

**PLANNING COMMISSION MINUTES
JANUARY 18, 2018**

PUBLIC HEARING

CASE NUMBER 17ZONE1044

Project Name: Nicklies – Old La Grange Rd
Location: 12413 Old La Grange Road
Owner(s): Jeffersonville Commons, LLC; Ian, LLC
Applicant: Jeffersonville Commons, LLC
Representative(s): Nicklies Development; Land Design & Development
Project Area/Size: 7.1 acres
Jurisdiction: Louisville Metro
Council District: 17 – Glen Stuckel
Case Manager: Joel P. Dock, Planner II

Notice of this public hearing appeared in The Courier-Journal, a notice was posted on the property, and notices were sent by first class mail to those adjoining property owners whose names were supplied by the applicants.

The staff report prepared for this case was incorporated into the record. The Commissioners received this report in advance of the hearing, and this report was available to any interested party prior to the public hearing. (Staff report is part of the case file maintained in Planning and Design Services offices, 444 S. 5th Street.)

Agency Testimony:

01:24:18 Joel Dock discussed the case summary, standard of review and staff analysis from the staff report.

The following spoke in favor of this request:

Jim Calvery, 6060 Dutchmans Lane, Louisville, KY 40205

Summary of testimony of those in favor:

01:30:45 Jim Calvery summarized the applicant's proposal and showed a presentation. He responded to questions from the Commissioners.

The following spoke in opposition to this request:

No one spoke.

Deliberation

01:34:50 The Commissioners concur that the proposal is justified.

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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-4 to PEC

01:36:42 On a motion by Commissioner Brown, seconded by Commissioner Howard, the following resolution, based on the Cornerstone 2020 Checklist, the applicant's findings of fact, and testimony heard today, was adopted:

WHEREAS, the Louisville Metro Planning Commission finds that the proposal meets the Community Form guideline because the proposal integrates into the pattern of development as nearby users are industrial and commercial as permitted within a PEC zoning district, and the layout of the site is similar to these existing uses. The proposal integrates into the pattern of development of nearby users that are within a PEC zoning district. The proposal provides for public sidewalks and connectivity to an existing pedestrian network, and

WHEREAS, the Commission further finds that the proposal meets the Compatibility guideline because the proposed building materials appear to be consistent with the surrounding development; thus, increasing compatibility. The proposal does not constitute an expansion into a residential area as the site is buffered from such areas by over 350 feet of railway corridor and abuts PEC zoning districts on all other sides. Odor and emissions would not appear to be greater than similar facilities in the area. Trucks will not be left to idle within 200' of residential property. The location supports the potential traffic demand of the use as the site is located within a cluster of similar uses in a planned employment center and within close proximity to an interstate which reduces travel on other roadways. The proposal mitigates adverse impacts of its lighting on nearby properties, and on the night sky. All lighting will be shielded and directed downward and away from residential properties. The intensity of the proposed use is appropriately located with immediate access to an arterial level roadway and the interstate from a collector level road, and is at the intersection of this arterial level road. Appropriate transitions are provided as adjacent uses are similar in intensity. The lesser of the intensity of adjacent uses (tire service center) appears to have provided the level of buffering that would have been required for a PEC to an R-4 zoning district. The proposal is not incompatible with surrounding developments and provides for appropriate transitions between these similar uses with landscaping and common design. Setbacks, lot dimensions and building heights appear to be compatible with surrounding development that meets form district standards. Parking, loading, and delivery areas do not impact views from residential areas as they do not immediately abut or face residential properties. Heavy-truck access will be limited to non-residential

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access roads. The proposal includes screening and buffering of parking and circulation areas adjacent to the street, and uses design features or landscaping to fill gaps created by surface parking lots as the rendering presented at LD&T on 12/14/17 demonstrate the use of a four board fence and plantings along the street. Signs will be compatible with Chapter 8 of the Land Development Code, and

WHEREAS, the Commission further finds that the proposal meets the Open Space guideline because the proposal does not require the provision of open space and is not in the NFD. There do not appear to be any natural features of significance, and

WHEREAS, the Commission further finds that the proposal meets the Natural Areas and Scenic and Historic Resources guideline because there do not appear to be any natural features of significance. The existing structures on-site cannot be reused for the proposed use and these residential properties and structures are no longer compatible with adjacent development. The proposed development site does not appear to contain wet or highly permeable soils, or other features of concerns, and

WHEREAS, the Commission further finds that the proposal meets the Economic Growth and Sustainability guideline because a warehouse is being proposed to meet the needs of the industrial subdivision or workplace district and their employees. Proposed use is warehousing and located in an industrial/employment center with convenient access to major roadways. Subject site is conveniently located within close proximity to Interstate-265, nearby industrial or employment centers, and along an intersection with a major arterial roadway. The proposal does not indicate employment in excess of 100 employees. It is, however, located within close proximity to Interstate-265, nearby industrial or employment centers, and along an intersection with a major arterial roadway, and

WHEREAS, the Commission further finds that the proposal meets the Circulation guideline because the existing sidewalk network is being continued across the frontage of the subject site; thus, contributing its proportional share of the cost of roadway improvements and other services and public facilities made necessary by the development through physical improvements to these facilities, contribution of money, or other means. The proposal is providing carpool and required bike parking. Vehicular and truck transportation infrastructure is adequate and compatible with surrounding area. Truck access is routed through employment center roadways instead of Old La Grange Road which serve residential populations. All rights-of-way required for Old La Grange will be dedicated. Parking is sufficient and reflective of projected employment. Heavy-truck access will be limited to Chamberlain Crossing Drive through adjacent sites, and

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WHEREAS, the Commission further finds that the proposal meets the Transportation Facility Design guideline because The development provides for an appropriate functional hierarchy of streets and appropriate linkages between activity areas in and adjacent to the development site as heavy-truck access will be limited to chamberlain Crossing Drive. Access to the subject site is through areas of similar intensity, and

WHEREAS, the Commission further finds that the proposal meets the Bicycle, Pedestrian and Transit guideline because the existing pedestrian network is being continued which allows for ease of access to TARC route 64X available at Factory Lane and La Grange Road, and

WHEREAS, the Commission further finds that the proposal meets the Flooding and Stormwater guideline because MSD has preliminarily approved the proposal, and

WHEREAS, the Commission further finds that the proposal meets the Air Quality guideline because APCD did not express any concerns with the proposal, and

WHEREAS, the Commission further finds that the proposal meets the Landscape Character guideline because no natural corridors are present on site. The railway corridor abutting the site allows for a system of natural corridors, and

WHEREAS, the Commission further finds that the proposal meets the Infrastructure guideline because the development will be connected to sanitary sewers and MSD has approved the development plan concept. Utilities would appear to be available or will be provided as the site is in an area of existing industrial development. The Worthington fire department has indicated a potential for additional fire hydrants to serve the development. Additional Fire hydrants have been proposed, and

WHEREAS, the Commission finds that the proposal conforms with KRS 100.213 because it agrees with the Comprehensive Plan of Metro Louisville and Jefferson County, its goals, objectives, guidelines and policies (sometimes called "Cornerstone 2020") as further detailed in these Findings; and

WHEREAS, the Commission finds that the existing zoning classification is inappropriate and the proposed zoning classification is appropriate as further detailed in these findings; and

WHEREAS, the Commission finds that there have been major changes of an economic, physical or social nature within the area involved which were not anticipated in the adopted comprehensive plan and which have substantially altered the basic character of the area as further detailed in these findings; and

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WHEREAS, the Commission further finds that the property lies in the Suburban Work Place Form Area as identified by Core Graphic 1, and is consistent with Guideline 1.B.10. because the proposal is characterized by predominately industrial and office uses where the buildings are set back from the street in a landscaped setting; because this proposal will contain small-scale uses or a cluster of uses in one structure within a master planned development; because adequate transportation access to, from, and throughout the proposal has been designed in agreement with this Guideline 1.B.10.; because significant buffering from abutting uses is provided naturally and as shown on the proposal; because the development is located at the intersection of an arterial (LaGrange Road) and a major collector (Chamberlain Lane) near an expressway (Gene Snyder Freeway I-265), as identified by Core Graphic 10, and is of a scale that is appropriate for the nearby neighborhoods, businesses and industrial uses, all as shown on the Detailed District Development Plan prepared by Land Design and Development, Incorporated and last updated on updated and provided to the Land Design and Transportation Committee on March 23, 2006 (“Development Plan”); and

WHEREAS, the Commission further finds that the proposal complies with Compatibility Guideline 3 and all applicable Policies adopted thereunder, including Policies 3.1, 3.2, 3.4, 3.7, 3.8, 3.9, 3.12, 3.21, 3.22, 3.23, 3.24, 3.28 and 3.29 because the proposed development is of a scale and site design compatible with nearby existing development and with the pattern of development within the Suburban Work Place Form Area; because the type of building materials is appropriate for the character of the area and surrounding structures; because any adverse impact on adjacent residential uses, including traffic, parking, signs, and lighting, will be mitigated through the binding elements that have been proposed and agreed upon by the applicant; because appropriate transitioning from residential to non-residential uses will be provided through the use of natural vegetative buffers and landscaping, landscaped buffer yards, vegetative berms, compatible building design and materials, height restrictions and setbacks, which will also protect the character of residential areas, roadway corridors, and public spaces from visual intrusions; because the proposed development is designed to provide accessibility to people with disabilities; because the parking, loading and delivery areas are adequate for the proposed uses and are designed to minimize any adverse impact on adjacent residential areas, with the parking and circulation areas adjacent to the street screened and buffered; because the proposed signage is compatible with the Suburban Work Place Form Area and will be integrated with or attached to structures wherever possible; and

WHEREAS, the Commission further finds that the proposal complies with Natural Areas and Scenic and Historic Resources Guideline 5 and all applicable Policies adopted thereunder including 5.1, 5.2, 5.3 and 5.6 because there are no known cultural or historic resources located on this site; because according to Core Graphic 5 there are also no severe or steep slopes or soils unsuitable for development on this site that could

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contribute to environmental degradation; and because the site is not located in a regulatory floodplain.

WHEREAS, the Commission further finds that the proposal complies with Economic Growth and Sustainability Guideline 6 and all applicable Policies thereunder including 6.1, 6.4, and 6.8 because the development is appropriately located in the Suburban Work Place Form Area to meet the needs of this workplace district and its employees, and because, as stated previously, this development is adjacent to an existing facility (Chamberlain Crossing Phase 1 & Phase 2) serving the Ford Truck Plant and its' employees, and is in close proximity to the existing Truck Plant itself; because the proposed development has chosen to locate on a site that will enable primary and secondary job creation in close proximity to existing social and economic infrastructures; because the proposed development adheres to the policies designed to promulgate the intentions of this Guideline; because the development will help keep dollars in the immediate community; because the development will have the ability to spread tax burden for public facilities maintenance and neighborhood programs; because the development will attract new investment dollars adjacent to a major economic engine in Louisville, the Kentucky Ford Truck Plant; because the development may provide management level and entry-level positions; because the development will offer flexible working hours; because the development will assist in preserving existing standards of living over time; because the development will provide new services and products not previously available in a timely manner to nearby industries; and

WHEREAS, the Commission further finds that the proposal complies with Circulation Guideline 7 and all applicable Policies thereunder including 7.1, 7.2, 7.3, 7.5, 7.6, 7.9, 7.10, 7.14, and 7.15 because proposed design provides good internal circulation as well as connections to major thoroughfares and adjacent roadway networks; because it has been demonstrated that the development will not cause adverse impacts to the traffic-carrying capacity of the existing roadway network as Stated in the Applicants traffic study; because roadway improvements, already constructed, along Collins Lane and Chamberlain Lane included signalization and a right turn onto Chamberlain Lane, as well as, shoulder improvements, and the aforesaid improvements are located on roadways with ample right of way, pavement width and carrying capacity; because sidewalks constructed along Old LaGrange Road, Collins Lane and Chamberlain Lane and throughout the development to the adjacent properties will facilitate pedestrian access to, from and throughout the development; because on-site parking (53 spaces provided, 40 spaces minimum required) is sufficient to serve the development and is set back and screened away from nearby existing residential areas; because the access point is located as reviewed and approved by the Louisville and Jefferson County Metro Department of Public Works and will not pose any safety hazards, as the Department's approval indicates; and because the applicant has installed a traffic signal at the

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intersection of Chamberlain Lane and Collins Lane as part of Phase 1; because the access points are located as reviewed and preliminarily approved by the Louisville and Jefferson County Metro Department of Public Works and will not pose any safety hazards for the nearby interchange with Highway 256; and because the agreed connection of this site to Chamberlain Crossing Drive provides for a safe and reliable ingress and egress for truck traffic at the request of the Louisville and Jefferson County Metro Department of Public Works to better ensure safe maneuvering of trucks; and

WHEREAS, the Commission further finds that the proposal complies with Transportation Facility Design Guideline 8 and all applicable Policies adopted thereunder including Policies 8.8 and 8.10 because primary truck access to the site is off Chamberlain Crossing Drive via the signal at Collins Lane and Chamberlain Lane, and will lessen any traffic through areas of lower intensity; because the primary access points have adequate sight distance and have been constructed and approved by the Louisville and Jefferson County Metro Department of Public Works; because the system of internal traffic circulation as shown on the plan will be constructed after being reviewed and approved by the Department, and has appropriate linkages between parking areas which have been located so as to avoid creating nuisances to surrounding uses; and

WHEREAS, the Commission finds that the proposal complies with Bicycle, Pedestrian and Transit Guideline 9 and all applicable Policies adopted thereunder including Policies 9.1 and 9.2 because the location of the site has transit ("TARC") service (Route No. 64); because sidewalks will be provided along Old LaGrange Road (Chamberlain Lane and Collins Lane currently installed) connecting into the improvements made during Phase 1 & Phase 2, which connect to existing sidewalks; and because bicycle racks will be located where appropriate; and

WHEREAS, the Commission further finds that the proposal complies with Flooding and Stormwater Guideline 10 and all applicable Policies adopted thereunder including Policies 10.1, 10.2, 10.5, 10.6 and 10.7 because the site has no blueline steams and is not located in the 100 year regulatory floodplain; because the proposed plan has been approved by the Metropolitan Sewer District ("MSD"); because preliminary drainage conceptual plans have been approved and future plans will meet or exceed MSD requirements as determined in the construction plan design process; because the detention and drainage facilities will be constructed in dedicated sanitary sewer and drainage easements and will ensure that peak stormwater runoff will not exceed predevelopment conditions; and

WHEREAS, the Commission finds that the proposal complies with Water Quality Guideline 11 and all applicable Policies adopted thereunder including Policy 11.3 because prior to any construction activity on site, a soil erosion and sediment control

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plan shall be submitted to and approved by MSD. See Erosion Prevention and Sediment Control Notes on the Development Plan.

WHEREAS, the Commission finds that the proposal complies with Air Quality Guideline 12 and all applicable Policies adopted thereunder including Policies 12.1, 12.3, 12.4 and 12.8 because the plan was reviewed by and approved by the Louisville and Jefferson County Metro Air Pollution Control District; and because mass transit service is available to the site and sidewalks are provided as appropriate; and

WHEREAS, the Commission finds that the proposal complies with Landscape Character Guideline 13 and all applicable Policies adopted thereunder including Policies 13.1, 13.2, 13.5 and 13.6 because landscaping in compliance with Article 12 will be provided and construction fencing shall be erected prior to any construction activities on site to prevent compaction of the root systems of trees; and

WHEREAS, the Commission further finds that the granting of General Landscape Buffer Area (LBA) Waivers of Section's 10.2.4.B and 10.2.10 to allow the proposed building, vehicular use area, and parking to encroach into the LBA; because the requested waivers will not adversely affect adjacent property owners as the Northeast property line is adjacent to an existing heavily treed area owned and Operated by CSX Rail; because this property is associated with and will be a part of an operating development previously approved via the detailed development plan for Chamberlain Crossing Business park; because tenants will be identified who will choose this location because of the proximity to other manufacturing facilities and the Kentucky Truck plant; because the proposed building is the minimum size needed and the granting of the waivers would allow for the location of this business(s) at this site; because the property is located in an area that is primarily industrial and employment based in nature and zoned PEC, Commercial and CM within the Suburban Workplace Form District; because CSX owns property to the north (zoned R-4) including a large area of mature trees; because this proposal complies with the Comprehensive Plan in that the Goals and Objectives Goal A1, Objectives 1.4 & 1.5, Goal D1 Objectives D 1.1, 1.2, 1.3, and 1.4 support economic development and jobs; because all waivers requested are the minimum necessary to allow the proposed buildings and structures and to remain in compliance with other sections of the Land Development Code; and because where relief is sought from the LDC, the applicant has sufficiently attempted to comply with the LDC and has not attempted to circumvent the requirements; and because the Louisville Metro Staff Findings and Analysis, contained within the Staff Report, support the granting of the waivers; and

WHEREAS, the Commission finds that the proposal complies with Infrastructure Guideline 14 and all applicable Policies adopted thereunder including Policies 14.2,

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14.3 and 14.4 because the site is served by all necessary utilities including water and sewerage facilities by lateral extension to the MSD Hite Creek Treatment Plant; and

WHEREAS, the Commission finds that the proposal complies with Community Facilities Guideline 15 and all applicable Policies adopted thereunder including Policy 15.9 because the site is located within the Worthington Fire Protection District; now, therefore be it

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

The vote was as follows:

YES: Brown, Lindsey, Lewis, Howard, Jarboe, Peterson, and Carlson
NOT PRESENT: Smith, Ferguson, and Tomes

01:37:34 On a motion by Commissioner Brown, seconded by Commissioner Howard, the following resolution, based on the Cornerstone 2020 Checklist, the applicant's findings of fact, and testimony heard today, was adopted:

Waiver of Land Development Code, section 10.2.4.B to allow for encroachments into the 15' Landscape buffer areas

WHEREAS, the Louisville Metro Planning Commission finds that the waiver will not adversely affect adjacent property owners as adjacent users are similar in intensity and design to the proposed use, and

WHEREAS, the Commission further finds that Guideline 3, Policy 9 of Cornerstone 2020 calls for the protection of the character of residential areas, roadway corridors and public spaces from visual intrusions and mitigate when appropriate. Guideline 13, Policy 4 calls for ensuring appropriate landscape design standards for different land uses within urbanized, suburban, and rural areas. The waiver will not violate these specific guidelines as the surrounding uses do not necessitate the provision of enhanced landscaped buffer areas to separate themselves from each other as they are common in design and intensity, 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 all planting material and screening will be provided as required, and

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WHEREAS, the Commission further finds that the strict application of the provisions of the regulation would deprive the applicant of the reasonable use of the land or would create an unnecessary hardship on the applicant as the site is located in an employment center of common uses and sufficient buffering has been provided elsewhere on site between abutting lots, and

WHEREAS, the Commission further finds that the applicant is requesting a waiver from Section(s) 10.2.4.B and 10.2.10 to allow for the development of properties known as 12413 & 12415 Old LaGrange Road, 2635 Chamberlain Lane, and 2400 Chamberlain Crossing Drive in conjunction with a change in zoning for the construction of an office/warehouse building. This development would be Phase 4 of the Chamberlain Crossing Business Park. The applicant is requesting a waiver from 10.2.10 to allow proposed parking areas to encroach into the required behavior use area and landscape buffer area and to relocate required landscaping; and a waiver from 10.2.4.B to allow the proposed building and parking area to encroach into the 15 foot landscape buffer area. The Applicant owns two of the adjacent properties which are already included in the existing Chamberlain Crossing business part of which these properties will be part of, and

WHEREAS, the Commission further finds that the applicant will enhance the adjacent property to the north east, owned by CSX railroad, with either a six foot tall privacy fence and/or additional landscaping. Both properties are located in the Suburban Workplace Form District. The Suburban Workplace Form District is "characterized by predominately industrial and office uses where the buildings are set back from the street in a landscaped setting". The applicant will plant other areas, which will be shown on the required landscape plan, with any and all plant material that would have been planted in the areas affected by the waivers, and

WHEREAS, the Commission further finds that the property is located in an area that is primarily industrial in nature and zoned PEC, Commercial and CM within the Suburban Workplace Form District. CSX owns property to the north, east, west and to the south including a large area of mature trees; and the Applicant owns the adjacent Chamberlain Crossings Business Park to the northwest which is zoned PEC, and

WHEREAS, the Commission further finds that this proposal complies with the Comprehensive Plan in that the Goals and Objectives; Goal A1, Objectives 1.4 &1.5 and Goal 01 Objectives D 1.1, 1.2, 1.3, and 1.4 which support economic development and job creation. This proposal is within the Suburban Workplace Form District indicating that developments of this type were expected and needed. Goal G3 and Objectives G 3.1 regarding Land Use in the SW district also supports this application, and

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WHEREAS, the Commission further finds that all waivers requested are the minimum necessary to allow the proposed buildings and structures and to remain in compliance with other sections of the Land Development Code. Where relief is sought from the LDC, the applicant has sufficiently attempted to comply with the LDC and has not attempted to circumvent the requirements, and

WHEREAS, the Commission further finds that the strict application of the provisions of the regulation would deprive the applicant of the reasonable use of the land and would create an unnecessary hardship in that the identified tenant will not be able to construct a building of the size to suit their needs, and

WHEREAS, the Commission further finds that granting the requested waivers would not adversely affect the adjoining properties or the citizens of the area simply because the proposed land use was anticipated when the Form District and zoning were established for this area. A neighborhood meeting was held, and

WHEREAS, the Commission further finds that the waiver will not adversely affect the adjacent property owner; the adjoining property is located within the Suburban Workplace Form District and there is an existing heavily wooded fence line with mature evergreen and deciduous trees. The applicant is proposing to mimic the landscaping by proposing a solid wood fence with a mixture of tree plantings to buffer the adjacent property if needed. These Properties requesting the waivers are proposed to be a continuation of the Chamberlain Crossings Business Park, and

WHEREAS, the Commission further finds that the waiver will not violate the Comprehensive Plan; this proposal is for a use in agreement with those allowed in the Planned Employment Center Zone District, which characterizes this form district. The site is surrounded by non-residential development on 3 sides. In addition this proposal complies with Guidelines 2, 3, and 6 of the Comprehensive Plan in that the applicant is proposing a non-residential use in an area where there are similar non-residential uses including the Kentucky Ford Truck plant, and the adjacent Chamberlain Crossings Business Park which this would be incorporated into, and

WHEREAS, the Commission further finds that the extent of waiver of the regulation is the minimum necessary to afford relief to the applicant; the requested waiver will allow the applicant to responsibly and effectively develop the property. The Applicant has made open its' efforts since the first building was built in the Chamberlain Crossings Business Park to make neighbors aware and Planning Commission aware of its intent to develop these last properties adjacent to the CSX railroad as evidenced in past case's Docket's 9-031-05 and 9-09-06W, and

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WHEREAS, the Commission further finds that the waiver is necessary for the applicant to provide adequate parking and internal circulation for the site so that it may be properly incorporated into the Chamberlain Crossings Business Center. This waiver is the minimum needed for the non-residential development of this property, and

WHEREAS, the Commission further finds that the strict application of the provisions of the regulation would deprive the applicant of the reasonable use of the land or would create an unnecessary hardship on the applicant; the strict application of the provisions of the regulation would deprive the applicant of the reasonable use of the land, and

Waiver of Land Development Code, section 10.2.10 to allow for encroachments into the 15' Vehicle Use Area Landscape buffer area and to eliminate required landscaping

WHEREAS, the Louisville Metro Planning Commission finds that the waiver will not adversely affect adjacent property owners as adjacent users are similar in intensity and design to the proposed use, and

WHEREAS, the Commission further finds that Guideline 3, Policy 9 of Cornerstone 2020 calls for the protection of the character of residential areas, roadway corridors and public spaces from visual intrusions and mitigate when appropriate. Guideline 13, Policy 4 calls for ensuring appropriate landscape design standards for different land uses within urbanized, suburban, and rural areas. The renderings presented at the LD&T meeting on December 14, 2017 and to staff at a later date demonstrate the use of a four-board farm style fence and planting material along Old La Grange Road which satisfies the intent of these principles, 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. The renderings presented at the LD&T meeting on December 14, 2017 and to staff at a later date demonstrate the use of a four-board farm-style fence and planting material along Old La Grange Road, as well as living wall features to be incorporated into the facade which aid in mitigating the waiver of this landscape provision, and

WHEREAS, the Commission further finds that the strict application of the provisions of the regulation would deprive the applicant of the reasonable use of the land or would create an unnecessary hardship on the applicant as the renderings presented at the LD&T meeting on December 14, 2017 and to staff at a later date demonstrate the use of a four-board farm-style fence and planting material along Old La Grange Road, as well as living wall features to be incorporated into the facade which aid in mitigating the waiver of this landscape provision, and

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WHEREAS, the Commission further finds that the applicant is requesting a waiver from Section(s) 10.2.4.B and 10.2.10 to allow for the development of properties known as 12413 & 12415 Old LaGrange Road, 2635 Chamberlain Lane, and 2400 Chamberlain Crossing Drive in conjunction with a change in zoning for the construction of an office/warehouse building. This development would be Phase 4 of the Chamberlain Crossing Business Park. The applicant is requesting a waiver from 10.2.10 to allow proposed parking areas to encroach into the required behavior use area and landscape buffer area and to relocate required landscaping; and a waiver from 10.2.4.B to allow the proposed building and parking area to encroach into the 15 foot landscape buffer area. The Applicant owns two of the adjacent properties which are already included in the existing Chamberlain Crossing business part of which these properties will be part of, and

WHEREAS, the Commission further finds that the applicant will enhance the adjacent property to the north east, owned by CSX railroad, with either a six foot tall privacy fence and/or additional landscaping. Both properties are located in the Suburban Workplace Form District. The Suburban Workplace Form District is "characterized by predominately industrial and office uses where the buildings are set back from the street in a landscaped setting". The applicant will plant other areas, which will be shown on the required landscape plan, with any and all plant material that would have been planted in the areas affected by the waivers, and

WHEREAS, the Commission further finds that the property is located in an area that is primarily industrial in nature and zoned PEC, Commercial and CM within the Suburban Workplace Form District. CSX owns property to the north, east, west and to the south including a large area of mature trees; and the Applicant owns the adjacent Chamberlain Crossings Business Park to the northwest which is zoned PEC, and

WHEREAS, the Commission further finds that this proposal complies with the Comprehensive Plan in that the Goals and Objectives; Goal A1, Objectives 1.4 &1.5 and Goal 01 Objectives D 1.1, 1.2, 1.3, and 1.4 which support economic development and job creation. This proposal is within the Suburban Workplace Form District indicating that developments of this type were expected and needed. Goal G3 and Objectives G 3.1 regarding Land Use in the SW district also supports this application, and

WHEREAS, the Commission further finds that all waivers requested are the minimum necessary to allow the proposed buildings and structures and to remain in compliance with other sections of the Land Development Code. Where relief is sought from the LDC, the applicant has sufficiently attempted to comply with the LDC and has not attempted to circumvent the requirements, and

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WHEREAS, the Commission further finds that the strict application of the provisions of the regulation would deprive the applicant of the reasonable use of the land and would create an unnecessary hardship in that the identified tenant will not be able to construct a building of the size to suit their needs, and

WHEREAS, the Commission further finds that granting the requested waivers would not adversely affect the adjoining properties or the citizens of the area simply because the proposed land use was anticipated when the Form District and zoning were established for this area. A neighborhood meeting was held, and

WHEREAS, the Commission further finds that the waiver will not adversely affect the adjacent property owner; the adjoining property is located within the Suburban Workplace Form District and there is an existing heavily wooded fence line with mature evergreen and deciduous trees. The applicant is proposing to mimic the landscaping by proposing a solid wood fence with a mixture of tree plantings to buffer the adjacent property if needed. These Properties requesting the waivers are proposed to be a continuation of the Chamberlain Crossings Business Park, and

WHEREAS, the Commission further finds that the waiver will not violate the Comprehensive Plan; this proposal is for a use in agreement with those allowed in the Planned Employment Center Zone District, which characterizes this form district. The site is surrounded by non-residential development on 3 sides. In addition this proposal complies with Guidelines 2, 3, and 6 of the Comprehensive Plan in that the applicant is proposing a non-residential use in an area where there are similar non-residential uses including the Kentucky Ford Truck plant, and the adjacent Chamberlain Crossings Business Park which this would be incorporated into, and

WHEREAS, the Commission further finds that the extent of waiver of the regulation is the minimum necessary to afford relief to the applicant; the requested waiver will allow the applicant to responsibly and effectively develop the property. The Applicant has made open its' efforts since the first building was built in the Chamberlain Crossings Business Park to make neighbors aware and Planning Commission aware of its intent to develop these last properties adjacent to the CSX railroad as evidenced in past case's Docket's 9-031-05 and 9-09-06W, and

WHEREAS, the Commission further finds that the waiver is necessary for the applicant to provide adequate parking and internal circulation for the site so that it may be properly incorporated into the Chamberlain Crossings Business Center. This waiver is the minimum needed for the non-residential development of this property, and

WHEREAS, the Commission further finds that the strict application of the provisions of the regulation would deprive the applicant of the reasonable use of the land or would

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CASE NUMBER 17ZONE1044

create an unnecessary hardship on the applicant; the strict application of the provisions of the regulation would deprive the applicant of the reasonable use of the land; now, therefore be it

RESOLVED, that the Louisville Metro Planning Commission does hereby **APPROVE (1)** the Waiver of Land Development Code, section 10.2.4.B to allow for encroachments into the 15' Landscape buffer areas and **(2)** the Waiver of Land Development Code, section 10.2.10 to allow for encroachments into the 15' Vehicle Use Area Landscape buffer area and to eliminate required landscaping.

The vote was as follows:

YES: Brown, Lindsey, Lewis, Howard, Jarboe, Peterson, and Carlson
NOT PRESENT: Smith, Ferguson, and Tomes

Detailed District Development Plan

01:38:15 On a motion by Commissioner Brown, seconded by Commissioner Howard, the following resolution, based on the Cornerstone 2020 Checklist and testimony heard today, was adopted:

WHEREAS, the Louisville Metro Planning Commission finds that there do not appear to be any significant natural features on site. Existing structures on-site will be documented prior to demolition. The architectural integrity of Old la Grange road will be restored through the utilization of a four-board farm style fence and landscaping as provided in the renderings by the applicant, 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 as a sidewalk will provided along the frontage and pedestrian connection from this sidewalk into the development has been provided, and

WHEREAS, the Commission further finds that open space is not required for this application, and

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

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WHEREAS, the Commission further finds that the overall site design and land uses are compatible with the surrounding area as the subject site abuts and will become a component of an existing employment/industrial center, and

WHEREAS, the Commission further finds that the development plan conforms to applicable guidelines and policies of the Comprehensive Plan as demonstrated in the Cornerstone 2020 Staff Review Checklist for the change in zoning request contained in Attachment 3 of the staff report; now, therefore be it

RESOLVED, that the Louisville Metro Planning Commission does hereby **APPROVE** the 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. No outdoor advertising signs, small freestanding signs, pennants, balloons, or banners shall be permitted on the site.
3. 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.
4. 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 Department of Inspections, Permits and Licenses, Louisville Metro Public Works and the Metropolitan Sewer District.
 - b. The property owner/developer must obtain approval of a detailed plan for screening (buffering/landscaping) as described in Land Development Code, Chapter 10 prior to requesting a building permit. Such plan shall be implemented prior to occupancy of the site and shall be maintained thereafter.

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- c. A Tree Preservation Plan in accordance with Chapter 10 of the LDC shall be reviewed and approved prior to obtaining approval for site disturbance.
 - d. An Individual Historic Resource Survey Form shall be completed for any historic resources on the subject site. The documentation must occur prior to the issuance of a demolition permit or ground disturbance at the site. The documentation shall be submitted to Urban Design/Historic Preservation Staff upon completion.
 - e. A geotechnical report shall be submitted to staff for incorporation into the record.
 - f. A reciprocal access and crossover easement agreement for "truck access" 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
 - g. A legal instrument shall be recorded consolidating the property as shown on the approved development plan. A copy of the recorded instrument shall be submitted to the Division of Planning and Design Services.
5. A certificate of occupancy must be received from the appropriate code enforcement department prior to occupancy of the structure or land for the proposed use. All binding elements requiring action and approval must be implemented prior to requesting issuance of the certificate of occupancy, unless specifically waived by the Planning Commission.
6. The applicant, developer, or property owner shall provide copies of these binding elements to tenants, purchasers, contractors, subcontractors and other parties engaged in development of this site and shall advise them of the content of these binding elements. These binding elements shall run with the land and the owner of the property and occupant of the property shall at all times be responsible for compliance with these binding elements. At all times during development of the site, the applicant and developer, their heirs, successors; and assignees, contractors, subcontractors, and other parties engaged in development of the site, shall be responsible for compliance with these binding elements.
7. No idling of trucks shall take place within 200 feet of single-family residences. No overnight idling of trucks shall be permitted on-site.
8. No heavy-truck shall enter or exit the facility via Old La Grange Road. All heavy-truck access shall be limited to Chamberlain Crossing Drive.