

PLANNING COMMISSION MINUTES

February 6, 2025

PUBLIC HEARING

CASE NO. 24-ZONE-0115

Request: Change in Zoning from R-4 Single- Family Residential to C-M Commercial Manufacturing, a Detailed District Development Plan with Binding Elements, and Waiver(s).

Project Name: Race Road Storage

Location: 11401 Race Road

Applicant: Iron Will Ventures, LLC

Representative: Bardenwerper, Talbott & Roberts, PLLC

Jurisdiction: Louisville Metro

Council District: 22 – Kevin Bratcher

Case Manager: Amy Brooks, Planning Supervisor

Notice of this public hearing appeared in The Courier Journal, a notice was posted on the property, and notices were sent by first class mail to those adjoining property owners whose names were supplied by the applicants.

The staff report prepared for this case was incorporated into the record. The Commissioners received this report in advance of the hearing, and this report was available to any interested party prior to the public hearing. (Staff report is part of the case file maintained in Office of Planning offices, 444 S. 5th Street.)

Agency Testimony:

02:41:48 Amy Brooks provided an overview of the request and presented a PowerPoint presentation. Brooks responded to questions from Commission Members (see video for details).

The following spoke in favor of this request:

John Talbott, 1000 N. Hurstbourne Parkway, 2nd floor, Louisville, KY 40223

Kathy Linares, 5151 Jefferson Boulevard, Louisville, KY 40219

Summary of testimony of those in favor:

02:46:17 John Talbott spoke in support of the request and presented a PowerPoint presentation. Talbott responded to questions from Commission Members (see recording for details).

03:00:52 Kathy Linares spoke in support of the request. Linares responded to questions about the storm water runoff, stating that the catch basin will take the water to the detention basin (see recording for details).

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03:05:16 Discussion on adding language for three additional binding elements (Binding Elements 10-12).

Deliberation:

03:17:30 Planning Commission deliberation.

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 single-family residential to C-M Commercial Manufacturing

03:17:40 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 zoning change would only represent a minor expansion of a non-residential use into a residential area. There is a non-residential use to the north. Appropriate transitions and screening should be provided adjacent to remaining residential zoning. Appropriate transitions and screening are being provided where adjacent to remaining residential uses, and

WHEREAS, the Planning Commission finds the proposal meets Community Form: Goal 2 because the location is near a growing activity center. There are a variety of commercial uses and residential development types in close proximity to the subject site. Activity centers should effectively integrate non-residential uses within neighborhoods in a manner that provides convenient service to residents while protecting the character of the neighborhood. The proposed zoning changes are in close proximity to higher classification roads that could support the increased traffic generated by an increase in the intensity of the use, and

WHEREAS, the Planning Commission finds the proposal meets Community Form: Goal 3 because appropriate measures to protect health, safety, and welfare of the development in environmentally sensitive areas will be followed, and

WHEREAS, the Planning Commission finds the proposal meets Community Form: Goal 4 because the development site will preserve existing mature trees wherever possible around the subject site, and

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WHEREAS, the Planning Commission finds the proposal meets Mobility: Goal 1 because the proposed zoning district allows for higher density and intensity to be located in an area that is near a growing activity center. Bardstown Rd connects the site to population and employment centers, and

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 development is near an expanding commercial activity center. The zoning district allows a wide variety of compatible land uses. The applicant is also providing sidewalks in an area that lacks pedestrian connection, and

WHEREAS, the Planning Commission finds the proposal meets Community Facilities: Goal 2 because while the site along Race Rd is not served by an existing public sewer, the plan has been preliminarily approved by MSD. The site may be subject to Health Department approval if plumbing and waste system is required. Utility service will be coordinated with all appropriate agencies, and

WHEREAS, the Planning Commission finds the proposal meets Livability: Goal 1 because, while the site has karst susceptibility, and two areas of concerns were noted on the Karst Survey, a proposed binding element addresses recommended construction techniques, and

WHEREAS, the Planning Commission find the proposal meets Housing: Goal 1 because the proposal zoning district would permit a variety of housing options in an area with access to services, amenities and employment opportunities, and

WHEREAS, the Planning Commission finds the proposal meets Housing: Goal 2 because residents would not be displaced by the proposal, and

WHEREAS, the Planning Commission finds the proposal meets Housing: Goal 3 because the proposed zoning allows for mixed uses and a variety of housing options that promotes the provisioning 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 single-family residential to C-M Commercial Manufacturing.

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The vote was as follows:

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

ABSENT: Commissioner Benitez

1. Waiver of Land Development Code (LDC), Section 10.2.4 to reduce the required landscape buffer area (LBA) on the southern property line from 35' to 15' (24-WAIVER0174)

2. Waiver of LDC, Section 5.5.2.B.1.a to omit the vehicular and pedestrian connections between abutting non-residential uses (24-WAIVER-0175)

03:18:37 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:

(Waiver 1) **WHEREAS**, the Planning Commission finds the waiver will not adversely affect adjacent property owners because the request for a reduced landscape buffer area (LBA) width is limited in scope. The lineal distance on the southern property measures more than four hundred and fifty feet. However, the applicant will be providing the required 35' width on more than 220 feet of the property, specifically where the closest residential property to southeast is located. Furthermore, the applicant is proposing to provide all required screening and plantings along the property perimeter to shield the neighboring residences from the on-site parking and storage, and

WHEREAS, the Planning Commission finds the waiver will not violate specific guidelines of Plan 2040. Community form Goal 1, Policy 4 seeks to ensure an appropriate transition between uses that are substantially different in scale and intensity or density of development. The transition may be achieved through methods such as landscaped buffer yards, vegetative berms, compatible building design and materials, height restrictions and setback requirements. Although the applicant is requesting a reduced landscape buffer width, the proposed vegetation and screening will serve as an appropriate shielding between two substantially different uses. The applicant is also providing the required tree canopy and an onsite detention basin to mitigate the runoff that would be generated by an impervious expansion of this size, and

WHEREAS, the Planning Commission finds the extent of the waiver of the regulation is the minimum necessary to afford relief to the applicant as the subject property would not be able to be developed for the proposed use without relief from this landscape buffer because of existing site conditions. The property has limited buildable area without relief from the prescribed regulations, and

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WHEREAS, the Planning Commission finds the strict application of the provisions of the regulation would create an unnecessary hardship on the applicant as development is severely restricted due to existing steep slopes and a 15- foot drainage easement on the northern property line; now, therefore be it

(Waiver 2) **WHEREAS**, the Planning Commission finds the waiver will not adversely affect adjacent property owners. The proposed use will be a secure facility, and the pedestrian cross connection would be infeasible, and

WHEREAS, the Planning Commission finds Community Form Goal 2, Policy 14 calls to encourage adjacent development sites to share entrance and parking facilities in order to reduce the number of curb cuts and the amount of surface parking. Community Form Goal 2, Policy 16 calls to encourage activity centers to be easily accessible by bicycle, car, transit, and for pedestrians and people with disabilities. Mobility Goal 1, Policy 6 calls for developments meeting established thresholds, provide facilities that support an efficient public transportation system such as convenient access to and across pedestrian, bicycle and roadway facilities. Mobility Goal 2, Policy 3 calls to provide adequate street stubs for future roadway connections in new development and redevelopment that support access and contribute to appropriate development of adjacent lands. Mobility Goal 2, Policy 6 calls to ensure that the internal circulation pattern for streets within a development be designed with an appropriate functional hierarchy of streets and appropriate linkages with existing and future development. Mobility Goal 3, Policies 1-5, 9, 12, 17, 18, 20 call to provide transportation services and facilities to promote and accommodate growth and change in activity centers through improved access management. Provide walking and bicycling opportunities to enable activity centers to minimize single-occupant vehicle travel. Encourage a mix of complementary neighborhood serving businesses and services in neighborhood and village centers to encourage short trips easily made by walking or bicycling. To improve mobility, and reduce vehicle miles traveled and congestion, encourage a mixture of compatible land uses that are easily accessible by bicycle, car, transit, pedestrians, and people with disabilities. Evaluate developments for their ability to promote public transit and pedestrian use. Encourage development of walkable centers to connect different modes of travel. Evaluate developments for their impact on the transportation network (including the street, pedestrian, transit, freight movement and bike facilities and services) and air quality. When existing transportation facilities and services are inadequate and public funds are not available to rectify the situation, the developer may be asked to make improvements, roughly proportional to the projected impact of the proposed development, to eliminate present inadequacies if such improvements would be the only means by which the development would be considered appropriate at the proposed location. Ensure that transportation facilities of new developments are compatible with and support access to surrounding land uses and contribute to the appropriate development of adjacent lands.

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The waiver will not violate the Comprehensive Plan, as adequate circulation is provided around the subject site, and

WHEREAS, the Planning Commission finds the extent of the waiver of the regulation is the minimum necessary to afford relief to the applicant, and

WHEREAS, the Planning Commission finds the strict application of the provisions of the regulation would create an unnecessary hardship on the applicant, as the proposed use would contain security fencing, and cross connectivity to the north would be infeasible with the security needs of the use; now, therefore be it

RESOLVED, that the Louisville Metro Planning Commission does hereby **APPROVE** the requested Waiver from section 10.2.4 of the Land Development Code to omit the required property perimeter landscape buffer planting requirements (24-WAIVER-0162).

The vote was as follows:

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

ABSENT: Commissioner Benitez

Detailed District Development Plan with Binding Elements

03:19:50 On a motion by Commissioner Mims, seconded by Commissioner Steff, the following resolution, based on the staff report, staff analysis, and testimony heard today, was adopted:

WHEREAS, the Planning Commission finds the conservation of natural resources on the property proposed for development, including trees and other living vegetation, steep slopes, water courses, flood plains, soils, air quality, scenic views, and historic sites will be provided. The applicant is proposing limited construction on the existing steep slopes, and

WHEREAS, the Planning Commission finds provisions for safe and efficient vehicular and pedestrian transportation within and around the development site, and the community will be provided. Metro Public Works has approved the preliminary development plan, and

WHEREAS, the Planning Commission finds no open space is necessary for the development, and

WHEREAS, the Planning Commission finds the Metropolitan Sewer District has approved the preliminary development plan and will ensure the provisions of adequate drainage

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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 site design and land uses are generally compatible with the existing and future development of the area within this specific form district. The applicant will provide the required landscape buffering and screening to mitigate the use and scale of the development on adjacent residentially zoned properties and public roadways. Furthermore, the applicant's site design is in conformance with the Land Development Code's regulations regulating parking lot layout in the Neighborhood form district, and

WHEREAS, the Planning Commission finds the development plan conforms to applicable guidelines and policies of the Comprehensive Plan and to requirements of the Land Development Code; now, therefore be it

RESOLVED, that the Louisville Metro Planning Commission does hereby **APPROVE** the Detailed District Development Plan **SUBJECT** to the following Binding Elements:

1. The development shall be in accordance with the approved district development plan, all applicable sections of the Land Development Code (LDC) and agreed upon binding elements unless amended pursuant to the Land Development Code. Any changes/additions/alterations of any binding element(s) shall be submitted to the Planning Commission or the Planning Commission's designee for review and approval; any changes/additions/alterations not so referred shall not be valid.
2. No outdoor advertising signs, small freestanding signs, pennants, balloons, or banners shall be permitted on the site.
3. Construction fencing shall be erected when off-site trees or tree canopy exists within 3' of a common property line. Fencing shall be in place prior to any grading or construction to protect the existing root systems from compaction. The fencing shall enclose the entire area beneath the tree canopy and shall remain in place until all construction is completed. No parking, material storage or construction activities are permitted within the protected area.
4. Before any permit (including but not limited to building, parking lot, change of use, site disturbance, 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.

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- b. Encroachment permits must be obtained from the Kentucky Transportation Cabinet.
 - 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.
 - d. A Tree Preservation Plan in accordance with Chapter 10 of the LDC shall be reviewed and approved prior to obtaining approval for site disturbance.
 - e. The materials and design of proposed structures shall be substantially the same as depicted in the rendering as presented at the February 6, 2025, Planning Commission (DRC/LD&T) meeting. A copy of the approved rendering is available in the case file on record in the offices of the Louisville Metro
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.
 9. The development shall be constructed in accordance with the techniques outlined in the Karst Survey dated October 16, 2024, prepared by ECS Southeast. A licensed geotechnical engineer shall be on the construction site to observe and verify that the correct treatment is applied during construction. The licensed geotechnical engineer shall submit a letter to the Office of Planning stating that the approved treatment method was applied.

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10. Only the following vehicles shall be permitted to be stored on site: all passenger vehicles, light and medium duty trucks, utility trailers of less than 16 feet, boats and boat trailers, and RVs.
11. There shall be no outdoor storage of materials and equipment other than: all passenger vehicles, light and medium duty trucks, utility trailers of less than 16 feet, boats and boat trailers, and RVs.
12. Applicant will work with Public Works for installing appropriate traffic signage for construction approval.

The vote was as follows:

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

ABSENT: Commissioner Benitez