

**MINUTES OF THE MEETING
OF THE
LOUISVILLE METRO PLANNING COMMISSION
June 5, 2018**

A meeting of the Louisville Metro Planning Commission was held on June 5, 2018 at 6:00 p.m. at Knights of Columbus, located at 4801 Progress Boulevard, Louisville, Kentucky.

Commission members present:

Vince Jarboe, Chair
Jeff Brown
Rich Carlson
Laura Ferguson
Lula Howard
Robert Peterson
David Tomes

Commission members absent:

Marilyn Lewis, Vice Chair
Emma Smith

Staff Members present:

Emily Liu, Director, Planning and Design Director
Joe Reverman, Planning and Design Assistant Director
Brian Davis, Planning and Design Manager
Joel Dock, Planner II
Travis Fiechter, Legal Counsel
Beth Stuber, Transportation Planning
Tony Kelly, MSD
Paul Whitty, Legal Counsel
Pamela M. Brashear, Management Assistant

Others Present:

Donald Robinson

The following matters were considered:

PLANNING COMMISSION MINUTES
June 5, 2018

PUBLIC HEARING

CASE NO. 17ZONE1046

Request: Change in zoning from R-4, single-family residential to C-2, commercial for an event center with a conditional use permit for camping areas and recreational vehicle parks, waiver of sidewalk along Progress Blvd and variance to exceed maximum setback

Project Name: Progress Park
Location: 4501 Progress Boulevard

Owner: Collins, LLC
Nick McDowell, Manager
3253 Ellis Way
Louisville, Ky. 40220

Applicant: Collins, LLC
Nick McDowell, Manager
3253 Ellis Way
Louisville, Ky. 40220

Representative: Bardenwerper, Talbott, & Roberts, PLLC
William B. Bardenwerper
1000 North Hurstbourne Parkway, 2nd floor
Louisville, Ky. 40223

Jurisdiction: Louisville Metro
Council District: 2 – Barbara Shanklin
Case Manager: Joel 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:

00:06:40 Joel Dock discussed the case summary, standard of review and staff analysis from the staff report.

The following spoke in favor of this request:

PLANNING COMMISSION MINUTES
June 5, 2018

PUBLIC HEARING

CASE NO. 17ZONE1046

Nick Pregliasco, Bardenwerper, Talbott, & Roberts, PLLC, 1000 North Hurstbourne Parkway, 2nd floor, Louisville, Ky. 40223

Kevin Young, Land Design and Development, 503 Washburn Avenue, Louisville, Ky. 40222

Nick McDowell, 3253 Ellis Way, Louisville, Ky. 40220

Mike Pifer, 401 Graf Drive, Louisville, Ky. 40220

Erika Branch, 315 Townepark Circle, Suite 100, Louisville, Ky. 40243

Doug Pifer, 2828 Klondike Lane, Louisville, Ky. 40218

Brad Hance, 301 Grand Avenue, Shepherdsville, Ky. 40165

Chad Sharber, 3106 Haddon Road, Louisville, Ky. 40241

Jim Carlin, 7706 Shakermill Road, Louisville, Ky. 40220

Ann Pifer, 2828 Klondike Lane, Louisville, Ky. 40218

James McKenzie, 7718 Crest Way, Louisville, Ky. 40219

James Buckley, 6901 Carlsaw Court #2102, Prospect, Ky. 40059

Justin Aubrey, 8327 Lacevine Road, Louisville, Ky. 40220

Brad Caldwell, 3003 Dartmouth Avenue, Louisville, Ky. 40205

Bill Caldwell, 2913 Pomeroy Drive, Louisville, Ky. 40218

Raphael Cecil, 2332 Mount Claire Avenue, Louisville, Ky. 40217

Charles Overall, 4301 Progress Boulevard, Louisville, Ky. 40218

Stephen Ott, 4011 Southern Parkway, Louisville, Ky. 40214

Greg Penner, 7608 Lake Pointe Drive, Louisville, Ky. 40014

Eda Overall, 4301 Progress Boulevard, Louisville, Ky. 40218

Greg Kinslow, 220 Brandon Way, Mt. Washington, Ky. 40047

Frances Valdes-Crespo, 4416 Lynnbrook Drive, Louisville, Ky. 40220

Seve Ghose, 6606 Orchard Club Place, Louisville, Ky. 40291

Barbara Moore, 8508 ___ Circle, Louisville, Ky.

Summary of testimony of those in favor:

00:12:25 Mr. Pregliasco gave a power point presentation and explained the details to the site, the proposal and steps taken to mitigate the impacts – specific hours, binding elements and revisions. The owners have invested a lot of money and time to improve and preserve the property. The existing tree canopy is 70% and after development will be 64% (over 90%). Airstreams are stationary campers with utilities (provided pictures).

00:26:53 Mr. Young stated there is a mixture of zoning in the area and the proposal should be a nice transitional use. The applicant/owner's vision is to protect the property.

PLANNING COMMISSION MINUTES
June 5, 2018

PUBLIC HEARING

CASE NO. 17ZONE1046

Mr. Young also mentioned some of the changes: biofilter; larger setbacks (100 feet); pulled airstreams farther away; 8 foot fence around the entire property; pulled the gate back 35 feet as requested by Public Works; and a loop road for internal traffic.

00:32:44 Mr. McDowell stated when he bought the property, he didn't have a plan for it. The first year after purchasing the property was mainly cleaning it up.

Mr. McDowell said he did some traveling and camping and fell in love with the camping community.

00:34:59 Mr. Pifer stated while traveling and camping around the country, he realized what a very special property he's purchased. The house being built on the property will be handicap accessible. "This is what Nick and I are trying to do. We are building an upscale campground and event venue that offers a family friendly atmosphere to gather and experience nature and fellowship in a beautiful outdoor setting." Also, a lot has gone into making the property a safe place.

00:42:18 Mr. Pregliasco read some of the additional 17 proposed binding elements as follows: staff member on site during all scheduled events as well as 6:00 p.m. every evening and on call; no long term rentals; won't be used as a mobile park; 8 foot wooden fence around the entire property - style and design as shown; noise and hours – scheduled events to end no later than 11:00 p.m. on Fri. and Sat. and 10:00 p.m. Sun. through Thurs. – every day no outdoor live or loud amplified music after 10:00 p.m.; maximum no. of events will be 72 a year/6 a month; no ABC licensing; dumpster location; fire pits or bonfires; no pay lake; 100 foot buffer and enhanced landscaping; no other uses than what's being proposed; and 'Quiet Hours' will be enforced.

00:49:07 Ms. Branch stated she had a fundraiser for Parkinson's there and it was very successful. It's a nice responsible use and was a fun day.

00:50:26 Mr. Pifer has been a resident in the area 43 years. The proposal will be good for the area economically.

00:51:31 Mr. Hance stated he has seen the property before and after the cleanup and it's gone from a swamp to an oasis. It's great for good clean family fun.

00:54:30 Mr. Sharber stated he is a former fireman and has worked with the owners. They want the best and not just minimal. They are preserving trees and providing a well needed nature diversion for the children, not just for the money.

00:58:40 Mr. Carlin is a Boy Scout master and took the boys to the site. Everyone had a good time and it was nice to be local – no long travel time.

PLANNING COMMISSION MINUTES
June 5, 2018

PUBLIC HEARING

CASE NO. 17ZONE1046

01:01:05 Ms. Pifer stated she has lived near the Elks Lodge for over 34 years and they are really good neighbors. They have crowds and music but no destruction at all. There is an 8 foot fence (partial). "It takes 2 to be good neighbors".

01:03:13 Mr. McKenzie stated he and his wife ran a hotline for autistic children. They went to the Senate for an Autism Center and against the odds and with a lot of hard work, won the vote. These developers are investing in the future, a place where you can enjoy yourselves, especially special needs children. "It's a safe place."

01:07:37 Mr. Buckley stated the pond is the most attractive part of the property. The location is close and convenient. They have catered to veterans and children to experience joy and relief.

01:11:00 Mr. Aubrey has known the owners for 5 years and spoke very highly of them.

01:11:56 Mr. Brad Caldwell has known the owners for a long time. The city needs more entrepreneurs doing good things for their community.

01:12:50 Mr. Bill Caldwell stated the Buechel community has never had the parks other areas have, true nature.

01:14:11 Mr. Cecil stated his son had cancer treatments and couldn't do much so this was a good place for him to go. It's close to Kosair and home.

01:16:53 Mr. Overall stated the proposal is very unique and you won't find another place like it in this country.

01:17:52 Mr. Ott stated the additional binding elements makes this project stick out. They want to be good neighbors. The plan is in compliance with the standards (maybe above). "This is a diamond in the rough".

01:23:07 Mr. Penner stated the airstreams are expensive trailers and seen all over the country except here. Also, "I am the only airstream repair and restoration person in the state of Ky."

01:25:31 Ms. Overall said the trailers have to be safe. They will be good for families to have healthy and normal lives.

01:28:04 Mr. Kinslow said he's been involved with this case from the beginning. They are providing for the kids something that's not readily available these days.

PLANNING COMMISSION MINUTES
June 5, 2018

PUBLIC HEARING

CASE NO. 17ZONE1046

01:29:05 Ms. Valdes-Crespo took her son and he loves Progress Park.

01:29:32 Mr. Ghose, Director of Parks and Recreation, stated this project enhances the quality of life and is a valuable asset to the area.

01:30:43 Ms. Moore stated she's the real estate agent that worked with Mr. McDowell and Mr. Pifer when they bought this property. Their vision is unbelievable.

01:31:45 Commissioner Carlson asked the applicant to describe the outdoor reception area. Mr. Pifer described and stated, it will be less intense on the outside perimeter of the development and more intense in the middle section.

01:32:49 Commissioner Carlson asked if the fence will have landscaping to break it up a little (along Progress Blvd.). Mr. Pifer said the trees will be in front of the fence.

01:35:30 Commissioner Carlson asked for clarification on binding element number 5. Mr. Pregliasco said there will be someone to eventually live on site but for now will be on call. Mr. Pifer said for now 6:00 p.m. to 7:00 a.m.

01:36:37 Commissioner Carlson suggests adding the following to binding element number 8 – 'shall be kept in good repair'. Binding element number 10 – 'There shall be no outdoor live music or amplified music between 10:00 p.m. and 7:00 a.m. anywhere on site'.

01:37:55 Chair Jarboe asked, "What is the maximum capacity of the event center?" The applicant/representative said 400.

The following spoke in opposition to this request:

Kelly Downard, 2309 Merrick Road, Louisville, Ky. 40207
Jeff Zimmerlee, 4007 Lambert Avenue, Louisville, Ky. 40218
Todd Shingleton, 4014 and 4016 Lambert Avenue, Louisville, Ky. 40218
Roger Allen, 4005 Lambert Avenue, Louisville, Ky. 40218
Robert Mattingly, 308 Plaza Avenue, Louisville, Ky. 40218
John Beck, 4021 Lambert Avenue, Louisville, Ky. 40218
Dustin Coomer, 4011 Lambert Avenue, Louisville, Ky. 40218
Representative Tom Burch, 4012 Lambert Avenue, Louisville, Ky. 40218
Chris Stapleton, 4007 Lambert Avenue, Louisville, Ky. 40218

Summary of testimony of those in opposition:

PLANNING COMMISSION MINUTES
June 5, 2018

PUBLIC HEARING

CASE NO. 17ZONE1046

01:39:37 Mr. Downard, former member of the Metro Council, stated he opposes the proposal in its current form. You don't want to set a precedent as this is considered a short-term rental but it was meant for a room or house, not to allow multiple rentals in a campground. It will also violate the Noise Ordinance.

01:43:09 Mr. Downard quoted laws into the record. "They (owners) are well meaning, but this is not legal."

01:52:57 Mr. Zimmerlee helped get the petitions. None of the supporters live in this neighborhood. Some of the concerns deal with noise, traffic and drainage. It will decrease our property value as well.

Mr. Zimmerlee stated that on any given night, there can be 120+ people on their property. Trees and undergrowth have been cleared. This is not good development for Buechel and needs to remain R-4.

02:05:05 Mr. Shingleton stated there doesn't need to be a zoning change to have fun. Their park will not be public and therefore won't benefit everyone. Traffic is an issue as there is lots of drag racing on Progress Blvd. currently.

02:07:57 Mr. Allen stated it's a great idea but going to commercial zoning changes it as well as when money is involved. Alcohol will be involved. Also, noise will be a problem.

02:09:26 Mr. Mattingly is concerned with the increase in water. The creek backs up into my property and will be more flooding. "The more blacktop, the more flooding – need retention basin."

02:10:48 Mr. Beck stated he's lived there for 68 years and is approximately 300-400 feet from it. The music, bull horn and generator are loud now. "I don't want to see anything worse."

02:12:38 Mr. Coomer said he enjoys the peacefulness. Since they bought the property, they have removed an extensive amount of trees.

Mr. Coomer said he grew up playing in those woods and had expectations that his triplet sons would be able to do the same, but you have to pay to enjoy it now. It's not safe to have strange people in my backyard. "Changing single family to commercial is a bad move."

PLANNING COMMISSION MINUTES
June 5, 2018

PUBLIC HEARING

CASE NO. 17ZONE1046

02:15:56 Mr. Burch said he represents both sides and has lived in the area for over 60 years. "I know a trailer court when I see one." We don't know who's coming in and out. The proposal will affect my property and the tranquility of the area.

02:20:43 Ms. Stapleton stated fundraisers, etc. are nice but in reality there is a fee and the community will not be able to enjoy it. I asked them to do camping but not the even center. They said they have to be able to take care of themselves. "This is a business, not a campground."

02:22:37 Mr. Zimmerly stated, "We have not seen any building plans, time constraints, financing or lighting plans." The lights will blare in back yards because a lot of trees have been removed.

02:23:51 Commissioner Brown asked for definition clarifications of the proposal. Mr. Dock answered, "This is not a short-term rental application. It's a campground, camping area RV application with a conditional use permit. Short-term rentals are for permanent dwelling units, which includes a stay greater than 30 days and these are limited to 29 days." "The campground and recreational vehicle park does not require a change in zoning, so action on the conditional use permit would be all that is necessary."

02:25:23 Commissioner Howard asked what the maximum decibel level would be for property next to residential (per Noise Ordinance). Mr. Dock said 65 decibels (per Land Development Code).

02:26:47 Commissioner Howard asked if trailer parks are on individual lots. Mr. Dock said yes. "But I see no individual lots on the plan." Mr. Dock said that is correct.

Rebuttal

02:27:18 Mr. Pregliasco stated there will only be 1 use for this property. This property has to comply with the Noise Ordinance, even before 10:00 p.m. The additional binding elements are for extra protection to provide more assurance to the neighbors.

02:29:42 Mr. Young stated the queuing is specifically designed to move traffic off Progress Ln. There's also a secondary access if needed. Regarding storm drainage, the 3 ponds will be utilized for detention.

02:35:04 Mr. Pifer said he addresses issues when they come up. The bullhorn was at my family reunion and it hasn't been used since. There will be no generators on this site. There are other industrial businesses that operate 24/7, even during our quiet

PLANNING COMMISSION MINUTES

June 5, 2018

PUBLIC HEARING

CASE NO. 17ZONE1046

hours. We cut down some underbrush but want the outdoor setting. We are open to suggestions regarding the fence. This is a business and yes we are passionate, but we also want to be good neighbors.

02:38:44 Mr. McDowell stated, every mature tree that can be saved will be saved. The water backup was caused by a hole in the dam. Professionals have been hired to take care of it. The plan has changed, but that's because we're trying to make it better.

02:40:54 Commissioner Peterson asked the applicant to address alcohol usage on the property. Mr. Pifer said they're not allowed to have an ABC license or serve alcohol, but will allow people to bring their own for weddings.

02:43:40 Chair Jarboe asked if the event center will have music outdoor or indoor. Mr. McDowell said both as a majority of events will not have a band.

02:45:43 Chair Jarboe asked the MSD representative, Tony Kelly, to explain the water issues. Mr. Kelly said it's in the preliminary stage right now but they can't backup water to the upstream neighbors. The concern is with the downstream neighbors and the increased pavement and runoff. "They're going to have to adjust that spillway in a manner that it contains the water in that big lake so it doesn't negatively impact the downstream folks."

02:52:13 Commissioner Carlson asked why the event center and outdoor area are closer to the neighbors. The applicant stated, "The event center faces away from all residents so any noise coming from the event center by design should be directed towards the loading docks of the manufacturing facility across from us."

02:54:14 Commissioner Carlson asked about a lighting plan. Mr. Young said they will be fully shielded and pointed downward. Lights are only needed for the parking lot safety and walkways.

02:55:15 Commissioner Carlson asked the applicant if they would accept the following a binding element regarding generators: No generator may be used on the site from 6:00 p.m. until 8:00 a.m. Mr. Pregliasco agreed.

02:56:42 Commissioner Tomes asked the applicant to consider using a 12 ft. pole for lighting, instead of 30 ft. Mr. Young agreed.

02:59:12 Commissioner Brown said he doesn't support the sidewalk waiver. Chair Jarboe said it seems they asked for the sidewalk waiver because Progress is so industrial. Commissioner Carlson said he'd like to see sidewalks when it's practical to construct them. Commissioner Howard said she didn't think sidewalks were needed

PLANNING COMMISSION MINUTES
June 5, 2018

PUBLIC HEARING

CASE NO. 17ZONE1046

because there's so much green space, but if a transit stop is added, then they need to be constructed. Commissioner Peterson assumed it would be problematic to construct the sidewalks. Mr. Pregliasco said the topography would make it difficult to construct and they would have to take more trees out. Also, with no transit stop, they will lead to nothing.

Deliberation

03:03:51 Commissioner Tomes stated the request is a good use of the land and ordinances are in place to address issues of noise, lighting, etc.

Commissioner Peterson commends the developers for working well with neighbors and preserving the tree canopy. There could be less desirable development instead of this proposal. Also, "As far as the disappointment from neighbors and their kids not being able to use the land, that was never a guarantee because it's private land." The zoning change is appropriate and it's an improvement to the neighborhood.

03:07:41 Commissioner Brown stated he supports the conditional use permit, but not so much the zoning change because the type of events could impact the residential area.

03:08:48 Commissioner Carlson said he's in favor of the request. It's unique and there are sufficient binding elements to keep it from getting out of hand. The concerns from the neighbors have been adequately addressed.

03:12:17 Commissioner Howard supports the zoning change, conditional use permit and variance. The sidewalk is not needed. There are no lot lines and they're spaced appropriately. It's an agricultural use that needs C-2 zoning for the event center.

03:14:47 Chair Jarboe agrees with the other commissioners. This is a great project and a lot of mitigation and binding elements have been put in place to help compromise.

03:16:21 Mr. Fiechter, Legal Counsel, stated you need to use the applicant's binding elements as well as Commissioner Carlson's changes that were agreed upon by the applicant. Also use 'gas powered generator' as generator is a broad term.

03:17:37 Mr. Dock stated, if the commissioners so choose, adopt staff's binding elements 1-4 and the applicant's binding elements 5-21 as well as the changes/additions by Commissioner Carlson.

PLANNING COMMISSION MINUTES

June 5, 2018

PUBLIC HEARING

CASE NO. 17ZONE1046

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

03:18:12

On a motion by Commissioner Brown, seconded by Commissioner Tomes, the following resolution based on the Cornerstone 2020 Staff Checklist, testimony heard today and the applicant's finding of facts was adopted.

WHEREAS, the combination of uses proposed is not a "standard" commercial or non-residential use and would not necessitate the need to be located in a neighborhood center nor would it necessarily be appropriate if located in a center. A commercial zoning district would, however, be appropriately located at this site as it is within proximity to a mixture of industrial, office, commercial, and mixed densities of residential uses; and

WHEREAS, the event center would not appear to attract regular traffic or generate the demand that would create a "high intensity" use during all times. The camping areas would potentially generate intermittent traffic during peak seasons, but no more than would be common for a multi-family development with daily trips from all tenants. The district itself is located along a primary collector providing direct access to high intensity uses between arterial roadways; and

WHEREAS, the Louisville Metro Planning Commission finds, the proposal would not create a new center. It would be located near and between areas of existing mixed intensity uses; and

WHEREAS, the Louisville Metro Planning Commission further finds the proposal is not for retail commercial development and the use would not require an immediately surrounding population. The commercial zoning district offering a variety of other uses would be supported by the surrounding population or population generated through the adjacent employment centers; and

WHEREAS, the proposed use does not necessarily need a location near other mixed uses or population centers, and the proposed use may not be the highest and best use of the land with respect to support of surrounding land uses (industrial, commercial, mixed density residential). While it is a unique use within an urban area, it may be better suited for a rural, low-density area where it can be used seasonally and/or intermittently

PLANNING COMMISSION MINUTES
June 5, 2018

PUBLIC HEARING

CASE NO. 17ZONE1046

as the demanded. However, it would not appear that its location would be a nuisance or disruption to the existing mix of uses present in the area. Further, the district proposed would appear to be appropriately located based upon surrounding districts, uses, and transportation routes; and

WHEREAS, the proposed development is located in a disconnected, largely built-out area along a primarily collector roadway. Any pedestrian improvements in the right-of-way adjoining the site would not appear to enhance the overall connectivity or support of alternative forms of transportation from/to the site to distant or nearby areas. The district does not impact sense of place, while the use proposed puts to use a non-productive property; and

WHEREAS, the subject property combines temporary camping and events into a single property to provide lodging and event space commonly found in hotels or state parks/recreation areas into an underutilized parcel in an urban area; and

WHEREAS, the proposal is designed to be multi-purpose and the district would allow for a wide variety of uses; and

WHEREAS, access to the site is limited and impact is minimal. Shared access with adjacent uses would not be appropriate at this time; and

WHEREAS, utilities will be made available for all development on the subject site; and

WHEREAS, access is limited to vehicular traffic as Progress Blvd lacks a safe pedestrian network. The nature of the proposed use would not appear to create great demand for foot traffic nor would services be available within convenient walking distance from the subject site; and

WHEREAS, the proposed building materials increase the new development's compatibility as the rendering provided of the event center possess a rural campground feel consistent with the project; and

WHEREAS, while the proposal is located on the lower intensity side of Progress Boulevard, it does not constitute an expansion into a residential area as the use/zoning district proposed has primary access to a roadway serving industrial uses and there are additional nonresidential uses along this roadway; and

WHEREAS, the proposed use would not appear to generate offensive odors or emissions. Further, the large majority of commercial uses that would be permitted under a commercial zoning district have limited impact on the production of odor or emissions; and

PLANNING COMMISSION MINUTES
June 5, 2018

PUBLIC HEARING

CASE NO. 17ZONE1046

WHEREAS, traffic would not appear to impact residential communities and direct access to the site is from arterial roadways via a collector roadway; and

WHEREAS, lighting will be in compliance with the Land Development Code, section 4.1.3; and

WHEREAS, a commercial zoning district at this location is appropriately located along a collector level road with immediate access to arterial networks and would have no access through lower intensity uses; and

WHEREAS, the proposal provides appropriate transitions between uses that are substantially different in scale and intensity as a 100' landscape buffer has been voluntarily proposed and all other required landscaping is provided; and

WHEREAS, the proposal mitigates the impacts caused when incompatible developments unavoidably occur adjacent to one another by using buffers that are of varying designs as a 100' landscape buffer has been voluntarily proposed and all other required landscaping is provided; and

WHEREAS, due to the size and location of the parcel, as well as the uniqueness of the proposed use there would not appear to be a comparable development within the form district worthy of comparison. The layout on site is consistent with the intentions of the project; and

WHEREAS, parking and vehicle use areas are in conformance with the LDC; and

WHEREAS, the proposal includes screening and buffering of parking and circulation areas adjacent to the street as a 15 foot landscape buffer is provided along progress Blvd.; and

WHEREAS, signage will be in compliance with 4.2.12 and Ch. 8 of the LDC; and

WHEREAS, the site has significant amounts of open space and undisturbed areas; and

WHEREAS, the development is unique to an urban area and the vast amount of undisturbed spaces aids in the compatibility of the use; and

WHEREAS, the site has significant amounts of open space and undisturbed areas. Ponds and wooded areas appear to be left undisturbed or rehabilitated; and

PLANNING COMMISSION MINUTES
June 5, 2018

PUBLIC HEARING

CASE NO. 17ZONE1046

WHEREAS, the site has significant amounts of open space and undisturbed areas. Ponds and wooded areas appear to be left undisturbed. The existing larger pond appears to drain to a tributary of the South Fork of Beargrass Creek. The use of open water and impacts to groundwater for recreational activities should be sensitive to the watershed; and

WHEREAS, the existing homes on-site will be incorporated into the proposed use and much of the site will be adaptively reused for a campground; and

WHEREAS, the site does not contain potential wetlands and improvements on the site appear to be above the floodplain elevation; and

WHEREAS, the proposal is not for retail commercial, however, the zoning district proposed would allow for retail commercial development which is supported by surrounding employment and population centers, as well as the roadway network; and

WHEREAS, the proposal will contribute 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; and

WHEREAS, the proposal does not directly promote mass transit, bicycle and pedestrian use as it is located in a disconnected area between industrial and arterial roadways. It does provide the minimum requirements on site to accommodate for bike and pedestrian users; and

WHEREAS, connection to adjacent residential streets would be inappropriate for a commercial zoning district. The site is adequately supported for vehicular traffic via public roadways through industrial uses; and

WHEREAS, right-of-way dedication is not required for the proposed use; and

WHEREAS, the proposal includes adequate parking spaces to support the use; and

WHEREAS, connection to adjacent residential streets would be inappropriate for a commercial zoning district. The site is adequately supported for vehicular traffic via public roadways through industrial uses; and

WHEREAS, connection to adjacent residential streets would be inappropriate for a commercial zoning district. The site is adequately supported for vehicular traffic via public roadways through industrial uses; and

PLANNING COMMISSION MINUTES
June 5, 2018

PUBLIC HEARING

CASE NO. 17ZONE1046

WHEREAS, connection to adjacent residential streets would be inappropriate for a commercial zoning district. The site is adequately supported for vehicular traffic via public roadways through industrial uses; and

WHEREAS, connection to adjacent residential streets would be inappropriate for a commercial zoning district. The site is adequately supported for vehicular traffic via public roadways through industrial uses; and

WHEREAS, the proposal provides the minimum requirements on site to accommodate for bike and pedestrian users; and

WHEREAS, all MSD comment should be addressed prior to the public hearing; and

WHEREAS, the proposal has been reviewed by APCD and found to not have a negative impact on air quality; and

WHEREAS, the site has significant amounts of open space and undisturbed areas. Ponds and wooded areas appear to be left undisturbed; and

WHEREAS, the proposal is located in an area served by existing utilities; and

WHEREAS, PDS staff has received no objections from the Buechel fire district; and

WHEREAS, all requirements of the Louisville Metro Department of Health and Wellness will be fulfilled; and

WHEREAS, this 12.11 acre property is located along Progress Boulevard next to a large industrial area to the West, with a between a residential subdivision to the South and Southeast, an apartment complex to the East, an office building to the North and. It is a hidden gem in this area as a large undeveloped parcel with a significant sized pond on the property with significant buffering. This property was used for extra fill dirt needed for the Buechel Bypass construction, which created the existing pond on the site, which will remain and several more will be added. This rezoning is for a vintage airstream hotel and event venue, which have become popular in other parts of the country, but is new to Louisville. Approximately 50% of the existing tree canopy will be preserved, which is well over the 15% that is required; and

WHEREAS, the required LBA's around the property perimeter will be adhered to and a 8 ft wood fence will surround the property to protect the adjoining neighbors. In fact, a 100 ft landscape buffer area is provided along the South and Southeast property lines adjoining the residential homes. There is only one entrance to this property from Progress Blvd across from the industrially zoned properties. There will be no access

PLANNING COMMISSION MINUTES
June 5, 2018

PUBLIC HEARING

CASE NO. 17ZONE1046

from the adjoining apartment complex nor from the existing residential subdivision via the stub to the east at Cypress Cove; and

WHEREAS, the application complies with the Suburban Neighborhood Form District description of an area characterized by predominantly residential uses but that also includes, at appropriate locations, a mixture of uses, such as offices, retail shops, restaurants and services so long as these uses are at a scale appropriate for the nearby neighborhoods. This Airstream Hotel and event center is precisely what is contemplated by the Suburban Neighborhood Form District. This proposed use is a low impact use compared to the many potential uses of the property given its location on Progress Boulevard next to industrial properties and multifamily residential. The proposed use will contain very significant open space, being most of the property, and provide a venue for charitable and civic uses as have existed in the past; and

WHEREAS, the application complies with the Intents and applicable Policies 1, 2, 3, 4, 5, 6, 7, 8, 9, 11, 12, 13, 14 and 15 of Guideline 2 - Centers as follows: The subject property adjoins the mixture of industrial, commercial, and single-family residential uses mentioned above, placing it in the activity center that already exists in and around this location. This Airstream Hotel and event center adds to the vitality and sense of place among the mostly disconnected nearby neighborhoods and shall be an adaptive re-use of wooded and attractive property. The proposal will be a compact development in that it will accommodate far fewer daily residents than would be possible with a multi-family rezoning or a proposed subdivision development. The applicant has proposed a very detailed and extensive list of binding elements for consideration to address impacts to adjoining property owners. The proposed event venue, with accompanying Airstreams for clients to stay, is a new and desirable use for an area that does not have any similar type event venue. The DDDP shows the property is laid out to use the existing pond as the focal point and to not disturb the pond. All utilities are available to the site not requiring additional utility construction that would be the case if this were in an undeveloped area; and

WHEREAS, the application complies with the Intents and applicable Policies 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 12, 20, 21, 22, 23, 24 and 28 of Guideline 3 - Compatibility as follows: Noise would only potentially emanate from the latter hours of the any events on site and will be restricted by the detailed proposed binding elements as to noise and by the on-site park ranger that is also required by the proposed binding elements. Lighting will follow restrictions of the Land Development Code (LDC) and thus be directed down and away from nearby residential properties, with 90 degree cut-off at property lines. With the additional proposed setbacks as shown on the DDDP, the proposed lighting will be located further from the residential properties than otherwise allowed under the LDC. Further, this proposed use, unlike others such as a standard subdivision or apartment community, allows for the retention of a large portion of the existing trees and tree

PLANNING COMMISSION MINUTES
June 5, 2018

PUBLIC HEARING

CASE NO. 17ZONE1046

canopy on the site. The applicant has proposed a solid wood fence around the entire perimeter of the property, along with additional landscaping to further buffer the adjoining property owners from noise, light, etc. Transitions to adjoining properties on the south and east side will have an increased setback and will be attractively screened with additional landscaping as stated. Loading and delivery will be located and/or screened so as to minimize impacts on nearby properties. Signage will be in conformance with the LDC; and

WHEREAS, the proposed condominium community conforms with the overall Intents of and specifically with Policies 1, 2, 3, 4, 5, 6, and 7 of Guideline 4 and Policies 1, 2, and 6 of Guideline 5 for these reasons for all the reasons described above and because this proposed use allows the retention of a majority of the trees on the site as well as for the permanent protection of the large pond on the site. Unlike most properties in the area, this property has wonderful natural features for which this proposed use will be able to protect and accentuate. All open space areas will be maintained in common by the applicant that doesn't exist with many other potential uses; and

WHEREAS, the application complies with the Intents and applicable Policies 2, 3, 5, 6 and 11 of Guideline 6 – Economic Growth and Sustainability as follows: Due to the location of the property, surrounded by industrial development and single family subdivisions, the property is perfectly situated for a use that is not present in the area and needed for the vitality of the area. This long vacant property would now become an additional economic engine for the area; and

WHEREAS, the application complies with the Intents and applicable Policies 1, 2, 4, 6, 9, 10, 11, 12, 13, 14, 15, 16 and 18 of Guideline 7; Policies 1, 4, 5, 7, 9, 10 and 11 of Guideline 8; and Policies 1, 2, 3 and 4 of Guideline 9 as follows: The traffic from this development will have access off of Progress Blvd. Because events at the center will occur predominantly on the weekends and in evenings, this will not be a peak hour traffic generating use unlike other possible uses for the property. The design of this Airstream Hotel and Event Center, together with its points of access, take into account the standards promulgated by KTC and Metro Transportation Planning and Public Works. The latter will be required to review the detailed district development plan (DDDP) submitted with this application prior to time of LD&T and Planning Commission public reviews, or this application will not be publicly heard. That review and preliminary stamp of approval will assure that Transportation Planning and Public Works standards for corner clearances, access, connectivity, internal circulation and parking minimums are all satisfied. Bike racks and sidewalks will be provided as required. The proposal will provide for bicycle parking as well; and

WHEREAS, the application complies with the Intents and applicable Policies 1, 3, 4, 6, 7, 10 and 11 of Guideline 10 – Flooding and Stormwater as follows: Stormwater

PLANNING COMMISSION MINUTES
June 5, 2018

PUBLIC HEARING

CASE NO. 17ZONE1046

drainage will be addressed through the very significant existing pond on the site that can accommodate far more than the additional impervious surface being proposed, and will be in compliance with MSD's standards for storm water management. MSD will be required to review the storm water management plan and give its preliminary stamp of approval to the DDDP prior to docketing for LD&T and Planning Commission public reviews. Very little additional traffic will be generated from this proposal with the access off of Progress Boulevard next to the industrial properties to the west. The applicant's professional representatives have met with MSD to review area resident concerns about use of the existing drainage easement; and

WHEREAS, the application complies with the Intents and applicable Policies 3, 5 and 8 of Guideline 11 – water Quality as follows: MSD has promulgated both soil erosion/sedimentation control regulations and even newer ones with respect to water quality. Construction plans for this center will require compliance with these regulations prior to obtaining building permits; and

WHEREAS, the application complies with the Intents and applicable Policies 2, 4, 7 and 8 of this Guideline 12 – Air Quality as follows: This proposed use will have very minimal impacts to air quality, particularly considering the very small additional traffic generated by the proposed development; and

WHEREAS, the application complies with the Intents and applicable Policies 1, 2, 4, 5 and 6 of Guideline 13 – Landscape Character as follows: Compliance with this Guideline is achieved by virtue of compliance with LDC requirements. But as stated above, landscaping, screening and buffering will exceed LDC requirements, as promised neighbors at the neighborhood meeting.

WHEREAS, for all the reasons listed above the application complies with the listed and all other relevant and applicable Guidelines and Policies of the Cornerstone 2020 Comprehensive Plan and should be approved.

RESOLVED, the Louisville Metro Planning Commission does hereby **RECOMMEND** to the Louisville Metro Council that the zoning change 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: Commissioners Brown, Carlson, Howard Peterson, Tomes and Jarboe
NOT PRESENT AND NOT VOTING: Commissioners Smith and Lewis

PLANNING COMMISSION MINUTES
June 5, 2018

PUBLIC HEARING

CASE NO. 17ZONE1046

Conditional Use Permit for camping areas and recreation vehicle parks Land Development Code section 4.2.12

On a motion by Commissioner Brown, seconded by Commissioner Peterson, the following resolution based on the standard of review and staff analysis, testimony heard today, and the applicant's finding of facts was adopted.

WHEREAS, the proposal is consistent with the Comprehensive Plan as demonstrated in staff's analysis of the proposal in *Attachment 3*. The location would not create a nuisance or disruption to the existing mix of uses present in the area due to the project's low-impact on the natural environment. The camping areas would potentially generate intermittent traffic during peak seasons, but no more than would be common for a multi-family development with daily trips from all tenants. Appropriate transitions have been provided between uses that are substantially different in scale and intensity as a 100' landscape buffer has been voluntarily proposed and all other required landscaping is provided. Significant amounts of open space and undisturbed areas are proposed; and

WHEREAS, due to the size and location of the parcel, as well as the uniqueness of the proposed use there would not appear to be a comparable development within the form district worthy of comparison. The layout on site is consistent with the intentions of the project; and

WHEREAS, necessary public facilities are available or being provided as demonstrated on the detailed district development plan and as required by permitting agencies; and

WHEREAS, Camping Areas and Recreational Vehicles Parks, Public and Private may be allowed in any district upon the granting of a Conditional Use Permit, on a property with a minimum of ten acres, and in compliance with the following requirements:

- A. Buffer Strips - An open space buffer strip shall be maintained along all property lines in which campfires, or any other camping appurtenances shall not be located. The open space buffer strip shall be a minimum of 10 feet along any side or rear property line and a minimum of 30 feet along any front or street side property line.
- B. Signs - Except in districts where signs are allowed, there shall be no more than one non-illuminated sign not to exceed 30 square feet in area, with a maximum height of 10 feet, located at the major entrances.
- C. Traffic Impacts - Facilities shall be located and designed so that no entrance or exit shall require movement of traffic to or from the camping area or park through a recorded single-family subdivision.
- D. Limits on Periods of Use - No property, camp, or individual camp site shall be sold or leased for a longer period than one month, that does not conform to the minimum lot area established for the district in which it is located or to a minimum lot area of 6,000 square feet for a district having no minimum lot area.
- E. Trash and Garbage Collection -

PLANNING COMMISSION MINUTES
June 5, 2018

PUBLIC HEARING

CASE NO. 17ZONE1046

The RV Park or Camping Area Management shall be responsible for internal trash and garbage collection. Central trash collection points shall be completely screened from view from outside the park.

F. Health and Safety - Parking pads for recreational vehicles and individual camp sites shall not be exposed to conditions that create hazards to the property or the health or safety of the occupants. No portion of the park or camping area subject to flooding or subsidence shall be used for any purpose which would expose persons or property to hazards.

G. Vehicular Use Areas - Vehicular use areas shall be paved and shall be clearly marked as to internal circulation and direction of travel. Pavement widths for travel lanes shall be as follows:

1. One-way Travel Lane - 18 Feet
2. Two-way Travel Lane - 24 Feet
3. Cul-de-sac Diameter - 80 Feet

WHEREAS, the requested conditional use permit is in compliance with each of these guidelines. No open fires will occur near property lines. Access is prohibited to single-family stubs. No long term rentals will be allowed with the exception of the resident grounds manager. Trash collection has been designated on the district development plan. No hazards appear to be presented by RV parking areas. Vehicular travel lanes conform to minimum standards; and

WHEREAS, this 12.11 acre property is located along Progress Boulevard next to a large industrial area to the West, with a between a residential subdivision to the South and Southeast, an apartment complex to the East, an office building to the North and. It is a hidden gem in this area as a large undeveloped parcel with a significant sized pond on the property with significant buffering. This property was used for extra fill dirt needed for the Buechel Bypass construction, which created the existing pond on the site, which will remain and several more will be added. This rezoning is for a vintage airstream hotel and event venue, which have become popular in other parts of the country, but is new to Louisville. Approximately 50% of the existing tree canopy will be preserved, which is well over the 15% that is required; and

WHEREAS, the required LBA's around the property perimeter will be adhered to and a 8 ft wood fence will surround the property to protect the adjoining neighbors. In fact, a 100 ft landscape buffer area is provided along the South and Southeast property lines adjoining the residential homes. There is only one entrance to this property from Progress Blvd across from the industrially zoned properties. There will be no access from the adjoining apartment complex nor from the existing residential subdivision via the stub to the east at Cypress Cove; and

PLANNING COMMISSION MINUTES

June 5, 2018

PUBLIC HEARING

CASE NO. 17ZONE1046

WHEREAS, the application complies with the Suburban Neighborhood Form District description of an area characterized by predominantly residential uses but that also includes, at appropriate locations, a mixture of uses, such as offices, retail shops, restaurants and services so long as these uses are at a scale appropriate for the nearby neighborhoods. This Airstream Hotel and event center is precisely what is contemplated by the Suburban Neighborhood Form District. This proposed use is a low impact use compared to the many potential uses of the property given its location on Progress Boulevard next to industrial properties and multifamily residential. The proposed use will contain very significant open space, being most of the property, and provide a venue for charitable and civic uses as have existed in the past; and

WHEREAS, the application complies with the Intents and applicable Policies 1, 2, 3, 4, 5, 6, 7, 8, 9, 11, 12, 13, 14 and 15 of Guideline 2 - Centers as follows: The subject property adjoins the mixture of industrial, commercial, and single-family residential uses mentioned above, placing it in the activity center that already exists in and around this location. This Airstream Hotel and event center adds to the vitality and sense of place among the mostly disconnected nearby neighborhoods and shall be an adaptive re-use of wooded and attractive property. The proposal will be a compact development in that it will accommodate far fewer daily residents than would be possible with a multi-family rezoning or a proposed subdivision development. The applicant has proposed a very detailed and extensive list of binding elements for consideration to address impacts to adjoining property owners. The proposed event venue, with accompanying Airstreams for clients to stay, is a new and desirable use for an area that does not have any similar type event venue. The DDDP shows the property is laid out to use the existing pond as the focal point and to not disturb the pond. All utilities are available to the site not requiring additional utility construction that would be the case if this were in an undeveloped area; and

WHEREAS, the application complies with the Intents and applicable Policies 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 12, 20, 21, 22, 23, 24 and 28 of Guideline 3 - Compatibility as follows: Noise would only potentially emanate from the latter hours of the any events on site and will be restricted by the detailed proposed binding elements as to noise and by the on-site park ranger that is also required by the proposed binding elements. Lighting will follow restrictions of the Land Development Code (LDC) and thus be directed down and away from nearby residential properties, with 90 degree cut-off at property lines. With the additional proposed setbacks as shown on the DDDP, the proposed lighting will be located further from the residential properties than otherwise allowed under the LDC. Further, this proposed use, unlike others such as a standard subdivision or apartment community, allows for the retention of a large portion of the existing trees and tree canopy on the site. The applicant has proposed a solid wood fence around the entire perimeter of the property, along with additional landscaping to further buffer the adjoining property owners from noise, light, etc. Transitions to adjoining properties on

PLANNING COMMISSION MINUTES

June 5, 2018

PUBLIC HEARING

CASE NO. 17ZONE1046

the south and east side will have an increased setback and will be attractively screened with additional landscaping as stated. Loading and delivery will be located and/or screened so as to minimize impacts on nearby properties. Signage will be in conformance with the LDC; and

WHEREAS, the proposed condominium community conforms with the overall Intents of and specifically with Policies 1, 2, 3, 4, 5, 6, and 7 of Guideline 4 and Policies 1, 2, and 6 of Guideline 5 for these reasons for all the reasons described above and because this proposed use allows the retention of a majority of the trees on the site as well as for the permanent protection of the large pond on the site. Unlike most properties in the area, this property has wonderful natural features for which this proposed use will be able to protect and accentuate. All open space areas will be maintained in common by the applicant that doesn't exist with many other potential uses; and

WHEREAS, the application complies with the Intents and applicable Policies 2, 3, 5, 6 and 11 of Guideline 6 – Economic Growth and Sustainability as follows: Due to the location of the property, surrounded by industrial development and single family subdivisions, the property is perfectly situated for a use that is not present in the area and needed for the vitality of the area. This long vacant property would now become an additional economic engine for the area; and

WHEREAS, the application complies with the Intents and applicable Policies 1, 2, 4, 6, 9, 10, 11, 12, 13, 14, 15, 16 and 18 of Guideline 7; Policies 1, 4, 5, 7, 9, 10 and 11 of Guideline 8; and Policies 1, 2, 3 and 4 of Guideline 9 as follows: The traffic from this development will have access off of Progress Blvd. Because events at the center will occur predominantly on the weekends and in evenings, this will not be a peak hour traffic generating use unlike other possible uses for the property. The design of this Airstream Hotel and Event Center, together with its points of access, take into account the standards promulgated by KTC and Metro Transportation Planning and Public Works. The latter will be required to review the detailed district development plan (DDDP) submitted with this application prior to time of LD&T and Planning Commission public reviews, or this application will not be publicly heard. That review and preliminary stamp of approval will assure that Transportation Planning and Public Works standards for corner clearances, access, connectivity, internal circulation and parking minimums are all satisfied. Bike racks and sidewalks will be provided as required. The proposal will provide for bicycle parking as well; and

WHEREAS, the application complies with the Intents and applicable Policies 1, 3, 4, 6, 7, 10 and 11 of Guideline 10 – Flooding and Stormwater as follows: Stormwater drainage will be addressed through the very significant existing pond on the site that can accommodate far more than the additional impervious surface being proposed, and will be in compliance with MSD's standards for storm water management. MSD will be

PLANNING COMMISSION MINUTES
June 5, 2018

PUBLIC HEARING

CASE NO. 17ZONE1046

required to review the storm water management plan and give its preliminary stamp of approval to the DDDP prior to docketing for LD&T and Planning Commission public reviews. Very little additional traffic will be generated from this proposal with the access off of Progress Boulevard next to the industrial properties to the west. The applicant's professional representatives have met with MSD to review area resident concerns about use of the existing drainage easement; and

WHEREAS, the application complies with the Intents and applicable Policies 3, 5 and 8 of Guideline 11 – water Quality as follows: MSD has promulgated both soil erosion/sedimentation control regulations and even newer ones with respect to water quality. Construction plans for this center will require compliance with these regulations prior to obtaining building permits; and

WHEREAS, the application complies with the Intents and applicable Policies 2, 4, 7 and 8 of this Guideline 12 – Air Quality as follows: This proposed use will have very minimal impacts to air quality, particularly considering the very small additional traffic generated by the proposed development; and

WHEREAS, the application complies with the Intents and applicable Policies 1, 2, 4, 5 and 6 of Guideline 13 – Landscape Character as follows: Compliance with this Guideline is achieved by virtue of compliance with LDC requirements. But as stated above, landscaping, screening and buffering will exceed LDC requirements, as promised neighbors at the neighborhood meeting.

WHEREAS, for all the reasons listed above the application complies with the listed and all other relevant and applicable Guidelines and Policies of the Cornerstone 2020 Comprehensive Plan and should be approved.

RESOLVED, that the Louisville Metro Planning Commission does hereby **APPROVE** the Conditional Use Permit for the camping areas and recreational vehicle parks per Land Development Code 4.2.12.

The vote was as follows:

YES: Commissioners Brown, Carlson, Howard Peterson, Tomes and Jarboe
NOT PRESENT AND NOT VOTING: Commissioners Smith and Lewis

Variance from the Land Development Code, section 5.3.1.C.5 for the proposed event center to exceed the maximum setback of 80 feet AND
Waiver of the Land Development Code, section 5.8.1.B to not provide sidewalk along Progress Blvd.

PLANNING COMMISSION MINUTES

June 5, 2018

PUBLIC HEARING

CASE NO. 17ZONE1046

On a motion by Commissioner Brown, seconded by Commissioner Carlson, the following resolution based on the Standard of Review and Staff Analysis, testimony heard today and the applicant's finding of facts was adopted.

WHEREAS, the requested variance will not adversely affect the public health, safety or welfare as the event center does not impeded the safe movement of pedestrians or vehicles, nor does it create a nuisance upon nearby property owners as minimum landscape buffering will be provided; and

WHEREAS, the requested variance will not alter the essential character of the general vicinity as the 12 acre site is being developed to create a park-like setting apart from nearby industrial facilities and the location of the center near the roadway would open the site to these areas; and

WHEREAS, the requested variance will not cause a hazard or nuisance to the public as the event center does not impeded the safe movement of pedestrians or vehicles, nor does it create a nuisance upon nearby property owners as minimum landscape buffering will be provided; and

WHEREAS, the requested variance will not allow an unreasonable circumvention of the zoning regulations as the site is being developed to maintain many natural features and buffer from the built-environment; and

WHEREAS, the requested variance arises from special circumstances which do not generally apply to land in the general vicinity or the same zone as the proposed use is not common for an urbanized area and flexibility in the regulations is needed to achieve the desired land design; and

WHEREAS, the strict application of the provisions of the regulation would deprive the applicant the reasonable use of the land as the proposed use is not common for an urbanized area and flexibility in the regulations is needed to achieve the desired land design; and

WHEREAS, 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 as no development has occurred; and

WHEREAS, the variance will not adversely affect the public health, safety or welfare because the property is located across Progress Boulevard from industrially zoned property, will be well screened with a fence, and is being proposed for a use that is consistent with the current use of the property; and

PLANNING COMMISSION MINUTES

June 5, 2018

PUBLIC HEARING

CASE NO. 17ZONE1046

WHEREAS, the variance will not alter the essential character of the general vicinity because the property has long been a vacant site with significant tree canopy and large pond, which this proposal will protect; and unlike other uses of the property, this proposed use is the one that will help keep the property as close to the current use as conceivably possible; and

WHEREAS, the variance will not cause a hazard or a nuisance to the public because Progress Boulevard is a street with industrially zoned properties and there is no standard setback such that this proposed development will not cause a hazard or nuisance at all from what currently exists as the home at the entrance is not being proposed for removal; and

WHEREAS, the variance will not allow an unreasonable circumvention of the requirements of the zoning regulations because this site has a unique layout with the existing natural features and the DDDP is designed to protect these natural features to the maximum extent possible; and

WHEREAS, the variance arises from special circumstances, which do not generally apply to land in the general vicinity because this property is unique as it was used to obtain fill dirt for the Buechel Bypass extension and has remained undeveloped; and this is very different than the other properties in the area; and

WHEREAS, strict application of the provisions of the regulation would deprive the applicant of the reasonable use of the land or would create unnecessary hardship because it would prohibit any reasonable use of the property by requiring the building to be close to Progress Boulevard and disrupting the natural features on the property; and

WHEREAS, the circumstances are not the result of actions of the applicant taken subsequent to the adoption of the regulation because this proposal is to allow the best use of the property considering its unique layout and design; and

WHEREAS, the waiver will not adversely affect adjacent property owners as the roadway upon which the waiver is requested consists of built-out uses which lack sidewalk connectivity. Any sidewalk on site would not be connected to a functional network and the road would appear to be primarily used by industry on the West side of the roadway; and

WHEREAS, the waiver will not violate specific guidelines of Cornerstone 2020 as Guideline 2, policy 16 calls for proposals to be designed to support easy access by bicycle, car and transit and by pedestrians and persons with disabilities. Access to the site is limited to vehicular traffic as Progress Blvd lacks a safe pedestrian network. The nature of the proposed use would not appear to create great demand for foot traffic nor would services be available within convenient walking distance from the subject site. The

PLANNING COMMISSION MINUTES
June 5, 2018

PUBLIC HEARING

CASE NO. 17ZONE1046

network is absent along the entirety of the roadway and any additions by the developer of this project would not enhance the overall accessibility of the subject site from roadways to the North or South; and

WHEREAS, the extent of the waiver of the regulation is the minimum necessary to afford relief to the applicant as the construction of sidewalks on this property does not have a foreseeable public benefit in the near future due to the existing development and sidewalk network along the roadway; and

WHEREAS, the strict application of the provisions of the regulation would deprive the applicant of the reasonable use of the land as the construction of sidewalks at this location as no foreseeable public benefit in the near future due to the existing development and sidewalk network along the roadway; and

WHEREAS, the waiver will not adversely affect adjacent property owners because Progress Boulevard is industrially zoned on the west side of the road and a mixture of single family residential and office uses on the east side with no sidewalks currently existing along Progress Boulevard; and Progress Boulevard is a road where cars travel at a high rate of speed without existing pedestrian activity such that sidewalks would provide no practical benefit; and

WHEREAS, the waiver will not violate the Comprehensive Plan for all the reasons set forth in the Detailed Statement of Compliance with all applicable Guidelines and Policies of the Cornerstone 2020 Comprehensive Plan filed with the original rezoning application; and

WHEREAS, the extent of waiver of the regulation is the minimum necessary to afford relief to the applicant because sidewalks should only be located where thoughtfully designed with public safety in mind, and the construction of the sidewalks would not serve a useful purpose due to the lack of connectivity with the built condition; and Progress Boulevard is void of uses that promote pedestrian activity; and

WHEREAS, strict application of the provisions of the regulation would deprive the applicant of a reasonable use of the land or would create an unnecessary hardship on the applicant because it would be building sidewalks in areas where there is really no practical possibility of use, particularly considering all parking for this use will be contained on-site with no rights for parking on other properties; further, the topography and MSD drainage ditch along the Progress Boulevard frontage would make construction of ADA compliant sidewalks a technical infeasibility; and sidewalks would also require the applicant to change the existing 8 foot tall wood fencing installed along the frontage for buffering.

PLANNING COMMISSION MINUTES

June 5, 2018

PUBLIC HEARING

CASE NO. 17ZONE1046

RESOLVED, that the Louisville Metro Planning Commission does hereby **APPROVE** the variance from the Land Development Code, section 5.3.1.C.5 for the proposed event center to exceed the maximum setback of 80 feet and be located as shown on the development plan, and **APPROVE** the waiver of the Land Development Code, section 5.8.1.B to not provide sidewalk along Progress Blvd.

The vote was as follows:

**YES: Commissioners Brown, Carlson, Howard Peterson, Tomes and Jarboe
NOT PRESENT AND NOT VOTING: Commissioners Smith and Lewis**

Detailed District Development Plan and Binding Elements

On a motion by Commissioner Brown, seconded by Commissioner Carlson, the following resolution based on the Standard or Review and Staff Analysis and testimony heard today was adopted.

WHEREAS, the proposed development conserves natural resources; including, large amounts of vegetation, provides buffers, open space, open water areas, and recreation; and

WHEREAS, the subject site is located in a poorly connected area, but provides for pedestrian and vehicular safety within the subject site. Connection to single-family residential areas would be inappropriate; and

WHEREAS, sufficient amounts of vegetation, buffers, open space, open water areas, and recreation are provided; and

WHEREAS, 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 Louisville Metro Planning Commission finds, appropriate transitions between uses that are substantially different in scale and intensity or density have been provided by way of landscape buffering and access prohibitions; and

WHEREAS, the Louisville Metro Planning Commission further finds the proposed development is unique for an urbanized area as camping areas are more commonly associated with parks or rural areas. While it may be unique, it would not appear that the location of the proposed development would create a nuisance or disruption to the mix of uses present in the area. This is primarily due to the project's low-impact on the

PLANNING COMMISSION MINUTES
June 5, 2018

PUBLIC HEARING

CASE NO. 17ZONE1046

natural environment and enhanced landscape buffering. The overall development would appear to be appropriately located based upon the location of surrounding districts, uses, infrastructure, and transportation routes. For these reasons and the analysis provided in the *Cornerstone 2020 Staff Analysis* for rezoning, the plan is in conformance with the Comprehensive Plan.

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. Construction Fencing shall also be provided along the Limits of Disturbance as shown on the approved district development plan.
4. Before any permit (including but not limited to building, parking lot, change of use, site disturbance, alteration permit or demolition permit) is requested:
 - a. The development plan must receive full construction approval from Louisville Metro Department of Codes and Regulations Construction Permits and Transportation Planning Review and the Metropolitan Sewer District.
 - b. A Tree Preservation Plan in accordance with Chapter 10 of the LDC shall be reviewed and approved prior to obtaining approval for site disturbance.

PLANNING COMMISSION MINUTES
June 5, 2018

PUBLIC HEARING

CASE NO. 17ZONE1046

c. The property owner/developer must obtain approval of a detailed plan for screening (buffering/landscaping) as described in Chapter 10 prior to requesting a building permit. Such plan shall be implemented prior to occupancy of the site and shall be maintained thereafter

5. There shall be a staff member on site during all scheduled events and between the hours 6:00 p.m. and 7:00 a.m.
6. There shall be no long term rentals on the property with the exception of the existing homes on the property with one for the staff member(s).
7. The property shall not be used as a mobile home park
8. A solid 8 foot wooden fence shall be installed and maintained (kept in good repair) around the entire perimeter of the property as presented at the October 30, 2017 neighborhood meeting and as presented at the June 5, 2018 Planning Commission public hearing.
9. All scheduled events held at the event center and outdoor reception area shall end no later than 11 p.m. on Friday and Saturday and no later than 10 p.m. Sunday through Thursday.
10. There shall be no outdoor live music or outdoor amplified music between the hours of 10:00 p.m. and 7:00 a.m. anywhere on site.
11. The maximum number of scheduled large events (over 100 people) at the event center and outdoor reception area shall be 72 per year.
12. The property shall be prohibited from obtaining an A.B.C. license. Alcoholic beverages may be provided during an event by a caterer holding the appropriate license.
13. No commercial deliveries shall occur before 9 a.m.
14. The dumpster shall not be visible to neighbors.
15. Only one fire pit, being a maximum of 3 feet in diameter, will be allowed at each cluster of airstreams.
16. The property shall not be used as a pay lake.

PLANNING COMMISSION MINUTES
June 5, 2018

PUBLIC HEARING

CASE NO. 17ZONE1046

17. Enhanced landscaping shall be installed to shield the two southern clusters of retail units on the property from Busath Avenue and Lambert Avenue prior to the installation and rental of facilities on-site.
18. All rental units shall be installed such that they are not facing any adjoining residential property on Busath Avenue or Lambert Avenue.
19. The property shall NOT be used for any other use except those uses designated on the approved district development, unless a revised district development plan and the change of use is approved by the full Planning Commission with notification to all 1st and 2nd tier adjoining property owners and all those who spoke at the public hearing on June 5, 2018.
20. A copy of the campgrounds' rules and regulations shall be provided to all guests and posted in a convenient location visible to all guests upon entry. The rules and regulations shall include, but not limited to the following:
 - Check in/Check out procedures
 - Minimum age for rental
 - Use of fire pits
 - Use of Lake
 - Garbage disposal
21. Quiet hours for rental units shall be 10:00 p.m. – 7:00 a.m.
22. There shall be no use of gas or diesel generators between the hours of 6:00 p.m. and 8:00 a.m. anywhere on the site.

The vote was as follows:

YES: Commissioners Brown, Carlson, Howard Peterson, Tomes and Jarboe
NOT PRESENT AND NOT VOTING: Commissioners Smith and Lewis

PLANNING COMMISSION MINUTES
June 5, 2018

STANDING COMMITTEE REPORTS

Land Development and Transportation Committee

No report given.

Site Inspection Committee

No report given.

Planning Committee

No report given.

Development Review Committee

No report given.

Policy and Procedures Committee

No report given.

CHAIRPERSON/DIRECTOR'S REPORT

No report given.

ADJOURNMENT

The meeting adjourned at approximately 9:34 p.m.

Chair

Planning Director