

PLANNING COMMISSION MINUTES
February 21, 2019

PUBLIC HEARING
CASE NO. 18ZONE1049

Request: Change in zoning from R-4, R-7 and C-2 to PEC and change in form from SMC and N to SW with district development plan, landscape waiver and protected waterway variance

Project Name: Logistics Airpark

Location: 5530-5540 Minor Lane

Owner: LaGrange LLC and Nicklies Exchange LLC

Applicant: Nicklies Development

Representative: Nicklies Development

Jurisdiction: Louisville Metro

Council District: 13 – Mark Fox

Case Manager: Joel Dock, AICP, Planner II

COMMISSIONER CARLSON LEFT AT APPROXIMATELY 6:20 P.M. AND DID NOT 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:

03:54:25 Mr. Dock discussed the case summary, standard of review and staff analysis from the staff report.

The following spoke in favor of this request:

Jim Calvery, Nicklies Development, 6060 Dutchmans Lane, Louisville, Ky. 40205
James L. Peach, 5506 Minor Lane, Louisville, Ky. 40219
Hayden Tarpley, 1020 Minor Lane, Louisville, Ky. 40219
David Nicklies, 6060 Dutchmans Lane, Louisville, Ky. 40205
Adam Kirk, 137 McClelland Springs, Georgetown, Ky. 40324

Summary of testimony of those in favor:

04:02:54 Mr. Calvery gave a power point presentation. The property is a 61 acre tract with 2 buildings being proposed. There's a Native American burial ground that won't be touched. A kiosk will be built for historical information. There will be

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landscaping along Minor Ln. and we'll work with the neighbors regarding the height of the berm and trees. There will be landscaping against the building as well.

04:13:07 Mr. Peach stated this project will be the least intrusive. The traffic generated from the trucks will be a lot but anything that goes in there will generate more traffic. The applicant has been very honest about everything. The lighting will help deter crime.

04:19:04 Mr. Tarpley stated the appearance is cleaner. The applicant is proposing sidewalks which will aid in bringing the neighbors together as a whole. The landscaping will give a park-like setting. Also, they'll be trying to help the traffic issues.

Mr. Tarpley said he researched other uses that could go in and feels this proposal is the best.

04:24:03 Commissioner Carlson asked about a binding element regarding the timing of the road improvements. Mr. Calvery suggests a binding element that states: As development occurs, the improvements are commensurate with the traffic that is generated.

04:25:05 Commissioner Carlson asked what has happened with the entrance being shifted slightly to the west. Mr. Calvery said the state doesn't want a negative impact (backing up) on the interstate.

04:25:49 Mr. Calvery said they're not proposing a heavy industrial site. It will be a logistics site that will feed off the airport, GE, Ford or UPS. The truck traffic generated will be approximately 12-15 trucks per hour and they won't be coming at peak times. There's one way into the site and one way out.

04:27:33 Commissioner Carlson asked if there's a way to design the travel route in order to discourage the truck drivers from using Minor Ln. Mr. Calvery said they will work with the neighbors and the city to come up with a plan and contribute some money for signage.

04:29:46 Mr. Nicklies discussed the market. The proposal is a \$45 million development and most of the tenants will have security on site.

04:33:11 Commissioner Brown asked what the hours of operation would be. Mr. Calvery said it will be tenant-driven.

The following spoke in opposition to this request:

Philip B. Cease, Jr., 5400 Minyard Drive, Louisville, Ky. 40219

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Charles F. Bullard, Jr., 5501 Minor Lane, Louisville, Ky. 40219
Pastor Steve Carney, 5513 Minor Lane, Louisville, Ky. 40219
Robin Bullard, 5501 Minor Lane, Louisville, Ky. 40219
Ernest Smedley, 3215 Dupin Drive, Louisville, Ky. 40219
Stacy Banks, 5517 Minyard Drive, Louisville, Ky. 40219
Joshua Smith, 1017 Meadow Hill Road, Louisville, Ky. 40219

Summary of testimony of those in opposition:

04:34:02 Mr. Cease submitted handouts into the record. The biggest threat in America is the loss of individual freedoms. There is something wrong with the laws regarding notifying neighbors of pending projects.

Mr. Cease said he has an issue with the noise from the trucks and a 2 foot berm will not solve it.

04:56:36 Mr. Bullard stated a 2-3 foot berm will not do any good. There is a concern for the safety of the children. Also, flooding is an issue.

05:02:54 Pastor Carney stated his church was established in 1957 and there have been a lot of changes in the neighborhood.

05:07:35 Mrs. Bullard stated her issues as follows: loss of animals; decrease in property values; additional pollution; increased traffic; increased crime; and there are other buildings sitting empty now.

05:10:47 Mr. Smedley stated there is increased crime and vandalism in his neighborhood. Also, traffic and speeding are issues.

05:13:30 Ms. Banks stated the residents have been in the dark about this request. The wetlands that the animals depend on will be taken away.

Ms. Banks said she doesn't want industrial in her neighborhood.

Ms. Banks asked about the notification process. Mr. Calvery explained that per the state statutes and city ordinances, notification is mailed to 1st and 2nd tier owners and whoever else is on the list provided by the city. There was also a notice in the Courier Journal.

05:19:25 Mr. Smith stated he doesn't want his greatest investment (home) to be in jeopardy by having a warehouse next door. Other concerns include: safety; traffic; and the traffic analysis was not done adequately for the left turn on Minor Ln.

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Rebuttal

05:25:56 Mr. Calvery stated the traffic study was very detailed. The berm will undulate (5+ ft. tall) to be whatever height is needed for relief and trees will be planted. Also, we will contribute and work with the city and neighbors regarding traffic on Minor Ln.

05:27:05 Commissioner Lewis asked if there's a planned entry point on the property where trucks check-in? Where is the stacking area for those trucks? Mr. Calvery said there's no check-in. Trucks will not stack on Minor Ln.

05:29:45 Chair Jarboe asked the applicant to explain the left turn lane onto Minor Ln. Mr. Kirk explained and referenced the conceptual plan of the proposed improvements. There will be widening of the road to allow 2 vehicles to travel side by side.

Deliberation

05:33:26 Commissioner Brown the site is predominantly C-2 now. This area is more appropriate for an employment center. There's great expressway access and the residential zone is not as appropriate as PEC. The applicant has done a lot to mitigate the variance and the waiver.

05:34:36 Commissioner Lewis said something is going to develop there and this proposal should have the least effect on the neighbors.

05:35:44 Commissioner Daniels agrees.

05:36:47 Commissioner Tomes agrees. A warehouse can be less intense, depending on the design. Crime is on the increase in every neighborhood and this applicant didn't cause any of them.

05:38:23 Chair Jarboe said he agrees with the staff report. The proposal is too close to the neighborhood and they will be adversely affected. The truck traffic will be tough on the neighbors as well. If there are some uses not wanted in the PEC, it would be best to place in binding elements.

05:46:27 Mr. Dock explained binding elements and modification of binding elements to the neighbors.

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.

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Change-in-Form from Suburban Marketplace Corridor and Neighborhood to Suburban Workplace

On a motion by Commissioner Brown, seconded by Commissioner Tomes, the following resolution based on testimony heard today, those elements of Cornerstone 2020 Staff Analysis found to be in conformance, the Applicant's Justifications and that this does not constitute an expansion into a residential area as the site is zoned C-2 and the abutting properties to the north are EZ-1 and bounded by the interstate and major arterial of Outer Loop was adopted.

WHEREAS, the Louisville Metro Planning Commission finds that the existing Neighborhood form district is not appropriate as the proposal is not a neighborhood center and does not provide supportive services to the immediately abutting neighborhood. The existing form allows for neighborhood supportive services. The intensity of the current district also allows for regional and higher intensity commercial services that may not be appropriate for the existing form. The proposed industrial does use to not conform to the intent of the neighborhood form.

WHEREAS, the Louisville Metro Planning Commission finds that the existing Neighborhood form district is not appropriate because the proposed district is characterized by predominately industrial and office uses. Access to the site necessitates the use of a 4-lane, frontage collector level roadway adjacent to an arterial roadway with interstate access. Access to the site is obtained immediately from this roadway. The roadway provides access to a local frontage road for 14 single-family lots that face the collector. Impact on these residences would appear minimal as the roadway appears to have been widened for the purpose of serving the subject site with high intensity commercial uses.

WHEREAS, the Louisville Metro Planning Commission finds that the existing Suburban Marketplace Corridor form district is not appropriate because the marketplace corridor form district that is currently present does not integrate into an existing pattern of development and contains no continuity with a corridor or other marketplace forms. The lack of connectivity with a corridor or other marketplace forms limits the pedestrian connectivity intended by the current form. The proposed form district provides similar protections for nearby lower intensity districts with respect to landscaping and setback, and calls for buildings setback in a landscaped setting. There are no adjacent corridors to which the form can be consistent.

WHEREAS, the Louisville Metro Planning Commission finds that the existing Suburban Marketplace Corridor form district is not appropriate because the form district was introduced in 2004 under docket 9-05-99. The existing SMC form district is not consistent with the intent of the form district. The existing SMC form district is not

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consistent with the intent of the form district and many of the uses that are commonly found in this form were specifically prohibited. The SMC is designated for "linear commercial development along major roadways". Examples of appropriately located SMC districts are Dixie Highway, Preston Highway, or Bardstown Road.

WHEREAS, the Louisville Metro Planning Commission further finds that the proposed Suburban Workplace form is appropriate because the Suburban Work Place Form District (SWFD) is designed to reserve land for industrial and employment uses in suburban locations with design standards intended to promote development and redevelopment that ensures adequate access for employees, freight, and products, to provide services and amenities for employees, and to improve transit service.

The proposed rezoning, Detailed District Development (DDDP), and Revised Detailed District Development (RDDDP) fits in perfectly with the Suburban Work Place Form District. The proposed change in zoning and form district designation, along with the associated development plans present an opportunity to continue the land use pattern currently planned for and anticipated by the Land Development Code and Cornerstone 2020.

According to the Core Graphic 1 and the Planning and Design Department Staff, the SWFD promotes the development of parcels for industrial uses and employment generators. Correspondingly, the SWFD and the PEC zone district provides for the ability to utilize adjacent and readily accessible properties to further promote ancillary employment and development opportunities to larger properties within the SWFD that are serving as the major employment and manufacturer of goods and services used within the Metropolitan Louisville Area.

The proposed PEC zoning and development plans will provide the opportunities to maximize the ability of the SWFD and other nearby PEC zone districts to maintain and expand the current employment base and economic benefits generated by such existing uses like the Louisville International Airport, Kentucky Ford Plant, UPS, and General Electric. Uses on the Property will be developed to a scale appropriate to address the current and future needs of the SWFD.

RESOLVED, that the Louisville Metro Planning Commission does hereby **RECOMMEND** to the Louisville Metro Council the change in form district from Suburban Marketplace Corridor and Neighborhood to Suburban Workplace on property described in the attached legal description be **APPROVED**.

The vote was as follows:

YES: Commissioners Brown, Daniels, Lewis and Tomes
NO: Chair Jarboe

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NOT PRESENT AND NOT VOTING: Commissioners Carlson, Howard, Peterson, Robinson and Smith

Zoning Change from R-4, R-7 and C-2 to PEC, Planned Employment Center

On a motion by Commissioner Brown, seconded by Commissioner Tomes, the following resolution based on testimony heard today, those elements of Cornerstone 2020 Staff Analysis found to be in conformance with the Comprehensive Plan and the Applicant's Justifications was adopted.

WHEREAS, the Louisville Metro Planning Commission finds that the proposal meets the Community Form guideline because the proposed PEC district creates a new planned development that may feature a single or mixture of related uses. The current proposed development plan calls for two large warehouses and provides space for future growth. The proposal utilizes an existing 4-lane, collector level roadway for its primary means of access and provides cross-connectivity to the North via private drive. Sidewalks are provided along Minor Lane immediately abutting the site and pedestrian connections from these public walks to building entrances are provided. TARC service is not available along the frontage or on Outer Loop. The nearest route is located along Preston Highway. The proposal does not prevent or negatively impact TARC service.

WHEREAS, the Louisville Metro Planning Commission finds that the proposal meets the Compatibility guideline because renderings will be compliant with the form district design standards of Land Development Code, Chapter 5, parts 5 & 6. Traffic associated with heavy-trucks and employment will increase in the area as a result of the project. Traffic impacts will be seen primarily along Outer Loop and the 4-lane, collector providing primary access. All recommendations of the final traffic study will be incorporated as required. An internal roadway providing access to the north attempts to alleviate any future pressure along the residential segments of Minor Lane. Lighting will be in compliance with LDC 4.1.3. All luminaires shall be aimed, directed, or focused such as to not cause direct light from the luminaire to be directed toward residential uses. Landscape transitions have been provided along Minor Lane and adjacent to nearby homes. The Minor Lane frontage of the development and those portions that abut single-family residential property will contain landscaping consisting of a 2' berm with 8' evergreen screen and deciduous trees. The proposed development plan appears to mitigate its impacts associated with parking areas, drive lanes, and the front of buildings. Any future development of industrial uses permitted by the district that pose a nuisance created by noise, emissions, or odor will necessitate further consideration of additional enhanced buffering, setback, and mitigation measures. Setbacks, lot dimensions and building heights are compatible with the intent of the form and zoning district - To provide sufficient space in attractive, landscaped, and planned industrial parks for M-2 Industrial operations. Parking areas are buffered from the street and adjacent residential areas with landscaping consisting of a 2' berm with 8' evergreen

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screen and deciduous trees. Internal drive lanes and pedestrian ways are safely provided to minimize impact. Parking areas are buffered from the street and adjacent residential areas with landscaping consisting of a 2' berm with 8' evergreen screen and deciduous trees. Loading areas and truck parking are located to the side of buildings. A unified signage plan will be created that sets consistent standards for the design, appearance and location of signs within the development; and

WHEREAS, the Louisville Metro Planning Commission finds that the proposal meets the Open Space guideline because the rear area of the site adjacent to the interstate contains drainage and floodplain compensation facilities, as well as an archaeological amenity identified from the previously approved developments. The proposal integrates natural features into the pattern of development. The rear area of the site adjacent to the interstate contains drainage and floodplain compensation facilities, as well as an archaeological amenity identified from the previously approved developments. Landscaping consisting of a 2' berm with 8' evergreen screen and deciduous trees will be provided along the frontage; and

WHEREAS, the Louisville Metro Planning Commission finds that the proposal meets the Natural Areas and Scenic Historic Resources guideline because the proposal respects the natural features of the site through sensitive site design, avoids substantial changes to the topography and minimizes property damage and environmental degradation resulting from disturbance of natural systems as the rear area of the site adjacent to the interstate contains drainage and floodplain compensation facilities, as well as an archaeological amenity identified from the previously approved developments. The site is relatively flat with an elevation change from front to back of 10-15'. The proposal includes the preservation, use or adaptive reuse of buildings, sites, districts and landscapes that are recognized as having historical or architectural value as an archaeological amenity identified from the previously approved developments is being preserved for the benefit of the public. The proposal includes the preservation, use or adaptive reuse of buildings, sites, districts and landscapes that are recognized as having historical or architectural value as an archaeological amenity identified from the previously approved developments is being preserved for the benefit of the public. The proposed development is providing floodplain compensation. KDOW and ACOE approval will be required prior to MSD approval; and

WHEREAS, the Louisville Metro Planning Commission finds that the proposal meets the Economic Growth and Sustainability guideline because the use would generate heavy truck and employee traffic and is not immediately located on an arterial roadway. The collector level roadway serving the site is sufficiently wide and does not provide direct access to residences. Access from the site to the interstate is good, while access to the site from the interstate could result in congestion at the intersection of Outer Loop and Briar Cliff. All roadway improvements as recommended by the Traffic Impact study

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shall be implemented prior to occupancy of the site. The subject site is located near an arterial and in proximity to an interstate; and

WHEREAS, the Louisville Metro Planning Commission finds that the proposal meets the Circulation guideline because the proposal will contribute its proportional share of the cost of roadway improvements and other services and public facilities made necessary by the development through physical improvements to these facilities, contribution of money, or other means. Facilities for pedestrians are provided to the site. TARC service is not currently available to the site. The collector level roadway serving the site is sufficiently wide and does not provide direct access to residences. Access from the site to the interstate is good, while access to the site from the interstate could result in congestion at the intersection of Outer Loop and Briar Cliff. All roadway improvements as recommended by the Traffic Impact study shall be implemented prior to occupancy of the site. A stub has been provided to facilitate the development of adjacent lands to the north which serves to decrease pressure on Minor Lane. While it may not be appropriate to continue industrial development north, this through-road may decrease the negative impact of traffic on portions of Minor Lane providing single-family residential access. Right-of-way has been dedicated as required. The proposal includes adequate parking spaces to support the use. The proposal provides for joint and cross access through the development and to connect to adjacent development sites; and

WHEREAS, the Louisville Metro Planning Commission finds that the proposal meets the Transportation Facility Design guideline because adequate stub streets are provided for future roadway connections that support and contribute to appropriate development of adjacent land. Access to the site is provided from a 4-lane, collector roadway with no direct single-family driveway access. The 4-lane, collector is sufficient to provide access. All roadway improvements as recommended by the Traffic Impact study shall be implemented prior to occupancy of the site; and

WHEREAS, the Louisville Metro Planning Commission finds that the proposal meets the Bicycle, Pedestrian and Transit guideline because the proposal provides, where appropriate, for the movement of pedestrians, bicyclists and transit users around and through the development; and

WHEREAS, the Louisville Metro Planning Commission finds that the proposal meets the Flooding and Stormwater guideline because the proposal's drainage plans have been approved by MSD; and

WHEREAS, the Louisville Metro Planning Commission finds that the proposal meets the Air Quality guideline because APCD made no comment; and

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WHEREAS, the Louisville Metro Planning Commission finds that the proposal meets the Landscape Character guideline because the subject site is adjacent to an interstate and the built environment. The rear of the site will remain un-built; and

WHEREAS, the Louisville Metro Planning Commission finds that the proposal meets the Infrastructure guideline because the proposal is located in an area served by existing utilities or planned for utilities. The proposal would appear to have access to an adequate supply of potable water and water for fire-fighting purposes. The proposal would appear to have an adequate means of sewage treatment and disposal to protect public health and to protect water quality in lakes and streams; and

WHEREAS, the Louisville Metro Planning Commission finds that the proposal meets the Community Form guideline because it uses existing and emerging forms or patterns of development and local plans developed in accordance with the Comprehensive Plan to guide land use decisions and design of development; and

WHEREAS, the Louisville Metro Planning Commission finds that the proposal meets the Compatibility guideline as it ensures that land uses and transportation facilities are located, designed and constructed to be compatible with nearby land uses and to minimize impacts to residential areas, schools and other sensitive areas in the community. The development will provide employment in an underserved area that minimizes land use incompatibilities and the impact on public facilities. The development recognizes the special environmental, historic and cultural character of residential areas and adjacent passive open spaces. The development will create public facilities and services that are responsive to the specific needs generated by the residents of this neighborhood residential area. The development helps to maintain the quality of existing and residential neighborhoods by providing an opportunity for employment and services desirable to live near. Detailed consideration will be given towards the choice of building materials used, in an effort to preserve the feeling of the area and reflect current design elements. Outdoor lighting will be directed down and away from residential property. Parking access is designed to be safe and simple, and utilize the practice of "shared parking" and "captive market parking" to minimize impervious land surfaces. Truck access to the development is designed to pass around, not through, residential neighborhoods and streets; and

WHEREAS, the Louisville Metro Planning Commission finds that the proposal meets the Compatibility Economic Growth and Sustainability guideline because it provides a positive culture for attracting and sustaining business within Louisville and Jefferson County. The proposed development has chosen to locate on a site that will enable primary and secondary job creation in close proximity to existing social and economic infrastructures. To this end, the proposed development adheres to the policies designed to promulgate the intentions of this Guideline. In addition to neighborhood input and Planning Department recommendations the following practices,

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ideas, and community benefits will be implemented. The development will help keep dollars in the community. The development will spread tax burden for public facilities maintenance and neighborhood programs. The development will attract new investment dollars adjacent to a major economic engines in Louisville, the Kentucky Ford Truck Plant, General Electric, UPS, and the Louisville International Airport. The development will provide management level and entry-level positions. The development will offer flexible working hours. The development will assist in preserving existing standards of living over time. The development will provide new services and products not previously available in a timely manner to nearby industries. The development will create a positive environment; and

WHEREAS, the Louisville Metro Planning Commission finds that the proposal meets the Circulation guideline ensures a balanced and comprehensive multi-modal transportation network that is coordinated with desired growth and development patterns and provides for the movement of people and goods; and

WHEREAS, the Louisville Metro Planning Commission finds that the proposal meets the Transportation Facility Design guideline because design transportation facilities that are safe and efficient, that minimize adverse impacts upon the community and that accommodate, where possible, all modes of travel, such as trucks, automobiles, transit, pedestrians and bicycles.

WHEREAS, the Louisville Metro Planning Commission finds that the proposal meets the Bicycle, Pedestrian and Transit guideline because it supports transit and non-motorized methods of travel and provides the necessary infrastructure improvements to accommodate alternative modes of travel. The proposed development has chosen to locate on a site that will enable proper site access and direct access to a major arterial and where nuisances and activities of the proposed use will not adversely affect adjacent areas. To this end, the proposed development adheres to the policies designed to promulgate the intentions of these Guidelines. In addition to neighborhood input and Planning Department recommendations the following practices, ideas, and community benefits will be implemented. The development can enable residents and future employees to minimize vehicular miles traveled, as well as total travel time, in order to minimize air pollution and to conserve fuel. The development can increase opportunities for pedestrian and bicycling facilities, while providing a compact work place destination for area residents. The development is located to take advantage of the existing transportation system to complement the overall development of the area and minimize additional roadway construction. The development is located where adequate access exists for employees and for product movement. The development will make improvements to adjacent roadways by the dedication of ROW as warranted and mentioned in the Introductory Discussion. The development will integrate best practices for pedestrian accessibility. The development will entertain the dedication of property for future transit passenger pickup and drop off. The development will work to

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coordinate compatible hours for businesses within the project. The development has provided for the acquisition and/or the protection of road rights-of-way; and

WHEREAS, the Louisville Metro Planning Commission finds that the proposal meets the Flooding and Stormwater guideline as it minimizes the potential for and impacts of flooding and effectively manages stormwater; and

WHEREAS, the Louisville Metro Planning Commission finds that the proposal meets the Water Quality guideline because the water quality will be protected; and

WHEREAS, the Louisville Metro Planning Commission finds that the proposal meets the Infrastructure guideline because it provides for necessary infrastructure and ensures that carrying capacity of the land is adequate for the proposed development; and

WHEREAS, the Louisville Metro Planning Commission finds that the proposal meets the Community Facilities guideline because the location and design ensure compatibility with existing development. The proposed development has chosen to locate on a site that will (1) enable proper stormwater handling and release management that will not adversely affect adjacent and downstream properties; (2) provide for necessary upgrades to area-wide water storage and distribution; (3) create opportunities for passive open space; (4) provide for utility installations with access to a major arterial roadway. To this end, the proposed development adheres to the policies designed to promulgate the intentions of these Guidelines. In addition to neighborhood input, the Louisville Water Company, MSD and Planning Department recommendations and directions will be incorporated. The following practices, ideas, and community benefits will be implemented. The development will provide, as required, for the orderly expansion of water supply and sewerage systems within the community to meet the needs of current and future residents while taking into consideration the impacts of cost, public health, surrounding land use, and environmental impacts. The development will participate, as necessary, with the renovation and improvement of existing water supply and sewage collection systems in the existing area, to provide for additional sanitary sewer capacity and reliability. The development will comply with all applicable local, state and federal laws and regulations on water and sewerage planning collection, distribution and management. The development meets the intent that full consideration is given to issues of orderly expansion keyed to Cornerstone 2020 land use plans, public health, capital programming and water supply/water quality management. The development has chosen to locate where water and sewer services exist and can be extended or upgraded systematically in concert with the availability of other public facilities and neighborhood needs. The development will make land available for public infrastructure, as necessary; and

WHEREAS, the Louisville Metro Planning Commission finds that the proposal meets the Air Quality guideline to minimize, reduce, or eliminate, as necessary and

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appropriate, through the land use planning and development review process, air pollution from stationary, area, and mobile sources. The proposed development has chosen to locate on a site that will enable and promote a reduction in vehicle miles traveled and increased pedestrian travel in an effort to reduce particulate matter accumulation in the ambient air in addition to CO2 emissions. To this end, the proposed development adheres to the policies designed to promulgate the intentions of this guideline. In addition to neighborhood input and Planning Department recommendations the following practices, ideas, and community benefits will be implemented. The development will create local neighborhood employment opportunities thereby reducing VMT. The development will research tenant sponsored bus passes for the summer months. The development will research the creation of a recycling collection center; and

WHEREAS, the Louisville Metro Planning Commission finds that the proposal meets the Landscape Character guideline as it protects and enhances landscape character. The proposed development adheres to the policies designed to promulgate the intentions of these guidelines. In addition to neighborhood input and Planning Department recommendations the following practices, ideas, and community benefits will be implemented. The development landscape plan will complement the existing landscapes of adjacent properties and enhance the personal scale by clearly defining pathways, entrance areas, public gathering spaces, parking areas, and access roadways. The development landscape plan will mitigate the impact to neighboring properties. The rear elevations of buildings, loading docks, and refuse collection areas shall be landscaped and designed with our neighbors in mind first...The development landscape plan will incorporate a mix of indigenous plants that are hardy and drought tolerant, and will include evergreen plantings (trees, shrubs, ground-covers, and ornamental grasses). The development landscape plan will attempt to utilize technologically advanced irrigation systems for water conservation as needed.

RESOLVED, that the Louisville Metro Planning Commission does hereby **RECOMMEND** to the Louisville Metro Council the change in zoning from R-4, R-7 and C-2 to PEC, Planned Employment Center on property described in the attached legal description be **APPROVED**.

The vote was as follows:

YES: Commissioners Brown, Daniels, Lewis and Tomes

NO: Chair Jarboe

NOT PRESENT AND NOT VOTING: Commissioners Carlson, Howard, Peterson, Robinson and Smith

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Waiver of Land Development Code (LDC), section 5.5.4.B to reduce the required 50 foot LBA to 35 feet

On a motion by Commissioner Brown, seconded by Commissioner Tomes, the following resolution based on Standard of Review and Staff Analysis, Applicant's Justification and testimony heard today was adopted.

WHEREAS, the waiver will not adversely affect adjacent property owners as sufficient landscape buffer in the form of a 2' berm with 8' screen and deciduous trees having a width of 35' is provided. The reduction along the north line is adjacent to a non-residential use which exists in a residential district; and

WHEREAS, the Louisville Metro Planning Commission finds, the waiver will not violate specific guidelines of Cornerstone 2020 as Guideline 3, Policy 21 calls for appropriate transitions between uses that are substantially different in scale and intensity or density of development such as landscaped buffer yards, vegetative berms, compatible building design and materials, height restrictions, or setback requirements. Guideline 3, Policy 22 calls for mitigation of impacts caused when incompatible developments unavoidably occur adjacent to one another by using buffers that are of varying designs such as landscaping, vegetative berms and/or walls, and that address those aspects of the development that have the potential to adversely impact existing area developments. A sufficient landscape buffer in the form of a 2' berm with 8' screen and deciduous trees having a width of 35' is provided; and

WHEREAS, the Louisville Metro Planning Commission further finds the applicant has incorporated other design measures that exceed the minimums of the district and compensate for non-compliance with the requirements to be waived as sufficient landscape buffer in the form of a 2' berm with 8' screen and deciduous trees having a width of 35' is provided. This has been depicted on the applicant's landscaped exhibit and preserved by binding element.

WHEREAS, granting the requested waiver will not adversely affect the adjacent property owners. The drive lane that is proposed which is immediately adjacent to the 35 foot LBA is to serve the adjacent property to the North, and automobile parking for the development. This portion of the drive is not utilized for truck loading or maneuvering for the proposed development. Further, the only uses being buffered in this area are the end of a proposed building that is approximately 153 feet from the property line, automobile parking, and the aforementioned drive. The requested waiver is only dimensional. The applicant will still be providing the required plant material and screening to buffer the adjoining residents; and

WHEREAS, given the above stated observations regarding land uses to be buffered, the apparent compliance with the landscape ordinance, the applicant's waiver request

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itself, and the required landscape and screening for the buffer, granting the requested waiver will not violate the Comprehensive Plan; and

WHEREAS, the applicant has taken great care to minimize the impact of the proposed development on surrounding properties. The subject property is constrained by existing utilities and their related easements, an archaeological site to be preserved, floodplain, wetlands, obligations made through prior zoning cases and the current Land Development Code and Comprehensive Plan. As stated above the requested waiver is the minimal necessary relief; and

WHEREAS, for the reasons stated above denial of this waiver request will deprive the applicant of reasonable use of this land. The waiver is a dimensional waiver of 15 feet. All required vertical buffering will be provided. Denial of the request simply causes the applicant to reduce the size of the proposed building and in so doing has a significant economic impact on the project.

RESOLVED, that the Louisville Metro Planning Commission does hereby **APPROVE** a waiver of Land Development Code (LDC), section 5.5.4.B to reduce the required 50 foot LBA to 35 feet.

The vote was as follows:

YES: Commissioners Brown, Lewis and Tomes

NO: Commissioners Daniels and Jarboe

NOT PRESENT AND NOT VOTING: Commissioners Carlson, Howard, Peterson, Robinson and Smith

Variance from LDC, section 4.8 to allow proposed 'Building B' to encroach upon the 100 foot protected waterway buffer a maximum of 38.6 feet

On a motion by Commissioner Brown, seconded by Commissioner Tomes, the following resolution based on the Standard of Review and Staff Analysis and testimony heard today was adopted.

WHEREAS, the requested variance will not adversely affect the public health, safety or welfare as the waterway provides retention/detention and the encroachment does not impact this use; and

WHEREAS, the requested variance will not alter the essential character of the general vicinity as the abutting parcel does not conform to a specific pattern of development and the protected waterway is not a linear or meandering stream; and

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WHEREAS, the requested variance will not cause a hazard or nuisance to the public as the waterway serves as a drainage facility for an adjacent use and the proposed encroachment will not impact its usage; and

WHEREAS, the Louisville Metro Planning Commission finds the circumstances are not the result of actions of the applicant taken subsequent to the adoption of the zoning regulation from which relief is sought as no development has occurred; and

WHEREAS, the Louisville Metro Planning Commission further finds the requested variance will not allow an unreasonable circumvention of the zoning regulations as the waterway serves as a drainage facility for an adjacent use and the proposed encroachment will not impact its usage.

WHEREAS, the Louisville Metro Planning Commission further finds the circumstances are not the result of actions of the applicant taken subsequent to the adoption of the zoning regulation from which relief is sought as no development has occurred.

RESOLVED, that the Louisville Metro Planning Commission does hereby **APPROVE** a Variance from the Land Development Code, section 4.8 to allow proposed 'Building B' to encroach upon the 100 foot protected waterway buffer a maximum of 38.6 feet

The vote was as follows:

YES: Commissioners Brown, Lewis and Tomes

NO: Commissioners Daniels and Jarboe

NOT PRESENT AND NOT VOTING: Commissioners Carlson, Howard, Peterson, Robinson and Smith

Revised General and Detailed District Development Plan

On a motion by Commissioner Brown, seconded by Commissioner Tomes, the following resolution based on the Standard of Review and Staff Analysis and testimony heard today was adopted.

WHEREAS, 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 will be provided. Natural features have been integrated into the pattern of development. The rear area of the site adjacent to the interstate contains drainage and floodplain compensation facilities, as well as an archaeological amenity identified from the previously approved developments. Landscaping consisting of a 2' berm with 8' evergreen screen and deciduous trees will be provided along the frontage; and

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WHEREAS, the proposal utilizes an existing 4-lane, collector level roadway for its primary means of access and provides cross-connectivity to the North via private drive. Sidewalks are provided along Minor Lane immediately abutting the site and pedestrian connections from these public walks to building entrances are provided. TARC service is not available along the frontage or on Outer Loop. The nearest route is located along Preston Highway. The proposal does not prevent or negatively impact TARC service. Traffic associated with heavy-trucks and employment will increase in the area as a result of the project. Traffic impacts will be seen primarily along Outer Loop and the 4-lane, collector providing primary access. The collector level roadway serving the site is sufficiently wide and does not provide direct access to residences. Access from the site to the interstate is good, while access to the site from the interstate could result in congestion at the intersection of Outer Loop and Briar Cliff. All roadway improvements as recommended by the Traffic Impact study shall be implemented prior to occupancy of the site. An internal roadway providing access to the north attempts to alleviate any future pressure along the residential segments of Minor Lane; and

WHEREAS, open space being provided for the benefit of the public as an archaeological amenity is being preserved; 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 proposal creates a new planned development that may feature a single or mixture of related uses. The plan calls for two large warehouses and provides space for future growth. Landscape transitions have been provided along Minor Lane and adjacent to nearby homes. The Minor Lane frontage of the development and those portions that abut single-family residential property will contain landscaping consisting of a 2' berm with 8' evergreen screen and deciduous trees; and

WHEREAS, the Louisville Metro Planning Commission further finds the proposed development plan conforms to the Comprehensive Plan as demonstrated above and in the Cornerstone 2020 Staff Analysis provided as *Attachment 3* of the staff report.

RESOLVED, that the Louisville Metro Planning Commission does hereby **APPROVE** the Revised General and 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

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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. Prior to development (includes clearing and grading) of each site or phase of this project, the applicant, developer, or property owner shall obtain approval of a detailed district development plan in accordance with Chapter 11, Part 6. Each plan shall be in adequate detail and subject to additional binding elements. The façade elevations submitted at this time shall be in accordance with applicable form district standards and shall be approved by PDS staff prior to construction permit approval.
3. No outdoor advertising signs, small freestanding signs, pennants, balloons, or banners shall be permitted on the site.
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 Louisville Metro Department of Codes and Regulations Construction Permits and Transportation Planning Review and the Metropolitan Sewer District.
 - b. Encroachment permits must be obtained from the Kentucky Department of Transportation, Bureau of Highways.
 - 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 building permit. Such plan shall be implemented prior to occupancy of the site and shall be maintained thereafter.
 - d. A minor plat shall be approved and recorded creating the lots as shown on the approved development plan.
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. 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.
 8. No deliveries shall be permitted by any commercial use between 10:00 pm and 7:00 am
 9. A reciprocal access and crossover easement agreement in a form acceptable to the Planning Commission legal counsel shall be created between the development site and the adjoining property owner(s) to the North and recorded prior to development of that site for any non-residential use. A copy of the recorded instrument shall be submitted to the Division of Planning and Design Services.
 10. A reciprocal access and crossover easement agreement in a form acceptable to the Planning Commission legal counsel shall be created between all parcels shown on the approved development. Rights of access shall be retained for the benefit of the public to access the archaeological feature on lot 2. A copy of the recorded instrument shall be submitted to the Division of Planning and Design Services. Such agreement shall be recorded prior to construction plan approval.
 11. A unified signage plan shall be created that sets consistent standards for the design, appearance and location of signs within the development. This plan shall be submitted for review and approval by Planning Commission Staff prior to issuance of certificate of occupancy.
 12. Landscaping shall be provided which is substantially similar to that described on the applicant's landscape exhibit presented at the 2/21/19 public hearing of the Planning Commission.
 13. The materials and design of proposed structures shall be substantially the same as depicted in the rendering as presented at the 2/21/19 Planning Commission meeting. One tree shall be planted within 15 feet of the building, for each 50 feet of façade length facing public streets or residentially used property. Trees may be clustered but distance between trees shall not exceed 100 feet. Tree species shall be selected from the Preferred Plant List that will equal or exceed the height of the adjacent building, at maturity. This shall be in addition to trees required in parking lot interior landscape areas.

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14. The developer shall be responsible for maintenance of all drainage facilities and undeveloped lots ensuring prevention of mosquito breeding, until such time as the drainage bond is released.
15. The following roadway improvements shall be made prior to the occupancy of the subject site:

Outer Loop Road at Minor Lane

- A. Remove the existing raised median on the west leg of the intersection to provide dual left turns from Outer loop Road to Minor Lane.
- B. Add an additional southbound lane on the north leg of the intersection to provide 1 right turn lane, 1 shared through-left turn lane and 1 exclusive left turn lane. Widening on this leg will require significant shoulder widening to provide positive off-tracking for heavy making a right turn from Minor Lane to Outer Loop Road.
- C. Widen the northbound approach of Briarcliff Road north of the Old Outer Loop Road to provide full pavement width for two lanes. Reconfigure the northbound lanes to provide 1 exclusive left turn lane and 1 shared through right turn lane.
- D. Provide a westbound right turn lane on Outer Loop Road to Minor Lane.

Minor Lane Extension at Development Drive

Configure the newly created intersection with stop control on the southbound approach of Minor Lane.

Any revision to these recommendations shall be in coordination with KYTC and shall be presented to the Director of Public Works for review and approval.

16. M-2 primary uses, chemical packaging, and manufacturing or production of adhesives are prohibited, unless approved by the Planning Commission in a public hearing. Any application for amendment shall include notification to all those that spoke at the public hearing, as well as 1st and 2nd tier adjoining property owners.

The vote was as follows:

YES: Commissioners Brown, Daniels, Lewis and Tomes

NO: Commissioner Jarboe

NOT PRESENT AND NOT VOTING: Commissioners Carlson, Howard, Peterson, Robinson and Smith

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TO BE HEARD NO EARLIER THAN 5:00 PM

Request: Change in zoning from R-4, R-7 and C-2 to PEC and change in form from SMC and N to SW with district development plan, landscape waiver, and protected waterway variance

Project Name: Logistics Airpark

Location: 5530-5540 Minor Lane

Owner: LaGrange LLC and Nicklies Exchange LLC

Applicant: Nicklies Development

Representative: Nicklies Development

Jurisdiction: Louisville Metro

Council District: 13 – Mark Fox

Case Manager: Joel Dock, AICP, Planner II

Discussion:

04:37:12 Chair Carlson stated there was an issue with the Courier Journal notification.

Deliberation

04:37:57 Planning Commission deliberation.

An audio/visual recording of the Planning Commission hearing related to this case is available on the Planning & Design Services website, or you may contact the Customer Service staff to view the recording or to obtain a copy.

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

RESOLVED, that the Louisville Metro Planning Commission does hereby **CONTINUE** this case to the February 21, 2019 Planning Commission meeting to start no earlier than 5:00 p.m.

The vote was as follows:

YES: Commissioners Brown, Daniels, Howard, Smith and Carlson
NOT PRESENT AND NOT VOTING: Commissioners Peterson, Robinson, Smith, Lewis and Jarboe