

Land Development and Transportation Committee Staff Report June 13, 2019



Case No:	19ZONE1023
Project Name:	Shepherdsville Road Warehouse
Location:	6611 Shepherdsville Road
Owner(s):	Country Club Recreation Inc.
Applicant:	Core 5 Industrial Properties
Jurisdiction:	Louisville Metro
Council District:	24 – Madonna Flood
Case Manager:	Dante St. Germain, AICP, Planner II

REQUESTS

- **Change in form district** from Neighborhood to Suburban Workplace
- **Change in zoning** from C-2 Commercial and R-4 Single Family Residential to C-M Commercial Manufacturing
- **Removal of existing binding elements**
- **Abandonment of existing Conditional Use Permit**
- **Revised Detailed District Development Plan with Binding Elements**

CASE SUMMARY/BACKGROUND

The subject site is located along Shepherdsville Road south of the intersection with Fern Valley Road. The site is currently in use as a driving range and mini-golf course. The applicant proposes to rezone the property to C-M to construct a warehouse with associated offices. The site is located within the study area for the Highview Neighborhood Plan. Commercial and industrial uses are located to the north. Multi family residential abuts the site to the south. Commercial uses are located across Shepherdsville Road to the west, and a CSX railway line and easement is located within the subject site along the eastern property line. The easement area is currently zoned R-4 in the Neighborhood form district. The applicant proposes to rezone this area to C-M as well and change the form district to Suburban Workplace to bring that area into alignment with the remainder of the site and surrounding sites.

The majority of the property was previously rezoned from R-4 Single Family Residential to C-2 under docket 9-91-87. A Conditional Use Permit for a golf driving range, miniature golf course, and related uses was approved at the same time.

STAFF FINDING

The proposal is ready for a public hearing date to be set. Land Development and Transportation Committee should discuss hours of operation, given the orientation of the building and the proximity of residential uses to the building.

TECHNICAL REVIEW

MSD and Transportation Planning have provided preliminary approval of the proposal.

INTERESTED PARTY COMMENTS

No interested party comments have been received by staff.

STANDARD OF REVIEW FOR REZONING and CHANGE IN FORM DISTRICT

Criteria for granting the proposed form district change/rezoning: KRS Chapter 100.213

1. The proposed form district/rezoning change complies with the applicable guidelines and policies Plan 2040; **OR**
2. The existing form district/zoning classification is inappropriate and the proposed classification is appropriate; **OR**
3. There have been major changes of an economic, physical, or social nature within the area involved which were not anticipated in Plan 2040 which have substantially altered the basic character of the area.

STAFF ANALYSIS FOR CHANGE IN ZONING and CHANGE IN FORM DISTRICT

Following is staff's analysis of the proposed rezoning and form district change against the Guidelines and Policies of Plan 2040.

The majority of the site is located in the Suburban Workplace Form District

A Suburban Workplace is a form characterized by predominately industrial and office uses where the buildings are set back from the street in a landscaped setting. Suburban Workplaces often contain a single large-scale use or a cluster of uses within a master planned development. New larger proposed industrial uses are encouraged to apply for a planned development district.

In order to provide adequate transportation access in suburban workplaces connected roads, public transportation and pedestrian facilities should be encouraged. Walkways to workplace-serving uses are encouraged for workplace employees. Development within Suburban Workplace Form Districts may need significant buffering from abutting uses.

A small portion of the site is located in the Neighborhood Form District

The Neighborhood Form is characterized by predominantly residential uses that vary from low to high density and that blend compatibly into the existing landscape and neighborhood areas. High-density uses will be limited in scope to minor or major arterials and to areas that have limited impact on the low to moderate density residential areas.

The Neighborhood Form will contain diverse housing types in order to provide housing choice for differing ages, incomes and abilities. New neighborhoods are encouraged to incorporate these different housing types within a neighborhood as long as the different types are designed to be compatible with nearby land uses. These types may include, but not be limited to, large lot single family developments with cul-de-sacs, traditional neighborhoods with short blocks or walkways in the middle of long blocks to connect with other streets, villages and zero-lot line neighborhoods with open space, and high density multi-family housing.

The Neighborhood Form may contain open space and, at appropriate locations, civic uses and neighborhood centers with a mixture of uses such as offices, retail shops, restaurants and services. These neighborhood centers should be at a scale that is appropriate for nearby neighborhoods. The Neighborhood Form should provide for accessibility and connectivity between adjacent uses and neighborhoods by automobile, pedestrian, bicycle and transit.

Neighborhood streets may be either curvilinear, rectilinear or in a grid pattern and should be designed to support physical activity for all users and invite human interaction. Streets are

connected and easily accessible to each other, using design elements such as short blocks or bike/walkways in the middle of long blocks to connect with other streets. Examples of design elements that encourage this interaction include narrow street widths, street trees, sidewalks, shaded seating/gathering areas and bus stops. Placement of utilities should permit the planting of shade trees along both sides of the streets.

REQUIRED ACTIONS

- **Set** the public hearing date.

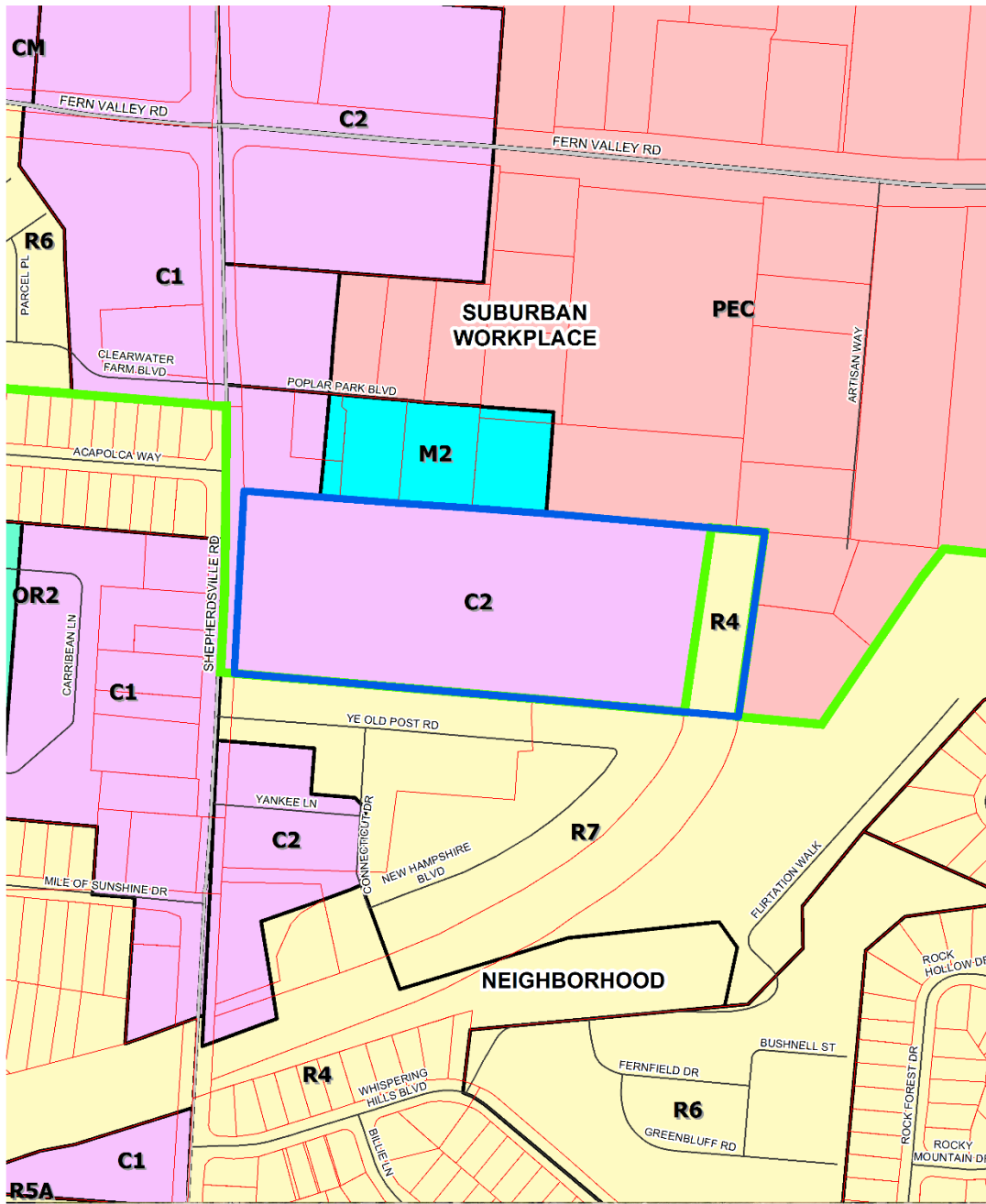
NOTIFICATION

Date	Purpose of Notice	Recipients
05/23/2019	Hearing before LD&T	1 st and 2 nd tier adjoining property owners Registered Neighborhood Groups in Council District 24 & 2
	Hearing before PC	1 st and 2 nd tier adjoining property owners Registered Neighborhood Groups in Council District 24 & 2
	Hearing before PC	Sign Posting on property
	Hearing before PC	Legal Advertisement in the Courier-Journal

ATTACHMENTS

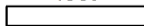
1. Zoning Map
2. Aerial Photograph
3. Existing Binding Elements (to be removed)
4. Proposed Binding Elements

1. Zoning Map



6611 Shepherdsville Road

feet



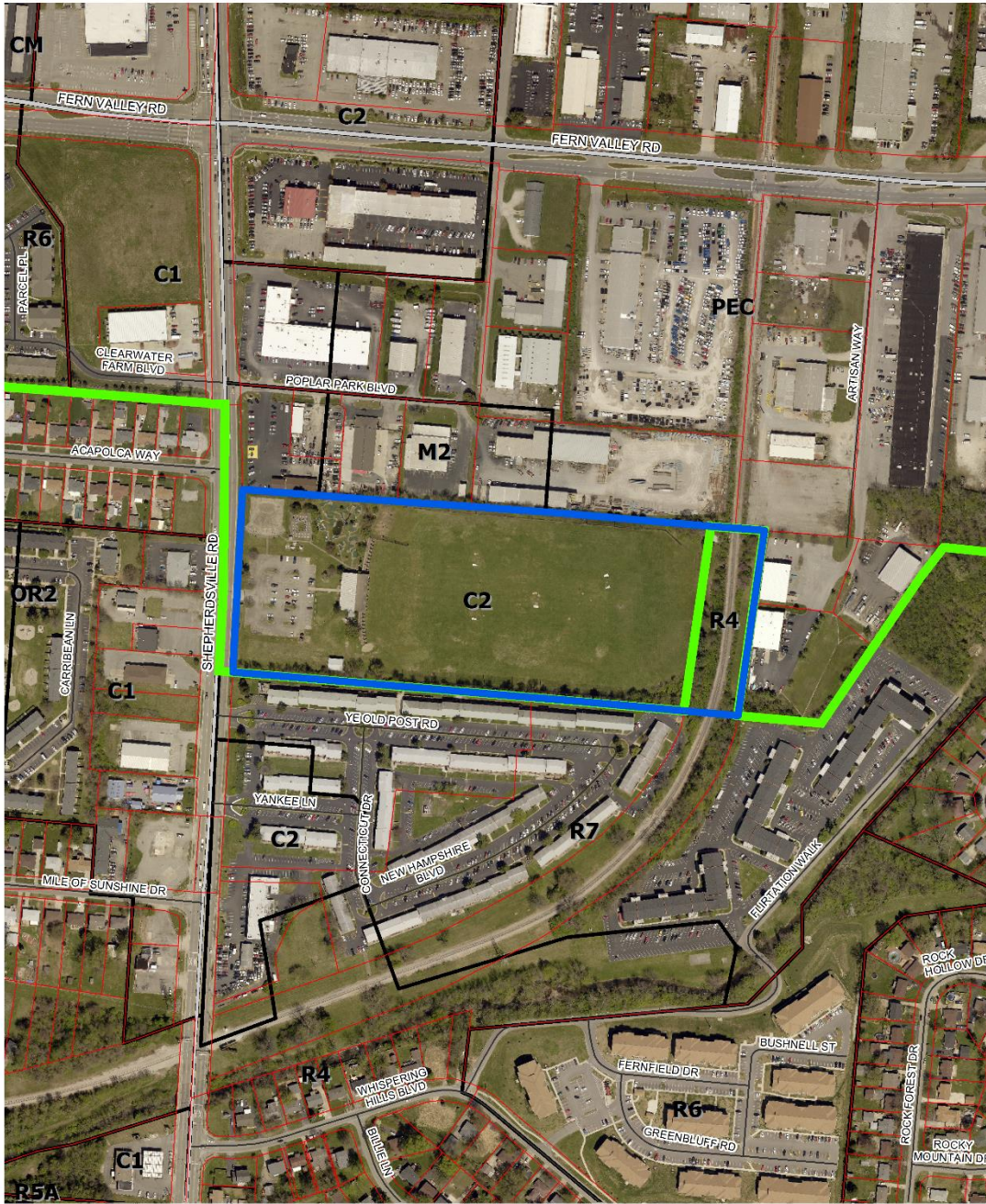
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Map Created: 4/8/2019



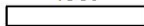
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2. Aerial Photograph



6611 Shepherdsville Road

feet



350

Map Created: 4/8/2019



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3. Existing Binding Elements (to be removed)

- ~~1. The development will be in accordance with the approved district development plan. No further development will occur.~~
- ~~2. The pro shop shall not exceed 8,000 square feet of gross floor area. The snow cone stand shall not exceed 100 square feet in gross floor area. The maintenance barns shall not exceed 1,800 square feet of gross floor area.~~
- ~~3. Before a building permit is issued:
 - ~~a. The development plan must be reapproved by the Jefferson County Department of Public Works and Transportation and the Metropolitan Sewer District.~~
 - ~~b. Encroachment permits must be obtained from the Kentucky Department of Transportation, Bureau of Highways.~~
 - ~~c. The property owner must obtain approval of a detailed plan for screening (buffering/landscaping) as described in Article 12 excepting the east side of the property abutting the railroad right-of-way. Such plan shall be implemented prior to requesting a certificate of occupancy and maintained thereafter.~~~~
- ~~4. The only permitted freestanding sign shall be located as shown on the approved district development plan. The sign shall not exceed 60 square feet in area and 15 feet in height, and shall be located 20 feet from the property line.~~
- ~~5. No small freestanding (temporary) signs, banners or pennants will be permitted on this site.~~
- ~~6. If a building permit is not issued within one year of the date of approval of the plan or rezoning, whichever is later, the property shall not be used in any manner unless a revised district development plan is approved or an extension is granted by the Planning Commission.~~
- ~~7. A certificate of occupancy must be received from the appropriate code enforcement office prior to occupancy of the structure or land for the proposed use. All binding elements must be implemented prior to requesting issuance of the certificate.~~
- ~~8. The above binding elements may be amended as provided for in the Zoning District Regulations.~~

4. Proposed 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. Encroachment permits must be obtained from the Kentucky Transportation Cabinet.
 - c. The property owner/developer must obtain approval of a detailed plan for screening (buffering/landscaping) as described in Chapter 10 prior to requesting a certificate of occupancy. Such plan shall be implemented prior to occupancy of the site and shall be maintained thereafter.
 - d. Final elevations/renderings shall be submitted for review and approval by Planning Commission staff. A copy of the approved rendering shall be available in the case file on record in the offices of the Louisville Metro Planning Commission.
5. There shall be no outdoor music (live, piped, radio or amplified) or outdoor entertainment or outdoor PA system audible beyond the property line.
6. No idling of trucks shall take place within 200 feet of residential uses. No overnight idling of trucks shall be permitted on-site.
7. 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.
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.