PUBLIC HEARING

CASE NO. 26-AMEND-0002

Request:	Amendment to Binding Elements to add a specific use listed under Binding Element #15 for case number #24-ZONE-0014.
Project Name:	Binding Element Amendment
Location:	908 S. English Station Rd
Applicant:	Jeffrey Vessels
Representative:	Bardenwerper, Talbott & Roberts, PLLC
Jurisdiction:	Louisville Metro
Council District:	11 – Kevin Kramer
Case Manager:	Mollie Share, Planner I

Notice of this public hearing 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 the Office of Planning, 444 South 5th Street.)

Agency Testimony:

00:04:45 Mollie Share provided an overview of the request and presented a PowerPoint presentation. (see recording for details)

The following spoke in favor of the request:

Nick Pregilasco, Bardenwerper, Talbott, & Roberts, PLLC, 1000 North Hurstbourne Parkway Louisville, KY 40223

Summary of those in favor:

00:07:25 Nick Pregliasco spoke in favor of the request. Pregliasco presented a PowerPoint presentation. Pregliasco responded to questions from Commissioners. (see recording for details)

The following spoke in opposition to the request:
None

Deliberation:

00:15:07 Planning Commission deliberation

PUBLIC HEARING

CASE NO. 26-AMEND-0002

An audio/visual recording of the Planning Commission hearing related to this case is available on the Office of Planning website, or you may contact the Customer Service staff to view the recording or to obtain a copy.

Amendment to Binding Elements to add a specific use listed under Binding Element #15 for case number #24-ZONE-0014.

00:16:01 On a motion by Commissioner Mims, seconded by Commissioner Stuber, the following resolution, based on the staff report, the staff analysis, and the evidence and testimony heard today, was adopted:

WHEREAS, the Planning Commission finds, there do not appear to be any environmental constraints or historic resources on the subject site. Landscaping and tree canopy requirements of the Land Development Code have been approved on the subject site, and

WHEREAS, the Planning Commission finds, provisions for safe and efficient vehicular and pedestrian transportation within and around the development and the community is provided and will be maintained, and

WHEREAS, the Planning Commission finds, there are no open space requirements for the approved development plan. Any future development which proposes significant exterior site work shall meet the requirements of the Land Development Code, and

WHEREAS, the Planning Commission finds, the Metropolitan Sewer District approved the previous development plan and will continue to ensure the provision of adequate drainage facilities on the subject site in order to prevent drainage problems from occurring on the subject site or within the community, and

WHEREAS, the Planning Commission finds, the overall site design and land uses are compatible with the existing and future development of the area, and

WHEREAS, the Planning Commission finds, the proposal and request to amend the binding elements conforms to the applicable guidelines and policies of the Comprehensive Plan and to requirements of the Land Development Code. Short Term Rentals are permitted with special standards in the C-M zoning district. Community Form Goal 1 Policy 4 aims to ensure that new development and redevelopment are compatible with the scale and site design of nearby existing development and with the desire pattern of development within the Form District. Community Form Goal 1 Policy 9 ensures an appropriate transition between uses that are substantially different in scale and intensity or density of development. This transition may be achieved through methods such as landscaped buffer yards, vegetative berms, compatible building design and materials,

PUBLIC HEARING

CASE NO. 26-AMEND-0002

height restrictions and setback requirements. The use of the existing north building as short-term rental until time of construction is compatible with the existing residential development around the site. When the site is constructed for the proposed use, a large building setback and landscape buffer have been approved to help mitigate the impacts of a more intense use next to residential, now, therefore be it;

RESOLVED, that the Louisville Metro Planning Commission does hereby **RECOMMEND** that the Louisville Metro Council **APPROVE** the requested Amendment to Binding Elements to add a specific use listed under Binding Element #15 for case number #24-ZONE-0014 **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 with notice to be provided to the first and second tier adjoining property owners and any others required by the Land Development Code and/or KRS 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, alteration permit, or demolition permit) is requested:
    a. The development plan must receive full construction approval from Construction Review, 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 Chapter 10 prior to requesting a certificate of occupancy. Such plan shall be implemented prior to occupancy of the site and shall be maintained thereafter. The plan shall include, at a minimum, the enhanced landscaping shown at the June 6, 2024, Planning Commission hearing.

PUBLIC HEARING

CASE NO. 26-AMEND-0002

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. The materials and design of proposed structures shall be substantially the same as depicted in the rendering as presented at the June 6, 2024, Planning Commission meeting. A copy of the approved rendering is available in the case file on record in the offices of the Louisville Metro Planning Commission.

5. There shall be no outdoor music (live, piped, radio. Or amplified) or outdoor entertainment or outdoor PA system audible beyond the property line.

6. No idling of trucks shall take place within 200 feet of residential structures. No overnight idling of trucks shall be permitted on site.

7. 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

8. The applicant, developer, or property owner shall provide copies of those 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 the 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 this site, shall be responsible for compliance with these binding elements.

9. Developer/property owner shall ensure that measures are taken to prevent fugitive dust emissions from the gravel portions of the parking lot. Measures may include but are not limited to: utilization of asphalt milling, polyurethane binding agents, or liquid asphalt. Any measures taken shall be reapplied as recommended by the manufacturer, or as needed when new gravel is laid down. Developer/property owners shall maintain a written log of when measures have been applied and shall produce the log to any inspector on request. Developer/property owner shall additionally maintain copies of the manufacturers' material safety data sheet on-site.

10. All property owners within 500 feet of a proposed blasting location shall be notified 30 days before any blasting operations occur and be offered pre-blast surveys.

PUBLIC HEARING

CASE NO. 26-AMEND-0002

Any homeowners who opt to have a pre-blast survey conducted shall be provided copies of all materials resulting from that survey, including any photos and/or videos. Any blast surveys shall be done in a manner consistent with Kentucky Blasting Regulations.

11. Only earth tone-colored tarps may be used on the premises, with no blue or other bright colored tarps allowed. Heavy truck and trailer parking on the site shall be limited to recreational vehicles and boat/landscape trailers

12. Applicant shall install enhanced landscaping along S. English Station Road and the north property line substantially the same as shown at the June 6, 2024, Planning Commission public hearing. The berm along the north property line shall be irrigated to maintain the health of the plantings.

13. The rear of the one-story mini-storage building facing I-64 shall be painted a color to blend in with the vegetation such as dark grey, dark brown, or dark green. The color of the façade of the front three-story building shall be substantially the same as the Lodges apartment community to the north

14. Signage shall be illuminated with backlit halo style lighting. All signage shall be in compliance with the Land Development Code Chapter 8

15. The only permitted C-1, C-2, M-1, or CM use allowed on the property shall be mini-storage and recreational vehicles and boat/landscape trailer parking and Short-Term Rental of the existing north building on site until such time as the mini-storage building is constructed.

16. All exterior lighting, whether freestanding or attached to any structure, shall be fully shielded, shall utilize flat or hidden lenses, and shall be pointed directly at the ground (excluding the signage per BE #14)

17. No inoperable vehicles shall be stored on the site

18. Any significant increases to the proposed structures (e.g. increases in building height, number of units, number of buildings), any increase in density on the property, any changes in use on the property which directly or indirectly require a public hearing before the Planning Commission or subcommittee thereof, and/or any amendments to the binding elements, other than (i) the addition of new binding elements, (ii) changes to binding elements that merely update the public hearing date, or (iii) updating a previous version of this binding element to reflect current language, shall be reviewed before the Planning Commission with final action to be determined by Metro Council

PUBLIC HEARING

CASE NO. 26-AMEND-0002

The vote was as follows:

YES: Commissioners Mims, Lannert, Steff, Benitez, Lohan, Fischer, Stuber, and Sistrunk
ABSENT: Commissioners Cheek and Bond