

**MINUTES OF THE MEETING
OF THE
LOUISVILLE METRO PLANNING COMMISSION MEETING
July 18, 2019**

A meeting of the Louisville Metro Planning Commission was held on Thursday, July 18, 2019 at 1:02 p.m. at the Old Jail Building, located at 514 W. Liberty Street, Louisville, KY 40202.

Commissioners present:

Vince Jarboe, Chair
Jeff Brown
Rich Carlson
Ruth Daniels
Lula Howard
Emma Smith

Commissioners absent:

Marilyn Lewis
Robert Peterson
Donald Robinson
David Tomes

Staff members present:

Emily Liu, Director
Joe Reverman, Assistant Director
Brian Davis, Planning & Design Manager
Julia Williams, Planning & Design Supervisor
Beth Stuber, Planning & Design Supervisor
Dante St. Germain, Planner II
Joel Dock, Planner II
Jay Lockett, Planner I
Lacey Gabbard, Planner I
Ken Baker, Advanced Planning
Paul Whitty, Jefferson County Attorney's Office
Evan Mitchell, Planning & Design Intern
Jackson Reid, Planning & Design Intern
Rachel Dooley, Management Assistant

The following matters were considered:

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APPROVAL OF MINUTES

Approval of the Minutes for the June 20, 2019 Planning Commission public hearing

On a motion by Commissioner Brown, seconded by Commissioner Carlson, the following resolution was adopted:

RESOLVED, that the Louisville Metro Planning Commission does hereby **APPROVE** the minutes of the meeting conducted on June 20, 2019.

The vote was as follows:

YES: Commissioners Brown, Carlson, and Jarboe

ABSTAINING: Commissioners Daniels, Smith and Howard

NOT PRESENT: Commissioners Lewis, Peterson, Robinson, and Tomes.

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PUBLIC HEARING

CASE NO. 19ZONE1022

NOTE: Continued from June 20, 2019 Planning Commission Meeting.

Request:	Change in form district from NFD to SMCDF, and change in zoning from R-4 to C-2, with associated Detailed District Development Plan and binding elements
Project Name:	Kerrick Lane Automobile Storage
Location:	4531 Kerrick Lane
Owner:	Christy Hall
Applicant:	Crittenden Drive, LLC
Representative:	Jon Baker – Wyatt Tarrant & Combs
Jurisdiction:	Louisville Metro
Council District:	12 – Rick Blackwell

Case Manager: Dante St. Germain, AICP, Planner II

Notice of this public hearing appeared in The Courier-Journal, 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. (The staff report is part of the case file maintained in Planning and Design Services offices, 444 S. 5th Street.)

Agency Testimony:

Dante St. Germain stated this case was continued at the June 20, 2019 Planning Commission public hearing to allow the applicant to provide proper legal notice in the Courier-Journal (see staff report and recording for detailed presentation). Staff received an affidavit as evidence the legal notice was properly advertised.

The following spoke in support of this request:

Jon Baker, Wyatt Tarrant & Combs, 500 W. Jefferson Street, Suite 2800, Louisville, KY

Summary of testimony of those in support:

Jon Baker, Wyatt Tarrant & Combs, 500 W. Jefferson Street, Suite 2800, Louisville, spoke on behalf of the applicant. Mr. Baker stated the legal notice was advertised as required.

Commissioner Richard Carlson stated he would like to add a binding element regarding procedures for dealing with car alarms. Jon Baker agreed to the binding element.

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Commissioner Lula Howard asked about tree preservation on the site. Mr. Baker said they will save at least 20 feet of trees along the property lines shared with residential properties.

In response to a question from Paul Whitty, Mr. Baker said the proposed development is in association with an adjoining property owned by the applicant.

The following spoke in opposition to this request:

No one spoke.

Deliberation:

Commissioners' 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 Carlson, seconded by Commissioner Smith, the following resolution, based on the evidence and testimony heard today and the June 20, 2019 hearing, was adopted:

Form District

WHEREAS, Crittenden Drive, LLC (the "applicant") is requesting a change in zoning from R-4 Single-Family Residential to C-2 Commercial for a vehicle inventory lot on the property located immediately behind the existing Sternberg Chevrolet Dealership, which is located at 6600 Dixie Highway (the "Dealership"); the 1.75-acre subject property is located at 4531 Kerrick Lane ("Property") and within the Neighborhood Form District directly west of the Dealership, which is zoned C-2 Commercial and located in the Suburban Marketplace Corridor Form District ("SMCFD"); other commercially-zoned properties just to the east of the Property and fronting Dixie Highway within the SMCFD include Big Lots (6650 Dixie Highway), a Chick-Fil-A restaurant with a drive thru (6630 Dixie Highway), and a Discount Tire Store (6660 Dixie Highway); as part of its request, the applicant is also seeking to bring the Property into the SMCFD with the aforementioned adjacent commercial uses (the "Proposal"); and

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WHEREAS, the rectangular-shaped Property sits across Kerrick Lane from properties Louisville Metro recently zoned from residential to commercial, allowing similar automotive-related uses as the applicant requests here today (See Louisville Metro Zoning Cases 18ZONE1013 and 15ZONE1020); Kerrick Lane is a local roadway approximately 1500 feet in length, beginning at Dixie Highway and dead-ending at a number of parcels zoned C-2 Commercial; directly to the north of the Property is a vehicle inventory lot for another local dealership; thus, similar automotive uses surround the Property to its north, south, and partly to its east; a single-family residential property is adjacent to the west of the Property; to serve as an effective buffer between the development site and the adjoining residential property, the applicant proposes to install an eight-foot (8') privacy fence along its western property line, the screening effect of which will be bolstered by the preservation of a large area of existing tree canopy within the same western portion of the Property ad near the property line; as part of its Proposal, the applicant seeks no variance nor waiver relief from the Land Development Code ("LDC").

Findings of Fact Supporting Conclusion Applicant's Zone and Form Changes Are in Agreement with Plan 2040, A Comprehensive Plan for Louisville Metro :

PLAN ELEMENT 1 – COMMUNITY FORM

WHEREAS, the Louisville Metro Planning Commission ("Planning Commission") finds, based on the staff report, evidence and testimony presented at the June 20, 2019 and July 18, 2019 public hearings held before the Planning Commission and during its May 30, 2019 Land Development & Transportation Committee, and together with the applicant's proposed findings of fact, the proposed change in zoning from R-4 Single-Family Residential to C-2 Commercial and proposed change in Form District from Neighborhood to Suburban Marketplace Corridor, involving the property located at 4531 Kerrick Lane, are in agreement with Plan Element 1, Community Form of Plan 2040, A Comprehensive Plan for Louisville Metro ("Plan 2040") because Goal 1, Policy 3.1.8 of Plan 2040 defines the Suburban Marketplace Corridor Form District ("SMCFD"), in part, as:

... generally located along major roadways with well-defined beginning and ending points and established depths along the length of the corridor. The pattern of development is distinguished by a mixture of medium- to high intensity uses. Accommodations for transit users, bicyclists and pedestrians are encouraged in an effort to attract a variety of users as well as to minimize automobile dependency and traffic congestion. Developers should be encouraged to design new commercial

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development in compact groups of buildings, which use the same curb cut, share parking, have a common freestanding sign identifying the uses and have a common buffering or streetscape plan with respect to any abutting uses of lower density or intensity; This form may include medium- to high-density residential uses that are designed to be compatible with both the non-residential uses along the corridor and the lower-density residential uses; Medium-density residential uses may serve as a transition from lower-to-higher-density residential uses and should be encouraged in this form; When considering proposals that result in an extension of suburban marketplace corridors, particular emphasis should be placed on: (a) use or reuse of land within existing corridors; (b) potential for disruption of established residential neighborhoods; and (c) compliance with the site and community design standards of the Land Development Code; and

WHEREAS, the Proposal will allow for redevelopment of the Property in a fashion that is more appropriate under the characteristics of the SMCFD and better agrees with Plan 2040 overall than if the Property were to remain within the Neighborhood Form District; the proposed changes in zoning and form districts comply with Plan 2040's Community Form Plan Element, including its applicable Goals and Policies set forth therein, because the Property is adjacent to an existing activity center fronting the Dixie Highway commercial corridor, and will be accessed from only Dixie Highway, through the Dealership site; the inclusion of the Property within the adjacent SMCFD will bring the SMCFD boundary closer into alignment – depth wise from Dixie Highway – with the properties to the north (Swope Dealership) and south (Swope Dealership and Home Depot property), their respective development in recent years has expanded the SMCFD farther west and away from Dixie Highway than where the Property's west property line is located; consequently, the Commission finds absorbing the Property into the Dixie Highway SMCFD via zone and form districts change is an appropriate adjustment; and

WHEREAS, the C-2 zoning designation being requested for the Property is a prudent extension of the C-2 zoning designation currently in place to the north, east, and south of the Property because the Property is adjacent to an existing activity center, the C-2 zoning permits higher density and intensity uses encouraged by the SMCFD, yet disallows hazardous uses inappropriate for the surrounding area, and, ultimately, will encourage in the long term sustainable growth and density around mixed-use centers and corridors; the proposed vehicle inventory lot land use for the Property is an appropriate, low-intensity, transitional use between the more intense SMCFD District along Dixie Highway and the less intense NFD to the west; indeed, a vehicle inventory

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lot is a compact, low-intensity commercial use that will have less impact on surrounding properties than if the site were developed as multi-family residential or used as a customer and/or employee parking lot and the proposed buffer areas, screening and landscaping ensure an appropriate transition between the commercial and residential properties and, specifically, that any adverse visual, noise, and odor impacts from the proposed development will be adequately mitigated, thereby greatly reducing the potential for disruption of the residential area to the west of the Property; the owner of the Property is voluntarily offering to sell the Property to the applicant, thereby willfully choosing to move and not as a result of mandatory displacement; the proposed zoning change does allow for residential uses, whether on its own or as a component of a mixed-use development, thereby keeping the opportunity for residential development on-site available; and

WHEREAS, the Property is only 1.75 acres in area and its rezoning is necessary to provide much needed room to store an inventory of cars the applicant has for sale at its Dealership, making it very difficult to incorporate a mixture of uses on this small site; the proposed inventory lot will support the Sternberg Chevrolet Dealership, however, which encourages additional investment in the Dixie Highway commercial corridor as well as contributes to the overall mixture of uses in the SMCFD; the open space, screening, and landscape elements incorporated into the proposed development enhance the overall aesthetic character of the SMCFD, while at the same time providing an effective buffer for the adjacent residential property to the west; utility easements will be designed to provide access for maintenance and repair, and utilities will be placed underground to minimize visual impacts; the proposed inventory lot is designed to balance safety, traffic, transit, pedestrian, environmental and aesthetic considerations; the proposed lighting in the inventory lot will be dark-sky compliant, low-level, bollard-style lighting to ensure there are no negative lighting impacts from the proposed development on adjoining properties; the development will incorporate an on-site stormwater detention basin to ensure there are no negative impacts to the watershed or downstream properties; the proposed setbacks and landscaping are compatible with those of nearby developments – both residential and commercial – and exceed the adjacent Neighborhood Form District guidelines; no new signage is proposed for the inventory lot, and interior landscaping and tree canopy will exceed the requirements of the Land Development Code; and

WHEREAS, no access to, from, or through the residential area of Kerrick Lane will be provided to the Property; as such, to reduce curb cuts and avoid impacts to the surrounding residential streets, the proposed development will utilize shared access with the existing commercial development abutting the Property to the east; the compact scale of the proposed development is appropriate for nearby neighborhoods

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because large landscape buffer areas will be provided adjacent to the existing residential properties and along the Property's Kerrick Lane frontage to screen the site from view; the proposed development will promote the efficient use of land and investment in existing infrastructure because Dixie Highway is a major arterial and existing commercial corridor where adequate infrastructure and utilities exist to support the development; the proposed inventory lot will also aid in reducing traffic congestion and transportation-related air pollution by allowing the applicant to keep inventory on site versus at an off-site location, which requires vehicles to be driven to and from the site; being located on a major arterial and existing transit corridor, the proposed development encourages multi-modal transportation because the subject property is easily accessible by bicycle, car, transit, pedestrians and people with disabilities; and

WHEREAS, Applicant's Proposal is in agreement with Goals 3 and 4 of Plan 2040's Community Form because the site does not contain sensitive natural features, archaeological resources nor historic assets that would be endangered or disturbed by the Property's redevelopment; the Property does not possess any issues related to severe, steep or unstable slopes that would pose as impediments to the development of the Proposal or cause immediate or long-lasting environmental degradation; moreover, the Property contains no protected waterways nor blue line streams – perennial or intermittent; no floodplain areas, 100-year floodplain or local regulatory floodplain, affect the Property; the front section of the Property, where today the single-family house sits on the Property, does contain an area of hydric soils; as a result, a note on the development plan requires Army Corps of Engineers approval prior to MSD construction plan approval; therefore, applicant's Proposal will not have any negative impacts to mitigate on site; and

WHEREAS, during a site inspection of the Property, no karst was identified; development of the Property will avoid substantial changes to the site's existing topography, and moderate excavation of the Property for purposes of installing stormwater detention on-site will occur; though trees will be removed from the site, a large swath of existing tree canopy will remain along the west and south property lines, which will also provide appropriate buffering and screening of the inventory lot from the more residential character of Kerrick Lane; the existing structure on the property is of qualifying age for historical properties within Louisville Metro, yet does not exhibit any noteworthy architectural attributes, characteristics or historic background which would warrant protective status; consequently, the removal of the existing structure from the Property in favor of the Proposal will allow for investment and vitality to the Property, SMCDF and Dixie Highway commercial corridor;

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Accordingly, given the foregoing justifications, the proposed rezoning complies with Plan 2040's Community Form Plan Element, Goal 1 and its applicable Policies: 3.1.8, 4, 5, 6, 7,8, 9, 11, 12, 16, 17, 18, 19, 20 and 21; Goal 2 and its applicable Policies 1, 2, 5, 6, 7, 8, 9, 10, 14, 15, 16, and 17; Goal 3 and its applicable Policies 7, 8, 9, 10, and 12; and applicable Policies of Goal 4.

PLAN ELEMENT 2 – MOBILITY

WHEREAS, the proposed change in both zoning and form districts is in agreement with Plan 2040's Mobility Plan Element and its three Goals because it will allow for a needed expansion of vehicular storage area to an existing automobile sales dealership that maintains its access to Dixie Highway – a major arterial – from and through its 6600 Dixie Highway location and will not have access via Kerrick Lane – a local-level roadway; consequently, there will be no vehicular trips to/from the Property to, from, or through the nearby residential area; moreover, because access to the Property is gained via the major arterial public roadway, which has more than sufficient capacity to serve myriad commercial, residential and institutional uses of varying intensities and densities, the existing roadway infrastructure avoids access to the Property through areas of significantly lower intensity, eliminating any traffic-related nuisances for its residential neighbors along Kerrick Lane; no additional curb cuts to Dixie Highway from the existing Dealership are necessary to support the Proposal; thus, in sum, said access will afford the rezoning of the property without negatively impacting the residential properties, which, in accord with Plan 2040, also appropriately justifies assigning the SMCFD designation to the property, given its location adjacent to an existing activity center along the Dixie Highway commercial corridor; in sum, the Proposal accommodates change via growth to the existing SMCFD and allows for an expansion of an existing land use that compatibly meshes with surrounding uses along the commercial corridor, notably automotive sales uses, and complements the already established mix of neighborhood-serving businesses in the area; and

WHEREAS, sidewalks already exist on Dixie Highway in front of the Dealership, and the applicant will dedicate ten feet (10') of additional right-of-way along Kerrick Lane, where a four foot (4') sidewalk will be installed along the Property's frontage; the installation of sidewalks on Kerrick Lane will start a pedestrian connection that, when fully constructed, will provide safe movement of people along Kerrick Lane to the activity center(s) located on the Dixie Highway corridor, where goods, services, entertainment, employment, and access to public transit are available; Dixie Highway is an existing transit route, where both local and express TARC routes occur daily; on the Property, internal pedestrian connections will be provided in conformance with Land Development Code requirements, ensuring that internal and external circulation provides safe and efficient travel movement by all modes of transportation; sufficient

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parking spaces, including handicapped spaces required by the ADA, are provided for the development; and

WHEREAS, for the foregoing reasons, the Proposal complies with the Mobility Plan Element of Plan 2040, including its Goals 1, 2 and 3 and their applicable Policies; the redevelopment of the Property into a vehicular inventory storage area will generate very low numbers of daily traffic trips and will gain its access to the public roadway network through the Dealership's existing curb cut to Dixie Highway; no access to/from the Property will be afforded via Kerrick Lane; thus, the Proposal is properly supported by a safe, accessible and efficient transportation network that connects areas of residential, commercial, workplace, and recreation from various modes of transportation.

PLAN ELEMENT 3 – COMMUNITY FACILITIES

WHEREAS, Plan 2040's Community Facilities Plan Element provides guidance and recommendations for the proper integration of necessary community resources across Louisville Metro to plan and maintain accessible facilities that will improve the quality of life for existing and future residents and visitors of Louisville Metro; the Proposal complies with Plan Element Community Facilities of Plan 2040 and all applicable Goals and Policies thereunder because the Property is served by existing infrastructure and all necessary utilities, including water, sewer, electricity, telephone and cable; to the extent possible, utilities will be located within common easements and trenches, as required by each utility; the development also has an adequate supply of potable water and water for fire-fighting purposes and is served by the Pleasure Ridge Park Fire Protection, which maintains a station facility at 4500 Kerrick Lane, across Kerrick Lane from the Property; and

PLAN ELEMENT 4 – ECONOMIC DEVELOPMENT

WHEREAS, The intent of Plan Element 4 of Plan 2040 is to provide a positive, healthy economic climate for citizens of Louisville Metro in a way that cultivates a vibrant city to attract and retain a highly-skilled workforce; the Property is appropriately located within an existing activity center and along Dixie Highway, a major arterial roadway, where access to the Property will be routed through an existing activity center and the Dealership, where negative impacts of delivering cars to the inventory lot, if any, will be mitigated and won't adversely affect adjacent areas; additionally, the Proposal will allow the applicant to expand its Dealership, which, in turn, can provide for new employment opportunities for residents in the area and throughout greater Louisville Metro, who can take advantage of access to multi-modal transportation options supported along the Dixie Highway commercial corridor; as such, the proposed redevelopment of the Property promotes the goal of locating development along established corridors;

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therefore, the proposal complies with the Economic Development Plan Element of Plan 2040; and

PLAN ELEMENT 5 – LIVABILITY

WHEREAS, the Livability Plan Element of Plan 2040 provides guidance and direction for the provision and maintenance of resources necessary for the health and well-being of Louisville Metro's citizens; Applicant's Proposal is consistent with the applicable policies of Plan 2040's Livability Plan Element, notably those set forth under Goal 1 of the Plan Element, because the redevelopment of the Property protects the natural environment and integrates it with the built environment; indeed, as mentioned, the applicant looks to replace an existing single-family residential use with a low-intensity use, an inventory parking area for for-sale automobiles; the Property will be cleaned up from its current overgrown condition and the makeshift campground areas that often appear on the Property where transient folks often gather will be removed, improving the overall health and safety of the immediate area; and

WHEREAS, as discussed in addressing similar policies set forth under Plan 2040's Community Form Plan Element, the Property does not display thereon any characteristics of karst being present, nor does the Property contain any protected waterways, nor blue line streams, perennial or intermittent; no floodplain areas, 100-year floodplain nor local regulatory floodplain, affect the Property; the front section of the Property, where the single-family house sits on the Property today, contains an area of hydric soils, however; as a result, a note on the development plan requires Army Corps of Engineers approval prior to MSD construction plan approval; moreover, no severe, steep nor unstable slopes exist on site of which would cause impediments to the Proposal; therefore, Applicant's Proposal will not have any negative impacts to mitigate on site; and

WHEREAS, the Proposal is in further agreement with Plan 2040's Livability Plan Element because both a thirty-foot (30') setback and landscape area along the Property's Kerrick Lane frontage as well as a twenty-five-foot (25') setback along the western perimeter of the Property will be established and maintained, where existing tree canopy areas are intended to remain and be supplemented; the Property's proposed setback and landscape areas along Kerrick Lane and its western boundary line will ensure the Proposal's compatibility with the residential character of the area west of the Property and, with the addition of an eight-foot (8') privacy fence, will successfully screen the parking area from the residential properties; the setback and landscape areas also help integrate the built environment with the natural environment; and

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WHEREAS, the Proposal will aid in the effort to reduce drainage issues in the immediate area, especially as it impacts the western portion of the Property and also areas on the eastern side of the adjacent single-family property located at 4535 Kerrick Lane; as shown on the development plan, the applicant proposes to install an onsite detention system that will enable proper stormwater handling and release management that will not adversely affect adjacent and/or downstream properties; MSD must be satisfied with the applicant's proposed stormwater management system before the applicant can proceed to the Planning Commission's Land Development and Transportation Committee meeting; the redevelopment of the Property will accommodate "through" drainage systems and peak stormwater runoff rates post redevelopment will be acceptable to MSD and consistent with adopted regional and watershed plans; an erosion prevention and sediment control plan will be implemented prior to construction utilizing best management practices as required by the MSD; and

WHEREAS, the proposal conforms to the requirements of APCD, represents an efficient land use pattern, and utilizes current traffic patterns; because the site is located in an area where adequate infrastructure exists, including sidewalks and transit, the proposed development accommodates alternative modes of travel, which enables and promotes a reduction in vehicle miles traveled, thereby reducing overall air quality impacts.

PLAN ELEMENT 6 – HOUSING

WHEREAS, the Housing Plan Element strives to enhance housing opportunities for all citizens of Louisville Metro by promoting equitable housing means ensuring diverse, quality, physically accessible, affordable housing choices with access to opportunities, services and amenities; the following three Goals are set forth within the Housing Plan Element: 1) Expand and ensure a diverse range of housing choices; 2) Facilitate the development of connected mixed-use neighborhoods; and 3) Ensure long-term affordability and livable options in all neighborhoods; as discussed herein, the Proposal advances all three Goals of the Housing Plan Element; Applicant's Proposal does not include housing, neither single-family nor multi-family housing; the C-2, commercial zoning designation being sought does permit housing, however; therefore, should the Property be re-purposed after its use as a vehicular inventory parking area, the C-2 zoning would permit a variant of housing types to be developed, including single-family, multi-family, mixed-use, zero-lot line developments; multi-family housing or a mixed-use development including a residential component atop commercial or office would be a nice transition from the Suburban Marketplace Corridor Form to the Neighborhood Form; moreover, the Property's near proximity to an activity center and access to

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public transit also support a housing development on the Property, where residents could take advantage of multi-modal transportation;

WHEREAS, although the applicant is not pursuing a housing development for the Property, the Proposal will provide for the expansion of an existing commercial use, which will facilitate the applicants ability to provide additional employment opportunities to residents in the area; as such, additional employment positions in the area will assist residents of intergenerational, mixed-income and mixed-use development possibly find employment in an area near where they reside; the applicant's installation of a sidewalk along its Kerrick Lane frontage will contribute to building infrastructure in the area, ultimately creating connectivity between residential and commercial areas; and

WHEREAS, the Proposal is a major investment for the Property, especially considering the drainage infrastructure the applicant will install on the Property; furthermore, the Proposal will clean up the overgrown condition of the property, which, unfortunately, has recently began attracting transient, homeless folks as a destination where they set up temporary living camps; removal of these conditions from the Property will only help safety and health of the single-family neighborhood along Kerrick Lane; the rezoning of the Property and bringing it within the boundaries of the SMCFD will better align the Property with the SMCFD boundary to its north and south, while doing the same for the Neighborhood Form; a more definitive boundary demarcating the NFD with the SMCFD will create certainty for property owners in both forms, which can assist in the stabilization of property values for affected properties; a more definitive form district boundary should support the stability of the neighborhood form, which, in turn, will discourage future displacement of existing residents from the immediate residential area along Kerrick and Distillery Lanes.

RESOLVED, the Louisville Metro Planning Commission does hereby **RECOMMEND** to the Louisville Metro Council that the requested Change in form district from Neighborhood to Suburban Marketplace Corridor **APPROVED**

BE

The vote was as follows:

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

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On a motion by Commissioner Carlson, seconded by Commissioner Smith, the following resolution, based on the evidence and testimony heard today and the June 20, 2019 public hearing, was adopted:

Zoning

WHEREAS, Crittenden Drive, LLC (the “applicant”) is requesting a change in zoning from R-4 Single-Family Residential to C-2 Commercial for a vehicle inventory lot on the property located immediately behind the existing Sternberg Chevrolet Dealership, which is located at 6600 Dixie Highway (the “Dealership”); the 1.75-acre subject property is located at 4531 Kerrick Lane (“Property”) and within the Neighborhood Form District directly west of the Dealership, which is zoned C-2 Commercial and located in the Suburban Marketplace Corridor Form District (“SMCFD”); other commercially-zoned properties just to the east of the Property and fronting Dixie Highway within the SMCFD include Big Lots (6650 Dixie Highway), a Chick-Fil-A restaurant with a drive thru (6630 Dixie Highway), and a Discount Tire Store (6660 Dixie Highway); as part of its request, the applicant is also seeking to bring the Property into the SMCFD with the aforementioned adjacent commercial uses (the “Proposal”); and

WHEREAS, the rectangular-shaped Property sits across Kerrick Lane from properties Louisville Metro recently zoned from residential to commercial, allowing similar automotive-related uses as the applicant requests here today (See Louisville Metro Zoning Cases 18ZONE1013 and 15ZONE1020); Kerrick Lane is a local roadway approximately 1500 feet in length, beginning at Dixie Highway and dead-ending at a number of parcels zoned C-2 Commercial; directly to the north of the Property is a vehicle inventory lot for another local dealership; thus, similar automotive uses surround the Property to its north, south, and partly to its east; a single-family residential property is adjacent to the west of the Property; to serve as an effective buffer between the development site and the adjoining residential property, the applicant proposes to install an eight-foot (8’) privacy fence along its western property line, the screening effect of which will be bolstered by the preservation of a large area of existing tree canopy within the same western portion of the Property ad near the property line; as part of its Proposal, the applicant seeks no variance nor waiver relief from the Land Development Code (“LDC”).

Findings of Fact Supporting Conclusion Applicant’s Zone and Form Changes Are in Agreement with Plan 2040, A Comprehensive Plan for Louisville Metro :

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PLAN ELEMENT 1 – COMMUNITY FORM

WHEREAS, the Louisville Metro Planning Commission (“Planning Commission”) finds, based on the staff report, evidence and testimony presented at the June 20, 2019 and July 18, 2019 public hearings held before the Planning Commission and during its May 30, 2019 Land Development & Transportation Committee, and together with the applicant’s proposed findings of fact, the proposed change in zoning from R-4 Single-Family Residential to C-2 Commercial and proposed change in Form District from Neighborhood to Suburban Marketplace Corridor, involving the property located at 4531 Kerrick Lane, are in agreement with Plan Element 1, Community Form of Plan 2040, A Comprehensive Plan for Louisville Metro (“Plan 2040”) because Goal 1, Policy 3.1.8 of Plan 2040 defines the Suburban Marketplace Corridor Form District (“SMCFD”), in part, as:

... generally located along major roadways with well-defined beginning and ending points and established depths along the length of the corridor. The pattern of development is distinguished by a mixture of medium- to high intensity uses. Accommodations for transit users, bicyclists and pedestrians are encouraged in an effort to attract a variety of users as well as to minimize automobile dependency and traffic congestion. Developers should be encouraged to design new commercial development in compact groups of buildings, which use the same curb cut, share parking, have a common freestanding sign identifying the uses and have a common buffering or streetscape plan with respect to any abutting uses of lower density or intensity; This form may include medium- to high-density residential uses that are designed to be compatible with both the non-residential uses along the corridor and the lower-density residential uses; Medium-density residential uses may serve as a transition from lower-to-higher-density residential uses and should be encouraged in this form; When considering proposals that result in an extension of suburban marketplace corridors, particular emphasis should be placed on: (a) use or reuse of land within existing corridors; (b) potential for disruption of established residential neighborhoods; and (c) compliance with the site and community design standards of the Land Development Code; and

WHEREAS, the Proposal will allow for redevelopment of the Property in a fashion that is more appropriate under the characteristics of the SMCFD and better agrees with Plan 2040 overall than if the Property were to remain within the Neighborhood Form District; the proposed changes in zoning and form districts comply with Plan 2040’s Community

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Form Plan Element, including its applicable Goals and Policies set forth therein, because the Property is adjacent to an existing activity center fronting the Dixie Highway commercial corridor, and will be accessed from only Dixie Highway, through the Dealership site; the inclusion of the Property within the adjacent SMCFD will bring the SMCFD boundary closer into alignment – depth wise from Dixie Highway – with the properties to the north (Swope Dealership) and south (Swope Dealership and Home Depot property), their respective development in recent years has expanded the SMCFD farther west and away from Dixie Highway than where the Property’s west property line is located; consequently, the Commission finds absorbing the Property into the Dixie Highway SMCFD via zone and form districts change is an appropriate adjustment; and

WHEREAS, the C-2 zoning designation being requested for the Property is a prudent extension of the C-2 zoning designation currently in place to the north, east, and south of the Property because the Property is adjacent to an existing activity center, the C-2 zoning permits higher density and intensity uses encouraged by the SMCFD, yet disallows hazardous uses inappropriate for the surrounding area, and, ultimately, will encourage in the long term sustainable growth and density around mixed-use centers and corridors; the proposed vehicle inventory lot land use for the Property is an appropriate, low-intensity, transitional use between the more intense SMCFD District along Dixie Highway and the less intense NFD to the west; indeed, a vehicle inventory lot is a compact, low-intensity commercial use that will have less impact on surrounding properties than if the site were developed as multi-family residential or used as a customer and/or employee parking lot and the proposed buffer areas, screening and landscaping ensure an appropriate transition between the commercial and residential properties and, specifically, that any adverse visual, noise, and odor impacts from the proposed development will be adequately mitigated, thereby greatly reducing the potential for disruption of the residential area to the west of the Property; the owner of the Property is voluntarily offering to sell the Property to the applicant, thereby willfully choosing to move and not as a result of mandatory displacement; the proposed zoning change does allow for residential uses, whether on its own or as a component of a mixed-use development, thereby keeping the opportunity for residential development on-site available; and

WHEREAS, the Property is only 1.75 acres in area and its rezoning is necessary to provide much needed room to store an inventory of cars the applicant has for sale at its Dealership, making it very difficult to incorporate a mixture of uses on this small site; the proposed inventory lot will support the Sternberg Chevrolet Dealership, however, which encourages additional investment in the Dixie Highway commercial corridor as well as contributes to the overall mixture of uses in the SMCFD; the open space, screening,

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and landscape elements incorporated into the proposed development enhance the overall aesthetic character of the SMCFD, while at the same time providing an effective buffer for the adjacent residential property to the west; utility easements will be designed to provide access for maintenance and repair, and utilities will be placed underground to minimize visual impacts; the proposed inventory lot is designed to balance safety, traffic, transit, pedestrian, environmental and aesthetic considerations; the proposed lighting in the inventory lot will be dark-sky compliant, low-level, bollard-style lighting to ensure there are no negative lighting impacts from the proposed development on adjoining properties; the development will incorporate an on-site stormwater detention basin to ensure there are no negative impacts to the watershed or downstream properties; the proposed setbacks and landscaping are compatible with those of nearby developments – both residential and commercial – and exceed the adjacent Neighborhood Form District guidelines; no new signage is proposed for the inventory lot, and interior landscaping and tree canopy will exceed the requirements of the Land Development Code; and

WHEREAS, no access to, from, or through the residential area of Kerrick Lane will be provided to the Property; as such, to reduce curb cuts and avoid impacts to the surrounding residential streets, the proposed development will utilize shared access with the existing commercial development abutting the Property to the east; the compact scale of the proposed development is appropriate for nearby neighborhoods because large landscape buffer areas will be provided adjacent to the existing residential properties and along the Property's Kerrick Lane frontage to screen the site from view; the proposed development will promote the efficient use of land and investment in existing infrastructure because Dixie Highway is a major arterial and existing commercial corridor where adequate infrastructure and utilities exist to support the development; the proposed inventory lot will also aid in reducing traffic congestion and transportation-related air pollution by allowing the applicant to keep inventory on site versus at an off-site location, which requires vehicles to be driven to and from the site; being located on a major arterial and existing transit corridor, the proposed development encourages multi-modal transportation because the subject property is easily accessible by bicycle, car, transit, pedestrians and people with disabilities; and

WHEREAS, Applicant's Proposal is in agreement with Goals 3 and 4 of Plan 2040's Community Form because the site does not contain sensitive natural features, archaeological resources nor historic assets that would be endangered or disturbed by the Property's redevelopment; the Property does not possess any issues related to severe, steep or unstable slopes that would pose as impediments to the development of the Proposal or cause immediate or long-lasting environmental degradation; moreover, the Property contains no protected waterways nor blue line streams – perennial or

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intermittent; no floodplain areas, 100-year floodplain or local regulatory floodplain, affect the Property; the front section of the Property, where today the single-family house sits on the Property, does contain an area of hydric soils; as a result, a note on the development plan requires Army Corps of Engineers approval prior to MSD construction plan approval; therefore, applicant's Proposal will not have any negative impacts to mitigate on site; and

WHEREAS, during a site inspection of the Property, no karst was identified; development of the Property will avoid substantial changes to the site's existing topography, and moderate excavation of the Property for purposes of installing stormwater detention on-site will occur; though trees will be removed from the site, a large swath of existing tree canopy will remain along the west and south property lines, which will also provide appropriate buffering and screening of the inventory lot from the more residential character of Kerrick Lane; the existing structure on the property is of qualifying age for historical properties within Louisville Metro, yet does not exhibit any noteworthy architectural attributes, characteristics or historic background which would warrant protective status; consequently, the removal of the existing structure from the Property in favor of the Proposal will allow for investment and vitality to the Property, SMCDF and Dixie Highway commercial corridor;

Accordingly, given the foregoing justifications, the proposed rezoning complies with Plan 2040's Community Form Plan Element, Goal 1 and its applicable Policies: 3.1.8, 4, 5, 6, 7,8, 9, 11, 12, 16, 17, 18, 19, 20 and 21; Goal 2 and its applicable Policies 1, 2, 5, 6, 7, 8, 9, 10, 14, 15, 16, and 17; Goal 3 and its applicable Policies 7, 8, 9, 10, and 12; and applicable Policies of Goal 4.

PLAN ELEMENT 2 – MOBILITY

WHEREAS, the proposed change in both zoning and form districts is in agreement with Plan 2040's Mobility Plan Element and its three Goals because it will allow for a needed expansion of vehicular storage area to an existing automobile sales dealership that maintains its access to Dixie Highway – a major arterial – from and through its 6600 Dixie Highway location and will not have access via Kerrick Lane – a local-level roadway; consequently, there will be no vehicular trips to/from the Property to, from, or through the nearby residential area; moreover, because access to the Property is gained via the major arterial public roadway, which has more than sufficient capacity to serve myriad commercial, residential and institutional uses of varying intensities and densities, the existing roadway infrastructure avoids access to the Property through areas of significantly lower intensity, eliminating any traffic-related nuisances for its residential neighbors along Kerrick Lane; no additional curb cuts to Dixie Highway from

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the existing Dealership are necessary to support the Proposal; thus, in sum, said access will afford the rezoning of the property without negatively impacting the residential properties, which, in accord with Plan 2040, also appropriately justifies assigning the SMCFD designation to the property, given its location adjacent to an existing activity center along the Dixie Highway commercial corridor; in sum, the Proposal accommodates change via growth to the existing SMCFD and allows for an expansion of an existing land use that compatibly meshes with surrounding uses along the commercial corridor, notably automotive sales uses, and complements the already established mix of neighborhood-serving businesses in the area; and

WHEREAS, sidewalks already exist on Dixie Highway in front of the Dealership, and the applicant will dedicate ten feet (10') of additional right-of-way along Kerrick Lane, where a four foot (4') sidewalk will be installed along the Property's frontage; the installation of sidewalks on Kerrick Lane will start a pedestrian connection that, when fully constructed, will provide safe movement of people along Kerrick Lane to the activity center(s) located on the Dixie Highway corridor, where goods, services, entertainment, employment, and access to public transit are available; Dixie Highway is an existing transit route, where both local and express TARC routes occur daily; on the Property, internal pedestrian connections will be provided in conformance with Land Development Code requirements, ensuring that internal and external circulation provides safe and efficient travel movement by all modes of transportation; sufficient parking spaces, including handicapped spaces required by the ADA, are provided for the development; and

WHEREAS, for the foregoing reasons, the Proposal complies with the Mobility Plan Element of Plan 2040, including its Goals 1, 2 and 3 and their applicable Policies; the redevelopment of the Property into a vehicular inventory storage area will generate very low numbers of daily traffic trips and will gain its access to the public roadway network through the Dealership's existing curb cut to Dixie Highway; no access to/from the Property will be afforded via Kerrick Lane; thus, the Proposal is properly supported by a safe, accessible and efficient transportation network that connects areas of residential, commercial, workplace, and recreation from various modes of transportation.

PLAN ELEMENT 3 – COMMUNITY FACILITIES

WHEREAS, Plan 2040's Community Facilities Plan Element provides guidance and recommendations for the proper integration of necessary community resources across Louisville Metro to plan and maintain accessible facilities that will improve the quality of life for existing and future residents and visitors of Louisville Metro; the Proposal complies with Plan Element Community Facilities of Plan 2040 and all applicable Goals and Policies thereunder because the Property is served by existing infrastructure and

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all necessary utilities, including water, sewer, electricity, telephone and cable; to the extent possible, utilities will be located within common easements and trenches, as required by each utility; the development also has an adequate supply of potable water and water for fire-fighting purposes and is served by the Pleasure Ridge Park Fire Protection, which maintains a station facility at 4500 Kerrick Lane, across Kerrick Lane from the Property; and

PLAN ELEMENT 4 – ECONOMIC DEVELOPMENT

WHEREAS, The intent of Plan Element 4 of Plan 2040 is to provide a positive, healthy economic climate for citizens of Louisville Metro in a way that cultivates a vibrant city to attract and retain a highly-skilled workforce; the Property is appropriately located within an existing activity center and along Dixie Highway, a major arterial roadway, where access to the Property will be routed through an existing activity center and the Dealership, where negative impacts of delivering cars to the inventory lot, if any, will be mitigated and won't adversely affect adjacent areas; additionally, the Proposal will allow the applicant to expand its Dealership, which, in turn, can provide for new employment opportunities for residents in the area and throughout greater Louisville Metro, who can take advantage of access to multi-modal transportation options supported along the Dixie Highway commercial corridor; as such, the proposed redevelopment of the Property promotes the goal of locating development along established corridors; therefore, the proposal complies with the Economic Development Plan Element of Plan 2040; and

PLAN ELEMENT 5 – LIVABILITY

WHEREAS, the Livability Plan Element of Plan 2040 provides guidance and direction for the provision and maintenance of resources necessary for the health and well-being of Louisville Metro's citizens; Applicant's Proposal is consistent with the applicable policies of Plan 2040's Livability Plan Element, notably those set forth under Goal 1 of the Plan Element, because the redevelopment of the Property protects the natural environment and integrates it with the built environment; indeed, as mentioned, the applicant looks to replace an existing single-family residential use with a low-intensity use, an inventory parking area for for-sale automobiles; the Property will be cleaned up from its current overgrown condition and the makeshift campground areas that often appear on the Property where transient folks often gather will be removed, improving the overall health and safety of the immediate area; and

WHEREAS, as discussed in addressing similar policies set forth under Plan 2040's Community Form Plan Element, the Property does not display thereon any characteristics of karst being present, nor does the Property contain any protected

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waterways, nor blue line streams, perennial or intermittent; no floodplain areas, 100-year floodplain nor local regulatory floodplain, affect the Property; the front section of the Property, where the single-family house sits on the Property today, contains an area of hydric soils, however; as a result, a note on the development plan requires Army Corps of Engineers approval prior to MSD construction plan approval; moreover, no severe, steep nor unstable slopes exist on site of which would cause impediments to the Proposal; therefore, Applicant's Proposal will not have any negative impacts to mitigate on site; and

WHEREAS, the Proposal is in further agreement with Plan 2040's Livability Plan Element because both a thirty-foot (30') setback and landscape area along the Property's Kerrick Lane frontage as well as a twenty-five-foot (25') setback along the western perimeter of the Property will be established and maintained, where existing tree canopy areas are intended to remain and be supplemented; the Property's proposed setback and landscape areas along Kerrick Lane and its western boundary line will ensure the Proposal's compatibility with the residential character of the area west of the Property and, with the addition of an eight-foot (8') privacy fence, will successfully screen the parking area from the residential properties; the setback and landscape areas also help integrate the built environment with the natural environment; and

WHEREAS, the Proposal will aid in the effort to reduce drainage issues in the immediate area, especially as it impacts the western portion of the Property and also areas on the eastern side of the adjacent single-family property located at 4535 Kerrick Lane; as shown on the development plan, the applicant proposes to install an onsite detention system that will enable proper stormwater handling and release management that will not adversely affect adjacent and/or downstream properties; MSD must be satisfied with the applicant's proposed stormwater management system before the applicant can proceed to the Planning Commission's Land Development and Transportation Committee meeting; the redevelopment of the Property will accommodate "through" drainage systems and peak stormwater runoff rates post redevelopment will be acceptable to MSD and consistent with adopted regional and watershed plans; an erosion prevention and sediment control plan will be implemented prior to construction utilizing best management practices as required by the MSD; and

WHEREAS, the proposal conforms to the requirements of APCD, represents an efficient land use pattern, and utilizes current traffic patterns; because the site is located in an area where adequate infrastructure exists, including sidewalks and transit, the proposed development accommodates alternative modes of travel, which enables and promotes a reduction in vehicle miles traveled, thereby reducing overall air quality impacts.

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PLAN ELEMENT 6 – HOUSING

WHEREAS, the Housing Plan Element strives to enhance housing opportunities for all citizens of Louisville Metro by promoting equitable housing means ensuring diverse, quality, physically accessible, affordable housing choices with access to opportunities, services and amenities; the following three Goals are set forth within the Housing Plan Element: 1) Expand and ensure a diverse range of housing choices; 2) Facilitate the development of connected mixed-use neighborhoods; and 3) Ensure long-term affordability and livable options in all neighborhoods; as discussed herein, the Proposal advances all three Goals of the Housing Plan Element; Applicant's Proposal does not include housing, neither single-family nor multi-family housing; the C-2, commercial zoning designation being sought does permit housing, however; therefore, should the Property be re-purposed after its use as a vehicular inventory parking area, the C-2 zoning would permit a variant of housing types to be developed, including single-family, multi-family, mixed-use, zero-lot line developments; multi-family housing or a mixed-use development including a residential component atop commercial or office would be a nice transition from the Suburban Marketplace Corridor Form to the Neighborhood Form; moreover, the Property's near proximity to an activity center and access to public transit also support a housing development on the Property, where residents could take advantage of multi-modal transportation;

WHEREAS, although the applicant is not pursuing a housing development for the Property, the Proposal will provide for the expansion of an existing commercial use, which will facilitate the applicants ability to provide additional employment opportunities to residents in the area; as such, additional employment positions in the area will assist residents of intergenerational, mixed-income and mixed-use development possibly find employment in an area near where they reside; the applicant's installation of a sidewalk along its Kerrick Lane frontage will contribute to building infrastructure in the area, ultimately creating connectivity between residential and commercial areas; and

WHEREAS, the Proposal is a major investment for the Property, especially considering the drainage infrastructure the applicant will install on the Property; furthermore, the Proposal will clean up the overgrown condition of the property, which, unfortunately, has recently began attracting transient, homeless folks as a destination where they set up temporary living camps; removal of these conditions from the Property will only help safety and health of the single-family neighborhood along Kerrick Lane; the rezoning of the Property and bringing it within the boundaries of the SMCDF will better align the Property with the SMCDF boundary to its north and south, while doing the same for the Neighborhood Form; a more definitive boundary demarcating the NFD with the SMCDF

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- c. A reciprocal access and crossover easement agreement in a form acceptable to the Planning Commission legal counsel shall be created between the adjoining property owners and recorded. A copy of the recorded instrument shall be submitted to the Division of Planning and Design Services; transmittal of approved plans to the office responsible for permit issuance will occur only after receipt of said instrument.
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 single-family residences. No overnight idling of trucks shall be permitted on-site.
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. Outdoor lighting shall at all times be in compliance with Chapter 4 of the Land Development Code.
9. Vehicle car alarms shall not be used by employees of the business for the purpose of locating vehicles. Nothing in this binding element shall preclude the use of alarms for anti-theft purposes.
10. The building owner shall post current emergency contact information signage in a readily visible location on the exterior of the principle structure, near the primary entrance. This information shall list two persons and 24/7 hour telephone numbers. When the Emergency Contacts for the building owner changes, the signage shall be revised within 30 days. Emergency contact information shall also be mailed all first and second tier property owners and to the Pleasure Ridge Park fire chief. This mailing shall be completed no later than the date a certificate of occupancy is requested and when emergency contact duties change.

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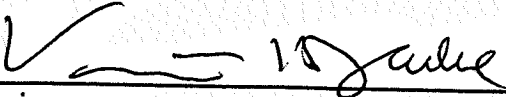
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The vote was as follows:


YES: Commissioners Brown, Carlson, Daniels, Howard, Smith and Jarboe.

NOT PRESENT: Commissioners Lewis, Peterson, Robinson, and Tomes.

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Chairman



Division Director