

## PLANNING COMMISSION MINUTES

April 10, 2025

### PUBLIC HEARING

#### CASE NO. 25-AMEND-0001

Request:	Amendment to a Binding Element
Project Name:	Mini-Warehouse
Location:	11905 Dixie Highway
Applicant:	11905 DIXIE, LLC
Representative:	Wyatt, Tarrant & Combs, LLP
Jurisdiction:	Louisville Metro
Council District:	14 – Crystal Bast
Case Manager:	Zach Schwager, Planner I

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:

01:29:50 Zach Schwager provided an overview of the request and presented a PowerPoint presentation. Schwager responded to questions from Commission Members (see recording for details).

#### The following spoke in favor of this request:

John Baker, 400 W Market St, Suite 2000, Louisville, KY 40202

Patti Evans, 3014 Rexford Way, Louisville, KY 40205

#### Summary of testimony of those in favor:

01:34:00 John Baker spoke in favor of the request and stated that zoning restrictions such as limitations on heavy trucks have made the property less attractive. Baker stated that the property owner is requesting amendments to development restrictions allowing more flexibility. Baker responded to questions from Commission Members (see recording for details).

01:38:30 Patti Evans spoke in favor of the request and mentioned the challenges faced due to zoning restrictions. Evans stated that restrictions making the property unmarketable and unsellable. Evans stated that potential buyers are not interested due to time, cost and complexity. Evans responded to questions from Commission Members (see recording for details).

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#### Deliberation:

01:42:10 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.**

#### Amendment to Binding Elements

01:42:55 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 there do not appear to be any environmental constraints or historic resources on the subject site. There are no changes to the existing landscape plan in place, and

**WHEREAS**, the Planning Commission finds the provisions for safe and efficient vehicular and pedestrian transportation within and around the development and the community is provided and will be maintained, and

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

**WHEREAS**, the Planning Commission finds the Metropolitan Sewer District approved the preliminary development plan under case #22-DDP-0009, which is not being altered under this request, 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 site design and land uses are compatible with the existing and future development of the area, 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 as M-1 uses are permitted in the C-M zoning district. Also, the property is located on Dixie Highway, which is a major arterial street classification and Economic Development Goal 1, Policy 5 requires industrial developments to locate with the appropriate transportation connectivity, near an arterial street or within existing industrial subdivisions; now, therefore be it

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**RESOLVED**, that the Louisville Metro Planning Commission does hereby **RECOMMEND** to the Louisville Metro Council to **APPROVE** the Amendment to 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 Louisville Metro Department of Inspections, Permits and Licenses, Louisville Metro Public Works and the Metropolitan Sewer District.
  - b. Encroachment permits must be obtained from the Kentucky Department of Transportation, 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.
  - d. A minor plat or legal instrument shall be recorded consolidating the property into one lot. A copy of the recorded instrument shall be submitted to the Division of Planning and Design Services; transmittal of the approved plans to the office responsible for permit issuance will occur only after receipt of said instrument.
  - e. A Tree Preservation Plan in accordance with Chapter 10 of the LDC shall be reviewed and approved prior to obtaining approval for site disturbance.

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5. Prior to any site disturbance permit being issued and prior to any clearing, grading or issuance of a site disturbance permit, a site inspection shall be conducted by PDS staff to ensure proper placement of required tree protection fencing in accordance with the approved Tree Preservation Plan.
6. 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.
7. There shall be no outdoor music (live, piped, radio or amplified) or outdoor entertainment or outdoor PA system audible beyond the property line.
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 materials and design of proposed structures shall be substantially the same as depicted in the rendering as presented at the November 2, 2017, and May 12, 2022, Planning Commission hearings.
10. There shall be no storage of coal ash/fly ash on the premises.
11. The sidewalks along E. Orell Rd. shall be extended to the Orell Rd. intersection.

#### **The vote was as follows:**

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

**ABSENT: Commissioners Cheek and Kern**