

Planning Commission

Staff Report

October 1, 2020



Case No:	20-ZONE-0072
Project Name:	Greenbelt Highway Warehouse Access Easement
Location:	7101 Greenbelt Highway
Owner(s):	Louisville Metro Government
Applicant:	Summit Construction
Representative(s):	Mindel Scott
Jurisdiction:	Louisville Metro
Council District:	1 – Jessica Green 12 – Rick Blackwell
Case Manager:	Joel P. Dock, AICP, Planner II

REQUEST(S)

- **Change-in-Form** from Neighborhood to Suburban Workplace
- **Change-in-Zoning** from R-4, single-family residential to EZ-1, Enterprise Zone
- **Waivers**
 1. **Waiver** of Land Development Code (LDC), section 10.2.4 to omit the 50' landscape buffer adjacent to R-4 zoning district
 2. **Waiver** of LDC, section 10.2.4 to allow for greater than 50% overlap between easement and landscape buffer areas
 3. **Waiver** of LDC, section 10.3.5 to omit the screening requirement along Greenbelt Highway
- **Detailed District Development Plan**

CASE SUMMARY

The proposed change in zoning and form will allow primary access at a signalized intersection for a development site located immediately north of the subject property. Prior to this request, case 19-DEVPLAN-1015 was approved, and included access to Greenbelt Highway along that property's frontage. Following the approval of this development plan, the KY Transportation Cabinet (KYTC) denied the access as proposed. A revised plan was submitted, case 20-DDP-0034, and received approval on July 29, 2020, including temporary access to the northern site through the area of the proposed rezoning.

STAFF FINDING

The requested SW form and EZ-1 zoning district conform to the land use and development policies of Plan 2040. The proposed higher intensity use connects an industrial user to the north with a major arterial roadway at an intersection and is adjacent to employment centers. The user to the north is in the EZ-1 zone and SW form.

TECHNICAL REVIEW

- KYTC approved the proposed access on June 18, 2020
- Preliminary plan approval has been received from MSD and Transportation Planning

STANDARD OF REVIEW FOR ZONING 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

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 **currently** located in the Neighborhood Form District

The Neighborhood Form is characterized by predominantly residential uses that vary from low to high density and that blend compatibly into the existing landscape and neighborhood areas. High-density uses will be limited in scope to minor or major arterials and to areas that have limited impact on the low to moderate density residential areas.

The Neighborhood Form will contain diverse housing types in order to provide housing choice for differing ages, incomes and abilities. New neighborhoods are encouraged to incorporate these different housing types within a neighborhood as long as the different types are designed to be compatible with nearby land uses. These types may include, but not be limited to, large lot single family developments with cul-de-sacs, traditional neighborhoods with short blocks or walkways in the middle of long blocks to connect with other streets, villages and zero-lot line neighborhoods with open space, and high density multi-family housing. The Neighborhood Form may contain open space and, at appropriate locations, civic uses and neighborhood centers with a mixture of uses such as offices, retail shops, restaurants and services. These neighborhood centers should be at a scale that is appropriate for nearby neighborhoods. The Neighborhood Form should provide for accessibility and connectivity between adjacent uses and neighborhoods by automobile, pedestrian, bicycle and transit.

Neighborhood streets may be either curvilinear, rectilinear or in a grid pattern and should be designed to support physical activity for all users and invite human interaction. Streets are connected and easily accessible to each other, using design elements such as short blocks or bike/walkways in the middle of long blocks to connect with other streets. Examples of design elements that encourage this interaction include narrow street widths, street trees, sidewalks, shaded seating/gathering areas and bus stops. Placement of utilities should permit the planting of shade trees along both sides of the streets.

The neighborhood form is not intended to serve industrial uses. It is designed for neighborhood serving commercial activities or residential uses. A form district change to SW, Suburban Workplace is appropriate in conjunction with the zoning change. The SW form is 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. The proposal serves a single large warehouse user to the north that is located within the SW form at an appropriate location along an arterial roadway near population and employment centers.

The site is **proposed** to be located 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 higher intensity use connects an industrial user to the north that is in the EZ-1 zone and SW form to a major arterial roadway at an intersection and is adjacent to employment centers. The proposal would not expand upon a residential area as the area of rezoning serves an adjacent industrial zoning district and use and is separated from residential areas by streams and vegetated area, some of which may be preserved from development for flood management. The impact of the district is minimal within the larger context of the area and is separated from residential centers.

STANDARD OF REVIEW AND STAFF ANALYSIS FOR WAIVER (1)

(a) The waiver will not adversely affect adjacent property owners; and

STAFF: The waiver will not adversely affect adjacent property owners as the nearest residential user with respect to the request is more than 1,000 feet from the subject site. Between the requested buffer waiver and these properties are environmental features that provide a sufficient transition, and these properties are owned by Louisville Metro Government.

(b) The waiver will not violate specific guidelines of Cornerstone 2020; and

STAFF: 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 proposed area of improvement would appear to be the minimum necessary to afford access for an industrial user. the nearest residential user with respect to the request is more than 1,000 feet from the subject site.

(c) The extent of the waiver of the regulation is the minimum necessary to afford relief to the applicant; and

STAFF: The extent of the waiver of the regulation is the minimum necessary to afford relief to the applicant as the proposed area of improvement would appear to be the minimum necessary to afford access for an industrial user to the north that is unable to provide access on their site to the state right-of-way.

- (d) Either:
(i) The applicant has incorporated other design measures that exceed the minimums of the district and compensate for non-compliance with the requirements to be waived (net beneficial effect); OR
(ii) 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.

STAFF: The strict application of the provisions of the regulation would create an unnecessary hardship on the applicant as it would require the industrial district to be expanded further upon the residential area.

STANDARD OF REVIEW AND STAFF ANALYSIS FOR WAIVER (2)

- (a) The waiver will not adversely affect adjacent property owners; and

STAFF: The waiver will not adversely affect adjacent property owners as the proposed area of improvement would appear to be the minimum necessary to afford access for an industrial user. the nearest residential user with respect to the request is more than 1,000 feet from the subject site.

- (b) The waiver will not violate specific guidelines of Cornerstone 2020; and

STAFF: 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 proposed area of improvement would appear to be the minimum necessary to afford access for an industrial user. the nearest residential user with respect to the request is more than 1,000 feet from the subject site.

- (c) The extent of the waiver of the regulation is the minimum necessary to afford relief to the applicant; and

STAFF: The extent of the waiver of the regulation is the minimum necessary to afford relief to the applicant as the proposed area of improvement would appear to be the minimum necessary to afford access for an industrial user to the north that is unable to provide access on their site to the state right-of-way.

- (d) Either:
(i) The applicant has incorporated other design measures that exceed the minimums of the district and compensate for non-compliance with the requirements to be waived (net beneficial effect); OR
(ii) 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.

STAFF: The strict application of the provisions of the regulation would create an unnecessary hardship on the applicant as it would require the industrial district to be expanded further upon the residential area.

STANDARD OF REVIEW AND STAFF ANALYSIS FOR WAIVER (3)

- (a) The waiver will not adversely affect adjacent property owners; and

STAFF: The waiver will not adversely affect adjacent property owners as the adjacent property owner is the applicant in this request.

- (b) The waiver will not violate specific guidelines of Cornerstone 2020; and

STAFF: 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 omission of the screening requirement within the parkway buffer would be inconsistent with the development of the adjacent property to the north which will provide a 30' parkway buffer including screening of the VUA with existing vegetation (19-LSCAPE-0018).

- (c) The extent of the waiver of the regulation is the minimum necessary to afford relief to the applicant; and

STAFF: The extent of the waiver of the regulation is not the minimum necessary to afford relief to the applicant as the omission of the screening requirement within the parkway buffer would be inconsistent with the development of the adjacent property to the north which will provide a 30' parkway buffer including screening of the VUA with existing vegetation (19-LSCAPE-0018).

- (d) Either:

(i) The applicant has incorporated other design measures that exceed the minimums of the district and compensate for non-compliance with the requirements to be waived (net beneficial effect); OR

(ii) 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.

STAFF: The strict application of the provisions of the regulation would not create an unnecessary hardship on the applicant as there are no physical constraints or mitigation provided for this request.

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 conserved as the site does not appear to adversely impact these features.

- 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 will be provided as the proposed roadway provides access at a location preliminarily approved by KYTC.

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

STAFF: The provision of sufficient open space (scenic and recreational) to meet the needs of the proposed development will be provided.

- 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 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.

- 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 within the scale and site design of nearby existing development and with the form district's pattern of development as the access drive provides access to an industrial users to the north.

- 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 proposed development plan conforms to Plan 2040 as the proposal is within the SW form district.

REQUIRED ACTIONS

- **RECOMMEND** to the Louisville Metro Council that the **Change-in-Form** from Neighborhood to Suburban Workplace on property described in the attached legal description be **APPROVED or DENIED**
- **RECOMMEND** to the Louisville Metro Council that the **Change-in-Zoning** from R-4, single-family residential to EZ-1, Enterprise Zone on property described in the attached legal description be **APPROVED or DENIED**
- **APPROVE or DENY** the following **Waivers**
 1. **Waiver** of Land Development Code (LDC), section 10.2.4 to omit the 50' landscape buffer adjacent to R-4 zoning district
 2. **Waiver** of LDC, section 10.2.4 to allow for greater than 50% overlap between utility easement and landscape buffer areas
 3. **Waiver** of LDC, section 10.3.5 to omit the screening requirement along Greenbelt Highway
- **APPROVE or DENY** the **Detail District Development Plan**

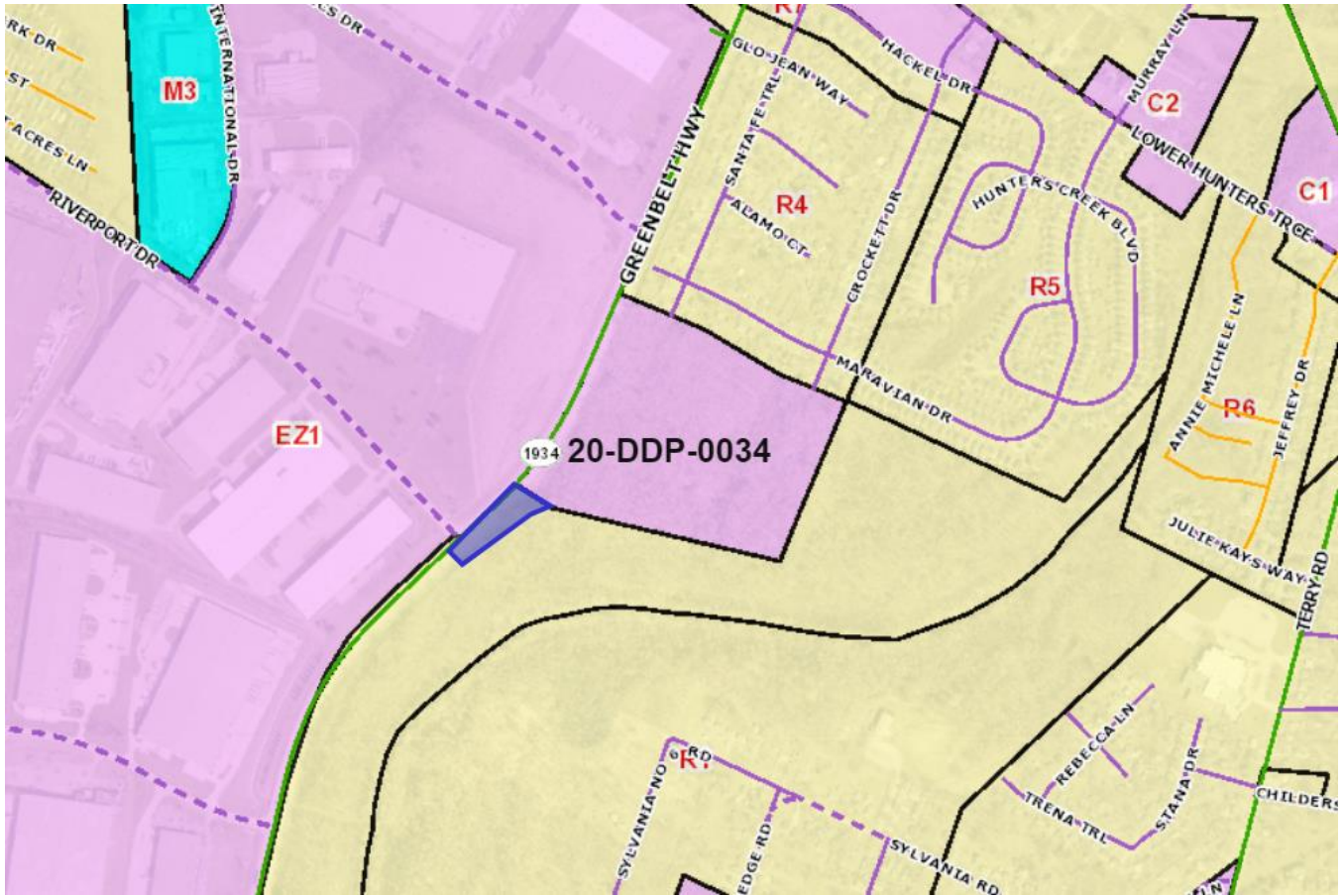
NOTIFICATION

Date	Purpose of Notice	Recipients
8/26	Hearing before LD&T	1 st and 2 nd tier adjoining property owners Registered Neighborhood Groups in Council District 1 & 12
9/16	Hearing before Planning Commission	1 st and 2 nd tier adjoining property owners Registered Neighborhood Groups in Council District 1 & 12
9/15	Hearing before PC	Sign Posting on property
9/23	Hearing before PC	Legal Advertisement in the Courier-Journal

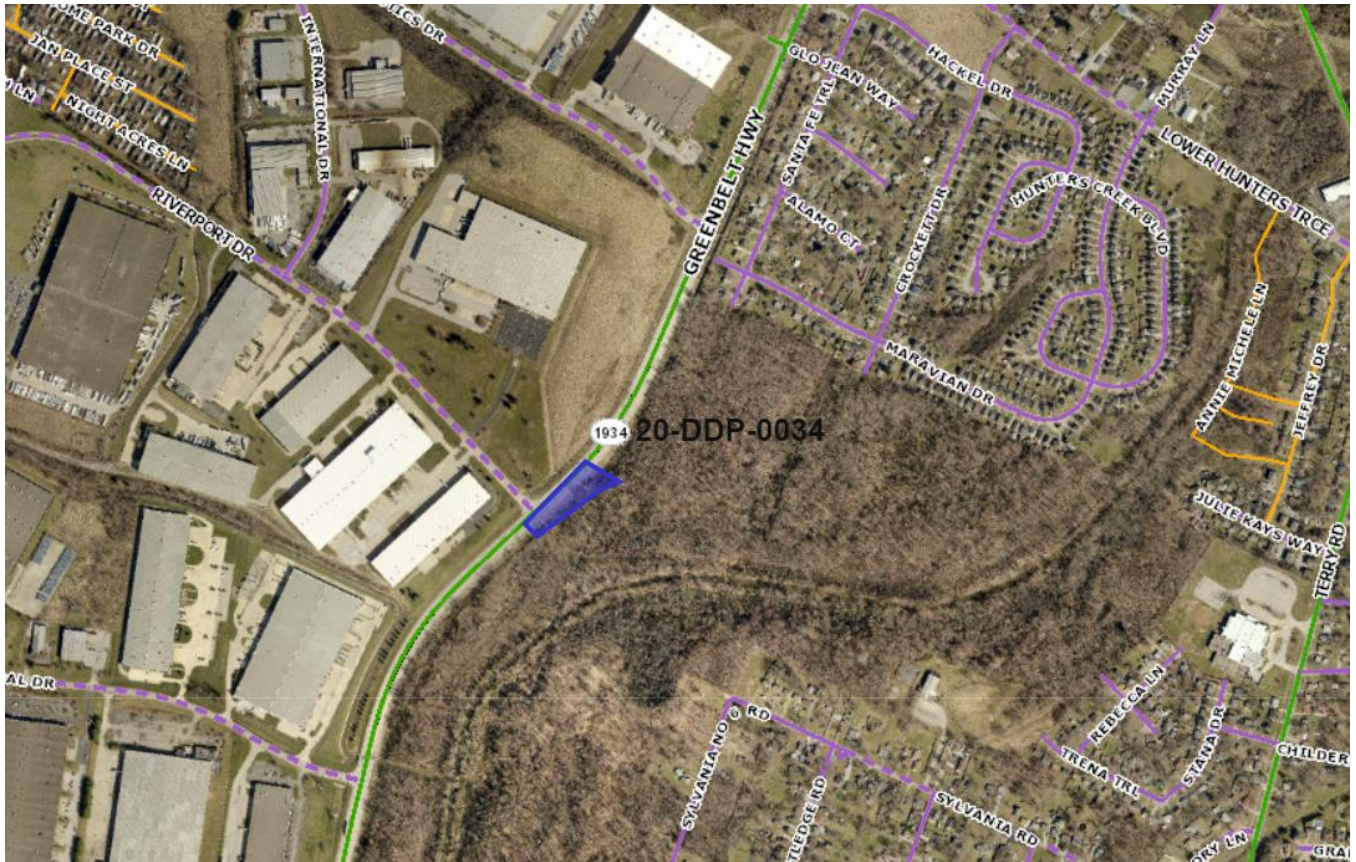
ATTACHMENTS

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

1. Zoning Map



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 would not expand upon a residential area as the area of rezoning serves an adjacent industrial zoning district and use, and is separated from residential areas by streams and vegetated area, some of which may be preserved from development for flood management
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 higher intensity use connects an industrial user to a major arterial roadway adjacent to employment centers.
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 area of rezoning serves an adjacent industrial zoning district proposed to be in the SW form district
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 disproportionately impacted.	✓	The area of rezoning serves an adjacent industrial zoning district proposed to be in the SW form district. The resulting district does not result in adverse impacts upon disadvantaged populations.

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 redevelopments. 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 disproportionately affected.	✓	The area of rezoning serves an adjacent industrial zoning district proposed to be in the SW form district. The zoning change allows for access to be located further south from residential areas along Greenbelt Highway.
Community Form: Goal 1	17. Mitigate adverse impacts of traffic from proposed development on nearby existing communities.	✓	The proposed change in zoning allows for appropriate access to Greenbelt Highway at an intersection as approved by KYTC.
Community Form: Goal 1	18. Mitigate adverse impacts of noise from proposed development on existing communities.	✓	The proposed zoning district minimally increased an existing industrial district and no additional noises will result from this request.
Community Form: Goal 1	21. Require that industries which handle hazardous or flammable materials or are potentially offensive 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 change is located away from population centers and residential area to reduce impacts of hazardous or flammable materials.
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.	✓	The proposal does not substantially impact natural features. It is the minimum area to accommodate access for an adjacent user.
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 proposal does not substantially impact wet or highly permeable soils, severe, steep or unstable slopes. It is the minimum area to accommodate access for an adjacent user.

Plan 2040 Plan Element	Land Use & Development Policy	Staff Finding	Staff Analysis
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.	✓	All MSD requirements will be met by the proposed development and construction plans.
Community Form: Goal 4	2. Encourage preservation of distinctive cultural features including landscapes, natural elements and built features.	✓	All MSD requirements will be met by the proposed development and construction plans.
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 proposed higher intensity use is located adjacent to similar intensities.
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.	✓	Pedestrian connectivity has been provided by the adjacent user.
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 facilitates appropriate access per KYTC to a major arterial roadway.
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 necessary to facilitate construction will be made
Community Facilities: Goal 2	1. Locate development in areas served by existing utilities or capable of being served by public or private utility extensions.	✓	Utilities will be available to serve the development
Community Facilities: Goal 2	2. Ensure that all development has an adequate supply of potable water and water for fire-fighting purposes. Locate only very low-density land uses on sites that use on-lot sewage disposal systems or on a private supply of potable water.	✓	An adequate supply of potable water and water for fire-fighting purposes will be available.

Plan 2040 Plan Element	Land Use & Development Policy	Staff Finding	Staff Analysis
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 approval has been received to ensure that all development has adequate means of sewage treatment and disposal to protect public health and to protect water quality
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 is needed to allow access to a major arterial roadway for n industrial user in the SW form.
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 proposed district is needed to allow access to a major arterial roadway for n industrial user in the SW form.
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 proposed district is needed to allow access to a major arterial roadway for n industrial user in the SW form.
Livability: Goal 1	17. Determine site susceptibility to erosion; identify the presence of on-site carbonate conditions and features that are vulnerable to site disturbance; identify the extent of existing groundwater use and the impacts of the project on groundwater resources, flow patterns, and existing and proposed surface drainage. Then mitigate potential hazards to such systems resulting from the project.	✓	The site does not appear to be vulnerable and the development area is minimal.
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.	✓	MSD approval has been received.

4. Proposed Binding Elements

1. The site shall be maintained in accordance with all applicable sections of the Land Development Code (LDC) and agreed-upon binding elements unless amended pursuant to the LDC. Amendment of any binding element(s) shall be submitted to the Planning Commission or its designee for review and approval; any amendments not so referred shall not be valid.
2. No outdoor advertising signs, small freestanding signs, pennants, balloons or banners shall be permitted.
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 is requested, including but not limited to permits for building, parking lot, change of use, site disturbance, alteration or demolition:
 - 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 Department of Transportation, Bureau of Highways for any work within the state right-of-way.
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 a copy of these binding elements to tenants, purchasers, contractors, subcontractors and other parties engaged in development and/or use of this site and shall advise all parties of their content. 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. These binding elements shall run with the land and the owner(s) and occupant(s) of the property shall at all times be responsible for compliance with them.
7. No overnight idling within 200 ft. of residential property lines. Signs shall be posted restricting idling and establishing a slow acceleration zone along the northern drive aisle.