Planning Commission
Staff Report
May 12, 2022

Case No:	21-ZONE-0135
Project Name:	3106 Chenoweth Run Storage
Location:	3106 Chenoweth Run Road
Owner(s):	James R Conti
Applicant:	One Fourteen, LLC
Representative(s):	Dinsmore – Cliff Ashburner
Jurisdiction:	Louisville Metro
Council District:	11 – Kevin Kramer
Case Manager:	Joel P. Dock, AICP, Planning Coordinator

REQUEST(S)

- **Change-in-Zoning** from R-4, residential single-family to CM, commercial manufacturing
- **Parking Waiver** to reduce the required spaces from 26 to 10
- **Detailed District Development Plan**

CASE SUMMARY

The subject property is located at the intersections of Blankenbaker Access Drive, Blankenbaker Parkway, and Chenoweth Run Road within the Suburban Workplace form district. A 3-story mini-warehouse (self-storage) facility is proposed. Access to the subject site is proposed from Chenoweth Run Road, a primary collector, where pedestrian access will also be provided. A parking waiver to reduce the minimum parking required for the self-storage facility is requested.

STAFF FINDING

The proposed change in zoning is in conformance with the land use and development policies of Plan 2040. The proposed district is appropriately located within the Suburban Workplace form district. The Suburban Workplace is a form characterized by predominately industrial and office uses.

The parking waiver and detailed plan have been adequately justified for approval based on staff's analysis contained in the standard of review.

TECHINCAL REVIEW

- **Vehicle Access.** The subject site is within the Suburban Workplace form district. Access to the development site is preferred from Blankenbaker Access Drive where uses of similar intensity within the form district maintain access. However, the Kentucky Transportation Cabinet (KYTC) has denied the applicant access to this roadway. This limits access to Chenoweth Run Road which primarily serves residential properties in the Neighborhood form. The proposed access point attempts to limit the potential impact of trucks or vehicles using residential sections of Chenoweth Run Road and provide safe access. Chenoweth Run Road provides connectivity from Blankenbaker Parkway to Taylorsville Road.

- **Sidewalks.** Sidewalks have been shown along all rights-of-way. Land Development Code, Section 6.2.6 allows for multiple methods of compliance, including construction of the sidewalks,

off-site construction, and a fee-in-lieu, which may be determined at construction phase in consultation with Planning and Design Services and the Department of Public Works.

STANDARD OF REVIEW FOR ZONING AND FORM DISTRICT CHANGES

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 Plan 2040; **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 Plan 2040 which have substantially altered the basic character of the area.

STAFF ANALYSIS FOR CHANGE IN ZONING AND FORM DISTRICT

The Following is a summary of staff's analysis of the proposed rezoning against the Land Use and Development Policies of Plan 2040:

The site is in the Suburban Workplace Form District

> Suburban Workplace is a form characterized by predominately industrial and office uses where the buildings are set back from the street in a landscaped setting. Suburban workplaces often contain a single large-scale use or a cluster of uses within a master planned development. New larger proposed industrial uses are encouraged to apply for a planned development district.
>
> In order to provide adequate transportation access in suburban workplaces connected roads, public transportation and pedestrian facilities should be encouraged. Walkways to workplace-serving uses are encouraged for workplace employees. Development within suburban workplace form districts may need significant buffering from abutting uses.

The proposed district is appropriately located within the Suburban Workplace form district where demand and infrastructure are in place to support industrial growth within the form. The proposal does not encroach upon residential areas or zones as the site is located wholly within the suburban workplace form district which is a form characterized by predominately industrial and office uses, and the proposed zoning district supports the intended pattern of development. The proposed zoning district (CM) does not allow for M-2 or M-3 uses; thus, reducing the likelihood of offensive uses in the future that might be hazardous such as lumber yards, storage yards, coal and coke storage, insecticides, and truck transfer and parking.

The site would not appear to contain wet or highly permeable soils, severe, steep or unstable slopes where the potential for severe erosion problems exists. The site does not appear to contain features vulnerable to natural disasters such as sinkholes and landslides. A karst survey was conducted by the applicant and no apparent Karst features were identified. Steeper contours are present in the right-of-way. Tree canopy will be preserved in accordance with Ch. 10, Part 1 of the LDC to minimizes property damage and environmental degradation resulting from disturbance of natural systems.

The proposal is in a workplace form where industrial locations are encouraged to be concentrated to support transit-oriented development. Transit is not currently available in this section of the workplace,

but it is nearby. Vehicular access to the subject site is most appropriate from Blankenbaker Access Drive as this is the primary point of access for industrial uses in this section of the workplace. However, the Kentucky Transportation Cabinet has denied access to this roadway at this time; leaving the site with access from Chenoweth Run Road only. The developer should continue to work with the State to acquire access during construction planning.

No adverse traffic impacts appear to result from the proposed district or access location. The use itself produces a limited number of trips as a mini-warehouse facility. Access into the subject site will utilize a collector level roadway that serves residential development and the site is at an intersection with an arterial roadway. This location minimizes adverse traffic impacts by potential heavy truck traffic, should the proposed use change, or customer or employee vehicles. Traffic entering the site from the south on Blankenbaker Parkway will utilize a center turning lane. All improvements or methods of compliance to provision pedestrian and transit infrastructure will be provided.

STANDARD OF REVIEW AND STAFF ANALYSIS FOR PARKING WAIVER

(a) The Parking Waiver is in compliance with the Comprehensive Plan; and

STAFF: The parking waiver conforms to Plan 2040. Parking is being minimized based on demand for similar facilities which reduces unnecessary impervious surfaces caused by over parking.

(b) The applicant made a good faith effort to provide as many parking spaces as possible on the site, on other property under the same ownership, or through joint use provisions; and

STAFF: The applicant has provided parking spaces thought to be necessary to serve the use based on the parking demand for similar uses.

(c) The requested waiver is the smallest possible reduction of parking spaces that would accommodate the proposed use; and

STAFF: The requested waiver is an appropriate reduction based on the demonstrated demand of similar facilities.

(d) Adjacent or nearby properties will not be adversely affected; and

STAFF: Adjacent or nearby properties will not be adversely affected.

(e) The requirements found in Table 9.1.2 do not accurately depict the parking needs of the proposed use and the requested reduction will accommodate the parking demand to be generated by the proposed use; and

STAFF: The requirements found in table 9.1.2 do not accurately depict the parking needs of the proposed use as demonstrated in the applicant's parking study of similar uses.

(f) That there is a surplus of on-street or public spaces in the area that can accommodate the generated parking demand.

STAFF: The parking study does not demonstrate that on-street or public spaces are needed for overflow. The site provides some extra spaces beyond the demonstrated demand in the event there is overflow.

STANDARD OF REVIEW AND STAFF ANALYSIS FOR DETAILED DISTRICT DEVELOPMENT PLAN

a. 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;

STAFF: 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 site would not appear to contain wet or highly permeable soils, severe, steep or unstable slopes where the potential for severe erosion problems exists. The site does not appear to contain features vulnerable to natural disasters such as sinkholes and landslides. A karst survey was conducted by the applicant and no apparent Karst features were identified. Steeper contours are present in the right-of-way. Tree canopy will be preserved in accordance with Ch. 10, Part 1 of the LDC to minimizes property damage and environmental degradation resulting from disturbance of natural systems

b. The provisions for safe and efficient vehicular and pedestrian transportation both within the development and the community;

STAFF: Provisions for safe and efficient vehicular and pedestrian transportation within and around the development and the community are provided. Vehicular access to the subject site is most appropriate from Blankenbaker Access Drive as this is the primary point of access for industrial uses in this section of the workplace. However, the Kentucky Transportation Cabinet has denied access to this roadway at this time; leaving the site with access from Chenoweth Run Road only. The developer should continue to work with the State to acquire access during construction planning.

The use itself produces a limited number of trips as a mini-warehouse facility. Access into the subject site will utilize a collector level roadway that serves residential development and the site is at an intersection with an arterial roadway. This location minimizes adverse traffic impacts by potential heavy truck traffic, should the proposed use change, or customer or employee vehicles. Traffic entering the site from the south on Blankenbaker Parkway will utilize a center turning lane. All improvements or methods of compliance to provision pedestrian and transit infrastructure will be provided.

c. The provision of sufficient open space (scenic and recreational) to meet the needs of the proposed development;

STAFF: Tree canopy will be preserved in accordance with Ch. 10, Part 1 of the LDC to minimizes property damage and environmental degradation resulting from disturbance of natural systems.

d. 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;

STAFF: 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.

e. The compatibility of the overall site design (location of buildings, parking lots, screening, landscaping) and land use or uses with the existing and projected future development of the area;

STAFF: The proposal is compatible with the overall site design of the area and the pattern of the form district. No site or building design waivers are requested.

f. Conformance of the development plan with the Comprehensive Plan and Land Development Code. Revised plan certain development plans shall be evaluated for conformance with the non-residential and mixed-use intent of the form districts and comprehensive plan.

STAFF: The proposal conforms with Plan 2040 and the Land Development, except where relief has been requested to reduce the parking required. The mini-warehouse facility is located in a workplace form and does not encroach upon residential areas or occupy land for future commercial activity.

REQUIRED ACTIONS

- **RECOMMEND** to the Louisville Metro Council that the **Change-in-Zoning** from R-4, residential single-family to CM, commercial manufacturing on property described in the attached legal description be **APPROVED** or **DENIED**
- **APPROVE** or **DENY** the requested **Parking** Waiver to reduce the required spaces from 26 to 10
- **APPROVE** or **DENY** the **Detailed District Development Plan**

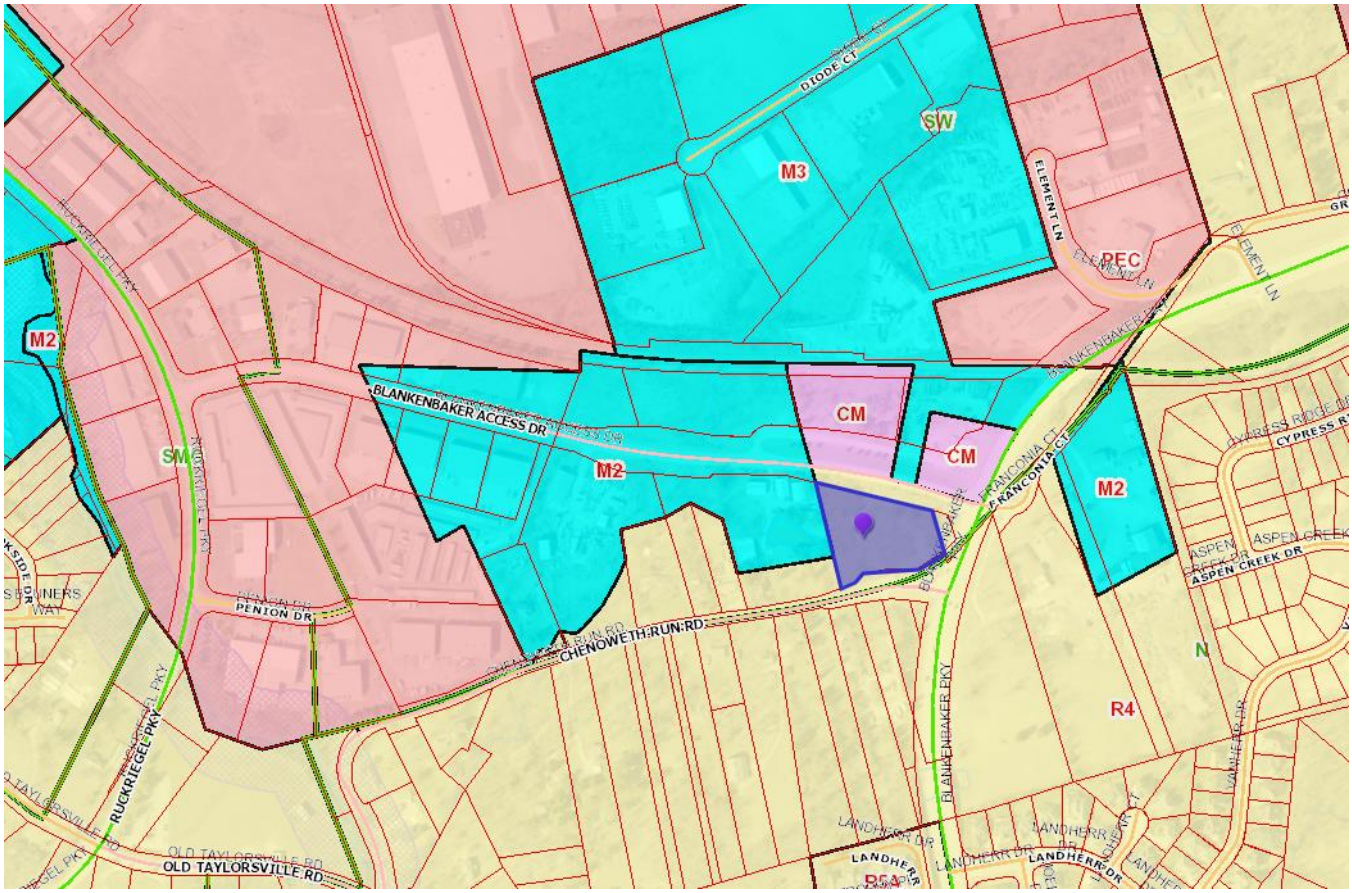
NOTIFICATION

Date	Purpose of Notice	Recipients
3/11/22	Hearing before LD&T	1st and 2nd tier adjoining property owners Registered Neighborhood Groups in Council District 11
	Hearing before Planning Commission	1st and 2nd tier adjoining property owners Registered Neighborhood Groups in Council District 11
4/4/22	Hearing before PC	Sign Posting on property
	Hearing before PC	Legal Advertisement in the Courier-Journal

ATTACHMENTS

1. Zoning Map
2. Aerial Photograph
3. Plan 2040 Staff Analysis
4. Proposed Binding Elements

1. Zoning Map



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FRANCONIA CT
CYPRESS RIDGE DR
ASPEN CREEK DR
PENION DR
CHENOWETH RUN RD
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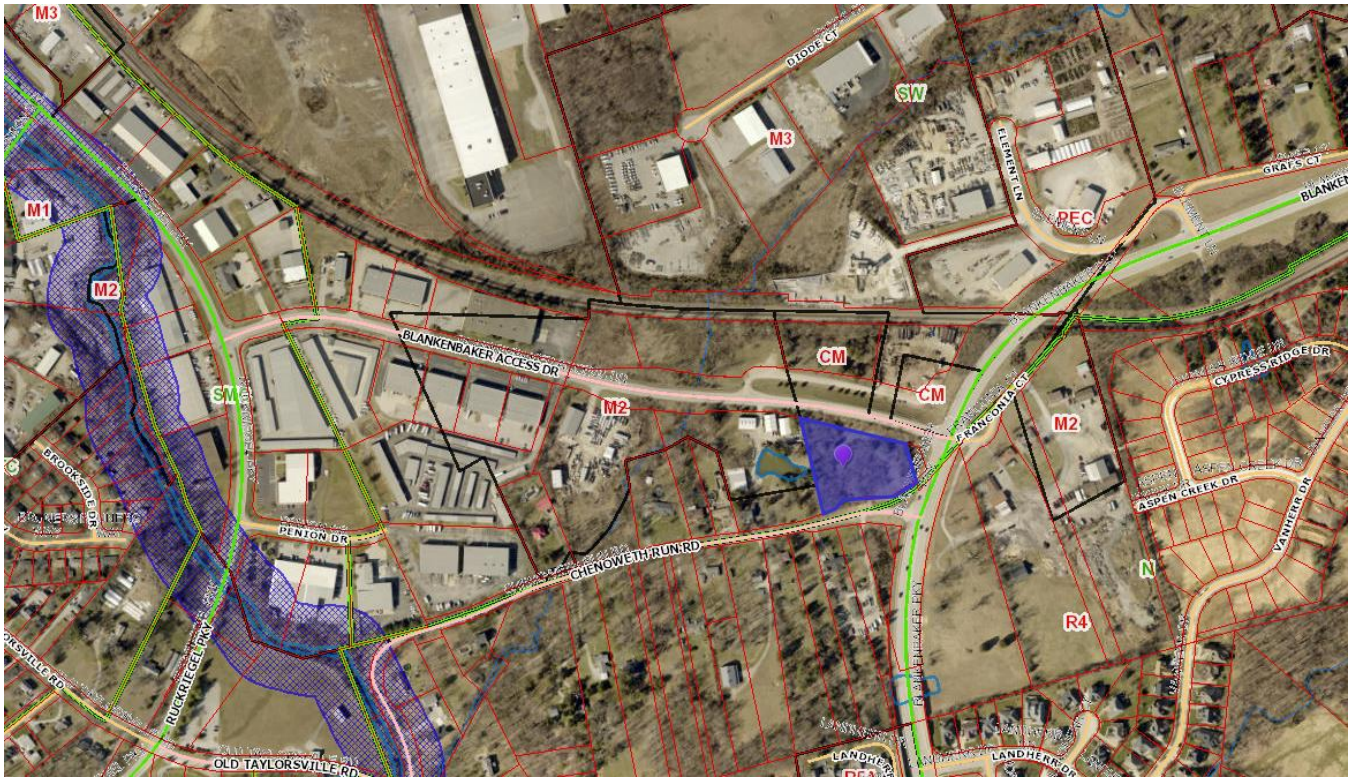
R4
BLANKENBAKER PKY
RUCKRIEGEL PKY
OLD TAYLORSVILLE RD
LANDHERR DR

2. Aerial Photograph



3. Plan 2040 Staff Analysis

+ Exceeds Guideline
✓ Meets Guideline
- Does Not Meet Guideline
+/- More Information Needed
NA Not Applicable

Suburban Workplace: Non-Residential

Plan 2040 Plan Element	Land Use & Development Policy	Staff Finding	Staff Analysis
Community Form: Goal 1	**6.** Discourage non-residential expansion into existing residential areas unless applicant can demonstrate that any adverse impact on residential uses will be mitigated. Evaluation of impacts may include, but not be limited to, displacement of residents, loss of affordable housing units, traffic, parking, signs, lighting, noise, odor, and stormwater. Appropriate transitions from non-residential to residential uses should depend on the pattern of development of the Form District and may include natural vegetative buffers, landscaping or the use of higher density residential between lower density residential and/or non-residential.	✓	The proposal does not encroach upon residential areas or zones as the site is located wholly within the suburban workplace form district which is a form characterized by predominately industrial and office uses, and the proposed zoning district supports the intended pattern of development.
Community Form: Goal 1	**7.** Locate higher density and intensity uses near major transportation facilities and transit corridors, employment centers, in or near activity centers and other areas where demand and adequate infrastructure exists or is planned.	✓	The proposed district is appropriately located within the SW form where demand and infrastructure are in place to support industrial growth within the form.
Community Form: Goal 1	**8.** Encourage industries to locate in workplace Form Districts or in areas readily served by infrastructure and transportation facilities, including transit, rather than isolated industrial sites.	✓	The proposal is in a workplace form adjacent to similar and like industrial uses that are not isolated. The proposed district abuts industrial zoning districts within the form.
Community Form: Goal 1	**15.** When reviewing proposals for siting hazardous uses and uses with air, noise and light emissions, ensure disadvantaged populations are not disproportionally impacted.	✓	The proposed zoning district does not allow for M-2 or M-3 uses which might introduce noxious uses on the fringe of the workplace form where residents are located nearby.

Plan 2040 Plan Element	Land Use & Development Policy	Staff Finding	Staff Analysis
Community Form: Goal 1	**16.** Consider impacts on human health, quality of life and the environment including prevailing meteorological conditions and the potential to transport noxious odors, particulates and emissions when reviewing new developments and redevel-opments. Special attention should be paid to air and water quality when residences, schools, parks or vulnerable populations will be impacted. Mitigate impacts to areas that are disproportionally affected.	✓	The site is concentrated in an industrial area. The proposed intensity of zoning does not allow for M-2 or M-3 uses which might result in more noxious uses on the fringe of the workplace form where residents are located nearby.
Community Form: Goal 1	**17.** Mitigate adverse impacts of traffic from proposed development on nearby existing communities.	✓	No adverse traffic impacts appear to result from the proposal. The use itself produces a limited number of trips as a mini-warehouse facility. Access into the subject site will utilize a collector level roadway that serves residential development. The site is at an intersection with an arterial roadway. This location minimizes adverse traffic impacts by potential heavy truck traffic, should the proposed use change, or customer or employee vehicles. Traffic entering the site from the south on Blankenbaker Parkway will utilize a center turning lane.
Community Form: Goal 1	**18.** Mitigate adverse impacts of noise from proposed development on existing communities.	✓	The proposed zoning district does not allow for M-2 or M-3 uses which might introduce uses capable of producing loud noises as uses permitted outdoors increases in these zones, including flea markets, lumber yards, and truck transfer and parking.
Community Form: Goal 1	**21.** Require that industries which handle hazardous or flammable materials or are potentially offen-sive such as junkyards, landfills and quarries are sited to protect public health, safety and welfare and are located away from residential areas and population centers.	✓	The proposed zoning district does not allow for M-2 or M-3; thus, reducing the likelihood of offensive uses in the future that might be hazardous such as lumber yards, storage yards, coal and coke storage, insecticides, and truck transfer and parking.
Community Form: Goal 3	**9.** Encourage development that respects the natural features of the site through sensitive site design, avoids substantial changes to the topography, and minimizes property damage and environmental degradation resulting from disturbance of natural systems.	✓	Tree canopy will be preserved in accordance with Ch. 10, Part 1 of the LDC to minimizes property damage and environmental degradation resulting from disturbance of natural systems.

Plan 2040 Plan Element	Land Use & Development Policy	Staff Finding	Staff Analysis
Community Form: Goal 3	**10.** Encourage development to avoid wet or highly permeable soils, severe, steep or unstable slopes where the potential for severe erosion problems exists in order to prevent property damage and public costs associated with soil slippage and foundation failure and to minimize environmental degradation.	✓	The site would not appear to contain wet or highly permeable soils, severe, steep or unstable slopes where the potential for severe erosion problems exists
Community Form: Goal 3	**12.** When reviewing proposed developments consider changes to flood-prone areas and other features vulnerable to natural disasters such as sinkholes and landslides. Ensure appropriate measures to protect health, safety and welfare of future users of the development.	✓	The site does not appear to contain features vulnerable to natural disasters such as sinkholes and landslides. A karst survey was conducted by the applicant and no apparent Karst features were identified. Steeper contours are present in the right-of-way.
Mobility: Goal 1	**4.** Encourage higher densities and intensities within or near existing marketplace corridors, existing and future activity centers, and employment centers to support transit-oriented development and an efficient public transportation system.	✓	The proposal is in a workplace form where industrial locations are encouraged to be concentrated to support transit-oriented development. Transit service is limited in this specific area of the center.
Mobility: Goal 3	**2.** To improve mobility, and reduce vehicle miles traveled and congestion, encourage a mixture of compatible land uses that are easily accessible by bicycle, car, transit, pedestrians and people with disabilities. Housing should be encouraged near employment centers.	✓	The proposal is in a workplace form where industrial locations are encouraged to be concentrated and supports transit-oriented development. All improvements or methods of compliance to provision pedestrian and transit infrastructure will be provided. The site is located near population centers.
Mobility: Goal 3	**3.** Evaluate developments for their ability to promote public transit and pedestrian use. Encourage higher density mixed-use developments that reduce the need for multiple automobile trips as a means of achieving air quality standards and providing transportation and housing choices.	✓	The proposal is in a workplace form where industrial locations are encouraged to be concentrated and supports transit-oriented development. All improvements or methods of compliance to provision pedestrian and transit infrastructure will be provided.

Plan 2040 Plan Element	Land Use & Development Policy	Staff Finding	Staff Analysis
Mobility: Goal 3	**5.** Evaluate developments for their impact on the transportation network (including the street, pedestrian, transit, freight movement and bike facilities and services) and air quality.	✓	The proposal is in a workplace form where industrial locations are encouraged to be concentrated and supports transit-oriented development. Access to the subject site is most appropriate from Blankenbaker Access Drive as this is the primary point of access for industrial uses in this section of the workplace. However, the Kentucky Transportation Cabinet has denied access to this roadway at this time; leaving the site with access from Chenoweth Run Road only. The developer should continue to work with the State to acquire access during construction planning. Access to the site from Chenoweth Run Road is minimally invasive and does not require traveling past residential uses when utilizing Blankenbaker Parkway. A center turn lane will be utilized when traveling from the south. In the event the change in zoning results in higher traffic generators or heavy truck usage, exiting the site and traveling westward on Chenoweth Run Road should be discouraged through site design or other measures. All improvements or methods of compliance to provision pedestrian and transit infrastructure will be provided.
Mobility: Goal 3	**6.** Ensure that those who propose new developments bear or share in rough proportionality the costs of transportation facilities and services made necessary by development.	✓	All improvements or methods of compliance to provision pedestrian and transit infrastructure made necessary by the development will be provided.
Mobility: Goal 3	**10.** Ensure that necessary improvements occur in accordance with long-range transportation plans and level of mobility criteria for all modes of travel.	✓	All improvements or methods of compliance to provision pedestrian and transit infrastructure made necessary by the development will be provided.
Community Facilities: Goal 2	**1.** Locate development in areas served by existing utilities or capable of being served by public or private utility extensions.	✓	The site is in an area capable of being served by public or private utility extensions
Community Facilities: Goal 2	**3.** Ensure that all development has adequate means of sewage treatment and disposal to protect public health and to protect water quality in lakes and streams as determined by the Metropolitan Sewer District (MSD).	✓	MSD has provided preliminary approval to ensure adequate means of sewage treatment and disposal to protect public health and to protect water quality in lakes and streams

Plan 2040 Plan Element	Land Use & Development Policy	Staff Finding	Staff Analysis
Economic Development: Goal 1	**1.** Limit land uses in workplace Form Districts to compatible uses that meet the needs of the industrial subdivision or workplace district and their employees.	✓	The proposed district meets the needs of the industrial subdivision and nearby populations while also maintaining the ability to provide commercial services along an arterial roadway to support the industrial subdivision.
Economic Development: Goal 1	**2.** Encourage industries, to the extent possible, to locate in industrial subdivisions or adjacent to an existing industry to take advantage of special infrastructure needs.	✓	The proposal is in a workplace form and concentrates industrial uses in an industrial area.
Economic Development: Goal 1	**5.** Require industrial developments to locate with the appropriate transportation connectivity, near an arterial street or within existing industrial subdivisions.	✓	The subject site is within the workplace form and served by a collector level roadway with immediate connection to an arterial as it is at the corner.
Livability: Goal 1	**21.** Mitigate negative development impacts to the integrity of the regulatory floodplain by encouraging development patterns that minimize disturbance and consider the increased risk of more frequent flooding events.	✓	The site is not located within the Floodplain. MSD preliminary plan approval has been received.

4. 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. 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. 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. The materials and design of proposed structures shall be substantially the same as depicted in the rendering as presented at the April 21, 2022 Planning Commission hearing. A copy of the approved rendering is available in the case file on record in the offices of the Louisville Metro Planning Commission

3. 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.

4. 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.

5. No outdoor advertising signs, small freestanding signs, pennants, balloons, or banners shall be permitted on the site.

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.