

Development Review Committee
Staff Report
May 9, 2018



Case No:	18MOD1003
Project Name:	Schoenhoff Property
Location:	836/840 E. Chestnut St.
Owner(s):	Nancy Schoenhoff
Applicant:	Nancy Schoenhoff
Jurisdiction:	Louisville Metro
Council District:	4-Barbara Sexton Smith
Case Manager:	Julia Williams, RLA, AICP, Planning Supervisor

REQUEST(S)

- Amendment to Binding Element #3

CASE SUMMARY/BACKGROUND

836 and 840 E. Chestnut were rezoned from M-2 to R-8 under docket number 9-83-69. It was again rezoned from R-8 to M-2 under docket number 9-74-80. Since the change in zoning in 1980, the site has undergone several land use changes since the original manufacture of ornamental iron and steel doors and windows land use. The last amendment to binding element occurred in 1999 where the land use binding element was changed to permit only indoor warehouse and distribution. The applicant is proposing a small scale food processing operation on the site and is requesting binding element #3 be amended to allow for a list of M-2 uses in addition to her food processing operation.

Binding element #3 currently states: The only M-2 use allowed shall be warehouse (indoor storage only) and distribution.

The applicant is proposing the binding element to state: The following M-2 uses shall not be permitted on the site:

Auction sales, outdoor
Building materials (cement, lime, sand, gravel, lumber, and the like), storage and sales
Bus garage and repair shop
Exposition building or center
Fairgrounds
Heavy truck and other heavy motor driven vehicles: sales, rental, repair and storage
Lumber yards
Railroad freight terminals and yards
River terminals
Truck or transfer terminal, freight and motor freight and motor freight stations
Warehouses, produce and storage
Waterfront shipping

Uses, manufacture, processing, treatment, or storage of the following:

Air conditioning, commercial

Aircraft and aircraft parts
Aluminum extrusion, rolling, fabrication, and forming
Animal pound
Assembly and repair of automobiles, bicycles, carriages, engines (new and rebuilt), motorcycles, trailers, trucks, wagons, including parts
Battery, storage (wet cell)
Boat manufacturing and repair
Coal and coke, storage and sales
Concrete products (except central mixing and proportioning plant)
Culverts
Firearms
Foundry products (electrical only)
Implements, agricultural or farm
Ink manufacture (mixing only)
Insecticides, fungicides, disinfectants, and related industrial and household chemical compounds (blending only)
Machine, tool, die, and gauge shops
Paint and coating, except manufacturing gun cotton nitro-cellulose lacquers and reactive resin cooking
Pencils
Perfumes or perfumed soaps, commercial
Plating, electrolytic process
Plumbing supplies
Poultry or rabbit, packing or slaughtering (wholesale)
Rubber and synthetic-treated fabric products (excluding all rubber or synthetic processing) such as washers, gloves, footwear, bathing caps, atomizers, or similar products
Sheet metal products from metal stamping or extrusion, including containers, costume jewelry, pins and needles, razor blades, bottle caps, buttons, kitchen utensils, or similar products
Shipping containers (corrugated board, fiber or wire-bound)
Tire re-treading and vulcanizing shop
Tobacco (including curing) or tobacco products

STAFF FINDING

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

TECHNICAL REVIEW

Phoenix Hill Neighborhood Plan (2008)

INTERESTED PARTY COMMENTS

None received.

STANDARD OF REVIEW AND STAFF ANALYSIS FOR AMENDMENT TO BINDING ELEMENTS

- a. The conservation of natural resources on the property proposed for development, including: trees and other living vegetation, steep slopes, water courses, flood plains, soils, air quality, scenic views, and historic sites;

STAFF: The binding element modification will not affect the natural resources on the site.

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

STAFF: The modification will not affect vehicular or pedestrian transportation around the site.

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

STAFF: Open space is not affected.

- d. The provision of adequate drainage facilities on the subject site in order to prevent drainage problems from occurring on the subject site or within the community;

STAFF: Drainage is not affected by the modification.

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

STAFF: The overall site design and land uses are compatible with the existing and future development of the area.

- f. Conformance of the development plan with the Comprehensive Plan and Land Development Code. Revised plan certain development plans shall be evaluated for conformance with the non-residential and mixed-use intent of the form districts and comprehensive plan.

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

REQUIRED ACTIONS:

- **APPROVE** or **DENY** the **Amendment to Binding Element #3**

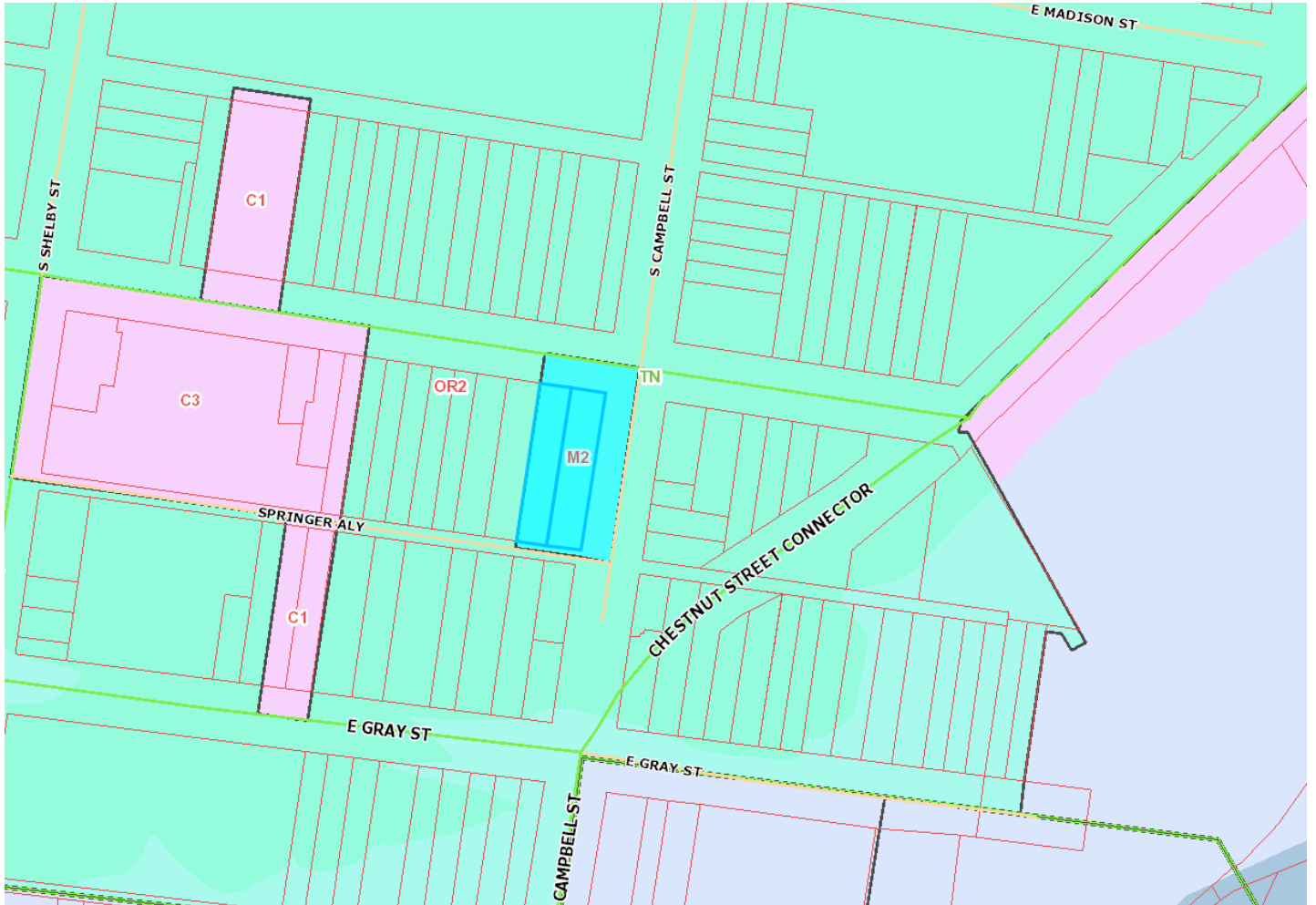
NOTIFICATION

Date	Purpose of Notice	Recipients
4/27/18	Hearing before DRC on May 9, 2018	1 st tier adjoining property owners Registered Neighborhood Groups in Council District 4

ATTACHMENTS

1. Zoning Map
2. Aerial Photograph
3. Existing Binding Elements
4. Proposed Binding Elements

1. Zoning Map



2. Aerial Photograph



3. Existing Binding Elements

1. The development shall be in accordance with the approved district development plan and agreed upon binding elements unless amended pursuant to the Zoning District Regulations. Any changes/additions/alterations of any binding element(s) shall be submitted to the Planning Commission for review and approval; any changes/additions/alterations not so referred shall not be valid.
2. The development shall not exceed 4,150 square feet of gross floor area.
3. ~~The only M-2 use allowed shall be warehouse (indoor storage only) and distribution.~~
4. There shall be no freestanding sign permitted on site without prior approval. Monument style signs that meet the size and height limits established in the "Policies for Future Development

Along Designated Parkways” may be approved by DPDS staff. Signs that exceed those limits are permitted only if approved by LD&T or the Commission. LD&T or the Planning Commission may require that the signs be smaller than would otherwise be permitted by the Zoning District Regulations.

5. No outdoor advertising signs (billboards), small free-standing (temporary) signs, pennants balloons, or banners shall be permitted on the site.
6. Outdoor lighting shall be directed down and away from surrounding residential properties. Lighting fixtures shall have a 90 degree cutoff and height of the light standard shall be set so that no light source is visible off-site.
7. There shall be no outdoor music (live, piped, radio or amplified), outdoor entertainment, or outdoor PA system audible beyond the property line.
8. The property owner/developer shall provide copies of these binding elements to tenants, contractors and other parties engaged in development of this project, and shall inform them of the content of these binding elements. Further, the property owner/developer shall require contractors to similarly notify all of their sub-contractors whose duties relate to the binding elements. The property owner/developer shall ensure their compliance with the binding elements.

4. **Proposed Binding Element #3**

3. The following M-2 uses shall not be permitted on the site:

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Bus garage and repair shop
Exposition building or center
Fairgrounds
Heavy truck and other heavy motor driven vehicles: sales, rental, repair and storage
Lumber yards
Railroad freight terminals and yards
River terminals
Truck or transfer terminal, freight and motor freight and motor freight stations
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Animal pound
Assembly and repair of automobiles, bicycles, carriages, engines (new and rebuilt), motorcycles, trailers, trucks, wagons, including parts
Battery, storage (wet cell)
Boat manufacturing and repair
Coal and coke, storage and sales
Concrete products (except central mixing and proportioning plant)
Culverts
Firearms

Foundry products (electrical only)
Implements, agricultural or farm
Ink manufacture (mixing only)
Insecticides, fungicides, disinfectants, and related industrial and household chemical compounds (blending only)
Machine, tool, die, and gauge shops
Paint and coating, except manufacturing gun cotton nitro-cellulose lacquers and reactive resin cooking
Pencils
Perfumes or perfumed soaps, commercial
Plating, electrolytic process
Plumbing supplies
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