

**MINUTES OF THE MEETING
OF THE
LOUISVILLE METRO PLANNING COMMISSION REGULAR MEETING
JANUARY 18, 2018**

A meeting of the Louisville Metro Planning Commission was held on January 18, 2018 at 1:00 p.m. at the Old Jail Building, located at 514 W. Liberty Street, Louisville, KY 40202.

Commissioners present:

Vince Jarboe, Chair
Marilyn Lewis, Vice Chair
Jeff Brown
Lula Howard
Ramona Lindsey
Rich Carlson
Robert Peterson

Commissioners absent:

David Tomes
Emma Smith
Laura Ferguson

Staff members present:

Emily Liu, Director, Planning & Design Services
Brian Davis, Planning & Design Manager
Julia Williams, Planning & Design Supervisor
Laura Mattingly, Planner II
Joel Dock, Planner II
John Carroll, Legal Counsel
Travis Fiechter, Legal Counsel
Paul Whitty, Legal Counsel
Kristen Padron, Management Assistant

The following matters were considered:

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APPROVAL OF MINUTES

JANUARY 18, 2018 PLANNING COMMISSION REGULAR MEETING MINUTES

00:11:39 On a motion by Commissioner Brown, seconded by Commissioner Howard, the following resolution was adopted:

RESOLVED, that the Louisville Metro Planning Commission does hereby **APPROVE** the minutes of its meeting conducted on January 4, 2018.

The vote was as follows:

YES: Brown, Lindsey, Lewis, Howard, Jarboe, and Carlson

NOT PRESENT: Smith, Ferguson, and Tomes

ABSTAINING: Peterson

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PUBLIC HEARING

CASE NUMBER 16ZONE1052

Project Name: The Farms at Lovers Lane
Location: 6015 Lovers Lane
Owner(s): Superior Builders, Inc.
Applicant: Superior Builders, Inc.
Representative(s): BlueStone Engineers, PLLC – Chris Crumpton
Jurisdiction: Louisville Metro
Council District: 22 – Robin Engel
Case Manager: Joel P. Dock, Planner II

Agency Testimony:

00:12:28 Joel Dock stated that the applicant is requesting a continuance to the February 1, 2018 Planning Commission public hearing due to lack of proper notice for today's hearing.

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.

00:12:53 On a motion by Commissioner Howard, seconded by Commissioner Peterson, the following resolution was adopted:

RESOLVED, that the Louisville Metro Planning Commission does hereby **CONTINUE** case number 16ZONE1052 to the February 1, 2018 Planning Commission public hearing.

The vote was as follows:

YES: Brown, Lindsey, Lewis, Howard, Jarboe, Peterson, and Carlson
NOT PRESENT: Smith, Ferguson, and Tomes

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PUBLIC HEARING

CASE NUMBER 17STREETS1013

Project Name: Denham Partial Closure
Location: A portion of Denham Road located northeast of the intersection of Denham Road and Drayton Drive
Owner(s): City of Louisville
Applicant: Constance C. Spalding, David and Pamela Murrer
Representative(s): Joel B. Latto, OPS Engineering, LLC
Jurisdiction: Louisville Metro
Council District: 8 – Brandon Coan
Case Manager: Laura Mattingly, AICP, Planner II

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. (Staff report is part of the case file maintained in Planning and Design Services offices, 444 S. 5th Street.)

Agency Testimony:

00:13:48 Laura Mattingly discussed the case summary, standard of review and staff analysis from the staff report.

The following spoke in favor of this request:

Joel B. Latto, 4530 Bishop Lane, Suite 109, Louisville, KY 40218

Summary of testimony of those in favor:

00:16:27 Joel Latto is the land surveyor working on this project. Mr. Latto spoke about the AT&T easement for utilities and provided copies of the plat to the Commissioners. He will provide them with a letter of approval for the easement when it is available.

The following spoke in opposition to this request:

No one spoke.

Deliberation

00:18:29 The Commissioners concur that the proposal is justified. Commissioner Lindsey reiterated that they will need the letter of approval for the easement.

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Street/Alley Closure of a portion of Denham Road

00:19:19 On a motion by Commissioner Brown, seconded by Commissioner Howard, the following resolution, based on Standard of Review and Staff Analysis and testimony heard today, was adopted:

WHEREAS, the Louisville Metro Planning Commission finds that adequate public facilities are available to serve existing and future needs of the community. The proposed closure does not result in an increase in demand on public facilities or services as this is a residual piece of right of way and it does not appear that any existing utilities will be affected. No property adjacent or abutting the rights-of-way to be closed will be left absent of public facilities or services, or be dispossessed of public access to their property, and

WHEREAS, the Committee further finds that if any existing utilities within the right-of-way proposed for closure exist, they will be retained as an easement, relocated, or other arrangements made to ensure continued maintenance and provision of services to the property and community, and

WHEREAS, the Committee further finds that any cost associated with the rights-of-way to be closed will be the responsibility of the applicant, including the cost of improvements to those rights-of-way and adjacent rights-of-way, or the relocation of utilities and any additional agreement reached between the utility provider and the developer, and

WHEREAS, the Committee further finds that the request to close the right-of-way is in compliance the Goals, Objectives and Plan Elements of the Comprehensive Plan as Guideline 7, Policy 1 provides that those who propose new developments bear or reasonably share in the costs of the public facilities and services made necessary by development; Guideline 7, Policy 6 strives to ensure that transportation facilities of new developments are compatible with and support access to surrounding land uses, and contribute to the appropriate development of adjacent lands; Guideline 7, Policy 9 provides that the Planning Commission or legislative body may require the developer to dedicate rights-of-way for street, transit corridors, bikeway and walkway facilities within or abutting the development as set forth in the Land Development Code and/or an adopted urban mobility plan; Guideline 8, Policy 8 states that adequate street stubs for future roadway connections that support access and contribute to appropriate

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development of adjacent lands should be provided by new development and redevelopment; and Guideline 14, Policy 7 provides that the design and location of utility easements provide access for maintenance and repair and to minimize negative visual impacts. Any cost associated with the right-of-way to be closed will be the responsibility of the applicant or developer. Adequate public facilities are available to serve existing and future needs of the community. Any facility required to be placed in an easement or relocated will be done so by the developer. Transportation facilities are existing and will be unaffected by the proposed closure and will not dispossess property owners of public access. All adjacent residential lands maintain access to public infrastructure and utility services will continue to be provided to these lands, and

WHEREAS, the Committee further finds that there are no other relevant matters to be considered by the Planning Commission; now, therefore be it

RESOLVED, that the Louisville Metro Planning Commission does hereby **RECOMMEND** to the Louisville Metro Council the Street/Alley Closure of a portion of Denham Road be **APPROVED, ON CONDITION** that the AT&T easement is granted along with the recording of the road closure.

The vote was as follows:

YES: Brown, Lindsey, Lewis, Howard, Jarboe, Peterson, and Carlson
NOT PRESENT: Smith, Ferguson, and Tomes

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CASE NUMBER 16ZONE1031

Project Name: Circle K
Location: 12411/12415 Taylorsville Road
Owner(s): Mac's Convenience Stores LLC
Applicant: Mac's Convenience Stores LLC
Jurisdiction: Louisville Metro
Council District: 11-Kevin Kramer
Case Manager: Julia Williams, RLA, 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. (Staff report is part of the case file maintained in Planning and Design Services offices, 444 S. 5th Street.)

Agency Testimony:

00:20:34 Julia Williams stated that the applicant is requesting a continuance to the February 15, 2018 Planning Commission public hearing to allow the applicant more time to work on the binding elements with the adjacent property owners.

The following spoke in favor of this request:

Nick Pregliasco, 1000 N. Hurstbourne Pkwy, 2nd Floor, Louisville, KY 40223

Summary of testimony of those in favor:

00:21:23 Nick Pregliasco explained the technical aspects of the binding elements that they are currently working on.

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.

00:22:37 On a motion by Commissioner Brown, seconded by Commissioner Peterson, the following resolution was adopted:

RESOLVED, that the Louisville Metro Planning Commission does hereby **CONTINUE** case number 16ZONE1031 to the February 15, 2018 Planning Commission public hearing.

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The vote was as follows:

YES: Brown, Lindsey, Lewis, Howard, Jarboe, Peterson, and Carlson
NOT PRESENT: Smith, Ferguson, and Tomes

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PUBLIC HEARING

CASE NUMBER 16ZONE1080

Project Name: Fort Locks Self-Storage
Location: 7650 Dixie Highway
Owner(s): Valley Station Towne Center
Applicant: Fort Locks Self-Storage, Inc.
Representative(s): Wyatt, Tarrant, & Combs LLP – Jon Baker
Jurisdiction: Louisville Metro
Council District: 25 – David Yates
Case Manager: Joel P. Dock, Planner II

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. (Staff report is part of the case file maintained in Planning and Design Services offices, 444 S. 5th Street.)

Agency Testimony:

00:23:47 Joel Dock discussed the case summary, standard of review and staff analysis from the staff report.

The following spoke in favor of this request:

Jon Baker, 500 W. Jefferson Street, Louisville, KY 40202

Summary of testimony of those in favor:

00:36:22 Jon Baker discussed the applicant's proposal for a change in zoning, a conditional use permit, a variance, and a detailed district development plan. The expansion will include approximately 23,000 to 24,000 sq. ft. of mini storage and will include covered outdoor storage. Mr. Baker responded to questions from the Commissioners.

The following spoke in opposition to this request:

Ian Lowe, 1355 Bardstown Road, #210, Louisville, KY 40204

Summary of testimony of those in opposition:

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00:46:45 Ian Lowe is a manager of a neighboring apartment complex on Fury Way. He understands the desire for expansion, but he feels the expansion would transform what is currently a very quiet neighborhood. Mr. Lowe responded to questions from the Commissioners.

Deliberation:

00:56:00 The majority of the Commissioners feel that the proposal is justified, however, Commissioner Brown feels that R-4 zoning is more appropriate for this area with this many access points available to provide connectivity. He raised concern of the encroachment C-2 zoning in a residential area.

Commissioner Howard recognizes that this is an infill site and would be an expansion of an existing use, but she also acknowledges that there are several access points to residential development. She also discussed landscaping and outside storage.

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 Change from R-4 to C-2

01:17:27 On a motion by Commissioner Peterson, seconded by Commissioner Carlson, the following resolution, based on the Cornerstone 2020 Staff Checklist and testimony heard today, was adopted:

WHEREAS, the Louisville Metro Planning Commission finds that the proposal meets the Community Form guideline because the proposed zoning district is located to the rear of a non-residential corridor and incorporates itself into that corridor through an expansion of an existing use and access. The corridor consists of a mixture of uses of varying intensities. The proposed zoning district is a high intensity commercial district and is located to share access through sites having frontage along a major arterial roadway. The site fronting along the roadway through which access is shared is zoned M-2, Industrial. Access to local roads will be restricted by binding elements placed upon the development plan, and

WHEREAS, the Commission further finds that the proposal meets the Centers guideline because the proposal is located in the NFD, but does not create a new center as it is incorporated into an existing non-residential corridor. It includes the construction of new buildings that appear to be consistent with the existing use along the frontage of Dixie Highway. There is sufficient residential population in the area and population generated

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by the corridor to support expanded commercial uses. The proposed site improvements result in an efficient use of land as the proposed use is a low generator of traffic both pedestrian and vehicular, as well as being a non-essential neighborhood use. It does not occupy viable street frontage for future commercial uses providing neighborhood or regional goods and services. Further, the shape of the lot and land area does not appear to allow for the convenient development of the land for single-family residential uses or allow them to be appropriately incorporated into the existing neighborhoods to the North and South. The proposal expands an existing use in a zoning district that is consistent with surrounding uses and districts along the corridor. The proposed land use does not detract from existing facilities or occupy space along the corridor that would detract from the use of alternative forms of transportation, vitality, or sense of place along the corridor. The C-2 commercial district would allow for a wide variety of commercial uses that might include residential and office uses above retail and/or includes other mixed-use, multi-story retail buildings. The use proposed, however, may be the most appropriate use for the site with respect to adverse impacts of traffic caused by multi-family development upon local roads. The proposed land use is designed to be compact while leaving required open space and meeting the needs for tree canopy. The proposal shares entrance and parking facilities with adjacent uses to reduce curb cuts and surface parking, and locates parking to balance safety, traffic, transit, pedestrian, environmental and aesthetic concerns. The mini-storage facility is accessed through existing infrastructure along the Dixie Highway. There would not appear to be an issue with connecting to exiting utilities and infrastructure in the area. The proposed use is easily accessible for its primary form of transportation, the automobile. Due to existing development along Dixie Highway and restricted access to local roads per binding elements access to the proposed zoning district and land use is limited to the availability of transportation modes and accessibility along Dixie Highway, and

WHEREAS, the Commission further finds that the proposal meets the Compatibility guideline because the proposed buildings materials are consistent with a mini-warehouse design and do not necessarily detract from the new development's compatibility. The proposal constitutes a non-residential expansion into a residential area. Despite such an expansion the specific land use proposed does not generate large amounts of traffic and any traffic would be restricted to access the proposed land use via Dixie Highway and the existing access points. Future commercial development of the site would be restricted by binding elements to only the existing access via Dixie Highway; thus, parking, traffic, or signage would not expand or appear in these residential areas. Landscape buffering as required for commercial districts abutting residential uses or districts is being complied with in full and provides an appropriate transition between possible incompatible developments. Further, the use of the land for single-family purposes may not be a convenient method of development given the shape and size of the lot and multi-family development may add unwanted traffic and

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congestion. The proposed land use does not often generate adverse odors or emissions. Measure have been taken in the form of binding elements to ensure that no idling of trucks will take place within 200 feet of single-family residences and no overnight idling of trucks will be permitted on-site. The proposed land use does not generate excessive levels of traffic that would significantly impact the surrounding community. Redevelopment of the proposed commercial district for any other use would be restricted from access the site from local roads without requesting to do so before the Planning Commission. Lighting will be no more than is necessary to provide for the safety and security of the premises. The proposal is a higher intensity use and is located with primary access from a major arterial roadway. Any incompatibility between the proposed use and the abutting single family residences has been mitigated through the full application of landscape buffers, tree canopy, and restricted access for local roads. Setbacks, lot dimensions and building heights are compatible with those of nearby developments that meet form district standards. The site immediately abuts the Suburban Marketplace corridor which provides for relaxed standards for setbacks. The proposed land use is located in the Neighborhood form district and generally complies with land development code regulations pertaining to setbacks. The proposed development does not propose any new parking or loading areas adjacent to residential uses or districts. The subject site is screened from residential properties with an eight foot privacy fence. Any new signage shall be compatible with Ch.8 of the Land Development Code, and

WHEREAS, the Commission further finds that the proposal meets the Open Space guideline because Tree canopy and landscape areas as required by the Land Development Code are being provided. There do not appear to be any significant natural features to be incorporated into the plan, and

WHEREAS, the Commission further finds that the proposal meets the Natural Areas and Scenic and Historic Resources guideline because the proposal puts to use a piece of property that is currently underused and vacant. MSD will oversee water runoff and erosion that could result from the inappropriate development of the subject site resulting in environmental degradation. The site contains potential wetlands. Drainage and the appropriate development upon these lands will be approved in consultation and upon further review by MSD during the construction review phase of development, and

WHEREAS, the Commission further finds that the proposal meets the Economic Growth and Sustainability guideline because the proposal is for a commercial district with a conditional use permit for a light industrial use and is located to the rear of an industrial zoning district and utilizes existing infrastructure for integration of the new district and land use. The proposed land use generates low volumes of traffic and is located with access to a major arterial. Access to local roads is to be restricted by binding elements. The proposed light industrial use is located with access to an arterial street, and

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WHEREAS, the Commission further finds that the proposal meets the Circulation guideline because the proposed use does not interfere with the promotion of mass transit, bicycle, and pedestrian movement along the corridor. No roadway improvements are required for the proposed development. Future redevelopment may require improvements. The proposed expansion to the existing use appropriately uses access through existing non-residential lands instead of through areas that would generate nuisances. No right-of-way is needed for the proposed use. Parking is sufficient to accommodate the use. The site is provided access through adjacent lands where appropriate, and

WHEREAS, the Commission further finds that the proposal meets the Transportation Facility Design guideline because the development provides for an appropriate functional hierarchy of streets and appropriate linkages between activity areas in and adjacent to the development site. While access from local roads and connection of these local roads which stub into the property is not being provided, the connection of these roads may only occur in instances of single-family development which may not be supported by the shape and size of the lot. Further, the connection of these roads for the proposed development would be inappropriate. Access to local roads with stub connections to the property is being restricted per binding element to eliminate access to development through areas of significantly lower intensity or density as such access would create a significant nuisance, and

WHEREAS, the Commission further finds that the proposal meets the Bicycle, Pedestrian, and Transit guideline because the proposed expansion does not warrant any new improvements to provide for the movement of pedestrians, bicyclists and transit users around and through the development. It does not detract from this movement either, and

WHEREAS, the Commission further finds that the proposal meets the Flooding and Stormwater guideline because the proposal's drainage plans have been approved by MSD, and the proposal mitigates negative impacts to the floodplain and minimizes the impact of impervious area, and

WHEREAS, the Commission further finds that the proposal meets the Air Quality guideline because the proposal has been reviewed by APCD and found to not have a negative impact on air quality, and

WHEREAS, the Commission further finds that the proposal meets the Landscape Character guideline because no natural corridors are present that warrant additions and connections to a system of providing habitat areas or allow for migration, and

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WHEREAS, the Commission further finds that the proposal meets the Infrastructure guideline the proposal would appear to be located in an area served by existing utilities or planned for utilities. No objections to the proposal have been received by the LWC. Adequate means of sewage treatment and disposal to protect public health and to protect water quality in lakes and streams will be provided as required; now, therefore be it

RESOLVED, that the Louisville Metro Planning Commission does hereby **RECOMMEND** to the Louisville Metro Council that the change in zoning from R-4, Single-Family Residential to C-2, Commercial on property described in the attached legal description be **APPROVED**.

The vote was as follows:

YES: Lindsey, Lewis, Jarboe, Peterson, and Carlson

NO: Brown and Howard

NOT PRESENT: Smith, Ferguson, and Tomes

Conditional Use Permit

01:18:30 On a motion by Commissioner Peterson, seconded by Commissioner Carlson, the following resolution, based on the Standard of Review and Staff Analysis and testimony heard today, was adopted:

WHEREAS, the Louisville Metro Planning Commission finds that the proposed conditional use permit for mini-warehouse is consistent with applicable policies of the Comprehensive Plan as proposed site improvements result in an efficient use of land and generally produce low volumes of traffic. Setbacks, lot dimensions and building heights are compatible with those of nearby developments that meet form district standards. The proposed use is located to share access and parking through sites having frontage along a major arterial roadway; thus, reducing curb cuts and surface parking. Access to local roads will be restricted. The full application of landscape buffers and tree canopy is being provided to mitigate any incompatibility between the proposed land use and abutting residential uses, and

WHEREAS, the Commission further finds that setbacks, lot dimensions and building heights are compatible with those of nearby developments that meet form district standards. The proposal generally meets form district standards, and

WHEREAS, the Commission further finds that necessary public facilities will be provided to accommodate the land use, and

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WHEREAS, the Commission further finds that mini-warehouses may be allowed in the C-2 District where the premises abut on a roadway classified as a collector or major or minor arterial as designated in the Comprehensive Plan for all of Jefferson County, Kentucky, upon the granting of a Conditional Use Permit and compliance with the listed requirements.

- A. The property shall be landscaped so as to blend in with the surrounding area and shall be screened and buffered from adjacent uses of a non-industrial nature.
- B. No building, structure or pavement shall be located closer than 30 feet to side property lines or property lines abutting residential areas. This area is reserved as a landscape buffer area.
- C. No outside storage shall be allowed on the property.
- D. No storage of toxic or hazardous materials shall be allowed on the property.
- E. There shall be no retail or wholesale sales or distributing activities on site.
- G. 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 in H below).
- H. Signs - Only one freestanding sign shall be allowed and shall conform to limits established for the form district in which the sign is located.

WHEREAS, the Commission further finds that the requested conditional use permit is a component of a larger mini-warehouse facility that abuts a major arterial roadway. This major arterial provides direct, primary access to the expanded portion subject to the conditional use permit. No access to abutting local roads will be permitted per binding elements. The subject property provides all required landscape buffers and complies with the required thirty foot setback. No new signage is proposed. Relief is being requested to allow for the ancillary outdoor storage (item 'C') of accessory recreational vehicles under a canopy that exceeds fifteen feet in height (item 'G'). To properly store and secure these types of vehicles a greater height is necessary. No heavy trucks or equipment will be stored on the premises and the plan indicates that the storage will primarily be for Boats and RVs. The storage is accessory to the primary use on-site and its impact is limited. Sufficient landscaping and screening is being provided to mitigate relief from these items; now, therefore be it

RESOLVED, that the Louisville Metro Planning Commission does hereby **APPROVE** the Conditional Use Permit for mini-warehouse, Land Development Code (LDC), section

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4.2.35 with relief from items "C" & "G," **SUBJECT** to the following conditions of approval:

1. All outside storage shall be confined within the canopy.
2. No structure on the site shall be taller than one story and shall not exceed 17 feet in height.

The vote was as follows:

YES: Lindsey, Lewis, Jarboe, Peterson, and Carlson

NO: Brown and Howard

NOT PRESENT: Smith, Ferguson, and Tomes

Variance

01:21:31 On a motion by Commissioner Peterson, seconded by Commissioner Carlson, the following resolution, based on the Standard of Review and Staff Analysis and testimony heard today, was adopted:

WHEREAS, the Louisville Metro Planning Commission finds that the requested variance will not adversely affect the public health, safety or welfare as the full application of landscape buffering, screening, and tree canopy is being provided, along with the required thirty foot conditional use permit setback which aid in mitigating any impacts upon surrounding properties.

WHEREAS, the Commission further finds that the requested variance will not alter the essential character of the general vicinity as Setbacks, lot dimensions and building heights are compatible with those of nearby developments that meet form district standards, and

WHEREAS, the Commission further finds that the requested variance will not cause a hazard or nuisance to the public as the pavement encroaching upon the setback is not used for parking and vehicular movement upon this pavement will limited by the use which generally generates low volumes of traffic. Additionally, the full application of landscape buffering, screening, and tree canopy is being provided to mitigate impacts upon neighbors, and

WHEREAS, the Commission further finds that the requested variance will not allow an unreasonable circumvention of the zoning regulations as all other requirements are

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being met and the site complies with applicable guidelines and policies of the Comprehensive Plan, and

WHEREAS, the Commission further finds that the variance does not arise from special circumstances which do not generally apply to land in the general vicinity or the same zone, and

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 as the remainder of the subject site is being developed in compliance with Land Development Code regulations pertaining to setbacks, buffering, and tree canopy, and

WHEREAS, the Commission further finds that the circumstances are not the result of actions of the applicant taken subsequent to the adoption of the zoning regulation from which relief is sought; now, therefore be it

RESOLVED, that the Louisville Metro Planning Commission does hereby **APPROVE** the Variance from LDC, section 5.3.1.C.5 for pavement to encroach 15' upon the 50' non-residential to residential setback.

The vote was as follows:

YES: Lindsey, Lewis, Jarboe, Peterson, and Carlson

NO: Brown and Howard

NOT PRESENT: Smith, Ferguson, and Tomes

Detailed District Development Plan

01:22:36 On a motion by Commissioner Peterson, seconded by Commissioner Carlson, the following resolution, based on the Standard of Review and Staff Analysis and testimony heard today, was adopted:

WHEREAS, the Louisville Metro Planning Commission finds that the site contains potential wetlands. MSD will oversee water runoff and erosion that could result from the inappropriate development of the subject site resulting in environmental degradation. Drainage and the appropriate development upon these lands will be approved in consultation and upon further review by MSD during the construction review phase of development, and

WHEREAS, the Commission further finds that the proposed development plan does not detract from the safe and efficient movement of both pedestrians and vehicles. The

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proposed development is located to share access and parking through sites having frontage along a major arterial roadway; thus, reducing curb cuts and surface parking. Access to local roads will be restricted by binding elements placed upon the development plan, and

WHEREAS, the Commission further finds that the provision of sufficient open space (scenic and recreational) to meet the needs of the proposed development is being provided as all landscaping and tree canopy is being provided in full, and

WHEREAS, the Commission further finds that 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, and

WHEREAS, the Commission further finds that setbacks, lot dimensions and building heights are compatible with those of nearby developments that meet form district standards. The proposal generally meets form district standards. The use is generally compatible with surrounding uses as the site connects with an M-2, industrial zone serving the existing mini-warehouse facility. The corridor contains a mixture of commercial and industrial uses, and

WHEREAS, the Commission further finds that the development plan for mini-warehouse is consistent with applicable policies of the Comprehensive Plan as proposed site improvements result in an efficient use of land and generally produce low volumes of traffic. Setbacks, lot dimensions and building heights are compatible with those of nearby developments that meet form district standards. The proposed use is located to share access and parking through sites having frontage along a major arterial roadway; thus, reducing curb cuts and surface parking. Access to local roads will be restricted. The full application of landscape buffers and tree canopy is being provided to mitigate any incompatibility between the proposed land use and abutting residential uses; now, therefore be it

RESOLVED, that the Louisville Metro Planning Commission does hereby **APPROVE** the 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.

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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. 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.
 - 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. 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
 - e. Army Corps of Engineers approval required for any encroachments into federally regulated wetlands
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

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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. The storage of "heavy-trucks" shall be prohibited. Accessory recreation vehicles (Boats and RVs) are specifically authorized as an accessory use with no limitation on their length.

9. No access from Stuart, Elnora, Russell, or Virginia Avenues and Greenwood Manor Road shall be permitted without notification to property owners along these ways and approval by the Planning Commission or designee.

10. Hours of operation shall be 7:00 a.m. to 11:00 p.m.

The vote was as follows:

YES: Lindsey, Lewis, Jarboe, Peterson, and Carlson

NO: Brown and Howard

NOT PRESENT: Smith, Ferguson, and Tomes

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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

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. (Staff report is part of the case file maintained in Planning and Design Services offices, 444 S. 5th Street.)

Agency Testimony:

01:24:18 Joel Dock discussed the case summary, standard of review and staff analysis from the staff report.

The following spoke in favor of this request:

Jim Calvery, 6060 Dutchmans Lane, Louisville, KY 40205

Summary of testimony of those in favor:

01:30:45 Jim Calvery summarized the applicant's proposal and showed a presentation. He responded to questions from the Commissioners.

The following spoke in opposition to this request:

No one spoke.

Deliberation

01:34:50 The Commissioners concur that the proposal is justified.

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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 Change from R-4 to PEC

01:36:42 On a motion by Commissioner Brown, seconded by Commissioner Howard, the following resolution, based on the Cornerstone 2020 Checklist, the applicant's findings of fact, and testimony heard today, was adopted:

WHEREAS, the Louisville Metro Planning Commission finds that the proposal meets the Community Form guideline because the proposal integrates into the pattern of development as nearby users are industrial and commercial as permitted within a PEC zoning district, and the layout of the site is similar to these existing uses. The proposal integrates into the pattern of development of nearby users that are within a PEC zoning district. The proposal provides for public sidewalks and connectivity to an existing pedestrian network, and

WHEREAS, the Commission further finds that the proposal meets the Compatibility guideline because the proposed building materials appear to be consistent with the surrounding development; thus, increasing compatibility. The proposal does not constitute an expansion into a residential area as the site is buffered from such areas by over 350 feet of railway corridor and abuts PEC zoning districts on all other sides. Odor and emissions would not appear to be greater than similar facilities in the area. Trucks will not be left to idle within 200' of residential property. The location supports the potential traffic demand of the use as the site is located within a cluster of similar uses in a planned employment center and within close proximity to an interstate which reduces travel on other roadways. The proposal mitigates adverse impacts of its lighting on nearby properties, and on the night sky. All lighting will be shielded and directed downward and away from residential properties. The intensity of the proposed use is appropriately located with immediate access to an arterial level roadway and the interstate from a collector level road, and is at the intersection of this arterial level road. Appropriate transitions are provided as adjacent uses are similar in intensity. The lesser of the intensity of adjacent uses (tire service center) appears to have provided the level of buffering that would have been required for a PEC to an R-4 zoning district. The proposal is not incompatible with surrounding developments and provides for appropriate transitions between these similar uses with landscaping and common design. Setbacks, lot dimensions and building heights appear to be compatible with surrounding development that meets form district standards. Parking, loading, and delivery areas do not impact views from residential areas as they do not immediately abut or face residential properties. Heavy-truck access will be limited to non-residential

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access roads. The proposal includes screening and buffering of parking and circulation areas adjacent to the street, and uses design features or landscaping to fill gaps created by surface parking lots as the rendering presented at LD&T on 12/14/17 demonstrate the use of a four board fence and plantings along the street. Signs will be compatible with Chapter 8 of the Land Development Code, and

WHEREAS, the Commission further finds that the proposal meets the Open Space guideline because the proposal does not require the provision of open space and is not in the NFD. There do not appear to be any natural features of significance, and

WHEREAS, the Commission further finds that the proposal meets the Natural Areas and Scenic and Historic Resources guideline because there do not appear to be any natural features of significance. The existing structures on-site cannot be reused for the proposed use and these residential properties and structures are no longer compatible with adjacent development. The proposed development site does not appear to contain wet or highly permeable soils, or other features of concerns, and

WHEREAS, the Commission further finds that the proposal meets the Economic Growth and Sustainability guideline because a warehouse is being proposed to meet the needs of the industrial subdivision or workplace district and their employees. Proposed use is warehousing and located in an industrial/employment center with convenient access to major roadways. Subject site is conveniently located within close proximity to Interstate-265, nearby industrial or employment centers, and along an intersection with a major arterial roadway. The proposal does not indicate employment in excess of 100 employees. It is, however, located within close proximity to Interstate-265, nearby industrial or employment centers, and along an intersection with a major arterial roadway, and

WHEREAS, the Commission further finds that the proposal meets the Circulation guideline because the existing sidewalk network is being continued across the frontage of the subject site; thus, contributing its proportional share of the cost of roadway improvements and other services and public facilities made necessary by the development through physical improvements to these facilities, contribution of money, or other means. The proposal is providing carpool and required bike parking. Vehicular and truck transportation infrastructure is adequate and compatible with surrounding area. Truck access is routed through employment center roadways instead of Old La Grange Road which serve residential populations. All rights-of-way required for Old La Grange will be dedicated. Parking is sufficient and reflective of projected employment. Heavy-truck access will be limited to Chamberlain Crossing Drive through adjacent sites, and

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WHEREAS, the Commission further finds that the proposal meets the Transportation Facility Design guideline because The development provides for an appropriate functional hierarchy of streets and appropriate linkages between activity areas in and adjacent to the development site as heavy-truck access will be limited to chamberlain Crossing Drive. Access to the subject site is through areas of similar intensity, and

WHEREAS, the Commission further finds that the proposal meets the Bicycle, Pedestrian and Transit guideline because the existing pedestrian network is being continued which allows for ease of access to TARC route 64X available at Factory Lane and La Grange Road, and

WHEREAS, the Commission further finds that the proposal meets the Flooding and Stormwater guideline because MSD has preliminarily approved the proposal, and

WHEREAS, the Commission further finds that the proposal meets the Air Quality guideline because APCD did not express any concerns with the proposal, and

WHEREAS, the Commission further finds that the proposal meets the Landscape Character guideline because no natural corridors are present on site. The railway corridor abutting the site allows for a system of natural corridors, and

WHEREAS, the Commission further finds that the proposal meets the Infrastructure guideline because the development will be connected to sanitary sewers and MSD has approved the development plan concept. Utilities would appear to be available or will be provided as the site is in an area of existing industrial development. The Worthington fire department has indicated a potential for additional fire hydrants to serve the development. Additional Fire hydrants have been proposed, and

WHEREAS, the Commission finds that the proposal conforms with KRS 100.213 because it agrees with the Comprehensive Plan of Metro Louisville and Jefferson County, its goals, objectives, guidelines and policies (sometimes called "Cornerstone 2020") as further detailed in these Findings; and

WHEREAS, the Commission finds that the existing zoning classification is inappropriate and the proposed zoning classification is appropriate as further detailed in these findings; and

WHEREAS, the Commission finds that there have been major changes of an economic, physical or social nature within the area involved which were not anticipated in the adopted comprehensive plan and which have substantially altered the basic character of the area as further detailed in these findings; and

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WHEREAS, the Commission further finds that the property lies in the Suburban Work Place Form Area as identified by Core Graphic 1, and is consistent with Guideline 1.B.10. because the proposal is characterized by predominately industrial and office uses where the buildings are set back from the street in a landscaped setting; because this proposal will contain small-scale uses or a cluster of uses in one structure within a master planned development; because adequate transportation access to, from, and throughout the proposal has been designed in agreement with this Guideline 1.B.10.; because significant buffering from abutting uses is provided naturally and as shown on the proposal; because the development is located at the intersection of an arterial (LaGrange Road) and a major collector (Chamberlain Lane) near an expressway (Gene Snyder Freeway I-265), as identified by Core Graphic 10, and is of a scale that is appropriate for the nearby neighborhoods, businesses and industrial uses, all as shown on the Detailed District Development Plan prepared by Land Design and Development, Incorporated and last updated on updated and provided to the Land Design and Transportation Committee on March 23, 2006 (“Development Plan”); and

WHEREAS, the Commission further finds that the proposal complies with Compatibility Guideline 3 and all applicable Policies adopted thereunder, including Policies 3.1, 3.2, 3.4, 3.7, 3.8, 3.9, 3.12, 3.21, 3.22, 3.23, 3.24, 3.28 and 3.29 because the proposed development is of a scale and site design compatible with nearby existing development and with the pattern of development within the Suburban Work Place Form Area; because the type of building materials is appropriate for the character of the area and surrounding structures; because any adverse impact on adjacent residential uses, including traffic, parking, signs, and lighting, will be mitigated through the binding elements that have been proposed and agreed upon by the applicant; because appropriate transitioning from residential to non-residential uses will be provided through the use of natural vegetative buffers and landscaping, landscaped buffer yards, vegetative berms, compatible building design and materials, height restrictions and setbacks, which will also protect the character of residential areas, roadway corridors, and public spaces from visual intrusions; because the proposed development is designed to provide accessibility to people with disabilities; because the parking, loading and delivery areas are adequate for the proposed uses and are designed to minimize any adverse impact on adjacent residential areas, with the parking and circulation areas adjacent to the street screened and buffered; because the proposed signage is compatible with the Suburban Work Place Form Area and will be integrated with or attached to structures wherever possible; and

WHEREAS, the Commission further finds that the proposal complies with Natural Areas and Scenic and Historic Resources Guideline 5 and all applicable Policies adopted thereunder including 5.1, 5.2, 5.3 and 5.6 because there are no known cultural or historic resources located on this site; because according to Core Graphic 5 there are also no severe or steep slopes or soils unsuitable for development on this site that could

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contribute to environmental degradation; and because the site is not located in a regulatory floodplain.

WHEREAS, the Commission further finds that the proposal complies with Economic Growth and Sustainability Guideline 6 and all applicable Policies thereunder including 6.1, 6.4, and 6.8 because the development is appropriately located in the Suburban Work Place Form Area to meet the needs of this workplace district and its employees, and because, as stated previously, this development is adjacent to an existing facility (Chamberlain Crossing Phase 1 & Phase 2) serving the Ford Truck Plant and its' employees, and is in close proximity to the existing Truck Plant itself; because the proposed development has chosen to locate on a site that will enable primary and secondary job creation in close proximity to existing social and economic infrastructures; because the proposed development adheres to the policies designed to promulgate the intentions of this Guideline; because the development will help keep dollars in the immediate community; because the development will have the ability to spread tax burden for public facilities maintenance and neighborhood programs; because the development will attract new investment dollars adjacent to a major economic engine in Louisville, the Kentucky Ford Truck Plant; because the development may provide management level and entry-level positions; because the development will offer flexible working hours; because the development will assist in preserving existing standards of living over time; because the development will provide new services and products not previously available in a timely manner to nearby industries; and

WHEREAS, the Commission further finds that the proposal complies with Circulation Guideline 7 and all applicable Policies thereunder including 7.1, 7.2, 7.3, 7.5, 7.6, 7.9, 7.10, 7.14, and 7.15 because proposed design provides good internal circulation as well as connections to major thoroughfares and adjacent roadway networks; because it has been demonstrated that the development will not cause adverse impacts to the traffic-carrying capacity of the existing roadway network as Stated in the Applicants traffic study; because roadway improvements, already constructed, along Collins Lane and Chamberlain Lane included signalization and a right turn onto Chamberlain Lane, as well as, shoulder improvements, and the aforesaid improvements are located on roadways with ample right of way, pavement width and carrying capacity; because sidewalks constructed along Old LaGrange Road, Collins Lane and Chamberlain Lane and throughout the development to the adjacent properties will facilitate pedestrian access to, from and throughout the development; because on-site parking (53 spaces provided, 40 spaces minimum required) is sufficient to serve the development and is set back and screened away from nearby existing residential areas; because the access point is located as reviewed and approved by the Louisville and Jefferson County Metro Department of Public Works and will not pose any safety hazards, as the Department's approval indicates; and because the applicant has installed a traffic signal at the

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intersection of Chamberlain Lane and Collins Lane as part of Phase 1; because the access points are located as reviewed and preliminarily approved by the Louisville and Jefferson County Metro Department of Public Works and will not pose any safety hazards for the nearby interchange with Highway 256; and because the agreed connection of this site to Chamberlain Crossing Drive provides for a safe and reliable ingress and egress for truck traffic at the request of the Louisville and Jefferson County Metro Department of Public Works to better ensure safe maneuvering of trucks; and

WHEREAS, the Commission further finds that the proposal complies with Transportation Facility Design Guideline 8 and all applicable Policies adopted thereunder including Policies 8.8 and 8.10 because primary truck access to the site is off Chamberlain Crossing Drive via the signal at Collins Lane and Chamberlain Lane, and will lessen any traffic through areas of lower intensity; because the primary access points have adequate sight distance and have been constructed and approved by the Louisville and Jefferson County Metro Department of Public Works; because the system of internal traffic circulation as shown on the plan will be constructed after being reviewed and approved by the Department, and has appropriate linkages between parking areas which have been located so as to avoid creating nuisances to surrounding uses; and

WHEREAS, the Commission finds that the proposal complies with Bicycle, Pedestrian and Transit Guideline 9 and all applicable Policies adopted thereunder including Policies 9.1 and 9.2 because the location of the site has transit ("TARC") service (Route No. 64); because sidewalks will be provided along Old LaGrange Road (Chamberlain Lane and Collins Lane currently installed) connecting into the improvements made during Phase 1 & Phase 2, which connect to existing sidewalks; and because bicycle racks will be located where appropriate; and

WHEREAS, the Commission further finds that the proposal complies with Flooding and Stormwater Guideline 10 and all applicable Policies adopted thereunder including Policies 10.1, 10.2, 10.5, 10.6 and 10.7 because the site has no blueline steams and is not located in the 100 year regulatory floodplain; because the proposed plan has been approved by the Metropolitan Sewer District ("MSD"); because preliminary drainage conceptual plans have been approved and future plans will meet or exceed MSD requirements as determined in the construction plan design process; because the detention and drainage facilities will be constructed in dedicated sanitary sewer and drainage easements and will ensure that peak stormwater runoff will not exceed predevelopment conditions; and

WHEREAS, the Commission finds that the proposal complies with Water Quality Guideline 11 and all applicable Policies adopted thereunder including Policy 11.3 because prior to any construction activity on site, a soil erosion and sediment control

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plan shall be submitted to and approved by MSD. See Erosion Prevention and Sediment Control Notes on the Development Plan.

WHEREAS, the Commission finds that the proposal complies with Air Quality Guideline 12 and all applicable Policies adopted thereunder including Policies 12.1, 12.3, 12.4 and 12.8 because the plan was reviewed by and approved by the Louisville and Jefferson County Metro Air Pollution Control District; and because mass transit service is available to the site and sidewalks are provided as appropriate; and

WHEREAS, the Commission finds that the proposal complies with Landscape Character Guideline 13 and all applicable Policies adopted thereunder including Policies 13.1, 13.2, 13.5 and 13.6 because landscaping in compliance with Article 12 will be provided and construction fencing shall be erected prior to any construction activities on site to prevent compaction of the root systems of trees; and

WHEREAS, the Commission further finds that the granting of General Landscape Buffer Area (LBA) Waivers of Section's 10.2.4.B and 10.2.10 to allow the proposed building, vehicular use area, and parking to encroach into the LBA; because the requested waivers will not adversely affect adjacent property owners as the Northeast property line is adjacent to an existing heavily treed area owned and Operated by CSX Rail; because this property is associated with and will be a part of an operating development previously approved via the detailed development plan for Chamberlain Crossing Business park; because tenants will be identified who will choose this location because of the proximity to other manufacturing facilities and the Kentucky Truck plant; because the proposed building is the minimum size needed and the granting of the waivers would allow for the location of this business(s) at this site; because the property is located in an area that is primarily industrial and employment based in nature and zoned PEC, Commercial and CM within the Suburban Workplace Form District; because CSX owns property to the north (zoned R-4) including a large area of mature trees; because this proposal complies with the Comprehensive Plan in that the Goals and Objectives Goal A1, Objectives 1.4 & 1.5, Goal D1 Objectives D 1.1, 1.2, 1.3, and 1.4 support economic development and jobs; because all waivers requested are the minimum necessary to allow the proposed buildings and structures and to remain in compliance with other sections of the Land Development Code; and because where relief is sought from the LDC, the applicant has sufficiently attempted to comply with the LDC and has not attempted to circumvent the requirements; and because the Louisville Metro Staff Findings and Analysis, contained within the Staff Report, support the granting of the waivers; and

WHEREAS, the Commission finds that the proposal complies with Infrastructure Guideline 14 and all applicable Policies adopted thereunder including Policies 14.2,

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14.3 and 14.4 because the site is served by all necessary utilities including water and sewerage facilities by lateral extension to the MSD Hite Creek Treatment Plant; and

WHEREAS, the Commission finds that the proposal complies with Community Facilities Guideline 15 and all applicable Policies adopted thereunder including Policy 15.9 because the site is located within the Worthington Fire Protection District; now, therefore be it

RESOLVED, that the Louisville Metro Planning Commission does hereby **RECOMMEND** to the Louisville Metro Council that the change in zoning from R-4, Single-Family Residential to PEC, Planned Employment Center on property described in the attached legal description be **APPROVED**.

The vote was as follows:

YES: Brown, Lindsey, Lewis, Howard, Jarboe, Peterson, and Carlson
NOT PRESENT: Smith, Ferguson, and Tomes

01:37:34 On a motion by Commissioner Brown, seconded by Commissioner Howard, the following resolution, based on the Cornerstone 2020 Checklist, the applicant's findings of fact, and testimony heard today, was adopted:

Waiver of Land Development Code, section 10.2.4.B to allow for encroachments into the 15' Landscape buffer areas

WHEREAS, the Louisville Metro Planning Commission finds that the waiver will not adversely affect adjacent property owners as adjacent users are similar in intensity and design to the proposed use, and

WHEREAS, the Commission further finds that 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 waiver will not violate these specific guidelines as the surrounding uses do not necessitate the provision of enhanced landscaped buffer areas to separate themselves from each other as they are common in design and intensity, and

WHEREAS, the Commission further finds that the extent of the waiver of the regulation is the minimum necessary to afford relief to the applicant as all planting material and screening will be provided as required, 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 as the site is located in an employment center of common uses and sufficient buffering has been provided elsewhere on site between abutting lots, and

WHEREAS, the Commission further finds that the applicant is requesting a waiver from Section(s) 10.2.4.B and 10.2.10 to allow for the development of properties known as 12413 & 12415 Old LaGrange Road, 2635 Chamberlain Lane, and 2400 Chamberlain Crossing Drive in conjunction with a change in zoning for the construction of an office/warehouse building. This development would be Phase 4 of the Chamberlain Crossing Business Park. The applicant is requesting a waiver from 10.2.10 to allow proposed parking areas to encroach into the required behavior use area and landscape buffer area and to relocate required landscaping; and a waiver from 10.2.4.B to allow the proposed building and parking area to encroach into the 15 foot landscape buffer area. The Applicant owns two of the adjacent properties which are already included in the existing Chamberlain Crossing business part of which these properties will be part of, and

WHEREAS, the Commission further finds that the applicant will enhance the adjacent property to the north east, owned by CSX railroad, with either a six foot tall privacy fence and/or additional landscaping. Both properties are located in the Suburban Workplace Form District. The Suburban Workplace Form District is "characterized by predominately industrial and office uses where the buildings are set back from the street in a landscaped setting". The applicant will plant other areas, which will be shown on the required landscape plan, with any and all plant material that would have been planted in the areas affected by the waivers, and

WHEREAS, the Commission further finds that the property is located in an area that is primarily industrial in nature and zoned PEC, Commercial and CM within the Suburban Workplace Form District. CSX owns property to the north, east, west and to the south including a large area of mature trees; and the Applicant owns the adjacent Chamberlain Crossings Business Park to the northwest which is zoned PEC, and

WHEREAS, the Commission further finds that this proposal complies with the Comprehensive Plan in that the Goals and Objectives; Goal A1, Objectives 1.4 &1.5 and Goal 01 Objectives D 1.1, 1.2, 1.3, and 1.4 which support economic development and job creation. This proposal is within the Suburban Workplace Form District indicating that developments of this type were expected and needed. Goal G3 and Objectives G 3.1 regarding Land Use in the SW district also supports this application, and

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WHEREAS, the Commission further finds that all waivers requested are the minimum necessary to allow the proposed buildings and structures and to remain in compliance with other sections of the Land Development Code. Where relief is sought from the LDC, the applicant has sufficiently attempted to comply with the LDC and has not attempted to circumvent the requirements, and

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 and would create an unnecessary hardship in that the identified tenant will not be able to construct a building of the size to suit their needs, and

WHEREAS, the Commission further finds that granting the requested waivers would not adversely affect the adjoining properties or the citizens of the area simply because the proposed land use was anticipated when the Form District and zoning were established for this area. A neighborhood meeting was held, and

WHEREAS, the Commission further finds that the waiver will not adversely affect the adjacent property owner; the adjoining property is located within the Suburban Workplace Form District and there is an existing heavily wooded fence line with mature evergreen and deciduous trees. The applicant is proposing to mimic the landscaping by proposing a solid wood fence with a mixture of tree plantings to buffer the adjacent property if needed. These Properties requesting the waivers are proposed to be a continuation of the Chamberlain Crossings Business Park, and

WHEREAS, the Commission further finds that the waiver will not violate the Comprehensive Plan; this proposal is for a use in agreement with those allowed in the Planned Employment Center Zone District, which characterizes this form district. The site is surrounded by non-residential development on 3 sides. In addition this proposal complies with Guidelines 2, 3, and 6 of the Comprehensive Plan in that the applicant is proposing a non-residential use in an area where there are similar non-residential uses including the Kentucky Ford Truck plant, and the adjacent Chamberlain Crossings Business Park which this would be incorporated into, and

WHEREAS, the Commission further finds that the extent of waiver of the regulation is the minimum necessary to afford relief to the applicant; the requested waiver will allow the applicant to responsibly and effectively develop the property. The Applicant has made open its' efforts since the first building was built in the Chamberlain Crossings Business Park to make neighbors aware and Planning Commission aware of its intent to develop these last properties adjacent to the CSX railroad as evidenced in past case's Docket's 9-031-05 and 9-09-06W, and

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WHEREAS, the Commission further finds that the waiver is necessary for the applicant to provide adequate parking and internal circulation for the site so that it may be properly incorporated into the Chamberlain Crossings Business Center. This waiver is the minimum needed for the non-residential development of this property, and

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; the strict application of the provisions of the regulation would deprive the applicant of the reasonable use of the land, and

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

WHEREAS, the Louisville Metro Planning Commission finds that the waiver will not adversely affect adjacent property owners as adjacent users are similar in intensity and design to the proposed use, and

WHEREAS, the Commission further finds that 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 renderings presented at the LD&T meeting on December 14, 2017 and to staff at a later date demonstrate the use of a four-board farm style fence and planting material along Old La Grange Road which satisfies the intent of these principles, and

WHEREAS, the Commission further finds that the extent of the waiver of the regulation is the minimum necessary to afford relief to the applicant. The renderings presented at the LD&T meeting on December 14, 2017 and to staff at a later date demonstrate the use of a four-board farm-style fence and planting material along Old La Grange Road, as well as living wall features to be incorporated into the facade which aid in mitigating the waiver of this landscape provision, and

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 as the renderings presented at the LD&T meeting on December 14, 2017 and to staff at a later date demonstrate the use of a four-board farm-style fence and planting material along Old La Grange Road, as well as living wall features to be incorporated into the facade which aid in mitigating the waiver of this landscape provision, and

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WHEREAS, the Commission further finds that the applicant is requesting a waiver from Section(s) 10.2.4.B and 10.2.10 to allow for the development of properties known as 12413 & 12415 Old LaGrange Road, 2635 Chamberlain Lane, and 2400 Chamberlain Crossing Drive in conjunction with a change in zoning for the construction of an office/warehouse building. This development would be Phase 4 of the Chamberlain Crossing Business Park. The applicant is requesting a waiver from 10.2.10 to allow proposed parking areas to encroach into the required behavior use area and landscape buffer area and to relocate required landscaping; and a waiver from 10.2.4.B to allow the proposed building and parking area to encroach into the 15 foot landscape buffer area. The Applicant owns two of the adjacent properties which are already included in the existing Chamberlain Crossing business part of which these properties will be part of, and

WHEREAS, the Commission further finds that the applicant will enhance the adjacent property to the north east, owned by CSX railroad, with either a six foot tall privacy fence and/or additional landscaping. Both properties are located in the Suburban Workplace Form District. The Suburban Workplace Form District is "characterized by predominately industrial and office uses where the buildings are set back from the street in a landscaped setting". The applicant will plant other areas, which will be shown on the required landscape plan, with any and all plant material that would have been planted in the areas affected by the waivers, and

WHEREAS, the Commission further finds that the property is located in an area that is primarily industrial in nature and zoned PEC, Commercial and CM within the Suburban Workplace Form District. CSX owns property to the north, east, west and to the south including a large area of mature trees; and the Applicant owns the adjacent Chamberlain Crossings Business Park to the northwest which is zoned PEC, and

WHEREAS, the Commission further finds that this proposal complies with the Comprehensive Plan in that the Goals and Objectives; Goal A1, Objectives 1.4 &1.5 and Goal 01 Objectives D 1.1, 1.2, 1.3, and 1.4 which support economic development and job creation. This proposal is within the Suburban Workplace Form District indicating that developments of this type were expected and needed. Goal G3 and Objectives G 3.1 regarding Land Use in the SW district also supports this application, and

WHEREAS, the Commission further finds that all waivers requested are the minimum necessary to allow the proposed buildings and structures and to remain in compliance with other sections of the Land Development Code. Where relief is sought from the LDC, the applicant has sufficiently attempted to comply with the LDC and has not attempted to circumvent the requirements, 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 and would create an unnecessary hardship in that the identified tenant will not be able to construct a building of the size to suit their needs, and

WHEREAS, the Commission further finds that granting the requested waivers would not adversely affect the adjoining properties or the citizens of the area simply because the proposed land use was anticipated when the Form District and zoning were established for this area. A neighborhood meeting was held, and

WHEREAS, the Commission further finds that the waiver will not adversely affect the adjacent property owner; the adjoining property is located within the Suburban Workplace Form District and there is an existing heavily wooded fence line with mature evergreen and deciduous trees. The applicant is proposing to mimic the landscaping by proposing a solid wood fence with a mixture of tree plantings to buffer the adjacent property if needed. These Properties requesting the waivers are proposed to be a continuation of the Chamberlain Crossings Business Park, and

WHEREAS, the Commission further finds that the waiver will not violate the Comprehensive Plan; this proposal is for a use in agreement with those allowed in the Planned Employment Center Zone District, which characterizes this form district. The site is surrounded by non-residential development on 3 sides. In addition this proposal complies with Guidelines 2, 3, and 6 of the Comprehensive Plan in that the applicant is proposing a non-residential use in an area where there are similar non-residential uses including the Kentucky Ford Truck plant, and the adjacent Chamberlain Crossings Business Park which this would be incorporated into, and

WHEREAS, the Commission further finds that the extent of waiver of the regulation is the minimum necessary to afford relief to the applicant; the requested waiver will allow the applicant to responsibly and effectively develop the property. The Applicant has made open its' efforts since the first building was built in the Chamberlain Crossings Business Park to make neighbors aware and Planning Commission aware of its intent to develop these last properties adjacent to the CSX railroad as evidenced in past case's Docket's 9-031-05 and 9-09-06W, and

WHEREAS, the Commission further finds that the waiver is necessary for the applicant to provide adequate parking and internal circulation for the site so that it may be properly incorporated into the Chamberlain Crossings Business Center. This waiver is the minimum needed for the non-residential development of this property, and

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

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create an unnecessary hardship on the applicant; the strict application of the provisions of the regulation would deprive the applicant of the reasonable use of the land; now, therefore be it

RESOLVED, that the Louisville Metro Planning Commission does hereby **APPROVE (1)** the Waiver of Land Development Code, section 10.2.4.B to allow for encroachments into the 15' Landscape buffer areas and **(2)** the 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.

The vote was as follows:

YES: Brown, Lindsey, Lewis, Howard, Jarboe, Peterson, and Carlson
NOT PRESENT: Smith, Ferguson, and Tomes

Detailed District Development Plan

01:38:15 On a motion by Commissioner Brown, seconded by Commissioner Howard, the following resolution, based on the Cornerstone 2020 Checklist and testimony heard today, was adopted:

WHEREAS, the Louisville Metro Planning Commission finds that there do not appear to be any significant natural features on site. Existing structures on-site will be documented prior to demolition. The architectural integrity of Old la Grange road will be restored through the utilization of a four-board farm style fence and landscaping as provided in the renderings by the applicant, 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 as a sidewalk will provided along the frontage and pedestrian connection from this sidewalk into the development has been provided, and

WHEREAS, the Commission further finds that open space is not required for this application, and

WHEREAS, the Commission further finds that 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, and

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WHEREAS, the Commission further finds that the overall site design and land uses are compatible with the surrounding area as the subject site abuts and will become a component of an existing employment/industrial center, and

WHEREAS, the Commission further finds that the development plan conforms to applicable guidelines and policies of the Comprehensive Plan as demonstrated in the Cornerstone 2020 Staff Review Checklist for the change in zoning request contained in Attachment 3 of the staff report; now, therefore be it

RESOLVED, that the Louisville Metro Planning Commission does hereby **APPROVE** the 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. 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. 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.

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- 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. 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.
 - e. A geotechnical report shall be submitted to staff for incorporation into the record.
 - f. 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
 - g. 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.

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9. The design of the façade and landscaping along Old La Grange Road, including a four-board fence shall be substantially the same as depicted in the renderings as presented at the 01/04/18 Planning Commission meeting and stamped “received 01/18/2018”.

The vote was as follows:

YES: Brown, Lindsey, Lewis, Howard, Jarboe, Peterson, and Carlson
NOT PRESENT: Smith, Ferguson, and Tomes

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STANDING COMMITTEE REPORTS

Land Development & Transportation Committee
No report given.

Site Inspection Committee
No report given.

Planning Committee
No report given.

Development Review Committee
No report given.

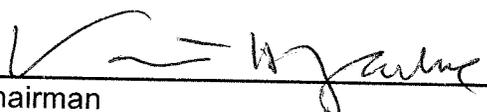
Policy & Procedures Committee
No report given.

CHAIRPERSON/DIRECTOR'S REPORT

No report given

ADJOURNMENT

The meeting adjourned at approximately 3:00 p.m.



Chairman



Division Director