

**PLANNING COMMISSION MINUTES**  
**July 7, 2022**

**PUBLIC HEARING**

**CASE NO. 22-ZONE-0018**

|                   |   |
|-------------------|---|
| Request:          | Change in Zoning from R-4 and C-1 to PEC with a District Development Plan with Binding Elements and Waivers |
| Project Name:     | UAW Chamberlain Ln  |
| Location:         | 2702 Chamberlain Ln, 3120 and 3200 Collins Ln   |
| Owner:            | Local Union 862 United Auto Workers   |
| Applicant:        | Local Union 862 United Auto Workers   |
| Representative:   | Bowman/BTM Engineering  |
| Jurisdiction:     | Louisville Metro  |
| Council District: | 17 - Markus Winkler   |
| Case Manager:     | <b>Jay Lockett, AICP, Planner II</b>  |

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. (The staff report is part of the case file maintained in Planning and Design Services offices, 444 S. 5th Street.)

**Agency Testimony:**

01:25:18 Jay Lockett presented the case and showed a Power Point presentation (see staff report and recording for detailed presentation.)

01:30:02 Commissioner Brown said he had requested, at LD&T, that pedestrian accommodations be added across Chamberlain Lane (a marked crosswalk with a handicapped ramp.) Mr. Lockett said that applicant could address that. Joe Reverman, Assistant Director of Louisville Metro Planning & Design Services, said that adding a Condition of Approval had been discussed.

**The following spoke in support of the request:**

Chris Brown, Bowman BTM, 3001 Taylor Springs Drive, Louisville, KY 40220

**Summary of testimony of those in support:**

01:31:02 Chris Brown, the applicant's representative, presented the applicant's case and showed a Power Point presentation (see recording for detailed presentation.) Regarding Commissioner Brown's question, Mr. Brown said the applicant agrees to

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provide the requested pedestrian access which will be addressed today with a Condition of Approval.

**The following spoke in opposition to the request:**

No one spoke.

**Rebuttal:**

There was no rebuttal.

**Deliberations:**

01:37:55 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.**

**Zoning**

01:38:14 On a motion by Commissioner Brown, seconded by Commissioner Sistrunk, the following resolution, based on the Standard of Review and Staff Analysis and evidence and testimony heard today, was adopted:

**WHEREAS**, the Louisville Metro Planning Commission finds that the proposal meets Community Form: Goal 1 because the applicant will provide adequate screening and buffering along the existing driveway; the proposed district is appropriately located adjacent to like zones and uses; the proposal is in a workplace form adjacent to a variety of commercial, office and industrial uses readily served by infrastructure and transportation facilities; the proposal concentrates like uses and zones and no disadvantaged populations are within the immediate vicinity; the site is concentrated in an area with a mix of industrial, office and commercial uses. No residences, schools, parks or vulnerable populations will be impacted. The applicant will provide adequate screening and buffering along the existing driveway; traffic entering the area will not need to pass through residential areas to access the interstate or arterial roadways; the site is in an area with a variety of industrial, office and commercial uses. The applicant will provide adequate screening and buffering along the existing driveway; and the proposal is in a workplace form in an area with a variety of industrial, office and

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commercial uses. The applicant will provide adequate screening and buffering along the existing driveway; and

**WHEREAS**, the Commission further finds that the proposal meets Community Form: Goal 2 because the proposal is located in an existing industrial activity center; the proposed zoning district allows for a variety of commercial uses. The subject site is located in workplace form in an area with a variety of industrial, office and commercial uses; the proposal is in a workplace form adjacent to similar and like industrial uses readily served by infrastructure and transportation facilities; the proposal is in a workplace form in an area with a variety of industrial, office and commercial uses. The site is readily served by infrastructure and transportation facilities. The zoning district allows for a mix of compatible uses including office, commercial and industrial; the proposed zoning district doesn't allow for residential; the proposal allows for the expansion of an existing commercial and office use and allows for a variety of office and commercial uses in the future; and the proposal is not part of a larger commercial center and is not an outlot; and

**WHEREAS**, the Commission further finds that the proposal meets Community Form: Goal 3 because the site is developed, and it would not appear to contain natural resources; the proposal is not located in the Ohio River corridor; and MSD has approved the preliminary development plan; and

**WHEREAS**, the Commission further finds that the proposal meets Community Form: Goal 4 because the proposed site does not have any known historic or cultural value; and

**WHEREAS**, the Commission further finds that the proposal meets Mobility: Goal 1 because the proposal is in a workplace form in an area with a variety of industrial, office and commercial uses; and

**WHEREAS**, the Commission further finds that the proposal meets Mobility: Goal 3 because the proposal is in a workplace form in an area with a variety of industrial, office and commercial uses. The proposed zoning would not allow for residential uses; the zoning allows for a variety of uses that are compatible with the goal to reduce vehicle miles traveled., However the site is not served by transit; the development will provide for new sidewalk along both rights-of-way, and encourage improvements to walkability within and area that contains a variety of land uses; the proposal is in a workplace form in an area with a variety of industrial, office and commercial uses. readily served by infrastructure and transportation facilities; and Transportation planning has approved the preliminary development plan; and

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**WHEREAS**, the Commission further finds that the proposal meets Community Facilities: Goal 2 because all utilities should be provided as required. Any necessary easements must be provided per utility agency requirements; an adequate water supply exists for the site; and MSD has approved the preliminary development plan; and

**WHEREAS**, the Commission further finds that the proposal meets Economic Development: Goal 1 because the proposal is in a workplace form in an area with a variety of industrial, office and commercial uses readily served by infrastructure and transportation facilities; the site is located along a Primary Collector and is less than 1000 feet to the nearest arterial roadway at La Grange Rd with ready access to I-265. The site is located in an established activity center with a variety of office and commercial uses; and the proposal is not located in the Ohio River corridor; and

**WHEREAS**, the Commission further finds that the proposal meets Livability: Goal 1 because soil erosion does not appear to be an issue with the proposal; MSD has approved the preliminary development plan; and the site is not located in the floodplain; and

**WHEREAS**, the Commission further finds that the proposal meets Housing: Goals 1, 2, and 3 because housing is not permitted with the proposal; now, therefore be it

**RESOLVED**, that the Louisville Metro Planning Commission does hereby **RECOMMEND** to the Louisville Metro Council that the requested change in zoning from R-4 Single Family Residential and C-1 Commercial to PEC Planned Employment Center be **APPROVED**.

**The vote was as follows:**

**YES:** Commissioners Price, Clare, Brown, Howard, Mims, Daniels, Sistrunk, and Lewis.

**ABSENT:** Commissioners Carlson and Cheek.

**Waivers:**

1. Land Development Code section 10.2.4 to encroach into the required 35-foot property perimeter Landscape Buffer Area adjacent to the R-4 Boone property as shown on the proposed development plan.
2. Land Development Code section 10.2.4.B.8 to reduce the 35-foot and the 15-foot property perimeter buffer along the western property line to 5 feet as shown on the proposed development plan.

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3. **Land Development Code section 5.5.4.B.1 to reduce the required 50-foot property perimeter buffer along the western property line to 5 feet.**

01:38:56 On a motion by Commissioner Brown, seconded by Commissioner Sistrunk, the following resolution, based on the Standard of Review and Staff Analysis and evidence and testimony heard today, was adopted:

**(Waiver #1) WHEREAS**, the Louisville Metro Planning Commission finds that the waiver will not adversely affect adjacent property owners as the applicant will provide adequate screening and planting along the existing driveway; and

**WHEREAS**, the Commission further finds that the waiver will not violate specific guidelines of Plan 2040 as adequate screening will be provided between incompatible uses; and

**WHEREAS**, the Commission further finds that the extent of the waiver of the regulation is the minimum necessary to afford relief to the applicant as the applicant will provide plantings and screening along the existing driveway where possible; and

**WHEREAS**, the Commission further finds that the strict application of the provisions of the regulation would create an unnecessary hardship on the applicant by requiring the applicant to remove the existing driveway and relocate it elsewhere on the site. Relocating the driveway further to the north may create a safety hazard for the public by reducing the distance between the driveway entrance and the intersection; and

**(Waiver #2 AND Waiver #3) WHEREAS**, the Commission further finds that the waivers will not adversely affect adjacent property owners as the residentially zoned property along the rear is a utility tower site and unlikely to ever be developed for a residential use. The CM zoned site will not be adversely affected by the reduced buffer; and

**WHEREAS**, the Commission further finds that the waivers will not violate specific guidelines of Plan 2040 as adequate buffering and planting will be provided around the subject site. The sites to the rear do not contain incompatible land uses with the subject site and will not be adversely impacted by the proposed development; and

**WHEREAS**, the Commission further finds that the extent of the waiver of the regulations is the minimum necessary to afford relief to the applicant as adequate screening and buffering will be provided around the subject site adjacent to public roadways. The applicant will provide plantings as possible within the remaining buffer area and adequate screening will be provided; and

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**WHEREAS**, the Commission further finds that the strict application of the provisions of the regulations would deprive the applicant of the reasonable use of the land, as the uses to the rear of the site are not incompatible with the proposed use and do not need the larger buffers required by the Land Development Code; now, therefore be it

**RESOLVED**, the Louisville Metro Planning Commission does hereby **APPROVE** the requested Waivers, as follows:

**Waiver #1: Land Development Code section 10.2.4 to encroach into the required 35-foot property perimeter Landscape Buffer Area adjacent to the R-4 Boone property as shown on the proposed development plan.**

**Waiver #2: Land Development Code section 10.2.4.B.8 to reduce the 35-foot and the 15-foot property perimeter buffer along the western property line to 5 feet as shown on the proposed development plan.**

**Waiver #3: Land Development Code section 5.5.4.B.1 to reduce the required 50-foot property perimeter buffer along the western property line to 5 feet.**

The vote was as follows:

**YES: Commissioners Price, Clare, Brown, Howard, Mims, Daniels, Sistrunk, and Lewis.**

**ABSENT: Commissioners Carlson and Cheek.**

**Detailed District Development Plan**

01:39:58 On a motion by Commissioner Brown, seconded by Commissioner Sistrunk, the following resolution, based on the Standard of Review and Staff Analysis and evidence and testimony heard today, was adopted:

**WHEREAS**, the Louisville Metro Planning Commission finds that there do not appear to be any environmental constraints or historic resources on the subject site; and

**WHEREAS**, the Commission further finds that 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

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**WHEREAS**, the Commission further finds that there are no open space requirements pertinent to the current proposal; and

**WHEREAS**, the Commission further finds that the Metropolitan Sewer District has approved the preliminary development plan and will ensure the provision of adequate drainage facilities on the subject site in order to prevent drainage problems from occurring on the subject site or within the community; and

**WHEREAS**, the Commission further finds that 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 except where waivers have been approved. Buildings and parking lots will meet all required setbacks; and

**WHEREAS**, the Commission further finds that the development plan conforms to applicable guidelines and policies of the Comprehensive Plan and to requirements of the Land Development Code; now, therefore be it

**RESOLVED**, the Louisville Metro Planning Commission does hereby **APPROVE** the requested 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 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. 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.
3. 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 Construction Review, Louisville Metro Public Works and the Metropolitan Sewer District.
  - b. A minor subdivision plat or legal instrument shall be recorded (creating the lot lines as shown on the approved development plan)
  - 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 Tree Preservation Plan in accordance with Chapter 10 of the LDC shall be reviewed and approved prior to obtaining approval for site disturbance
  - e. Final elevations/renderings shall be submitted for review and approval by Planning Commission staff. A copy of the approved rendering shall be available in the case file on record in the offices of the Louisville Metro Planning Commission.
4. 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.
5. 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.

***Condition of Approval:***

The applicant shall provide the handicapped ramp and pedestrian crossing for the Chamberlain Lane crosswalk.

**The vote was as follows:**



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**YES: Commissioners Price, Clare, Brown, Howard, Mims, Daniels, Sistrunk, and  
Lewis.**

**ABSENT: Commissioners Carlson and Cheek.**