

Land Development and Transportation Committee Staff Report August 22, 2024



Case No:	22-ZONE-0090
Project Name:	Holloway & Son Construction
Location:	13698 Aiken Road, Parcel ID 002307350000
Applicant:	Holloway & Son Construction LLC
Representative:	Bardenwerper, Talbott & Roberts
Jurisdiction:	Louisville Metro
Council District:	19 – Anthony Piagentini
Case Manager:	Dante St. Germain, AICP, Senior Planner

REQUESTS

- **Change in form district** from Neighborhood Form to Suburban Workplace Form
- **Change in zoning** from R-4 Single Family Residential and M-2 Industrial to R-4 Single Family Residential, C-M Commercial Manufacturing and M-2 Industrial
- **Waiver** from 10.2.10 to omit the required Vehicular Use Area (VUA) LBA along Aiken Road, and waive the required plantings in the area of encroachment (22-WAIVER-0148)
- **Detailed District Development Plan** with Binding Elements

CASE SUMMARY

The subject site is located on Aiken Road immediately to the east of I-265 and consists of two contiguous lots. The portion of the site that is closest to Aiken Road is already zoned M-2. The applicant proposes to rezone the remainder of the site to C-M in order to allow for the construction of contractors shops with the potential for light industrial uses.

Industrial uses are located to the east along Aiken Road across the railway line. Industrial uses are also located to the west across I-265. The Lake Forest subdivision is located nearby to the east, but is separated from the site by open space and undeveloped lots owned by entities associated with Lake Forest. Chenoweth Run passes through the middle of the site, and a Texas Gas easement is located along the eastern boundary of the site.

The site is located within the study area for the Old Henry Subarea Plan, in Planning Area 3. The site is partially within one of the proposed “residential collars” and partially outside that area.

STAFF FINDING

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

TECHNICAL REVIEW

MSD and Transportation Planning have provided preliminary approval of the proposal.

INTERESTED PARTY COMMENTS

Numerous comments have been received by staff in opposition to the request. Neighbor concerns include traffic along Aiken Road, the proximity of truck parking to residential properties, and concerns that the property is already out of compliance with its zoning.

A petition for a night hearing at a convenient location has been received and verified by staff to contain at least 300 eligible signatures.

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

STAFF ANALYSIS FOR CHANGE IN ZONING

The site is partially located in the Suburban Workplace Form District and the applicant requests Suburban Workplace for a portion of the remainder of the site:

A 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.

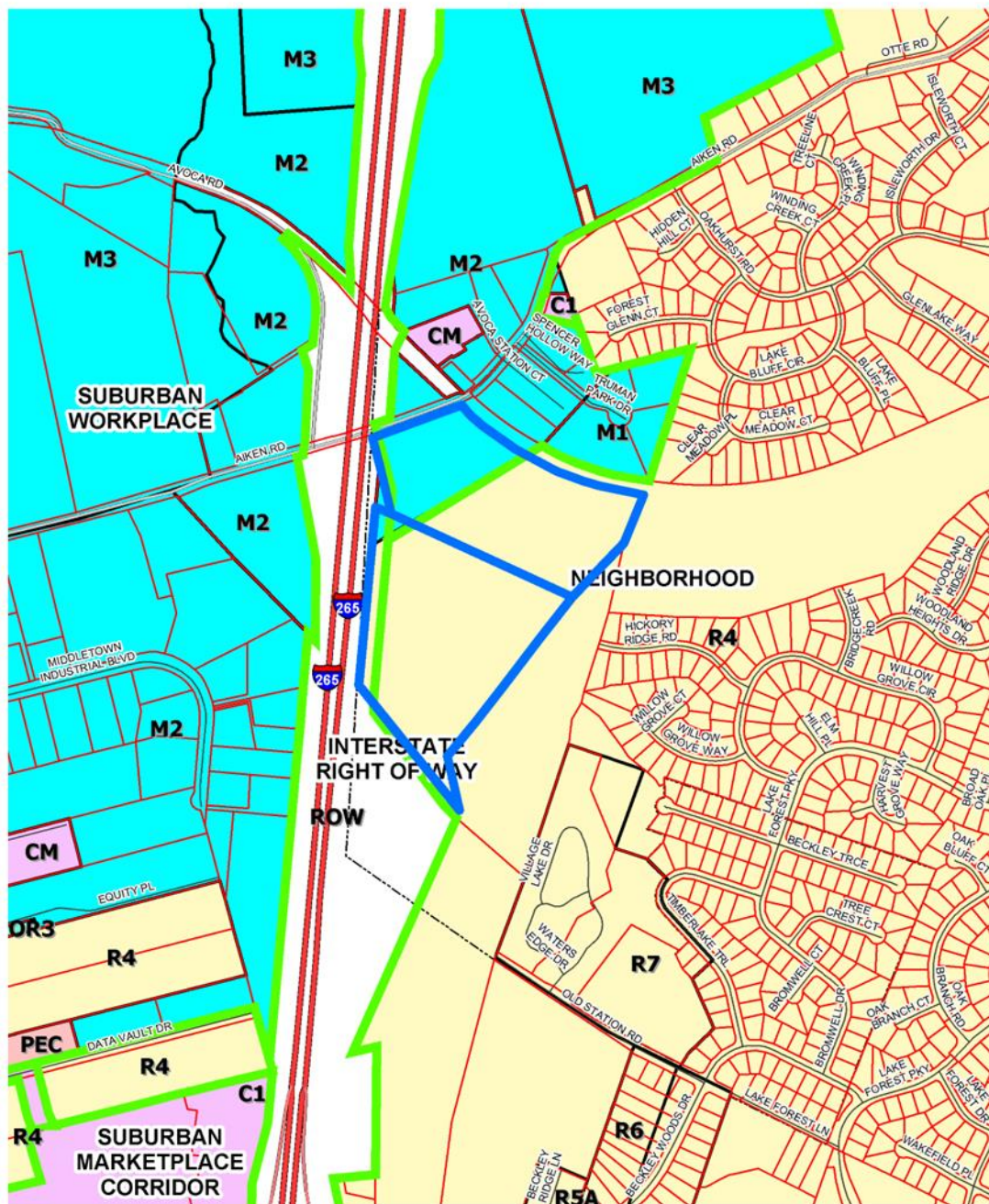
NOTIFICATION

Date	Purpose of Notice	Recipients
07/26/2024	Hearing before LD&T	1 st and 2 nd tier adjoining property owners and current residents Registered Neighborhood Groups in Council District 19
	Hearing before PC	1 st and 2 nd tier adjoining property owners and current residents Registered Neighborhood Groups in Council District 19
	Hearing before PC	Sign Posting on property
	Hearing before PC	Legal Advertisement in the Courier-Journal

ATTACHMENTS

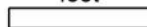
1. Zoning Map
2. Aerial Photograph
3. Proposed Binding Elements

1. Zoning Map



13698 Aiken Road

feet



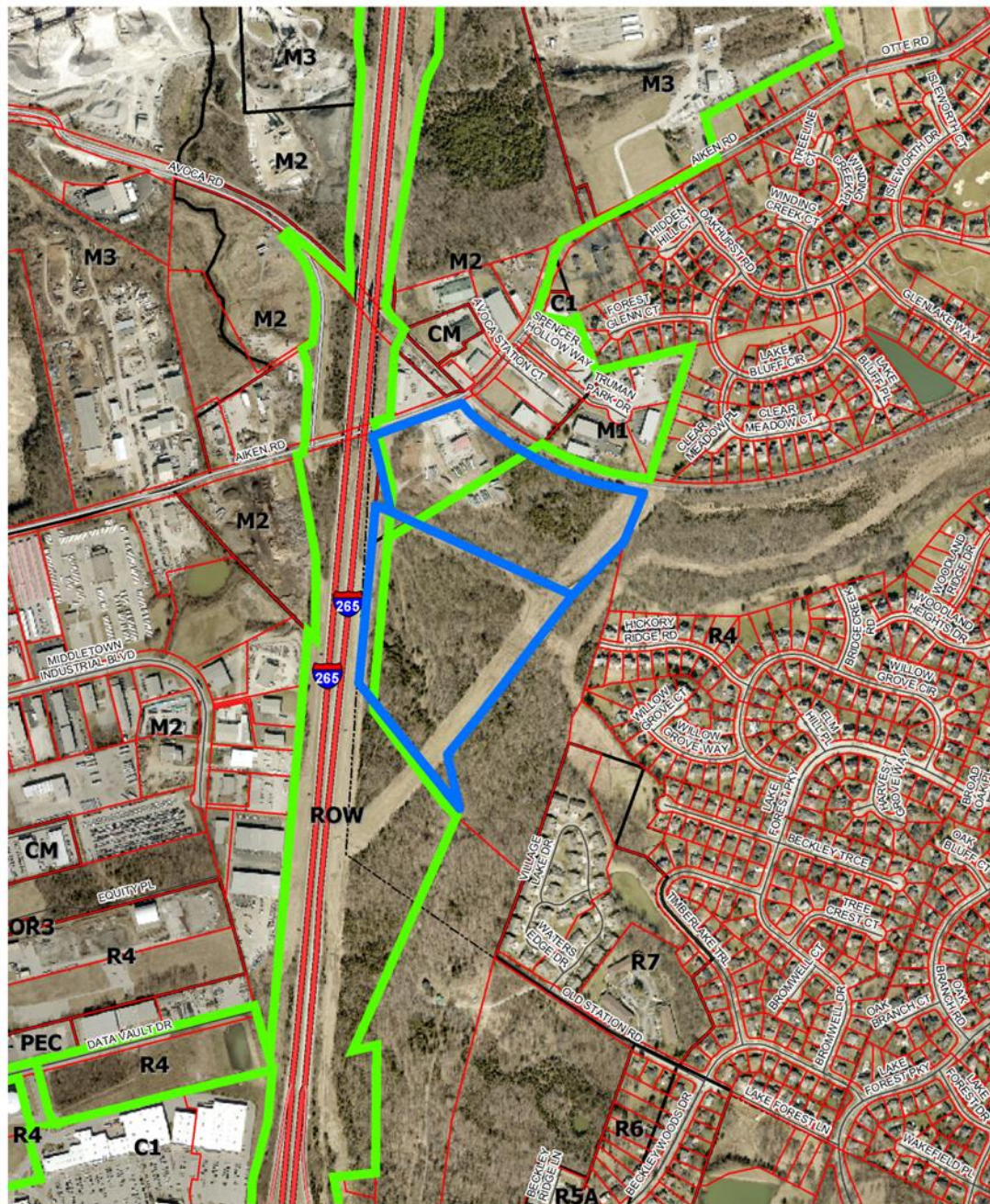
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Map Created: 6/8/2022



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2. Aerial Photograph



13698 Aiken Road
feet

740

Map Created: 6/8/2022



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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. No outdoor advertising signs, small freestanding signs, pennants, balloons, or banners shall be permitted on the site.
3. Construction fencing shall be erected when off-site trees or tree canopy exists within 3' of a common property line. Fencing shall be in place prior to any grading or construction to protect the existing root systems from compaction. The fencing shall enclose the entire area beneath the tree canopy and shall remain in place until all construction is completed. No parking, material storage or construction activities are permitted within the protected area.
4. Before any permit (including but not limited to building, parking lot, change of use, site disturbance, 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. The property owner/developer must obtain approval of a detailed plan for screening (buffering/landscaping) as described in Chapter 10 prior to requesting a certificate of occupancy. Such plan shall be implemented prior to occupancy of the site and shall be maintained thereafter.
 - c. A Tree Preservation Plan in accordance with Chapter 10 of the LDC shall be reviewed and approved prior to obtaining approval for site disturbance.
 - d. The materials and design of proposed structures shall be substantially the same as depicted in the rendering as presented at the _____, 2024 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.
5. There shall be no outdoor music (live, piped, radio or amplified) or outdoor entertainment or outdoor PA system audible beyond the property line.
6. No idling of trucks shall take place within 200 feet of residential structures. No overnight idling of trucks shall be permitted on-site.
7. 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.
8. 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.