

**PLANNING COMMISSION MINUTES**  
**July 1, 2021**

**PUBLIC HEARING**

**CASE NO. 21-ZONE-0051**

Request: Change in zoning from R-6, CM, & M-2 to EZ-1 with district development plan and landscape waiver  
Project Name: Linley Properties  
Location: 317 Wabasso Avenue; 4701 & 4719 Louisville Avenue; 306, 310 & 318 Woodlawn Avenue  
Owner: Linley Properties I, LLC  
Applicant: Linley Properties I, LLC  
Representative: Wyatt Tarrant & Combs, LLP – Jon Baker  
Jurisdiction: Louisville Metro  
Council District: 21 – Nicole George  
Case Manager: Joel P. Dock, AICP, Planner II  
Presented By: Julia Williams, Planning Supervisor

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:**

05:48:52 Julia Williams discussed the case summary, standard of review and staff analysis from the staff report.

**The following spoke in favor of this request:**

Jon Baker, Wyatt, Tarrant and Combs, 400 West Market Street, Suite 2000, Louisville, Ky. 40202

**Summary of testimony of those in favor:**

Jon Baker gave a power point presentation. The zoning needs to be one designation for 3 properties. The existing use is a contractor's yard with some offices and storage space (inside and outside). The current user is cleaning up the zoning for a new user (see recording for detailed presentation).

**Deliberation**

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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, CM and M-2 to EZ-1**

On a motion by Commissioner Brown, seconded by Commissioner Carlson, the following resolution based on the Plan 2040 Staff Analysis and testimony heard today was adopted.

**WHEREAS**, the Louisville Metro Planning Commission finds that the proposal meets Land Use & Development Goal 1: Community Form because, the proposal does not encroach upon residential areas or zones. No residential uses are located adjacent to, or in the immediate vicinity. Residential zones that abut the site and located north of the site are mostly consolidated and owned by the Louisville Regional Airport Authority; the proposed district is appropriately located adjacent to like zones and uses; the proposal is in a workplace form adjacent to similar and like industrial uses readily served by infrastructure and transportation facilities; the proposal concentrates like uses and zones adjacent to the airport and no disadvantaged populations are within the immediate vicinity; the site is concentrated in an industrial area adjacent to the airport. No residences, schools, parks or vulnerable populations will be impacted; traffic entering the area will not need to pass through residential areas to access the interstate or arterial roadways; the proposal is in a workplace form adjacent to similar and like industrial uses located away from residential areas; and

**WHEREAS**, the Louisville Metro Planning Commission finds that the proposal meets Land Use & Development Goal 3: Community Form because, the site is developed. It would not appear to contain natural resources that may be harmed as a result of development; the subject site is in a combined sewer flood prone area. No improvements are proposed. MSD preliminary review and approval to ensure the safety and welfare of users within flood prone areas has been received; and

**WHEREAS**, the Louisville Metro Planning Commission finds that the proposal meets Land Use & Development Goal 1: Mobility because, the proposal is in a workplace form adjacent to similar and like industrial uses readily served by infrastructure and transportation facilities to support transit-oriented development; and

**WHEREAS**, the Louisville Metro Planning Commission finds that the proposal meets Land Use & Development Goal 3: Mobility because, the proposal is in a workplace form

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adjacent to similar and like industrial uses readily served by infrastructure and transportation facilities. Housing is in nearby residential areas; the proposal is in a workplace form adjacent to similar and like industrial uses readily served by infrastructure and transportation facilities. Development would have a limited impact on the transportation network; upon development of the subject site, any improvements necessary to the transportation network will be made; and

**WHEREAS**, the Louisville Metro Planning Commission finds that the proposal meets Land Use & Development Goal 2: Community Facilities because, the site is development and appears to be capable or is served by utilities; MSD preliminary approval has been received to ensure adequate means of sewage treatment and disposal to protect public health and to protect water quality; and

**WHEREAS**, the Louisville Metro Planning Commission finds that the proposal meets Land Use & Development Goal 1: Economic Development because, the proposal is in a workplace form adjacent to similar and like industrial uses readily served by infrastructure and transportation facilities; and

**WHEREAS**, the Louisville Metro Planning Commission finds that the proposal meets Land Use & Development Goal 1: Livability because, MSD preliminary approval has been received to mitigate negative development impacts to the integrity of the regulatory floodplain.

**RESOLVED**, that the Louisville Metro Planning Commission does hereby **RECOMMEND** to the Louisville Metro Council the change in zoning from R-6, CM and M-2 to EZ-1 on property described in the attached legal description be **APPROVED**.

**The vote was as follows:**

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

**NOT PRESENT AND NOT VOTING: Commissioners Peterson and Seitz**

**Waiver of Land Development Code (LDC), section 10.2 to omit the 15' vehicle use area landscape buffer area (VUA LBA)**

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

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**WHEREAS**, the waiver will not adversely affect adjacent property owners as the subject property is in a developed industrial area and site conditions presently encroach into the buffer; and

**WHEREAS**, the waiver will not violate specific guidelines of Plan 2040. Community form Goal 1, Policy seeks to ensure an appropriate transition between uses that are substantially different in scale and intensity or density of development. The transition may be achieved through methods such as landscaped buffer yards, vegetative berms, compatible building design and materials, height restrictions and setback requirements. Policy 12 calls for the parking, loading and delivery areas located adjacent to residential areas to minimize adverse impacts from noise, lights, and other potential impacts. The encroachment is a result of existing conditions and no improvements have been proposed which create greater non-compliance or worsen the impacts of the viewshed along this roadway having industrial on both sides; and

**WHEREAS**, the Louisville Metro Planning Commission finds, the extent of the waiver of the regulation is the minimum necessary to afford relief to the applicant as the encroachment is present and triggered by the requested change in zoning. Upon re-development of the subject site, landscape buffers and tree canopy may be required; and

**WHEREAS**, the Louisville Metro Planning Commission further finds the strict application of the provisions of the regulation would create an unnecessary hardship on the applicant as no development is being requested and the waiver is the result of existing encroachments.

**RESOLVED**, that the Louisville Metro Planning Commission does hereby **APPROVE** the Waiver of Land Development Code (LDC), section 10.2 to omit the 15' vehicle use area landscape buffer area (VUA LBA).

**The vote was as follows:**

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

**NOT PRESENT AND NOT VOTING: Commissioners Peterson and Seitz**

**District Development Plan and Binding Elements**

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

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**WHEREAS**, the conservation of natural resources on the property proposed for development, including: trees and other living vegetation, steep slopes, water courses, flood plains, soils, air quality, scenic views, and historic sites will be provided. The subject property is developed and does not contain natural resources; and

**WHEREAS**, provisions for safe and efficient vehicular and pedestrian transportation within and around the development and the community will be provided. Sidewalks on Wabasso Avenue are available and serve primary entrances. No other improvements to the site are proposed; and

**WHEREAS**, the development site is built-out and does not require open space; and

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

**WHEREAS**, the Louisville Metro Planning Commission finds, the proposal is compatible with the overall character of the area and design of the form district. The development site is built out and concentrates industrial activities in an industrial area adjacent to the airport; and

**WHEREAS**, the Louisville Metro Planning Commission further finds the proposed development plan conforms to the Comprehensive Plan and all relief requested from the Land Development Code appears to be adequately justified.

**RESOLVED**, that the Louisville Metro Planning Commission does hereby **APPROVE** the 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. Prior to development (includes clearing and grading) or redevelopment of any portion of the site, the applicant, developer, or property owner shall obtain approval of a detailed district development plan in accordance with Chapter 11, Part 6. Each plan shall be in adequate detail and subject to additional binding elements

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3. Before any permit (including but not limited to building, parking lot, change of use, site disturbance) is requested:
  - a. The development plan must receive full construction approval from Louisville Metro Construction Review, Louisville Metro Public Works and the Metropolitan Sewer District.
  - b. Encroachment permits must be obtained from the Kentucky Transportation Cabinet, Bureau of Highways.
  - c. A minor plat or legal instrument shall be recorded consolidating the property into one lot. A copy of the recorded instrument shall be submitted to the Division of Planning and Design Services prior to obtaining a building permit.
  
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.
  
6. No outdoor advertising signs, small freestanding signs, pennants, balloons, or banners shall be permitted on the site.

**The vote was as follows:**

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

**NOT PRESENT AND NOT VOTING: Commissioners Peterson and Seitz**