

# Land Development and Transportation Committee

## Staff Report

July 13, 2023



<b>Case No:</b>	23-ZONE-0141
<b>Project Name:</b>	13110 Old Henry Rd
<b>Location:</b>	13110 Old Henry Rd
<b>Owner(s):</b>	WSA Realty Properties LLC
<b>Applicant:</b>	WSA Realty Properties LLC
<b>Jurisdiction:</b>	Louisville Metro
<b>Council District:</b>	17-Markus Winkler
<b>Case Manager:</b>	Jay Lockett, AICP, Planner II

### REQUEST(S)

- **Change in zoning** from R-4 and M-2 to PEC
- **Waiver** of Land Development Code section 10.2.10 to not provide a Vehicle Use Area Landscape Buffer Area adjacent to the 30' private access easement.
- **Detailed District Development Plan** with Binding Elements

### CASE SUMMARY/BACKGROUND

The applicant is proposing to construct outdoor storage truck parking. The subject site is within the Suburban Workplace form district along Old Henry Rd just west of the Gene Snyder Freeway. There is an existing access easement that crosses the site that serves existing industrial uses in the area. The proposal is within the Old Henry Rd Subarea plan originally adopted in May of 2000.

### STAFF FINDING

The proposal is ready for a public hearing.

### TECHNICAL REVIEW

The proposed development plan has been approved by MSD and Transportation Planning.

### 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**

Following is staff's analysis of the proposed rezoning against the Guidelines and Policies of Plan 2040.

### **The site is located in the Suburban Workplace Form District**

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.

The Louisville Metro Planning Commission is charged with making a recommendation to the Louisville Metro Council regarding the appropriateness of this zoning map amendment.

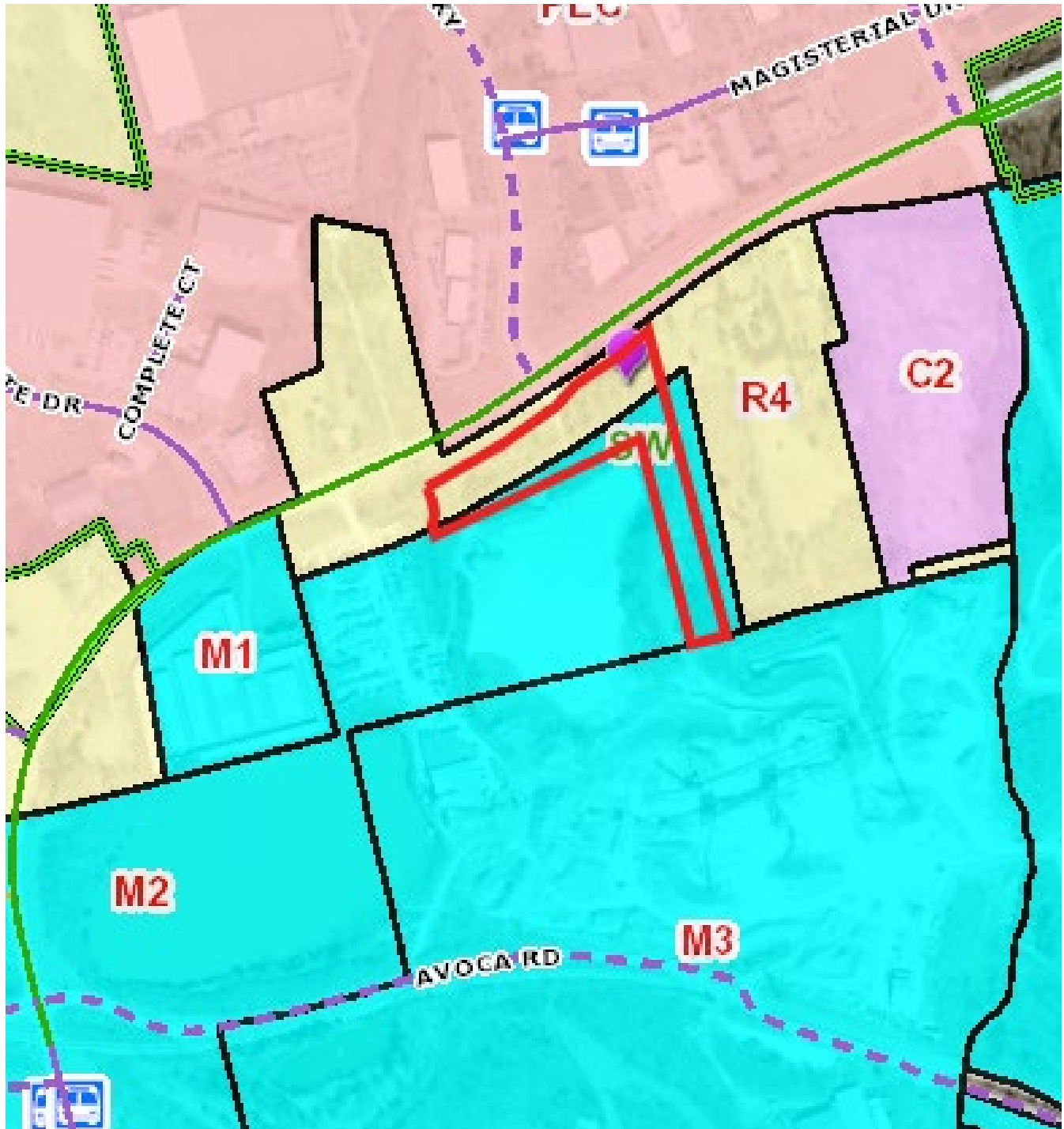
## **NOTIFICATION**

Date	Purpose of Notice	Recipients
6-28-23	Hearing before LD&T	1 <sup>st</sup> and 2 <sup>nd</sup> tier adjoining property owners and current residents Registered Neighborhood Groups in Council District 17
	Hearing before ____	1 <sup>st</sup> and 2 <sup>nd</sup> tier adjoining property owners and current residents Registered Neighborhood Groups in Council District 17
	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. 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.
3. 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 building permit. 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.
4. 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.
5. 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.
6. Prior to requesting a certificate of occupancy for the site, the developer/property owner/applicant shall construct sidewalks along the frontages of 12905 Old Henry Rd and 13103 Old Henry Rd as shown on the sidewalk submitted 5-18-23 on file with Planning and Design Services.