

PLANNING COMMISSION MINUTES
August 1, 2019

PUBLIC HEARING

CASE NO. 18ZONE1077

Request: Change in zoning from R-4 to PEC, and Detailed District
Development Plan with Binding Elements
Project Name: Collins Lane Truck Lot & Repair
Location: 3315 Collins Lane
Owner: 3311 Collins Lane LLC
Applicant: 3311 Collins Lane LLC
Representative: Frost Brown Todd LLC
Jurisdiction: Louisville Metro
Council District: 17 – Markus Winkler

Case Manager: Dante St. Germain, 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:

03:32:32 Dante St. Germain discussed the case summary, standard of review and staff analysis from the staff report (see staff report and recording for detailed presentation).

The following spoke in favor of this request:

Glenn Price, 400 W. Market, Suite 3200, Louisville, Kentucky, 40202

Summary of testimony of those in favor:

03:37:14 Glenn Price applicant, presented exhibit handouts to Commissioners. Mr. Price detailed the development with elevations, proposed DDP, and the use of the site for a wrecker service via Power Point slide show (see recording for detailed presentation).

Deliberation

03:40:45 Planning Commission deliberation (see recording for detailed presentation).

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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 R-4 Single Family Residential to PEC Planned Employment Center

03:42:14 On a motion by Commissioner Carlson, seconded by Commissioner Lewis, the following resolution, based on the Plan 2040 Staff Findings and the evidence and testimony heard today, was adopted:

WHEREAS, the Louisville Metro Planning Commission finds that the proposal meets the **Community Form: Goal 1** the subject site is the only parcel on the north-east side of Collins Lane which is not already zoned PEC. The proposal does not constitute a non-residential expansion into a residential area; the site is located in an existing activity center relatively close to transit corridors; the site is located in a workplace Form District; Disadvantaged populations will not be disproportionately impacted by the proposal. The neighborhood is in transition and has few residences left; Human health, and quality of life and the environment should be minimally impacted due to the transitional nature of the neighborhood and the fact that few residences remain in the area; access to the site is from Collins Lane, a secondary collector at this location. The traffic impact of the development should be minimal; the site is separated from a nearby residential development by a CSX rail line and an open space lot with a small lake. Residences across Collins Lane are in transition with few residents remaining; the proposal is not for a junkyard, landfill or quarry or similar use. The proposed use will not handle hazardous or flammable material regularly and will be required to care for any such material that comes onto the lot; and

WHEREAS, the Louisville Metro Planning Commission further finds that the proposal meets the **Community Form: Goal 2** the site is located in a Form District appropriate for industrial activity; the proposed zoning district would change a low-density residential lot in an industrial area to industrial zoning. This will result in a more efficient land use and cost-effective use of infrastructure; the proposed zoning district would permit a mixture of compatible land uses; the proposal does not include an underutilized parking lot; and

WHEREAS, the Louisville Metro Planning Commission further finds that the proposal meets the **Community Form: Goal 3** no wet or highly permeable soils, or severe, steep

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or unstable slopes are evident on the site; the site is not located in the floodplain. No karst features were found on the site; and

WHEREAS, the Louisville Metro Planning Commission further finds that the proposal meets the **Community Form: Goal 4** the structure on the lot is not recognized as a landmark and is not registered on the National Register of Historic Places; no distinctive cultural features are evident on the site; and

WHEREAS, the Louisville Metro Planning Commission further finds that the proposal meets the **Mobility: Goal 1** the proposed zoning district will match existing zoning along the same side of Collins Lane, connecting two existing activity centers; and

WHEREAS, the Louisville Metro Planning Commission further finds that the proposal meets the **Mobility: Goal 3** the proposed zoning district will allow a mixture of compatible land uses; the proposed zoning district will allow mixed use development. The proposed use is industrial. The proposal will provide sidewalks where none currently exist, improving the walkability of the employment center; Transportation Planning has approved the proposal. The proposal is for industrial development, and will provide sidewalks where no sidewalks currently exist to improve the walkability of the employment center; Transportation Planning has approved the proposal; and

WHEREAS, the Louisville Metro Planning Commission further finds that the proposal meets the **Community Facilities: Goal 2** the site is served by existing utilities; Louisville Water Company has approved the proposal; MSD has approved the proposal; and

WHEREAS, the Louisville Metro Planning Commission further finds that the proposal meets the **Economic Development: Goal 1** the proposed zoning is compatible with the Form District, and will meet the needs of the industrial subdivision; the site is located in an existing industrial activity center; the site is located in an existing industrial activity center; and

WHEREAS, the Louisville Metro Planning Commission further finds that the proposal meets the **Livability: Goal 1** no karst features were found on the site; the site is not located in the floodplain; and

WHEREAS, the Louisville Metro Planning Commission further finds that the proposal meets the **Housing: Goal 3** the neighborhood is in transition. The subject site is vacant and existing residents will not be displaced; now, therefore be it

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RESOLVED, that the Louisville Metro Planning Commission does hereby **RECOMMEND** to the Louisville Metro Council to **APPROVE** the Change in zoning from R-4, Single Family Residential, to PEC, Planned Employment Center

The vote was as follows:

YES: Commissioners Daniels, Smith, Brown, Lewis, Carlson, and Jarboe

NOT PRESENT AND NOT VOTING: Commissioners Tomes, Robinson, Peterson, and Howard

Detailed District Development Plan

03:43:05 On a motion by Commissioner Carlson, seconded by Commissioner Lewis, the following resolution, based on the Plan 2040 Staff Findings and the evidence and testimony heard today, was adopted:

WHEREAS, the Louisville Metro Planning Commission finds there do not appear to be any environmental constraints on the subject site. The structure on the site is eligible to be listed on the National Register of Historic Places but is not listed. It is not proposed to be preserved. The majority of the trees on the site will be removed. Tree canopy will be planted around the perimeter of the site in compliance with the Land Development Code; and

WHEREAS, the Louisville Metro Planning Commission further finds Provisions for safe and efficient vehicular and pedestrian transportation within and around the development and the community has been provided, and Metro Public Works has approved the preliminary development plan; and

WHEREAS, the Louisville Metro Planning Commission further finds there are no open space requirements pertinent to the current proposal; and

WHEREAS, the Louisville Metro Planning Commission further finds the Metropolitan Sewer District has approved the preliminary development plan and will ensure the provision of adequate drainage facilities on the subject site in order to prevent drainage problems from occurring on the subject site or within the community; and

WHEREAS, the Louisville Metro Planning Commission further finds the overall site design and land uses are compatible with the existing and future development of the area. The area is in transition, from residential to industrial, and the proposed zoning district will bring the site into conformity with the neighborhood; and

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WHEREAS, the Louisville Metro Planning Commission further finds the development plan conforms to applicable guidelines and policies of the Comprehensive Plan and to requirements of the Land Development Code; now, therefore it be

RESOLVED, that the Louisville Metro Planning Commission does hereby **APPROVE** the Detailed District Development Plan, **DELETING** all Binding Elements associated with Docket # 13ZONE1031, located at 3311 Collins Ln, and **ADOPTING** the following Binding Elements for both properties:

Binding Elements

1. The development shall be in accordance with the approved district development plan, all applicable sections of the Land Development Code (LDC) and agreed upon binding elements unless amended pursuant to the Land Development Code. Any changes/additions/alterations of any binding element(s) shall be submitted to the Planning Commission or the Planning Commission's designee for review and approval; any changes/additions/alterations not so referred shall not be valid.
2. No outdoor advertising signs, small freestanding signs, pennants, balloons, or banners shall be permitted on the site.
3. Construction fencing shall be erected when off-site trees or tree canopy exists within 3' of a common property line. Fencing shall be in place prior to any grading or construction to protect the existing root systems from compaction. The fencing shall enclose the entire area beneath the tree canopy and shall remain in place until all construction is completed. No parking, material storage or construction activities are permitted within the protected area.
4. Before any permit (including but not limited to building, parking lot, change of use, site disturbance, alteration permit or demolition permit) is requested:
 - a. The development plan must receive full construction approval from Construction Review, Louisville Metro Public Works and the Metropolitan Sewer District.
 - b. The property owner/developer must obtain approval of a detailed plan for screening (buffering/landscaping) as described in Chapter 10 prior to

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- requesting a building permit. Such plan shall be implemented prior to occupancy of the site and shall be maintained thereafter.
- c. The lots shall be consolidated with a minor plat or deed of consolidation, or other legal instrument.
 5. A certificate of occupancy must be received from the appropriate code enforcement department prior to occupancy of the structure or land for the proposed use. All binding elements requiring action and approval must be implemented prior to requesting issuance of the certificate of occupancy, unless specifically waived by the Planning Commission.
 6. There shall be no outdoor music (live, piped, radio or amplified) or outdoor entertainment or outdoor PA system audible beyond the property line.
 7. No idling of trucks shall take place within 200 feet of residential structures. No overnight idling of trucks shall be permitted on-site.
 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.
 9. The materials and design of proposed structures shall be substantially the same as depicted in the rendering as presented at the August 1, 2019 Planning Commission public hearing.
 10. Trucks that are required by the United States Department of Transportation to display a hazardous material placard may not be stored on the site for more than 24 hours unless otherwise required by law enforcement officers. Trucks stored more than 24 hours as required by law enforcement shall be examined every 24 hours to detect signs of hazardous material leakage. Any such inspection or examination shall be documented in a log book stating the date and time of

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inspection. The log book shall be maintained on the premises and be made available for inspection by code enforcement personnel.

The vote was as follows:

YES: Commissioners Daniels, Smith, Brown, Lewis, Carlson, and Jarboe

NOT PRESENT AND NOT VOTING: Commissioners Tomes, Robinson, Peterson, and Howard

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