

PLANNING COMMISSION MINUTES

April 24, 2025

PUBLIC HEARING

CASE NO. 24-ZONE-0062

Request: Change in zoning from R-4 single family residential to C-1 Commercial with a variance and a Detailed District Development Plan and Binding Elements

Project Name: Auto Zone

Location: 5862 New Cut Road and 7419 Star Lane

Applicant: Auto Zone Development, LLC.

Representative: Bardenwerper, Talbott and Roberts, PLLC.

Jurisdiction: Louisville Metro

Council District: 25 – Khalil Batshon

Case Manager: Molly Clark, 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 Office of Planning offices, 444 S. 5th Street.)

Agency Testimony:

02:21:00 Molly Clark provided an overview of the request and presented a PowerPoint presentation. Clark outlined the development plan, elevations, and access. Clark responded to questions from Commissioners. (See recording for details).

The following spoke in favor of this request:

John Talbott, 1000 N. Hurstbourne Parkway, Louisville, KY 40223

Summary of testimony of those in favor:

02:24:50 John Talbott spoke in favor of the request and presented a PowerPoint presentation. Talbott gave an overview of the proposed development plan, landscaping, tree canopy, parking, and elevations. Talbott responded to questions from Commissioners. (See recording for details).

The following spoke in opposition of this request:

None

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

Change in zoning from R-4 Residential to C-1 commercial

02:36:00 On a motion by Commissioner Mims, seconded by Commissioner Steff, the following resolution, based on the staff report, applicant and staff testimony heard today and staff analysis, was adopted.

WHEREAS, the Planning Commission finds the proposal meets Plan 2040 Community Form: Goal 1 because the proposal would represent a minor expansion of nonresidential uses into residential areas. Appropriate buffering and screening will be provided adjacent to residential development. There will be no displacement of residents and there will be no access provided along Star Lane that is used by residential uses. The site is along New Cut Rd, a Minor Arterial roadway. The site is approximately 690' from Outer Loop, a Major Arterial, and

WHEREAS, the Planning Commission finds the proposal meets Community Form: Goal 2 because the location is adjacent to an established activity center and Regional Center form district. There are a variety of commercial and industrial uses south of the site. Appropriate access and connectivity exist to support the proposal at this location. There is adequate vehicular and pedestrian access to the site and will be an extension of an existing activity center, and

WHEREAS, the Planning Commission finds the proposal meets Community Form: Goal 3 because the proposed development plan showing 20% tree preservation along areas adjacent to residential. The applicant will also be providing the required 30-foot parkway buffer. All of these requirements will minimize property damage and environmental degradation resulting from disturbance of natural systems, and

WHEREAS, the Planning Commission finds the proposal meets Community Form: Goal 4 because a home on 5862 New Cut Rd is proposed to be removed. Historic preservation staff has determined the structure does not meet thresholds for preservation under the wrecking ordinance. The proposed development plan showing 20% tree preservation along areas adjacent to residential. The applicant will also be providing the required 30-foot parkway buffer. This encourages the preservation of existing trees on the site and preserves distinctive cultural features including landscapes and natural elements, and

WHEREAS, the Planning Commission finds the proposal meets Mobility: Goal 1 because the site is adjacent to an established activity center in the Regional Center form district. The site is served by transit along New Cut Rd, and

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WHEREAS, the Planning Commission finds the proposal meets Mobility: Goal 2 because the site is accessed via existing public roadways and would not create access through areas of lower intensity, and

WHEREAS, the Planning Commission finds the proposal meets Mobility: Goal 3 because the proposed zoning would permit a variety of neighborhood serving uses in a location with adequate connectivity. Transit is available to the site. The proposed zoning would permit a mix of uses that allow for reduced vehicular trips. Sidewalks exist within the adjacent right-of-way. Upgrades or repairs may be required as needed, and

WHEREAS, the Planning Commission finds the proposal meets Community Facilities: Goal 2 because the subject site is located in an area served by existing utilities and is capable of being served by public or private utility extensions. The proposed development plan has received preliminary approval from MSD, and

WHEREAS, the Planning Commission finds the proposal meets Economic Development: Goal 1 because the proposed rezoning would locate commercial uses along New Cut Rd, a Minor Arterial roadway. The site is approximately 690' from Outer Loop, a Major Arterial, and

WHEREAS, the Planning Commission finds the proposal meets Housing: Goal 1 because the proposed zoning district would permit a variety of housing types and services that encourage aging in place, and

WHEREAS, the Planning Commission finds the proposal meets Housing: Goal 2 because the proposed zoning district would permit a variety of housing development including mixed use development, and

WHEREAS, the Planning Commission finds the proposal meets Housing: Goal 3 because no residents would be displaced. The proposed zoning district would permit a variety of housing options and development types that could increase the supply of fair and affordable housing; now, therefore be it.

RESOLVED, that the Louisville Metro Planning Commission does hereby **RECOMMEND** that the Louisville Metro Council **APPROVE** the Change-in-Zoning from R-4 Residential to C-1 commercial.

The vote was as follows:

YES: Commissioners Mims, Lannert, Benitez, Fischer, Steff, Bond, Cheek, and Sistrunk

ABSENT: Commissioners Kern and Lohan

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CASE NO. 24-ZONE-0062

Variance from section 5.3.1.C of the Land Development Code (LDC) to exceed the maximum front yard setback of 95 feet by up to 16.2 feet.

02:37:10 On a motion by Commissioner Mims, seconded by Commissioner Steff, the following resolution, based on the staff report, applicant and staff testimony heard today, was adopted:

WHEREAS, the Planning Commission finds the variance will not adversely affect public health, safety, or welfare and will not cause a hazard or nuisance to the public as it will not impede of pedestrian or vehicular maneuverability, and

WHEREAS, the Planning Commission finds the requested variance will not alter the essential character of the general vicinity and will not allow an unreasonable circumvention of the requirements of the zoning regulations as the proposed commercial use is setback similar to other commercial uses on New Cut Road. The lot is also an irregular shape which makes compliance difficult, and

WHEREAS, the Planning Commission finds the requested variances arises from circumstances which do not generally apply to the land in the general vicinity or in the same zone as the lot is an irregular shape, and

WHEREAS, the Planning Commission finds the strict application of the provisions of the regulation would deprive the applicant reasonable use of the land as the lot is an irregular shape, and

WHEREAS, the Planning Commission finds the circumstances are not the result of action of the applicant taken subsequent to the adoption of the zoning regulation from which relief is sought as the applicant has not begun construction; now, therefore be it.

RESOLVED, that the Louisville Metro Planning Commission does hereby **APPROVE** the requested Variance from section 5.3.1.C of the Land Development Code (LDC) to exceed the maximum front yard setback of 95 feet by up to 16.2 feet.

The vote was as follows:

YES: Commissioners Mims, Lannert, Benitez, Fischer, Steff, Bond, Cheek, and Sistrunk

ABSENT: Commissioners Kern and Lohan

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CASE NO. 24-ZONE-0062

Detailed District Development plan with binding elements

02:37:50 On a motion by Commissioner Mims, seconded by Commissioner Steff, the following resolution, based on the staff report, applicant and staff testimony heard today, was adopted:

WHEREAS, the Planning Commission finds the site does not have any environmentally sensitive areas, and

WHEREAS, the Planning Commission finds the Provisions for safe and efficient vehicular and pedestrian transportation within and around the development and the community has been provided, and Transportation Planning has approved the preliminary development plan, and

WHEREAS, the Planning Commission finds there are no open space requirements pertinent to this proposal, and

WHEREAS, the Planning Commission finds the Metropolitan Sewer District has approved the preliminary development plan and will ensure the provision of adequate drainage facilities on the subject site in order to prevent drainage problems from occurring on the subject site or within the community, and

WHEREAS, the Planning Commission finds the overall design of the project is consistent with existing and future development in the area, and

WHEREAS, the Planning Commission finds the plan is in conformance with the requirements of the Land Development Code; now, therefore be it

RESOLVED, that the Louisville Metro Planning Commission does hereby **APPROVE** the requested Detailed District Development plan subject to the following binding elements:

1. The development shall be in accordance with the approved district development plan, all applicable sections of the Land Development Code (LDC) and agreed upon binding elements unless amended pursuant to the Land Development Code. Any changes/additions/alterations of any binding element(s) shall be submitted to the Planning Commission or the Planning Commission's designee for review and approval; any changes/additions/alterations not so referred shall not be valid.
2. No outdoor advertising signs, small freestanding signs, pennants, balloons, or banners shall be permitted on the site.

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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, alteration permit or demolition permit is requested:
 - a. The development plan must receive full construction approval from Construction Review, Louisville Metro Public Works and the Metropolitan Sewer District.
 - b. Encroachment permits must be obtained from the Kentucky Transportation Cabinet.
 - c. A minor subdivision plat or legal instrument shall be recorded (creating the lot lines as shown on the development plan. A copy of the recorded instrument shall be submitted to the Division of Planning and Design Services prior to obtaining a building permit.
 - d. 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.
 - e. A reciprocal access and crossover easement agreement 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 prior to obtaining a building permit.
 - f. A Tree Preservation Plan in accordance with Chapter 10 of the LDC shall be reviewed and approved prior to obtaining approval for site disturbance.
 - g. The materials and design of proposed structures shall be substantially the same as depicted in the rendering as presented at the April 24, 2025, Planning Commission meeting. A copy of the approved rendering is available in the case file on record in the offices of the Louisville Metro Planning Commission.

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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. There shall be no outdoor music (live, piped, radio or amplified) or outdoor entertainment or outdoor PA system permitted on the site.
7. 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.
8. No idling of trucks shall take place within 200 feet of single-family residences. No overnight idling of trucks shall be permitted on-site.

The vote was as follows:

YES: Commissioners Mims, Lannert, Benitez, Fischer, Steff, Bond, Cheek, and Sistrunk

ABSENT: Commissioners Kern and Lohan