

**Land Development and Transportation  
Committee  
Staff Report  
October 10, 2024**



<b>Case No:</b>	24-ZONE-0110
<b>Project Name:</b>	C5 Centerport At SDF
<b>Location:</b>	8107-8119 Minor Lane
<b>Owner(s):</b>	Airport Logistics, LLC & Woodlan, LLC
<b>Applicant:</b>	C5 Centerport at SDF, LLC
<b>Representative(s):</b>	Dinsmore & Shohl, LLP
<b>Jurisdiction:</b>	Louisville Metro
<b>Council District:</b>	13 – Dan Seum Jr.
<b>Case Manager:</b>	Molly Clark, Planner II

**REQUEST(S)**

- **Change-in-Zoning** from R-4, OR-2 & C-2 to EZ-1
- **Revised Detailed District Development Plan** with proposed binding elements

**CASE SUMMARY**

The applicant has requested a rezoning of roughly 97 acres of land in the northwest quadrant of the intersection of Interstate- 65 and Interstate-265 to facilitate the development of 1.2 million sq. ft. of industrial warehousing to EZ-1 enterprise zone to allow for 4 office/warehouse. Primary access to the site will be obtained from Minor Lane. The site shares a boundary with a mobile home park in the R-4 zoning district and required landscape buffers have been provided.

A mobile home community on-site will be removed to accommodate the industrial development. The immediate area previously contained a residential community which relocated as the airport expanded in the 1990's and the area has transitioned to industrial uses over the last few decades.

**Associated Cases**

- 09-64-86: Change in zoning from R-4 to R-8 & C-2 (approved by PC 8/21/86 with revisions 1/26/89, 2/23/89, & 10/30/03)
- B-49-69: Conditional Use Permit for Mobile Home Park (approved 9/24/1969)
- 20-ZONE-0102: The previous rezoning case that went to Planning Commission on April 15, 2021 , proceeded with the commissioners present raising concerns about displacement that could not be readily answered. The application was withdrawn following the hearing.

**STAFF FINDING**

The proposal is ready for a public hearing date to be set.

## **TECHNICAL REVIEW**

- The comprehensive plan discourages displacement, especially of vulnerable populations.
  - What are the plans for the mobile home community?
  - Has the owner worked with these occupants to relocate?
  - What accommodations will/have been made to assist in relocation?
- Additional questions/comments by Commissioners at the public hearing on March 4, 2021:
  - What is the current lease schedule and terms?
  - What is the cost of moving household goods?
  - What is the cost of trailer relocation?
  - What is the formal abandonment process for owners within the community?
  - Are there openings in nearby communities for relocation of units? Where?
- Binding Elements should be considered included as discussed on the prior case:

Occupants of the residential community will be relocated prior to development activity. The community contains roughly 80-90 dwelling units based on aerial imagery back in 2021. According to the applicant the number of residents have decreased since then. Current residents were mailed notice of the public. Staff has included Binding Element # 6 that was previously proposed in 2021 under the previous rezoning case, which reads as follows:

*Prior to requesting a permit to carry out development as shown on the approved plan for any area within the residential community at 8201 Minor Lane (Shadeswood Avenue), including but not limited to building, parking lot, change of use, clearing/grading, site disturbance, alteration permit, or demolition permit:*

- a. The developer(s) and/or property owner(s) shall host a meeting with all residents of the property. Notice of this meeting shall be given to all residents 14 days in advance of the meeting. A copy of this notice shall also be provided to Planning and Design Services and placed in the case file of record. At this meeting, the developer and/or owner shall state the intent to close the park, identify the earliest date at which closure will begin, and provide contact information for themselves and other persons involved in the closure and relocation.*
- b. A "housing counselor(s)" or other individual(s) with similar experience in local housing services shall be retained to evaluate, document, and provide resources to each occupant (and their families) to assist with relocation. Upon conclusion of this outreach, the counselor shall provide documentation to Planning and Design Services and placed in the case file of record which states the time period of the outreach effort, summarizes services and resources provided, and indicates how many, if any, declined counseling.*
- c. A direct line to an on-site manager shall also be provided to each occupant(s) and Planning and Design Services. The on-site manager shall be responsible for ensuring the property is maintained in good condition during relocation and assist the housing counselor(s). The on-site manager, if experienced in local housing services, may serve as the housing counselor.*
- d. Local fire and police districts having jurisdiction shall be notified of the closure prior to the first meeting with residents. A contact with each should be established.*

- e. *Units and their associated structures or improvements shall be removed promptly after the occupant(s) vacates the premises. No unoccupied unit shall sit abandoned for more than 6 weeks.*
- f. *In addition to the elements cited above, all other requirements of applicable local, state, and federal law shall be met.*

Drafts of this binding element have been provided to the applicant's representative.

A "housing counselor" is someone who can provide resources or counseling on topics related to housing including but not limited to financing, budgeting, lending; rental and home ownership assistance and pre-purchase counseling, as well as homelessness counseling. A counselor may be HUD sponsored. Resources pertaining to HUD sponsored counselors may be obtained here: [https://www.hud.gov/i\\_want\\_to/talk\\_to\\_a\\_housing\\_counselor](https://www.hud.gov/i_want_to/talk_to_a_housing_counselor). Other individuals such as community health workers, realtors, housing advocates, or social workers may also satisfy the role of a housing counselor.

### **STANDARD OF REVIEW FOR REZONING**

Criteria for granting the proposed form district change/rezoning: KRS Chapter 100.213

1. The proposed form district/rezoning change complies with the applicable land use and development policies of Plan 2040; **OR**
2. The existing form district/zoning classification is inappropriate and the proposed classification is appropriate; **OR**
3. There have been major changes of an economic, physical, or social nature within the area involved which were not anticipated in Plan 2040 which have substantially altered the basic character of the area.

### **STAFF ANALYSIS FOR CHANGE IN ZONING**

The Following is a summary of staff's analysis of the proposed rezoning against the Land Use and Development Policies of Plan 2040:

The site is located in the Suburban Workplace Form District

Suburban Workplace is a form characterized by predominately industrial and office uses where the buildings are set back from the street in a landscaped setting. Suburban workplaces often contain a single large-scale use or a cluster of uses within a master planned development. New larger proposed industrial uses are encouraged to apply for a planned development district.

In order to provide adequate transportation access in suburban workplaces connected roads, public transportation and pedestrian facilities should be encouraged. Walkways to workplace-serving uses are encouraged for workplace employees. Development within suburban workplace form districts may need significant buffering from abutting uses.

## **REQUIRED ACTIONS**

- SET the public hearing date

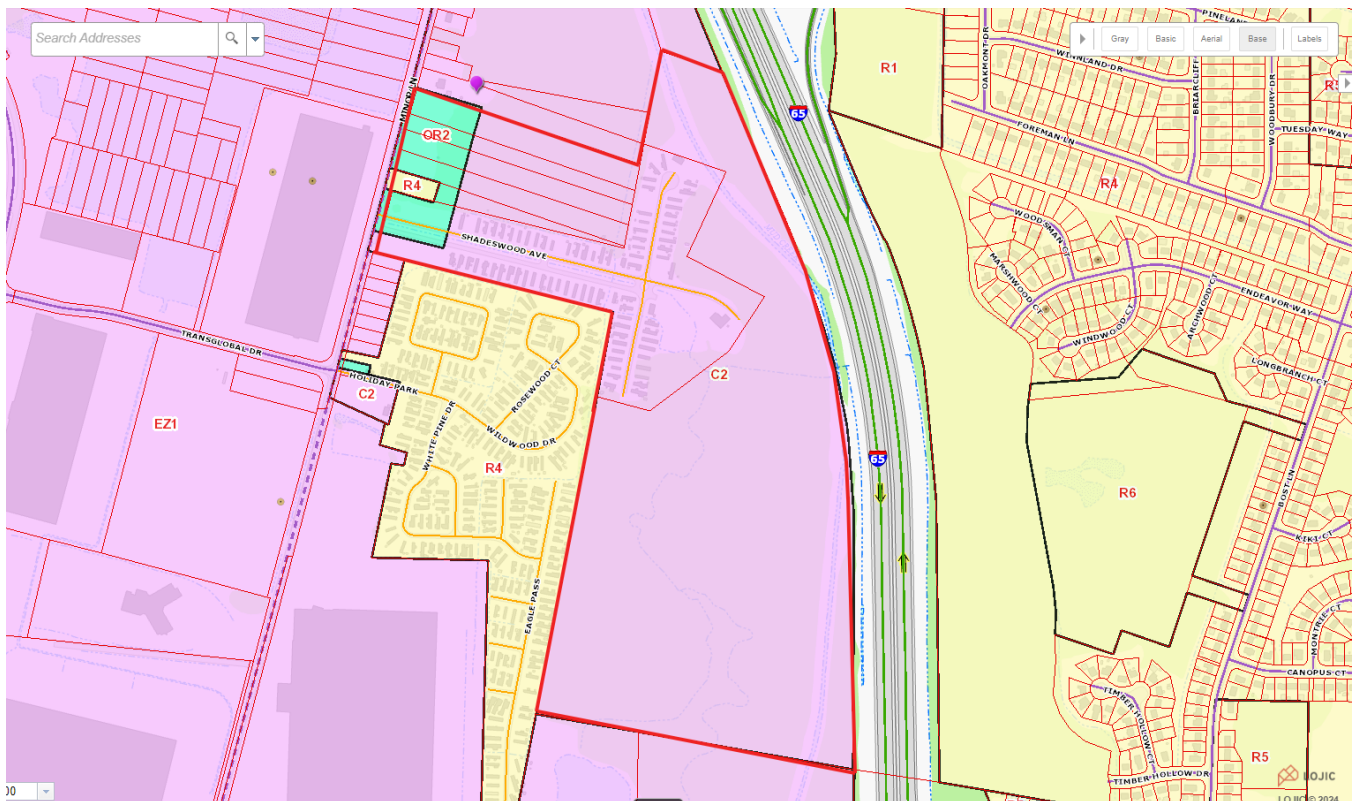
## **NOTIFICATION**

Date	Purpose of Notice	Recipients
9-25-24	Hearing before LD&T	1 <sup>st</sup> and 2 <sup>nd</sup> tier adjoining property owners Registered Neighborhood Groups in Council District 13
	Hearing before Planning Commission	1 <sup>st</sup> and 2 <sup>nd</sup> tier adjoining property owners Registered Neighborhood Groups in Council District 13
	Hearing before PC	Sign Posting on property
	Hearing before PC	Legal Advertisement in the Courier-Journal

## **ATTACHMENTS**

1. Zoning Map
2. Aerial Photograph
3. Proposed Binding Elements

### **1. Zoning Map**





## **2. Aerial Photograph**



## **3. Proposed Binding Elements**

1. The development shall be in accordance with the approved district development plan, all applicable sections of the Land Development Code (LDC) and agreed upon binding elements unless amended pursuant to the Land Development Code. Any changes/additions/alterations of any binding element(s) shall be submitted to the Planning Commission or the Planning Commission's designee for review and approval; any changes/additions/alterations not so referred shall not be valid.

2. Before any permit (including but not limited to building, parking lot, change of use, site disturbance) is requested:

a. The development plan must receive full construction approval from Louisville Metro Construction Review, Louisville Metro Public Works and the Metropolitan Sewer District.

b. Encroachment permits must be obtained from the Kentucky Transportation Cabinet, Bureau of Highways.

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.

3. A certificate of occupancy must be received from the appropriate code enforcement department prior to occupancy of the structure or land for the proposed use. All binding elements requiring

action and approval must be implemented prior to requesting issuance of the certificate of occupancy, unless specifically waived by the Planning Commission.

4. The applicant, developer, or property owner shall provide copies of these binding elements to tenants, purchasers, contractors, subcontractors and other parties engaged in development of this site and shall advise them of the content of these binding elements. These binding elements shall run with the land and the owner of the property and occupant of the property shall at all times be responsible for compliance with these binding elements. At all times during development of the site, the applicant and developer, their heirs, successors; and assignees, contractors, subcontractors, and other parties engaged in development of the site, shall be responsible for compliance with these binding elements.

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

6. Prior to requesting a permit to carry out development as shown on the approved plan for any area within the residential community at 8201 Minor Lane (Shadeswood Avenue), including but not limited to building, parking lot, change of use, clearing/grading, site disturbance, alteration permit, or demolition permit:

a. The developer(s) and/or property owner(s) shall host a meeting with all residents of the property. Notice of this meeting shall be given to all residents 14 days in advance of the meeting. A copy of this notice shall also be provided to Planning and Design Services and placed in the case file of record. At this meeting, the developer and/or owner shall state the intent to close the park, identify the earliest date at which closure will begin (minimum of 60 days from the meeting required by this part), and provide contact information for themselves and other persons involved in the closure and relocation.

b. A "housing counselor(s)" or other individual(s) with similar experience in local housing services as determined by the Planning Director shall be retained to evaluate, document, and provide resources to each occupant (and their families) to assist with relocation. Upon conclusion of this outreach, the counselor shall provide documentation to Planning and Design Services and placed in the case file of record which states the time period of the outreach effort, summarizes services and resources provided, and indicates how many, if any, declined counseling.

c. A direct line to an on-site manager shall also be provided to each occupant(s) and Planning and Design Services. The on-site manager shall be responsible for ensuring the property is maintained in good condition during relocation and assist the housing counselor(s). The on-site manager, if experienced in local housing services and approved by the Planning Director, may serve as the housing counselor. Should counseling from the on-site manager be declined, the resident shall be offered an independent counselor at no-cost. The on-site manager shall remain available on location for the duration of the park's closure.

d. Okolona Fire and 3rd division of Louisville Metro Police shall be notified of the closure prior to the first meeting with residents. A contact with each should be established. The developer(s) and/or property owner(s) shall make good faith efforts to implement any reasonable recommendations made by these agencies with respect to safety and security within a timely manner.

e. Units and their associated structures or improvements shall be removed promptly after the occupant(s) vacates the premises. No unoccupied unit shall sit abandoned for more

than 6 weeks.

f. In addition to the elements cited above, all other requirements of applicable local, state, and federal law shall be met.

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8. The closure of the residential community at 8201 Minor Lane (Shadeswood Avenue), including the removal of all units, accessory structures, and other improvements (fences, satellite dishes, decks, etc.) shall be removed within 1-year of the meeting required by binding element 6.a, unless an extension is granted by the Planning Commission.

9. The applicant, developer, or property owner shall provide copies of these binding elements to all residents regardless of tenure.