

PLANNING COMMISSION MINUTES
January 21, 2016

PUBLIC HEARING

CASE NO. 15ZONE1031

Case No: 15zone1031
Request: Change in zoning from R-6 to EZ-1 and OR-3
Project Name: Pac-Van
Location: 522 N. 34th Street, TB 11G Lots 53/54,
TB 10D Lot 29 and TB 11J Lot 136

Owner: Murphy Properties, LLC
Connie M. Murphy, Manager
10717 Sun Ridge Road
Goshen, Ky. 40026

Applicant: Pac-Van, Inc.
Doc Smith
9155 Harrison Park Court
Indianapolis, In. 46216

Representative: Gresham, Smith and Partners
Jon Henney
101 South 5th Street, Suite 1400
Louisville, Ky. 40202

Seiller Waterman LLC
Joseph Cohen
462 South 4th Street, Suite 2200
Louisville, Ky. 40202

Jurisdiction: Louisville Metro
Council District: 5- Cheri Bryant Hamilton
Case Manager: Julia Williams, RLA, 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:

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01:34:54 Mrs. Williams discussed the case summary, standard of review and staff analysis from the staff report.

The following spoke in favor of this request:

Gordon Rose, Seiller Waterman LLC, 462 South 4th Street, Suite 2200, Louisville, Ky. 40202

Jon Henney, Gresham, Smith and Partners, 101 South 5th Street, Suite 1400
Louisville, Ky. 40202

Summary of testimony of those in favor:

01:41:31 Mr. Rose said the business is sales and leasing of mobile offices, mobile storage containers and mobile bulk water storage containers. The remainder of the property is used for inventory. "What we're trying to do with regard to the R-6 component of tract 1, is to make the zoning reflect how it's been used since the year 2000." There's no expansion or changes, just bringing it into compliance. The applicant would like to move their office to the vacant lot at a future date. The applicant agrees to all 9 binding elements listed in the staff report.

01:47:04 Mr. Henney stated it's very well screened now but there will be additional trees and vegetation added where there are gaps.

Commissioner Brown provided a sketch showing some gravel to be moved. "This will restore the road with minimal construction so the center line shifts over, there is no right-of-way dedication requirement, but it would mean cleaning up some of that gravel that's in the public right-of-way and restoring the grass." Mr. Henney will check with his client.

On a motion by Commissioner White, seconded by Commissioner Jarboe, the following resolution was adopted.

NOTE: COMMISSIONER BROWN LEFT

RESOLVED, that the Louisville Metro Planning Commission does hereby **CONTINUE** this case after the last case on the agenda.

By general consensus, the Committee continued this case to be heard after the last case on the agenda.

02:21:23 Reconvened - Commissioner Jarboe left and Commissioner Brown returned to the meeting.

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02:22:02 Mr. Henney said his client agrees with Commissioner Brown's request. Also, "The biggest cost of doing anything would be mobilization so we would like to be able to tie those improvements to when the improvements to the OR-3 lot are done."

02:23:25 Commissioner Brown read his proposed binding element into the record: The applicant shall remove gravel from within the Parker Ave. right-of-way and restore grass as shown on the exhibit as part of the improvements to Lot 2.

02:25:43 Mr. Kelly, MSD, stated that when he first saw this plan, no construction was proposed for lot 1. Lot 2 must have been added at a later date. "This is not much more than adding a residential driveway and home to that lot. The increased water is going to travel to Parker Ave. and back onto their lot or across the alley and back onto their lot. There will not be an increase of water onto the adjacent property owners."

Deliberation

02:27:55 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.

Zoning Change from R-6 to OR-3 and EZ-1

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

WHEREAS, A Traditional Workplace is a form characterized by predominantly small to medium scale industrial and employment uses. The streets are typically narrow, in a grid pattern and often have alleys. Buildings have little or no setback from the street. Traditional workplaces are often closely integrated with residential areas and allow a mixture of industrial, commercial and office uses. New housing opportunities should be allowed as well as civic and community uses; and

WHEREAS, Traditional workplaces should be served by public transportation. Because of the close proximity to residential areas, parking should be encouraged to be located mostly off-street and behind buildings. There should be adequate buffering of nearby neighbors from noise, odors, lighting and similar conditions; and

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WHEREAS, the Louisville Metro Planning Commission finds, in order to encourage reinvestment, rehabilitation and redevelopment in these areas, flexible and creative site design should be encouraged along with a respect for the traditional pattern of development in the surrounding area; and

WHEREAS, the Louisville Metro Planning Commission further finds the proposal will not affect the existing street pattern. Public transit is not available in this area. Access to transit is available from an existing sidewalk north of Parker along 35th Street. Parking for the site is interior to the site, to the rear, and on street. All buffers and setbacks are being met. The proposed office building meets the required setbacks. The building will meet design requirements within the LDC. The proposal is not a non-residential expansion into a residential area as there are other non-residential uses located nearby.

RESOLVED, that the Louisville Metro Planning Commission does hereby **RECOMMEND**, to Metro Council, **APPROVAL** of Case No. 15ZONE1031, a change in zoning from R-6 to OR-3 and EZ-1 for the parcels listed at this site based on the staff report, testimony heard today and the applicant's justification statement.

The vote was as follows:

YES: Commissioners Blake, Brown, Kirchdorfer, Lewis, Tomes, Turner and White
NOT PRESENT AND NOT VOTING: Commissioners Jarboe and Peterson

Development Plan and Binding Elements

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

WHEREAS, There does not appear to be any environmental constraints or historic resources on the subject site. Tree canopy requirements of the Land Development Code will be provided on the subject site; and

WHEREAS, 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, There are no open space requirements with the current proposal; 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

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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. Appropriate landscape buffering and screening will be provided to screen adjacent properties and roadways. Buildings and parking lots will meet all required setbacks; and

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.

RESOLVED, that the Louisville Metro Planning Commission does hereby **APPROVE** the Detailed District Development Plan and binding elements on pages 12 and 13 of the staff report with an additional binding element to read: The applicant shall remove gravel from within Parker Ave. right-of-way and restore the grass as shown on the exhibit as part of the improvements of Lot 2 shown on the District Development Plan. Construction plans, bond and permit are required prior to construction approval; based on the staff report, testimony heard today and the applicant's justification.

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. The development on Lot 2 shall not exceed 1,405 square feet of gross floor area.
3. No outdoor advertising signs, small freestanding signs, pennants, balloons, or banners shall be permitted on the site.
4. 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.
5. Before any permit (including but not limited to building, parking lot, change of use, site disturbance, alteration permit or demolition permit) is requested:

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- a. The development plan must receive full construction approval from Develop Louisville, 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 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 (Lot 2 not included). 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.
 - 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.
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. 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.
 8. The façade elevations for Lot 2 shall be in accordance with applicable form district standards and shall be approved by PDS staff prior to construction permit approval.
 9. No idling of trucks shall take place within 200 feet of single-family residences. No overnight idling of trucks shall be permitted on-site.
 10. The applicant shall remove gravel from within Parker Ave. right-of-way and restore the grass as shown on the exhibit as part of the improvements of Lot 2

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shown on the District Development Plan. Construction plans, bond and permit are required prior to construction approval.

The vote was as follows:

YES: Commissioners Blake, Brown, Kirchdorfer, Lewis, Tomes, Turner and White
NOT PRESENT AND NOT VOTING: Commissioners Jarboe and Peterson