

PLANNING COMMISSION MINUTES

January 9, 2020

PUBLIC HEARING

CASE NO. 19-ZONE-0054

***NOTE: Commissioner Brown left the meeting at 4:38 p.m. and did not hear or vote on this case.**

Request:	Change in zoning from C-1 to C-2 Commercial with a Conditional Use Permit for mini- warehouse, a waiver, and a Detailed Development Plan
Project Name:	U-Haul at Preston Highway
Location:	4626 Preston Highway
Owner:	PELCO Associates, Inc.
Applicant:	AMERCO Real Estate Company
Representative:	AMERCO Real Estate Company
Jurisdiction:	Louisville Metro
Council District:	21 – Nicole George

Case Manager: **Julia Williams, AICP, Planning Supervisor**

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

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

Agency Testimony:

03:20:47 Julia Williams presented the case and showed a Power Point presentation (see staff report and recording for detailed presentation.)

The following spoke in support of this request:

Greg Ripple, Kinley-Horn & Associates, 250 East 96th Street Suite 580, Indianapolis, IN 46240

Chris Minnich, U-Haul Company of Kentucky, 8900 Talon Ridge Drive, Louisville, KY 40229

Russell Spencer, 1305 Mark Trail Road, Louisville, KY 40242

Summary of testimony of those in support:

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03:26:04 Greg Ripple, the applicant's representative, presented the applicant's case (see recording for detailed presentation.)

03:30:06 Chris Minnich, an applicant's representative, showed a Power Point presentation which included renderings of the proposed project (see recording.)

03:39:50 In response to some questions from Commissioner Mims, Mr. Minnich said that this facility will have a combination of on-site managers and staff as well as remote monitoring. The truck/trailer leasing will remain at an existing location down the street. Commissioner Mims also asked how the company prevents contraband and/or hazardous materials from being stored. Mr. Minnich explained the security protocols in place; also he noted that storing such materials would violate the customers' contract/s and they would be immediately removed from the site.

03:42:24 Commissioners' deliberation.

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

Zoning

03:44:54 On a motion by Commissioner Carlson, seconded by Commissioner Howard, the following resolution, based on the Staff Plan 2040 checklist and evidence and testimony heard today, was adopted:

WHEREAS, the Louisville Metro Planning Commission finds that the proposal meets the intents of Land Use & Development Goal 1: Community Form because the proposed district does not result in a non- residential expansion into a residential area as the subject site is currently zoned for commercial activities and was previously developed; the proposed higher intensity is located on a major arterial roadway with access to I-65 and I-264 within close proximity. Preston Hwy is major transit corridor providing access to employment centers downtown and to the south; Preston Highway is a major arterial corridor intended to serve heavy volumes of traffic such as those that might accompany uses within the proposed district; and uses within the district do not pose a great deal of adverse impact associated with noise and most uses permitted are to be contained within structures; and

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WHEREAS, the Commission further finds that the proposal meets the intents of Land Use & Development Goal 2: Community Form because the proposal is located within an existing activity center. Design is to be consistent with the form district. Permitted density within the district is compatible with the available transportation and infrastructure network; A sufficient population exists for the current activity centers and a variety of uses permitted within the center, including those expanded activities allowed by the proposed district; the development is cost effective as it is a reuse of an existing structure and parking facilities; the proposed district encourages a greater mixture of uses that are supported by the form, and transportation and infrastructure network. The district has a limited impact on vitality and a sense of place along the corridor as a wide variety of densities and intensities are available; and the proposal allows for the redevelopment of a previously developed site; and

WHEREAS, the Commission further finds that the proposal meets the intents of Land Use & Development Goal 3: Community Form because existing conditions indicate that natural or sensitive features are not present; the site is previously developed and the majority of the land is impervious; thus, wet or highly permeable soils, severe, steep or unstable slopes would not appear to be present; and no changes to existing conditions that might impact flood-prone areas are present; and

WHEREAS, the Commission further finds that the proposal meets the intents of Land Use & Development Goal 4: Community Form because there are no features of historic or architectural value apparent on site, and there are no cultural features present; and

WHEREAS, the Commission further finds that the proposal meets the intents of Land Use & Development Goal 1: Mobility because the proposed higher intensity district is within or near existing marketplace corridors, existing and future activity centers, and employment centers. Preston Hwy is a major transit corridor connecting many parts of the community; and

WHEREAS, the Commission further finds that the proposal meets the intents of Land Use & Development Goal 3: Mobility because Preston Hwy is a major transit corridor connecting many parts of the community. Sidewalks are present along the roadway; Preston Hwy is a major transit corridor connecting many parts of the community. Sidewalks will be required along all road frontages; the proposed district is located on a site of previously development adjacent to similar district; the transportation network is sufficient to handle large volumes of traffic and accommodating pedestrians as it has convenient access to the interstate and TARC service; Transportation Planning has no issues with the proposal. No roadway improvements are required; and

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WHEREAS, the Commission further finds that the proposal meets the intents of Land Use & Development Goal 2: Community Facilities because existing utilities would appear to be available; the development has an adequate supply of potable water and water for fire-fighting purposes; and MSD has no issues with the proposal; and

WHEREAS, the Commission further finds that the proposal meets the intents of Land Use & Development Goal 1: Economic Development because the proposed district is located on a major arterial street with access to I-65, I-264, and the airport; and the proposed district is located locate with the appropriate transportation connectivity on a major arterial street with access to I-65, I-264, and the airport; and

WHEREAS, the Commission further finds that the proposal meets the intents of Land Use & Development Goal 1: Livability because existing conditions suggest that the site is less vulnerable to erosion or karst impacts or such conditions are not able to be evaluated given these conditions; and MSD has no issues with the proposal; now, therefore be it

RESOLVED, the Louisville Metro Planning Commission does hereby **RECOMMEND** to the Louisville Metro Council that the proposed Change in zoning from C-1 to C-2, Commercial be **APPROVED**.

The vote was as follows:

YES: Commissioners Tomes, Howard, Peterson, Carlson, Mims, and Lewis.

ABSTAIN: Commissioner Daniels.

NOT PRESENT: Commissioners Jarboe and Brown.

Conditional Use Permit

03:45:56 On a motion by Commissioner Carlson, seconded by Commissioner Howard, the following resolution, based on the Standard of Review and Staff Analysis and evidence and testimony heard today, was adopted:

WHEREAS, the Louisville Metro Planning Commission finds that the proposed Conditional Use Permit for Mini-Warehouses complies with Plan 2040 as it is located along a commercial corridor, Preston Highway, and is located within an existing Suburban Marketplace Corridor; and

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WHEREAS, the Commission further finds that the proposed Mini-Warehouses appear to be at a scale appropriate with the surrounding commercial area. Setbacks and building heights are compatible with nearby properties and meet form district requirements for the proposed zoning district. Therefore, the proposal is compatible with surrounding uses and the general character of the area; and

WHEREAS, the Commission further finds that improvements to the site made necessary by the proposed development, such as transportation and drainage, have been adequately provided to serve the proposed use; and

WHEREAS, the Commission further finds that setbacks and building heights are compatible with nearby properties and meet form district requirements for the proposed zoning district. Landscaping will be provided along both Grade Lane and Preston Highway; and

WHEREAS, the Commission further finds that the proposal is asking for relief of the 30 foot landscape buffer areas adjacent to both side and rear property lines as the site is located adjacent to commercial and Interstate 65; and

WHEREAS, the Commission further finds that no outdoor storage areas are proposed on the development plan; and

WHEREAS, the Commission further finds that no toxic or hazardous materials will be stored on the property; and

WHEREAS, the Commission further finds that no retail or wholesale or distributing activities are proposed on the site; and

WHEREAS, the Commission further finds that all loading doors and vehicle maneuvering areas are facing the interior of the site, away from the exterior of the property; and

WHEREAS, the Commission further finds that The proposed structure is 4 stories and exceeds 15' in height. The applicant is asking for relief of a requirement that no structure on the site shall be taller than one story and shall not exceed 15 feet in height (except for one freestanding sign as allowed); and

WHEREAS, the Commission further finds that only one freestanding sign shall be allowed and shall conform to limits established for the form district in which the sign is located. The proposed freestanding sign conforms to size, height and style requirements of the Land Development Code; now, therefore be it

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RESOLVED, the Louisville Metro Planning Commission does hereby **APPROVE** the requested **Conditional Use Permit** for mini-warehouse (LDC 4.2.35) with relief from item B & G

The vote was as follows:

YES: Commissioners Tomes, Howard, Peterson, Carlson, Mims, and Lewis.

ABSTAIN: Commissioner Daniels.

NOT PRESENT: Commissioners Jarboe and Brown.

Waiver

03:47:08 On a motion by Commissioner Carlson, seconded by Commissioner Howard, the following resolution, based on the Standard of Review and Staff Analysis and evidence and testimony heard today, was adopted:

WHEREAS, the Louisville Metro Planning Commission finds that the waiver will not adversely affect adjacent property owners since there will be windows on the Grade Lane and Preston Highway façades as well as around the building. The entrance to the site is internal due to the nature of the business and the loading area; and

WHEREAS, the Commission further finds that the waiver will not violate specific guidelines of Plan 2040. 2040 Community Form Goal 1, Policy 4 encourages new development and redevelopment be compatible with the scale and site design of nearby existing development and with the desired pattern of development within the Form District. Quality design and building materials should be promoted to enhance compatibility of development and redevelopment projects. The proposal meets the comprehensive plan since there will be windows on the Grade Lane and Preston Highway façades as well as around the building. The entrance to the site is internal due to the nature of the business and the loading area; and

WHEREAS, the Commission further finds that the extent of waiver of the regulation is the minimum necessary to afford relief to the applicant since there will be windows on the Grade Lane and Preston Highway façades as well as around the building. The entrance to the site is internal due to the nature of the business and the loading area; 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 since there will be windows on the Grade Lane and Preston Highway façades as well as around the building. The entrance to the site is internal due to the nature of the business and the loading area; now, therefore be it

RESOLVED, the Louisville Metro Planning Commission does hereby **APPROVE** the requested Waiver of Land Development Code, section 5.5.2.A.1 to not provide an entrance facing public rights-of-way.

The vote was as follows:

YES: Commissioners Tomes, Howard, Peterson, Carlson, Mims, and Lewis.

ABSTAIN: Commissioner Daniels.

NOT PRESENT: Commissioners Jarboe and Brown.

Detailed District Development Plan

03:47:34 On a motion by Commissioner Carlson, seconded by Commissioner Howard, the following resolution, based on the Standard of Review and Staff Analysis and evidence and testimony heard today, was adopted:

WHEREAS, the Louisville Metro Planning Commission finds that there do not appear to be any environmental constraints or historic resources on the subject site. Tree canopy requirements of the Land Development Code will be provided on the subject site; 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, and Metro Public Works and the Kentucky Transportation Cabinet have approved the preliminary development plan; and

WHEREAS, the Commission further finds that there are no open space requirements pertinent to the current proposal; and

WHEREAS, the Commission further finds that the Metropolitan Sewer District has approved the preliminary development plan and will 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

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WHEREAS, the Commission further finds that the overall site design and land uses are compatible with the existing and future development of the area. Appropriate landscape buffering and screening will be provided to screen roadways. Buildings and parking lots will meet all required setbacks; and

WHEREAS, the Commission further finds that the development plan conforms to applicable guidelines and policies of the Comprehensive Plan and to requirements of the Land Development Code; now, therefore be it

RESOLVED, the Louisville Metro Planning Commission does hereby **APPROVE** the requested 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. 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 Develop Louisville, Louisville Metro Public Works and the Metropolitan Sewer District.
 - b. Encroachment permits must be obtained from the Kentucky Transportation Cabinet.
 - 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. The materials and design of proposed structures shall be substantially the same as depicted in the rendering as presented at the January 9, 2020 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.
 - e. A reciprocal access and crossover easement agreement in a form acceptable to the Planning Commission legal counsel shall be created between the

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adjoining property owners and recorded. A copy of the recorded instrument shall be submitted to the Division of Planning and Design Services prior to obtaining a building permit.

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

The vote was as follows:

YES: Commissioners Tomes, Howard, Peterson, Carlson, Mims, and Lewis.

ABSTAIN: Commissioner Daniels.

NOT PRESENT: Commissioners Jarboe and Brown.