; and

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WHEREAS, the Louisville Metro Planning Commission finds, the request to close the right-of-way is in compliance with the Goals, Objectives and Plan Elements of the Comprehensive Plan as Guideline 7, Policy 1 provides that those who propose new developments bear or reasonably share in the costs of the public facilities and services made necessary by development; Guideline 7, Policy 6 strives to ensure that transportation facilities of new developments are compatible with and support access to surrounding land uses and contribute to the appropriate development of adjacent lands; Guideline 7, Policy 9 provides that the Planning Commission or legislative body may require the developer to dedicate right-of-way for street, transit corridors, bikeway and walkway facilities within or abutting the development as set forth in the Land Development Code and/or an adopted urban mobility plan; and Guideline 14, Policy 7 provides that the design and location of utility easements provide access for maintenance and repair and to minimize negative visual impacts. Any cost associated with the right-of-way to be closed will be the responsibility of the applicant or developer. Adequate public facilities are available to serve existing and future needs of the community. Any facility required to be placed in an easement or relocated will be done so by the developer. Transportation facilities have been provided to accommodate future access and to not dispossess property owners of public access. All adjacent residential lands maintain access to public infrastructure and utility services will continue to be provided to these lands; and

WHEREAS, the Louisville Metro Planning Commission further finds adequate public facilities are available to serve existing and future needs of the community. No property adjacent or abutting the right-of-ways to be closed will be left absent of public facilities or services, or be dispossessed of public access to their property. Where existing or proposed utilities are located within the right-of-way to be closed, it shall be retained as an easement. Any cost associated with the right-of-way to be closed will be the responsibility of the applicant or developer, including the cost of improvements to those right-of-way and adjacent rights-of-way.

RESOLVED, that the Louisville Metro Planning Commission does hereby **RECOMMEND** that the Louisville Metro Council **APPROVE** the street closure request.

The vote was as follows:

YES: Commissioners Brown, Ferguson, Howard, Lewis, Smith and Jarboe
NOT PRESENT AND NOT VOTING: Commissioners Carlson, Lindsey, Peterson and Tomes

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PUBLIC HEARING

CASE NO. 17STREETS1016

Request: Street Closure
Project Name: David McKinley Road Closure
Location: 4121 Billtown Road
Owner: Louisville Metro

Applicant: MRC Development Group
Brian Wimsatt
10323 Linn Station Road
Louisville, Ky. 40223

Representative: Milestone Design
Rick Williamson
108 Daventry Lane, Suite 300
Louisville, Ky. 40223

Jurisdiction: Louisville Metro
Council District: 20 – Stuart Benson
Case Manager: Jay Lockett, Planner I

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:

00:17:50 Mr. Lockett discussed the case summary, standard of review and staff analysis from the staff report.

The following spoke in favor of this request:

Rick Williamson, 108 Daventry Lane, Louisville, Ky. 40223

Summary of testimony of those in favor:

00:20:46 Mr. Williamson is the surveyor and here to answer questions.

The following spoke in opposition to this request:

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No one.

Deliberation

00:21:10 Commissioner Howard suggests the trees and fence (if there is a fence) be protected and to remain as is.

Commissioner Lewis stated, "Since there's no opposition, I don't have a problem with it."

Commissioner Smith stated the proposal is in order and housing is needed.

Commissioner Ferguson said the closure is appropriate.

Chair Jarboe remarked, "It's great to see they're going to meet the requirements with existing trees instead of planting new ones. That's always a plus."

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 Brown, seconded by Commissioner Lewis, the following resolution was adopted.

WHEREAS, adequate public facilities are available to serve existing and future needs of the community. The proposed closures do not result in an increase in demand on public facilities or services as utility agencies have coordinated with the applicant and/or applicant's representative and Planning and Design Services staff to ensure that facilities are maintained or relocated through agreement with the developer. No property adjacent or abutting the rights-of-way to be closed will be left absent of public facilities or services, or be dispossessed of public access to their property; and

WHEREAS, any cost associated with the rights-of-way to be closed will be the responsibility of the applicant or developer, including the cost of improvements to those rights-of-way and adjacent rights-of-way, or the relocation of utilities and any additional agreement reached between the utility provider and the developer; and

WHEREAS, the Louisville Metro Planning Commission finds, the request to close multiple rights-of-way is in compliance the Goals, Objectives and Plan Elements of the Comprehensive Plan as Guideline 7, Policy 1 provides that those who propose new developments bear or reasonably share in the costs of the public facilities and services

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made necessary by development; Guideline 7, Policy 6 strives to ensure that transportation facilities of new developments are compatible with and support access to surrounding land uses, and contribute to the appropriate development of adjacent lands; Guideline 7, Policy 9 provides that the Planning Commission or legislative body may require the developer to dedicate rights-of-way for street, transit corridors, bikeway and walkway facilities within or abutting the development as set forth in the Land Development Code and/or an adopted urban mobility plan; Guideline 8, Policy 8 states that Adequate street stubs for future roadway connections that support access and contribute to appropriate development of adjacent lands should be provided by new development and redevelopment; and Guideline 14, Policy 7 provides that the design and location of utility easements provide access for maintenance and repair and to minimize negative visual impacts. Any cost associated with the rights-of-way to be closed will be the responsibility of the applicant or developer. Adequate public facilities are available to serve existing and future needs of the community. Any facility required to be placed in an easement or relocated will be done so by the developer. Transportation facilities have been provided to accommodate future access and to not dispossess property owners of public access. All adjacent residential lands maintain access to public infrastructure and utility services will continue to be provided to these lands; and

WHEREAS, the Louisville Metro Planning Commission further finds there are no other relevant matters to be considered by the Planning Commission.

RESOLVED, that the Louisville Metro Planning Commission does hereby **RECOMMEND**, to the city of Jeffersontown, to **APPROVE** the street closure request.

The vote was as follows:

YES: Commissioners Brown, Ferguson, Howard, Lewis, Smith and Jarboe
NOT PRESENT AND NOT VOTING: Commissioners Carlson, Lindsey, Peterson and Tomes

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PUBLIC HEARING

CASE NO. 16ZONE1089

Request: Change in Zoning from R-4, Single-Family Residential to C-2, Commercial with a conditional use permit for mini-warehouse and detailed district development plan

Project Name: Mini-Storage

Location: 4900 South Hurstbourne Parkway

Owner: MALDS, LLC.
3103 Lakeview Drive
Louisville, Ky. 40205

Applicant: Luke Williams
1128 South Park Drive
Bowling Green, Ky. 42103

Representative: Bardenwerper, Talbott, & Roberts, PLLC
Bill Bardenwerper
1000 North Hurstbourne Parkway, 2nd floor
Louisville, Ky. 40223

Jurisdiction: Louisville Metro

Council District: 22 – Robin Engel

Case Manager: Joel Dock, Planner II

NOTE: COMMISSIONER TOMES ARRIVED APPROXIMATELY 1:39 AND DID VOTE ON THIS CASE

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:

00:23:48 Mr. Dock discussed the case summary, standard of review and staff analysis from the staff report.

The following spoke in favor of this request:

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Nick Pregliasco, Bardenwerper, Talbott and Roberts, 1000 North Hurstbourne Parkway, 2nd floor, Louisville, Ky. 40223

Summary of testimony of those in favor:

00:31:11 Mr. Pregliasco gave a power point presentation. The request for a C-2 with a conditional use permit was suggested (in prior cases) by staff because C-M is more intense and allows more uses.

00:49:17 Ms. Liu stated there is a significant increase in mini-warehouse. In the past they were situated near industrial areas. "In order to be more compatible in an urban setting or close to residential areas, we feel C-2 with a CUP is a better zoning classification for mini-warehouses. Although, traditionally in the past we would go the C-M route, C-M also allows all M-1 uses so that's why we started to look at it differently."

The following spoke in opposition to this request:

No one.

Deliberation

00:51:35 Planning Commission deliberation.

Commissioner Tomes stated mini-warehouses are a needed use and low impact. Also, the design of the mini-warehouses seems to be getting better. "It goes against good planning practices to only allow these in manufacturing or industrial zones because it's quite often the residents using it. Those zones are pretty far away from residential areas."

Commissioner Howard remarked, "To me this is introducing commercial use on a highway that does not have activity for commercial uses. Also, I don't agree with, 'just because a site is zoned C-2 directly across the street does not make it an activity center'. It's not needed at this location."

Commissioner Brown stated the appropriateness for the C-2 zone and use are up for debate.

Commissioner Lewis stated the lay of this lot is the best suited for the proposal because it's very steep and a good portion of the land will not be used.

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Commissioner Smith stated it's a mixed use area and doesn't feel it's incompatible. There is a need for the mini-warehouse.

Commissioner Ferguson stated the proposed use is complimentary to the area. The issue is the conditional use permit and how it fits with Cornerstone 2020 at this time.

Chair Jarboe stated it's not activity center, but it has to start somewhere.

Commissioner Tomes stated the site is not going to be a good R-4 site (too steep) anymore.

Commissioner Howard stated, "The Neighborhood Form District calls for centers to be located at street intersections with one of the corners containing an established non-residential use. This is not at an intersection."

01:08:45 Mr. Davis said 49.93% of existing tree canopy will be remain.

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

On a motion by Commissioner Brown, seconded by Commissioner Tomes, the following resolution based on the applicant's finding of fact and the testimony heard today was adopted.

WHEREAS, the subject property is located in the Suburban Neighborhood Form District, which is characterized by predominantly low to high density residential uses but which may contain appropriately located and integrated neighborhood centers with a mixture of mostly neighborhood – serving uses. What this infers is that a very well screened and buffered self-storage facility along a major arterial is appropriate in a form district such as this because, among other things, it serves the neighborhood; and

WHEREAS, the proposed project complies with all of the applicable Intents and Policies 1,2,3,4, 5, 7, 8, 11, 13, 14, and 16 of Guideline 2 for these reasons:
This is an existing small activity center, because it includes the recently constructed Morning Pointe Senior Living facility and another parcel rezoned C-2 across Hurstbourne Parkway for a proposed car lot, with the current proposed development of similar intensity as the adjoining uses and designed to serve the nearby neighborhoods as there are many residences near Hurstbourne Parkway and Bardstown Road to

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support this facility. The newly constructed senior living facility across Hurstbourne Parkway will benefit from their utilization of the proposed new storage facility because the senior residents are often downsizing to enter the facility and the residents and their families need storage space. There are not many mini-storage facilities in the area and as an underserved area this facility promotes an efficient use of land and investment in existing infrastructure, including the extension of Hurstbourne Parkway to this area, and utilizes utilities already available to the site. The recent Kentucky Transportation Cabinet improvements in front of this site, including a median cut and left turn lane into this site and a left turn lane into the adjoining C-2 property rezoned for a car lot provide additional infrastructure that otherwise would never been used in its current undeveloped state. The proposed development also keeps commuting time between the nearby residents and storage facilities short, brings a diversity of services to the area on a lot that is not suited for most retail development because of the elevation fall from Hurstbourne Parkway reducing visibility necessary for many uses.

This is a small Neighborhood activity center where mixed activities already exist, and the nonresidential nature of this use adds to that mix in an already existing small activity center where a sufficient support population clearly exists in the general area due to the residential subdivisions along Hurstbourne Parkway and Bardstown Road, these Policies of this Guideline are also served. Hurstbourne Parkway is a major arterial and the proposed storage facility buildings are located Hurstbourne Parkway will only view the project if looking for it. The project will provide a stub connection to the adjoining property owned by the Archdiocese of Louisville for use when it is utilized by the Archdiocese, benefitting the Archdiocese who would also be able to use the recently constructed full cut and turn lanes on Hurstbourne Parkway; and

WHEREAS, the proposed project complies with all of the applicable Intents and Policies 1,2,4, 5, 6, 7, 8,9, 12, 19,20,21,22,23,24, and 28 of Guideline 3 for these reasons.

This new storage facility use adds to the mixture of land uses in the immediate area and to the developing area along Hurstbourne Parkway and Bardstown Road and does not involve any known nuisances, as the adjoining properties, with the exception of the residential home to the North, are all wooded and vacant, or otherwise rezoned for development. Prior to filing the application, the applicant met with the property owner to the North and added substantial screening and buffering through landscaping and increasing the distance for the first proposed building to the neighbor's property confirming this addressed the neighbor's concerns. Further, due to the significant elevation drop falling away from Hurstbourne Parkway, most of the buildings will not be visible from Hurstbourne Parkway; and

The proposed development plan has been designed to increase the distance from Hurstbourne Parkway and provide additional screening and landscaping. As a storage facility use, it does not involve odors, create traffic or noise, involve unusual lighting or create unacceptable aesthetic impacts. The proposed self-storage facility will be LDC

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design-compliant, including building materials which are evident within the area and facade treatments that break up the building and make it appropriate at the street level where it is located. It will not involve the storage of hazardous materials. The screening, buffering, and drop in elevation assure that the little parking and small loading areas proposed do not have adverse aesthetic impacts on the properties across Hurstbourne Parkway. Also, it will not involve noise nor more than security lighting, and visually, because it will comply with design criteria of the LDC, it will not have negative aesthetic impacts. Further, the site has been designed taking into account required transitions, buffers, setbacks, and landscaping, as well as signage that is LDC compliant; and

WHEREAS, this application complies with the applicable Intents and applicable Policies 1 and 6 of this Guideline as follows. The proposed development leaves the entire southern portion of the property, which includes a stream, to remain wooded and in its natural state, with the developed portion approximately 360 feet from the southern property line. In preserving this area and the preserving the trees along the east and west property lines, the proposed development will provide more than 50% tree canopy, far more than the 15% LDC required tree canopy. Further, by locating the development away from the southern edge of the property, the development will stay away from the portion of the property with wet and permeable soils and steep slopes; and

WHEREAS, this application complies with the applicable Intents and applicable Policies 1, 2, and 6 of this Guideline as follows. Hurstbourne Parkway and Bardstown Road are expanding commercial corridors evidenced by the recent senior living development across the street. As such, this is a workplace area and thus, although not employing a significant number of people, contributes to the economic health of businesses by addressing their storage needs. Also, as noted above Guideline 2, in an activity center mixed desirable uses are recommended, and will address the storage needs of the area. One of the reasons for that is because Hurstbourne Parkway has a lot of businesses that require storage and is also in close proximity to lots of residential users. The fact that Hurstbourne Parkway is a major arterial, also allows easy access to those that commute along this road; and

WHEREAS, this application complies with the applicable Intents and applicable Policies 1, 2, 4, 5, 6, 8, 9, 10,12,13,14,15 and 16 of Guidelines 7, Applicable Policies 1,8,9,10, and 11 of Guideline 8 and Applicable Policy 1 of Guideline 9 as follows. Most importantly, as a very low traffic-generating use, the proposed self-storage facility will not add to the existing traffic along Hurstbourne Parkway in this area and can reduce traffic being on a road used for many commuters on a daily basis and in close proximity to the nearby residences. As stated, the recent median cut and turn lanes constructed in front of this property result in already installed public infrastructure for this intended use. The existing sidewalk along Hurstbourne Parkway will be reconstructed and

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repaired providing continued pedestrian access. The required right of way for this site has already been dedicated, but any additional right of way required will be dedicated. Further, the development will provide a stub connection providing cross access should the property owned by the Archdiocese ever develop. The proposal also provides more than the required parking for the use.

Access to the site will be designed in accordance with Metro Public Works and Transportation Planning, as well as the Kentucky Transportation Cabinet, requirements with respect to corner clearances, driveway design and so on. This not being a pedestrian or transit used development, it is not really designed with those types of transportation in mind, although sidewalks along its frontage will be provided; and

WHEREAS, the application complies with the applicable Intents and applicable Policies 1,2,3, 7, 10 and 11 of Guideline 10 and applicable Intents and applicable Policies 3 and 5 of Guideline 11 as follows. As usual, storm water will need to be accommodated on site, thus there will be detention provided through a proposed detention basin. The normal requirement is that post-development peak rates of stormwater run-off may not exceed pre-development peak rates. Also, MSD now has soil erosion and sediment control plus water quality ordinances that must be complied with at times of construction plan approval, and they will be; and

WHEREAS, this application complies with the applicable Intents and the applicable Policies 1, 4, 6, 8 and 9 of this Guideline as follows. As explained above, this being as it is a low traffic-generating use, it will not contribute to air quality problems. Instead, this low traffic generating use will tend to help alleviate that problem, as opposed to high traffic generators that that would contribute to same, as well as reduce traffic by providing this use along an easily accessible major arterial and near the support population. Also the sidewalks along the frontage will be reconstructed and repaired; and

WHEREAS, the Louisville Metro Planning Commission finds this application complies with the applicable Intent and applicable Policies 1, 2, 4, 5, and 6 of this Guideline as follows. The LDC includes requirements for both interior and perimeter landscaping, which will be provided. As stated, in preserving the southern portion of the property and preserving the trees along the east and west property lines, the proposed development will provide more than 50% tree canopy, far more than the 15% LDC required tree canopy. All of the requirements of the LDC in this regard will be met; and

WHEREAS, the Louisville Metro Planning Commission further finds for all of the reasons explained at LD&T and the Planning Commission public hearing and also in the public hearing exhibit books on the Detailed District Development Plan and Conditional Use Permit site plan accompanying this application and in accordance with evidence

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presented at Planning Commission public hearings, this application will comply with all other applicable Guidelines and Policies of the Cornerstone 2020 Comprehensive Plan.

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: Commissioners Brown, Ferguson, Lewis, Smith, Tomes and Jarboe

NO: Commissioner Howard

NOT PRESENT AND NOT VOTING: Commissioners Carlson, Lindsey and Peterson

Conditional Use Permit for mini-warehouse, Land Development Code, section 4.2.35

On a motion by Commissioner Brown, seconded by Commissioner Tomes, the following resolution based on the applicant's finding of facts, testimony heard today and the conditional use permit does comply with the 7 specific standards outlined in Chapter 4 of the Land Development Code for mini-warehouses in a C-2 district was adopted.

WHEREAS, the subject property is located in the Suburban Neighborhood Form District, which is characterized by predominantly low to high density residential uses but which may contain appropriately located and integrated neighborhood centers with a mixture of mostly neighborhood – serving uses. What this infers is that a very well screened and buffered self-storage facility along a major arterial is appropriate in a form district such as this because, among other things, it serves the neighborhood; and

WHEREAS, the proposed project complies with all of the applicable Intents and Policies 1,2,3,4, 5, 7, 8, 11, 13, 14, and 16 of Guideline 2 for these reasons:

This is an existing small activity center, because it includes the recently constructed Morning Pointe Senior Living facility and another parcel rezoned C-2 across Hurstbourne Parkway for a proposed car lot, with the current proposed development of similar intensity as the adjoining uses and designed to serve the nearby neighborhoods as there are many residences near Hurstbourne Parkway and Bardstown Road to support this facility. The newly constructed senior living facility across Hurstbourne Parkway will benefit from their utilization of the proposed new storage facility because the senior residents are often downsizing to enter the facility and the residents and their

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families need storage space. There are not many mini-storage facilities in the area and as an underserved area this facility promotes an efficient use of land and investment in existing infrastructure, including the extension of Hurstbourne Parkway to this area, and utilizes utilities already available to the site. The recent Kentucky Transportation Cabinet improvements in front of this site, including a median cut and left turn lane into this site and a left turn lane into the adjoining C-2 property rezoned for a car lot provide additional infrastructure that otherwise would never been used in its current undeveloped state. The proposed development also keeps commuting time between the nearby residents and storage facilities short, brings a diversity of services to the area on a lot that is not suited for most retail development because of the elevation fall from Hurstbourne Parkway reducing visibility necessary for many uses.

This is a small Neighborhood activity center where mixed activities already exist, and the nonresidential nature of this use adds to that mix in an already existing small activity center where a sufficient support population clearly exists in the general area due to the residential subdivisions along Hurstbourne Parkway and Bardstown Road, these Policies of this Guideline are also served. Hurstbourne Parkway is a major arterial and the proposed storage facility buildings are located Hurstbourne Parkway will only view the project if looking for it. The project will provide a stub connection to the adjoining property owned by the Archdiocese of Louisville for use when it is utilized by the Archdiocese, benefitting the Archdiocese who would also be able to use the recently constructed full cut and turn lanes on Hurstbourne Parkway; and

WHEREAS, the proposed project complies with all of the applicable Intents and Policies 1,2,4, 5, 6, 7, 8,9, 12, 19,20,21,22,23,24, and 28 of Guideline 3 for these reasons. This new storage facility use adds to the mixture of land uses in the immediate area and to the developing area along Hurstbourne Parkway and Bardstown Road and does not involve any known nuisances, as the adjoining properties, with the exception of the residential home to the North, are all wooded and vacant, or otherwise rezoned for development. Prior to filing the application, the applicant met with the property owner to the North and added substantial screening and buffering through landscaping and increasing the distance for the first proposed building to the neighbor's property confirming this addressed the neighbor's concerns. Further, due to the significant elevation drop falling away from Hurstbourne Parkway, most of the buildings will not be visible from Hurstbourne Parkway; and

The proposed development plan has been designed to increase the distance from Hurstbourne Parkway and provide additional screening and landscaping. As a storage facility use, it does not involve odors, create traffic or noise, involve unusual lighting or create unacceptable aesthetic impacts. The proposed self-storage facility will be LDC design-compliant, including building materials which are evident within the area and facade treatments that break up the building and make it appropriate at the street level where it is located. It will not involve the storage of hazardous materials. The screening,

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buffering, and drop in elevation assure that the little parking and small loading areas proposed do not have adverse aesthetic impacts on the properties across Hurstbourne Parkway. Also, it will not involve noise nor more than security lighting, and visually, because it will comply with design criteria of the LDC, it will not have negative aesthetic impacts. Further, the site has been designed taking into account required transitions, buffers, setbacks, and landscaping, as well as signage that is LDC compliant; and

WHEREAS, this application complies with the applicable Intents and applicable Policies 1 and 6 of this Guideline as follows. The proposed development leaves the entire southern portion of the property, which includes a stream, to remain wooded and in its natural state, with the developed portion approximately 360 feet from the southern property line. In preserving this area and the preserving the trees along the east and west property lines, the proposed development will provide more than 50% tree canopy, far more than the 15% LDC required tree canopy. Further, by locating the development away from the southern edge of the property, the development will stay away from the portion of the property with wet and permeable soils and steep slopes; and

WHEREAS, this application complies with the applicable Intents and applicable Policies 1, 2, and 6 of this Guideline as follows. Hurstbourne Parkway and Bardstown Road are expanding commercial corridors evidenced by the recent senior living development across the street. As such, this is a workplace area and thus, although not employing a significant number of people, contributes to the economic health of businesses by addressing their storage needs. Also, as noted above Guideline 2, in an activity center mixed desirable uses are recommended, and will address the storage needs of the area. One of the reasons for that is because Hurstbourne Parkway has a lot of businesses that require storage and is also in close proximity to lots of residential users. The fact that Hurstbourne Parkway is a major arterial, also allows easy access to those that commute along this road; and

WHEREAS, this application complies with the applicable Intents and applicable Policies 1, 2, 4, 5, 6, 8, 9, 10,12,13,14,15 and 16 of Guidelines 7, Applicable Policies 1,8,9,10, and 11 of Guideline 8 and Applicable Policy 1 of Guideline 9 as follows. Most importantly, as a very low traffic-generating use, the proposed self-storage facility will not add to the existing traffic along Hurstbourne Parkway in this area and can reduce traffic being on a road used for many commuters on a daily basis and in close proximity to the nearby residences. As stated, the recent median cut and tum lanes constructed in front of this property result in already installed public infrastructure for this intended use. The existing sidewalk along Hurstbourne Parkway will be reconstructed and repaired providing continued pedestrian access. The required right of way for this site has already been dedicated, but any additional right of way required will be dedicated. Further, the development will provide a stub connection providing cross access should

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the property owned by the Archdiocese ever develop. The proposal also provides more than the required parking for the use.

Access to the site will be designed in accordance with Metro Public Works and Transportation Planning, as well as the Kentucky Transportation Cabinet, requirements with respect to corner clearances, driveway design and so on. This not being a pedestrian or transit used development, it is not really designed with those types of transportation in mind, although sidewalks along its frontage will be provided; and

WHEREAS, the application complies with the applicable Intents and applicable Policies 1,2,3, 7, 10 and 11 of Guideline 10 and applicable Intents and applicable Policies 3 and 5 of Guideline 11 as follows. As usual, storm water will need to be accommodated on site, thus there will be detention provided through a proposed detention basin. The normal requirement is that post-development peak rates of stormwater run-off may not exceed pre-development peak rates. Also, MSD now has soil erosion and sediment control plus water quality ordinances that must be complied with at times of construction plan approval, and they will be; and

WHEREAS, this application complies with the applicable Intents and the applicable Policies 1, 4, 6, 8 and 9 of this Guideline as follows. As explained above, this being as it is a low traffic-generating use, it will not contribute to air quality problems. Instead, this low traffic generating use will tend to help alleviate that problem, as opposed to high traffic generators that that would contribute to same, as well as reduce traffic by providing this use along an easily accessible major arterial and near the support population. Also the sidewalks along the frontage will be reconstructed and repaired; and

WHEREAS, the Louisville Metro Planning Commission finds this application complies with the applicable Intent and applicable Policies 1, 2, 4, 5, and 6 of this Guideline as follows. The LDC includes requirements for both interior and perimeter landscaping, which will be provided. As stated, in preserving the southern portion of the property and preserving the trees along the east and west property lines, the proposed development will provide more than 50% tree canopy, far more than the 15% LDC required tree canopy. All of the requirements of the LDC in this regard will be met; and

WHEREAS, the Louisville Metro Planning Commission further finds for all of the reasons explained at LD&T and the Planning Commission public hearing and also in the public hearing exhibit books on the Detailed District Development Plan and Conditional Use Permit site plan accompanying this application and in accordance with evidence presented at Planning Commission public hearings, this application will comply with all other applicable Guidelines and Policies of the Cornerstone 2020 Comprehensive Plan.

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RESOLVED, that the Louisville Metro Planning Commission does hereby **APPROVE** the Conditional Use Permit for a mini-warehouse in accordance with the Land Development Code Section 4.2.35.

The vote was as follows:

YES: Commissioners Brown, Lewis, Smith and Tomes

NO: Ferguson, Howard and Jarboe

NOT PRESENT AND NOT VOTING: Commissioners Carlson, Lindsey and Peterson

Detailed District Development Plan and Binding Elements

On a motion by Commissioner Brown, seconded by Commissioner Tomes, the following resolution based on the applicant's finding of facts and testimony heard today was adopted.

WHEREAS, the subject property is located in the Suburban Neighborhood Form District, which is characterized by predominantly low to high density residential uses but which may contain appropriately located and integrated neighborhood centers with a mixture of mostly neighborhood – serving uses. What this infers is that a very well screened and buffered self-storage facility along a major arterial is appropriate in a form district such as this because, among other things, it serves the neighborhood; and

WHEREAS, the proposed project complies with all of the applicable Intents and Policies 1,2,3,4, 5, 7, 8, 11, 13, 14, and 16 of Guideline 2 for these reasons:

This is an existing small activity center, because it includes the recently constructed Morning Pointe Senior Living facility and another parcel rezoned C-2 across Hurstbourne Parkway for a proposed car lot, with the current proposed development of similar intensity as the adjoining uses and designed to serve the nearby neighborhoods as there are many residences near Hurstbourne Parkway and Bardstown Road to support this facility. The newly constructed senior living facility across Hurstbourne Parkway will benefit from their utilization of the proposed new storage facility because the senior residents are often downsizing to enter the facility and the residents and their families need storage space. There are not many mini-storage facilities in the area and as an underserved area this facility promotes an efficient use of land and investment in existing infrastructure, including the extension of Hurstbourne Parkway to this area, and utilizes utilities already available to the site. The recent Kentucky Transportation Cabinet improvements in front of this site, including a median cut and left turn lane into this site and a left turn lane into the adjoining C-2 property rezoned for a car lot provide additional infrastructure that otherwise would never been used in its current

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undeveloped state. The proposed development also keeps commuting time between the nearby residents and storage facilities short, brings a diversity of services to the area on a lot that is not suited for most retail development because of the elevation fall from Hurstbourne Parkway reducing visibility necessary for many uses.

This is a small Neighborhood activity center where mixed activities already exist, and the nonresidential nature of this use adds to that mix in an already existing small activity center where a sufficient support population clearly exists in the general area due to the residential subdivisions along Hurstbourne Parkway and Bardstown Road, these Policies of this Guideline are also served. Hurstbourne Parkway is a major arterial and the proposed storage facility buildings are located Hurstbourne Parkway will only view the project if looking for it. The project will provide a stub connection to the adjoining property owned by the Archdiocese of Louisville for use when it is utilized by the Archdiocese, benefitting the Archdiocese who would also be able to use the recently constructed full cut and turn lanes on Hurstbourne Parkway; and

WHEREAS, the proposed project complies with all of the applicable Intents and Policies 1,2,4, 5, 6, 7, 8,9, 12, 19,20,21,22,23,24, and 28 of Guideline 3 for these reasons.

This new storage facility use adds to the mixture of land uses in the immediate area and to the developing area along Hurstbourne Parkway and Bardstown Road and does not involve any known nuisances, as the adjoining properties, with the exception of the residential home to the North, are all wooded and vacant, or otherwise rezoned for development. Prior to filing the application, the applicant met with the property owner to the North and added substantial screening and buffering through landscaping and increasing the distance for the first proposed building to the neighbor's property confirming this addressed the neighbor's concerns. Further, due to the significant elevation drop falling away from Hurstbourne Parkway, most of the buildings will not be visible from Hurstbourne Parkway; and

The proposed development plan has been designed to increase the distance from Hurstbourne Parkway and provide additional screening and landscaping. As a storage facility use, it does not involve odors, create traffic or noise, involve unusual lighting or create unacceptable aesthetic impacts. The proposed self-storage facility will be LDC design-compliant, including building materials which are evident within the area and facade treatments that break up the building and make it appropriate at the street level where it is located. It will not involve the storage of hazardous materials. The screening, buffering, and drop in elevation assure that the little parking and small loading areas proposed do not have adverse aesthetic impacts on the properties across Hurstbourne Parkway. Also, it will not involve noise nor more than security lighting, and visually, because it will comply with design criteria of the LDC, it will not have negative aesthetic impacts. Further, the site has been designed taking into account required transitions, buffers, setbacks, and landscaping, as well as signage that is LDC compliant; and

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WHEREAS, this application complies with the applicable Intents and applicable Policies 1 and 6 of this Guideline as follows. The proposed development leaves the entire southern portion of the property, which includes a stream, to remain wooded and in its natural state, with the developed portion approximately 360 feet from the southern property line. In preserving this area and the preserving the trees along the east and west property lines, the proposed development will provide more than 50% tree canopy, far more than the 15% LDC required tree canopy. Further, by locating the development away from the southern edge of the property, the development will stay away from the portion of the property with wet and permeable soils and steep slopes; and

WHEREAS, this application complies with the applicable Intents and applicable Policies 1, 2, and 6 of this Guideline as follows. Hurstbourne Parkway and Bardstown Road are expanding commercial corridors evidenced by the recent senior living development across the street. As such, this is a workplace area and thus, although not employing a significant number of people, contributes to the economic health of businesses by addressing their storage needs. Also, as noted above Guideline 2, in an activity center mixed desirable uses are recommended, and will address the storage needs of the area. One of the reasons for that is because Hurstbourne Parkway has a lot of businesses that require storage and is also in close proximity to lots of residential users. The fact that Hurstbourne Parkway is a major arterial, also allows easy access to those that commute along this road; and

WHEREAS, this application complies with the applicable Intents and applicable Policies 1, 2, 4, 5, 6, 8, 9, 10,12,13,14,15 and 16 of Guidelines 7, Applicable Policies 1,8,9,10, and 11 of Guideline 8 and Applicable Policy 1 of Guideline 9 as follows. Most importantly, as a very low traffic-generating use, the proposed self-storage facility will not add to the existing traffic along Hurstbourne Parkway in this area and can reduce traffic being on a road used for many commuters on a daily basis and in close proximity to the nearby residences. As stated, the recent median cut and turn lanes constructed in front of this property result in already installed public infrastructure for this intended use. The existing sidewalk along Hurstbourne Parkway will be reconstructed and repaired providing continued pedestrian access. The required right of way for this site has already been dedicated, but any additional right of way required will be dedicated. Further, the development will provide a stub connection providing cross access should the property owned by the Archdiocese ever develop. The proposal also provides more than the required parking for the use.

Access to the site will be designed in accordance with Metro Public Works and Transportation Planning, as well as the Kentucky Transportation Cabinet, requirements with respect to corner clearances, driveway design and so on. This not being a

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pedestrian or transit used development, it is not really designed with those types of transportation in mind, although sidewalks along its frontage will be provided; and

WHEREAS, the application complies with the applicable Intents and applicable Policies 1,2,3, 7, 10 and 11 of Guideline 10 and applicable Intents and applicable Policies 3 and 5 of Guideline 11 as follows. As usual, storm water will need to be accommodated on site, thus there will be detention provided through a proposed detention basin. The normal requirement is that post-development peak rates of stormwater run-off may not exceed pre-development peak rates. Also, MSD now has soil erosion and sediment control plus water quality ordinances that must be complied with at times of construction plan approval, and they will be; and

WHEREAS, this application complies with the applicable Intents and the applicable Policies 1, 4, 6, 8 and 9 of this Guideline as follows. As explained above, this being as it is a low traffic-generating use, it will not contribute to air quality problems. Instead, this low traffic generating use will tend to help alleviate that problem, as opposed to high traffic generators that that would contribute to same, as well as reduce traffic by providing this use along an easily accessible major arterial and near the support population. Also the sidewalks along the frontage will be reconstructed and repaired; and

WHEREAS, the Louisville Metro Planning Commission finds this application complies with the applicable Intent and applicable Policies 1, 2, 4, 5, and 6 of this Guideline as follows. The LDC includes requirements for both interior and perimeter landscaping, which will be provided. As stated, in preserving the southern portion of the property and preserving the trees along the east and west property lines, the proposed development will provide more than 50% tree canopy, far more than the 15% LDC required tree canopy. All of the requirements of the LDC in this regard will be met; and

WHEREAS, the Louisville Metro Planning Commission further finds for all of the reasons explained at LD&T and the Planning Commission public hearing and also in the public hearing exhibit books on the Detailed District Development Plan and Conditional Use Permit site plan accompanying this application and in accordance with evidence presented at Planning Commission public hearings, this application will comply with all other applicable Guidelines and Policies of the Cornerstone 2020 Comprehensive Plan.

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

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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 Louisville Metro Department of Inspections, Permits and Licenses, Louisville Metro Public Works and the Metropolitan Sewer District.
 - b. Encroachment permits must be obtained from the Kentucky Department of Transportation, Bureau of Highways.
 - c. 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.
 - d. A Tree Preservation Plan in accordance with Chapter 10 of the LDC shall be reviewed and approved prior to obtaining approval for site disturbance.
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 and the City of St. Matthews.
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

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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.

The vote was as follows:

YES: Commissioners Brown, Lewis, Smith and Tomes

NO: Ferguson, Howard and Jarboe

NOT PRESENT AND NOT VOTING: Commissioners Carlson, Lindsey and Peterson

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Request: Change in Zoning from R-6, Multi-Family Residential to C-M,
Commercial Manufacturing
Project Name: Franklin Street Warehouse
Location: 1014 and 1016 Franklin Street

Owner: Kablooy, LLC
1201 Story Avenue, Suite 100
Louisville, Ky. 40206

Applicant: Andy Blieden, Kablooy, LLC
1201 Story Avenue, Suite 100
Louisville, Ky. 40206

Representative: Greg Ehrhard
Stites & Harbison
400 West Market Street, Suite 1800
Louisville, Ky. 40202

Kelli Jones
Sabak, Wilson & Lingo, Inc.
608 South 3rd Street
Louisville, Ky. 40202

Jurisdiction: Louisville Metro
Council District: 4 – Barbara Sexton Smith
Case Manager: Laura Mattingly, 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.)

Agency Testimony:

01:14:33 Ms. Mattingly discussed the case summary, standard of review and staff analysis from the staff report.

The following spoke in favor of this request:

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Kelli Jones, 608 South 3rd Street, Louisville, Ky. 40202
Andy Blieden, 1201 Story Avenue, Louisville, Ky. 40206

Summary of testimony of those in favor:

01:20:51 Ms. Jones gave a power point presentation. "Because it was constructed as a warehouse prior to the existence of the zoning regulations, it has non-conforming rights and may continue to be used as a warehouse. But as you know, with non-conforming rights, as soon as we want to change the use to something besides a warehouse or he doesn't have a tenant and it's vacant for a period of time, it would lose its non-conforming rights. That's one of the main reasons he wants to rezone to C-M." The applicant is voluntarily excluding some uses.

01:27:05 Mr. Blieden stated the most important job a real estate developer has is to create jobs and is very proud of his track record. There are 30 tenants that lease from Mr. Blieden. Box trucks (~ 20 ft.) are using the front and back for loading and unloading.

01:34:26 Commissioner Howard asked Mr. Blieden if he would be willing to provide a hedge on the front property line. Mr. Blieden said yes.

The following spoke in opposition to this request:

No one.

Deliberation

01:35:17 Commissioner Ferguson is in favor of eliminating binding element number 9 and leaving the existing binding element 10 regarding restriction of certain uses.

Commissioner Smith is in favor of removing binding element 9 as well. The warehouse is adequately justified.

Vice Chair Lewis remarked, "In regard to binding element 9, I think it needs to be defined by the size of the truck or hours or just remove it and address it later if it becomes an issue. Restricting all deliveries to that alley which really pushes them toward the front is not a better plan."

Commissioner Brown stated the condition of the alley will dictate which trucks can use it. The list of exclusions may need to have other uses added or approve the warehouse

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but have the applicant come back before the Planning Commission if they want to do anything else.

Commissioner Howard said the warehouse is in a mixed-use area and is appropriate. Binding element 9 can be removed but agrees with Commissioner Brown regarding binding element number 10.

Commissioner Tomes agrees with removing binding element number 9 and agrees with the list of exclusions as presented.

Chair Jarboe agrees with the other commissioners.

01:41:20 Ms. Mattingly remarked, "They're o.k. with saying any change of use would have to come back, but possibly just to a sub-committee."

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-6 to C-M

On a motion by Commissioner Brown, seconded by Commissioner Howard, the following resolution based on the testimony heard today and the applicant's finding of facts was adopted.

WHEREAS, the proposal does not affect the existing street pattern; and

WHEREAS, this proposal includes no new construction and is utilizing an existing building, therefore is not impacting any open space; and

WHEREAS, the Louisville Metro Planning Commission finds, the proposal is for the preservation and reuse of an existing building for industrial purposes, which is encouraged in the Butchertown Neighborhood plan; and

WHEREAS, the Louisville Metro Planning Commission further finds the proposal will not create a new center but it involves the repurposing of an existing building.

WHEREAS, this application conforms to the Goals and Objectives of the Cornerstone 2020 Comprehensive Plan, as reflected in the Guidelines and Policies (which, per page 3 of the Plan, "are to be used for the assessment of proposed amendments to the Zoning District Map") in the following ways:

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WHEREAS, Guideline 1, Community Form – The development, in its current state and with potential future uses upon approval of the map amendment, will be compatible with the scale, rhythm, form and function of the existing neighborhood because no changes are proposed. The parcels to be rezoned are located in the Traditional Neighborhood (TN) form district, and the Butchertown neighborhood is cited in the Glossary of Cornerstone 2020 plan as an example of a “Traditional Workplace Form Area” (Guideline 1.B.9). This form area is “characterized by predominantly small to medium scale industrial and employment uses” such as the warehouse with this application. The warehouse building has a limited setback from the street, consistent with the pattern of all development in the area, and, being surrounded by residential uses, it is closely integrated with residential areas. The current warehouse use and potential future uses of this building represent a mixture of industrial, commercial and office uses within this residential area; and

WHEREAS, Guideline 2, Centers – the proposal is an existing activity/employment center located in the middle of the block on Franklin Street, between North Johnson Street and North Wenzel Street. The map amendment will legitimize the current warehouse use and will open the door to other permitted uses in the CM district (subject to restrictions and limitations proposed by the applicant), thus repurposing and rehabilitating the activity center in this block (Guideline 2.A.7). This change will allow the location of retail commercial establishments in this activity center (Guideline 2.A.3). It is a compact development, resulting in efficient land use, with no need for infrastructure investment (Guideline 2.A.4); and

WHEREAS, Guideline 3, Compatibility – the neighborhood is a mixed-use area, and the applicant proposes a compatible mix of uses that will not constitute a further non-residential expansion into a residential area (Guideline 3.A.4). The site is near existing activity centers and near transit routes along East Main Street (Guideline 3.A.11). The proposal will allow certain CM activities (self-limited by the applicant) to locate in this workplace form district rather than in isolated commercial or industrial sites (Guideline 3.A.17); and

WHEREAS, Guideline 4, Open Space – not applicable to this type of development; and

WHEREAS, Guideline 5, Natural Areas and Scenic and Historic Resources – the parcels are located in the Butchertown Historic Preservation District. The proposal includes the preservation, rehabilitation and future adaptive reuse of an existing older structure in a manner that is compatible with the height, bulk, scale, architecture and placement of other structures in the district and immediate neighborhood (Guideline 5.A.2). There are no concerns from this development vis-a'-vis the natural environment; and

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WHEREAS, Guideline 6, Economic Growth and Sustainability – this development constitutes an investment in the rehabilitation and revitalization of the Butchertown neighborhood, all in a manner that is consistent with, and sensitive to, form patterns in the district (Guideline 6.A.3). It allows an adaptive re-use of an older warehouse building located on older industrial land (Guideline 6.A.11); and

WHEREAS, Guideline 7, Circulation – it is not anticipated that a development of this size and scope will put a strain on existing transportation networks and facilities (Guideline 7.A.1). The parcels are well-situated to take full advantage of mass transit opportunities (Guideline 7.A.3,.4); and

WHEREAS, Guideline 8, Transportation Facility Design – the scope and size of this project do not implicate the safe and efficient design of transportation facilities; and

WHEREAS, Guideline 9, Bicycle, Pedestrian and Transit – this project relies upon, continues and protects, the existing pedestrian sidewalk infrastructure that fronts the parcels, and that provides easy access to mass transit options (Guideline 9.A.1 and 2). On-site bicycle parking will be provided (Guideline 9.A.4); and

WHEREAS, Guideline 10, Flooding and Stormwater – Flooding and stormwater runoff issues are not implicated by this application because no new impervious surface areas are proposed; and

WHEREAS, Guideline 11, Water Quality – it is not anticipated that this relatively small development will degrade the water quality due to water pollution or erosion; regional water resources are protected; and

WHEREAS, Guideline 12, Air Quality – it is anticipated that this relatively small development will have no negative impact on air quality; and

WHEREAS, Guideline 13, Landscape Character – the landscape area of this developed urban neighborhood will not be affected by this proposal; and

WHEREAS, Guideline 14, Infrastructure – the subject parcels are located in an area that is served by adequate existing utilities, including potable water, water for fire suppression, and sanitary sewers (Guideline 14.A.2.3, .4); and

WHEREAS, Guideline 15, Community Facilities – not applicable to this private development; and

WHEREAS, the Louisville Metro Planning Commission finds, the Franklin Street Warehouse project is within the Traditional Neighborhood Form District (TN). Per

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Section 5.2.3 of the LDC, the intent of a TN is “to promote the development and redevelopment of neighborhoods in a manner consistent and compatible with the distinct site and community design elements of a traditional neighborhood..” The Butchertown neighborhood is cited in the Cornerstone 2020 plan (at page 15 of the Glossary) as an example of a “Traditional Workplace Form Area,” which has a “pattern of development characterized by older, small to medium scale industrial and employment centers typically integrated into traditional neighborhoods. Buildings sit close to street and have mostly on-street parking”; and

WHEREAS, the Louisville Metro Planning Commission further finds the Franklin Street Warehouse is compatible with the TN because it represents the very epitome of the Butchertown neighborhood – older (circa 1964), small scale industrial/warehouse use, intimately integrated into a traditional mixed residential/industrial/commercial neighborhood, with a building as close to the street as the adjacent houses, and with mostly on-street parking.

RESOLVED, that the Louisville Metro Planning Commission does hereby **RECOMMEND** to the Louisville Metro Council the change in zoning from R-6 Multi-Family Residential to C-M Commercial Manufacturing on property described in the attached legal description be **APPROVED**.

The vote was as follows:

YES: Commissioners Brown, Ferguson, Howard, Lewis, Smith, Tomes and Jarboe

NOT PRESENT AND NOT VOTING: Commissioners Carlson, Lindsey and Peterson

Waiver of Section 10.2.4 to eliminate the required property perimeter buffer areas on both east and west property lines

On a motion by Commissioner Brown, seconded by Commissioner Howard, the following resolution was adopted.

WHEREAS, the waiver will not adversely affect adjacent property owners as the building is existing and there are no proposed changes to the site that would impact adjacent property owners; and

WHEREAS, Guideline 3, Policy 9 of Cornerstone 2020 calls for protection of the character of residential areas, roadway corridors and public spaces from visual intrusions and mitigation when appropriate. Guideline 3, Policies 21 and 22 call for appropriate transitions between uses that are substantially different in scale and

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intensity or density, and mitigation of the impact caused when incompatible developments occur adjacent to one another through the use of landscaped buffer yards, vegetative berms and setback requirements to address issues such as outdoor lighting, lights from automobiles, illuminated signs, loud noise, odors, smoke, automobile exhaust or other noxious smells, dust and dirt, litter, junk, outdoor storage, and visual nuisances. Guideline 3, Policy 24 states that parking, loading and delivery areas located adjacent to residential areas should be designed to minimize impacts from noise, lights and other potential impacts, and that parking and circulation areas adjacent to streets should be screened or buffered. Guideline 13, Policy 4 calls for ensuring appropriate landscape design standards for different land uses within urbanized, suburban, and rural areas. Guideline 13, Policy 6 calls for screening and buffering to mitigate adjacent incompatible uses. The intent of landscape buffer areas is to create suitable transitions where varying forms of development adjoin, to minimize the negative impacts resulting from adjoining incompatible land uses, to decrease storm water runoff volumes and velocities associated with impervious surfaces, and to filter airborne and waterborne pollutants. These guidelines are not violated, as there will be no changes to the site to increase noise, runoff, lighting or other impacts that would require mitigation; and

WHEREAS, the Louisville Metro Planning Commission finds, the extent of the waiver of the regulation is the minimum necessary to afford relief to the applicant as the conditions are existing and no other relief is being requested; and

WHEREAS, the Louisville Metro Planning Commission further finds the strict application of the provisions of the regulation would deprive the applicant of the reasonable use of the land and would create an unnecessary hardship on the applicant as providing the Landscape Buffer Area would require the demolition of much of the building and mitigation is difficult due to the size of the site and the location of the existing structure.

WHEREAS, this waiver will allow an existing building to remain. Not site improvements are planned so there will be no impact on adjoining property owners; and

WHEREAS, according to the Comprehensive Plan, the Traditional Neighborhood Form District is intended to support the redevelopment, enhancement and preservation of existing neighborhoods. It also promotes the re-use of existing structures and the integration of neighborhood-serving land uses. This waiver is the direct result of a rezoning to bring an existing warehouse building into compliance. Although it can continue to operate as a warehouse due to non-conforming rights, it can never be anything else. This rezoning will allow the future use of this property to be something that benefits the neighborhood. Therefore, this waiver will not violate the Comprehensive Plan; and

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WHEREAS, the Louisville Metro Planning Commission finds, the applicant is asking for this waiver to allow an existing building to remain. There is not enough room between the building on the subject site and the adjacent buildings to plant the required material or build a fence and have room to maintain it; therefore it is the minimum necessary to provide relief to the applicant; and

WHEREAS, the Louisville Metro Planning Commission further finds the strict application of the provisions of the regulation would mean that either (1) the applicant would have to tear down the building, or (2) the building would have to remain a non-compliant warehouse for the remainder of its life. This eliminates the flexibility of bringing in a neighborhood serving use in the future and would create an unnecessary hardship on the owner and the neighborhood.

Detailed District Development Plan and Binding Elements

WHEREAS, LOJIC has not identified any natural resources on site and the applicant will be making no changes to the site to affect tree canopy, soils or any other natural resource; and

WHEREAS, provisions for safe and efficient vehicular and pedestrian transportation within and around the development and the community have been provided through the existing street network and sidewalks; and

WHEREAS, this development does not require open space, as it does not meet the threshold for open space or outdoor amenity requirements; and

WHEREAS, 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 Louisville Metro Planning Commission finds, the overall site design and land uses are compatible with the existing and future development of the area, as the character of the existing structure will remain the same; and

WHEREAS, the Louisville Metro Planning Commission further finds his development generally conforms to the Comprehensive Plan and Land Development Code due to the sites' existing conditions and the proposed site improvements.

RESOLVED, that the Louisville Metro Planning Commission does hereby **APPROVE** the waiver of Section 10.2.4 to eliminate the required property perimeter buffer areas on both east and west property lines and the Detailed District Development Plan **SUBJECT**

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to the following Binding Elements, eliminating 9 and 10 and revising number 1: Also, an additional Condition of Approval that landscaping be provided comparable to the landscaping on the abutting properties in the area.

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 to the use or 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, alteration permit or demolition permit) is requested:
 - a. The development plan must receive full construction approval from Develop Louisville and the Metropolitan Sewer District.
 - b. 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.
 - c. A minor plat or legal instrument shall be recorded consolidating the property into one lot. A copy of the recorded instrument shall be submitted to the Division of Planning and Design Services; transmittal of the approved plans to the office responsible for permit issuance will occur only after receipt of said instrument.
5. Prior to any site disturbance permit being issued and prior to any clearing, grading or issuance of a site disturbance permit, a site inspection shall be conducted by PDS staff to ensure proper placement of required tree protection fencing in accordance with the approved Tree Preservation Plan.

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6. 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.
7. There shall be no outdoor music (live, piped, radio or amplified) or outdoor entertainment or outdoor PA system audible beyond the property line.
8. 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.

CONDITION OF APPROVAL

1. Landscaping shall be provided comparable to the landscaping on the abutting properties in the area.

The vote was as follows:

YES: Commissioners Brown, Ferguson, Howard, Lewis, Smith, Tomes and Jarboe

NOT PRESENT AND NOT VOTING: Commissioners Carlson, Lindsey and Peterson

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STANDING COMMITTEE REPORTS

Land Development and Transportation Committee

No report given.

Site Inspection Committee

No report given.

Planning Committee

No report given.

Development Review Committee

No report given.

Policy and Procedures Committee

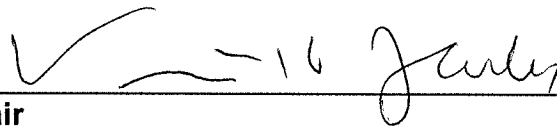
No report given.

CHAIRPERSON/DIRECTOR'S REPORT


No report given.

ADJOURNMENT

The meeting adjourned at approximately 2:42 p.m.



Chair



Planning Director

