

**Land Development & Transportation
Staff Report**
December 14, 2017



Case No:	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

REQUEST(S)

- **Change-in-Zoning** from R-4, Single-Family Residential to PEC, Planned Employment Center
- **Waiver** of Land Development Code, section 10.2.4.B to allow for encroachments into the 15' Landscape buffer areas
- **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

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CASE SUMMARY

A change in zoning to PEC, Planned Employment Center is requested on two residential parcels in Northeastern Louisville Metro to allow for a 72,150 square foot warehouse. The development site is located in the Northwest quadrant of the intersection at Old La Grange/La Grange Road and Chamberlain Lane, North of Interstate-265. A railway corridor forms the Northeast boundary of the site and provides roughly three-hundred fifty feet of separation between the subject site and the nearest residential property. PEC zoning districts with existing commercial and industrial uses form the Southwest and Northwest boundary. Old La Grange Road will provide employee and customer access to parking facilities along this roadway. The loading docks are located along the Southwest façade of the building. Truck access has been proposed through two adjacent parcels via Chamberlain Crossing Drive.

STAFF FINDING

The request is ready to be scheduled for a public hearing.

TECHNICAL REVIEW

- Elevations have not yet been submitted. Elevations in compliance with applicable sections of the Land Development Code will be required prior to final or construction plan approval. Elevations can be reviewed and approved by staff. In the event that elevations are not compliant, they will be brought before the Planning Commission or designee. (Binding Element 4.g)
- Any historic resources that are approved for demolition shall be documented by the developer by preparing an Individual Historic Resource Survey Form (available from the Kentucky Heritage council, the State Preservation Office) which includes photographs of all elevations and significant

architectural features. A list of qualified preservation professionals can be provided to the developer by Urban Design/Historic Preservation Staff. 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. (Binding Element 4.e)

- Hard-copies of the most recent plan shown to this body will be provided prior to the public hearing.

INTERESTED PARTY COMMENTS

Staff has received many letters in opposition to the proposal, primarily related to existing and future vehicular and heavy-truck traffic and congestion in the area. Other concerns related to the proposed land use include: adverse impacts on the environment from semi-trucks and other vehicles, storage of material, and removal of trees; noise and light pollution; buffering/proximity between residences and proposed warehouse; compatibility and aesthetics; and property value.

Staff has also been in communication with an interested party regarding a petition for a night hearing at a convenient location. Staff has provided the required material to complete this process. The applicant was notified of this possibility.

STANDARD OF REVIEW FOR REZONING

Criteria for granting the proposed form district change/rezoning: KRS Chapter 100.213

1. The proposed form district/rezoning change complies with the applicable guidelines and policies Cornerstone 2020; OR
2. The existing form district/zoning classification is inappropriate and the proposed classification is appropriate; OR
3. There have been major changes of an economic, physical, or social nature within the area involved which were not anticipated in Cornerstone 2020 which have substantially altered the basic character of the area.

NOTIFICATION

Date	Purpose of Notice	Recipients
11/28/17	Hearing before LD&T	1 st and 2 nd tier adjoining property owners Speakers at Planning Commission public hearing Registered Neighborhood Groups in Council District 17
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	Hearing before PC	Sign Posting on property
	Hearing before PC	Legal Advertisement in the Courier-Journal

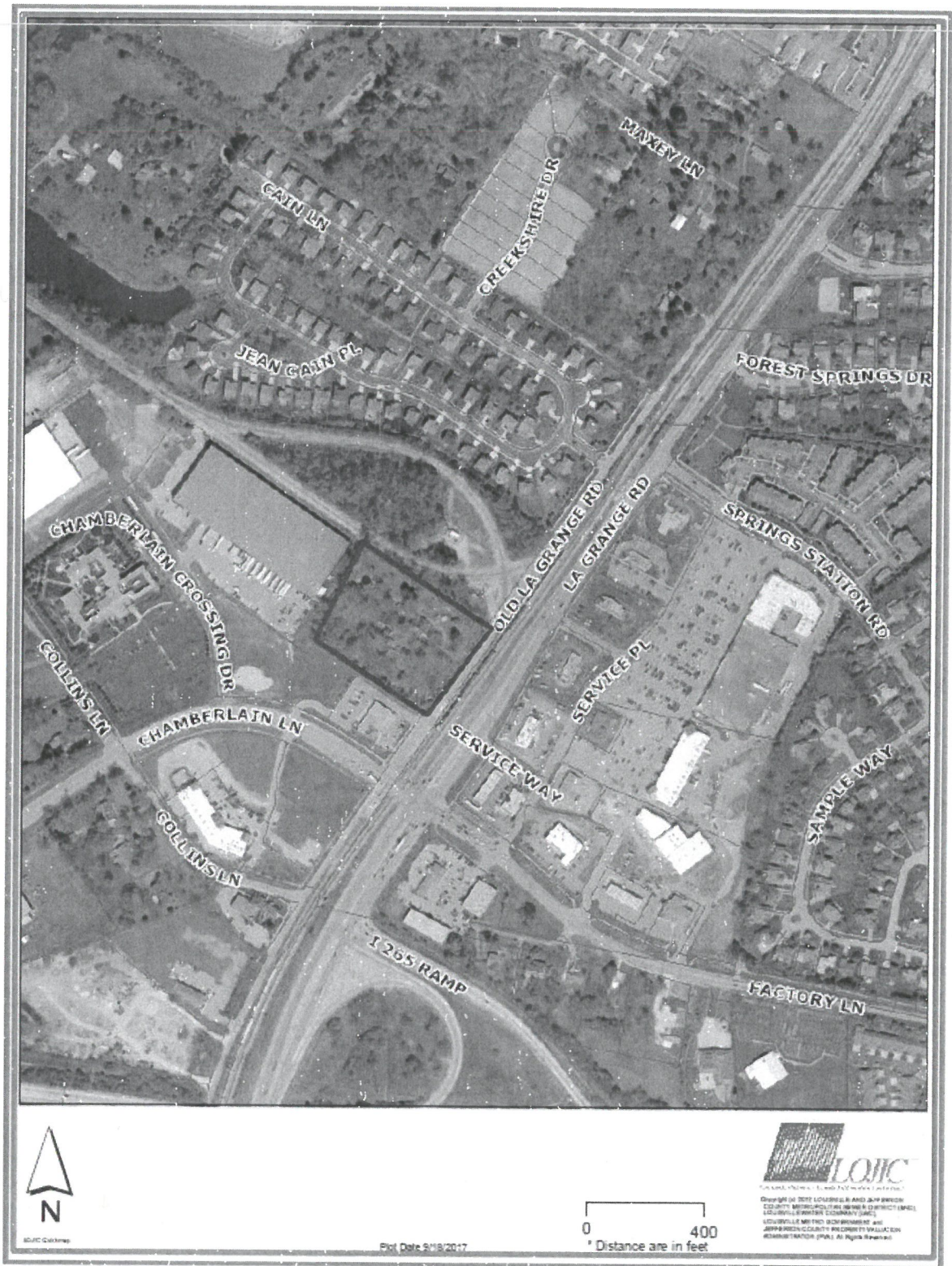
ATTACHMENTS

1. Zoning Map
2. Aerial Photograph
3. Proposed Binding Elements

1. Zoning Map



2. Aerial Photograph



3. **Proposed Binding Elements**

1. The development shall be in accordance with the approved district development plan, all applicable sections of the Land Development Code (LDC) and agreed upon binding elements unless amended pursuant to the Land Development Code. Any changes/additions/alterations of any binding element(s) shall be submitted to the Planning Commission or the Planning Commission's designee for review and approval; any changes/additions/alterations not so referred shall not be valid.
2. 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. Encroachment permits must be obtained from the Kentucky Department of Transportation, Bureau of Highways.
 - c. 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.
 - 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. 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.
 - f. A geotechnical report shall be submitted to staff for incorporation into the record.
 - g. Elevations in compliance with applicable sections of the Land Development Code shall be submitted for review and approval by staff. In the event that elevations are not compliant, they will be brought before the Planning Commission or designee.
 - h. 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
 - i. 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.