

PLANNING COMMISSION MINUTES

February 6, 2025

PUBLIC HEARING

CASE NO. 24-ZONE-0113

Request: Change in Zoning from R-4 Single- Family Residential to C-2 Commercial with a Detailed District Development Plan with Binding Elements, Conditional Use Permit, Variance(s), and Waiver(s).

Project Name: Old Bardstown Road Mini Warehouse

Location: 8915 Old Bardstown 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:

01:19:15 Amy Brooks provided an overview of the request and presented a PowerPoint presentation (see recording for details).

The following spoke in favor of this request:

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

Corey Phillippe, 4195 Blenheim Road, Louisville, KY 40207

Kathy Linares, 5151 Jefferson Boulevard, Louisville, KY 40219

Summary of testimony of those in favor:

01:25:05 John Talbott spoke in support of the request and presented a PowerPoint presentation. Talbott stated they have not received any letters of opposition from the McFarland's who own a residence to the south of the proposed site but did get an opportunity to speak with them today about the details of the plan. Talbott responded to questions from Commission Members (see recording for detailed presentation).

PLANNING COMMISSION MINUTES

February 6, 2025

PUBLIC HEARING

CASE NO. 24-ZONE-0113

01:41:50 Corey Phillippe spoke in support of the request. Phillippe stated the proposed hours will be 9am to 5pm, but customers will not be able to access their units between the hours of 10pm and 5am.

01:44:19 Kathy Linares spoke in support of the request. Linares answered questions about the proposed Cooper Chapel Road extension.

01:48:12 Michael Smith responded to Commission Members questions, stating that the unit is of traditional size and no vehicles will pull into the unit, but it will be a drive-up storage. Smith also stated that the doors on the front are faux doors to meet the architectural requirements for the façade of the building. Smith responded to additional questions from Commission Members (see recording for details).

The following spoke in opposition of this request:

Tim Maddox, Bardstown Woods Homeowners Association, 10700 Slippy Elm Drive, Louisville, KY 40291

Michael Witten, 10706 Slippy Elm Drive, Louisville, KY 40291

Lori McCarty, 10701 Slippy Elm Drive, Louisville, KY 40291

Betty Jo Riddle, 10906 Bardstown Woods Boulevard, Louisville, KY 40291

Kenny Riddle, 1906 Bardstown Woods Boulevard, Louisville, KY 40291

Yvonne Nantz, 10911 Bardstown Woods Boulevard, Louisville, KY 40291

Summary of testimony of those in opposition:

01:58:33 Tim Maddox spoke in opposition of the request. Maddox expressed concern with the change in zoning from residential to commercial. Maddox also had concerns with the warehouse not fitting in with the residential neighborhood and will lower the property value of the homes (see recording for details).

02:00:17 Michael Witten spoke in opposition of the request. Witten expressed concern with small businesses utilizing the proposed warehouse and traffic (see recording for details).

02:02:34 Lori McCarty spoke in opposition of the request. McCarty expressed concern with the proposed site lowering property values, crime, noise, and an increase in traffic (see recording for details).

PLANNING COMMISSION MINUTES

February 6, 2025

PUBLIC HEARING

CASE NO. 24-ZONE-0113

02:05:51 Debbie Jo Riddle spoke in opposition of the request. Riddle expressed concern with traffic and large trucks from the proposed site (see recording for details).

02:09:51 Kenny Riddle spoke in opposition of the request. Riddle stated that the rendering shown in John Talbott's presentation is disproportionate to the actual layout of the neighborhood (see recording for details).

02:13:44 Yvonne Nantz spoke in opposition of the request. Nantz expressed concern with the traffic and the size of the proposed warehouse. Nantz stated that the road leading from her subdivision is a two-lane road (see recording for details).

Rebuttal:

02:16:18 John Talbott cross examined Kenny Riddle and asked him if the McFarland's were at the hearing and if they left. Riddle confirmed they left the hearing. Talbott continued with his rebuttal by stating that traffic will not be affected on Old Bardstown Road by the proposed development, and there should be no impact to the residents of Old Bardstown Road. Talbott responded to questions from Commission Members (see recording for details).

Deliberation:

02:26:23 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-2 Commercial

02:33:45 On a motion by Commissioner Cheek, seconded by Commissioner Lannert, 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 an extension of a commercial activity center. There is a growing commercial presence (south of the site) that has been established between Old Bardstown and Bardstown Roads. 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 development is within a growing commercial activity center. The activity

PLANNING COMMISSION MINUTES

February 6, 2025

PUBLIC HEARING

CASE NO. 24-ZONE-0113

center is located between Old Bardstown Road and Bardstown Road where higher intensity commercial uses should be located. The Neighborhood Form District calls for neighborhood centers at a scale that is appropriate for nearby neighborhoods. There will be appropriate access and connectivity provided to the development site, 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. A conducted Karst Survey did not indicate any areas of concern, 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

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. The growing activity center appears to be between Old Bardstown Road and Bardstown Road, which connects the 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 all improvements or methods of compliance to provision pedestrian and transit infrastructure will be provided. The site is located near population centers, and

WHEREAS, the Planning Commission finds the proposal meets Community Facilities: Goal 2 because the applicant is proposing to connect to the Cedar Creek Water Quality Treatment Plant. Utility service will be coordinated with all appropriate agencies, and

WHEREAS, the Planning Commission finds the proposal meets Livability: Goal 1 because the site does not have potential for erosion or other environmental concerns, and

WHEREAS, the Planning Commission finds 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

PLANNING COMMISSION MINUTES

February 6, 2025

PUBLIC HEARING

CASE NO. 24-ZONE-0113

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-2 Commercial

The vote was as follows:

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

NO: Commissioner Kern

ABSTAIN: Commissioner Benitez

Conditional Use Permit to allow a mini-warehouse with relief from items 'A' and 'F' (LDC 4.2.35).

02:35:04 On a motion by Commissioner Cheek, seconded by Commissioner Lannert, 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 is consistent with applicable policies of the Comprehensive Plan, Plan 2040, and

WHEREAS, the Planning Commission finds the proposal is compatible with surrounding land uses and the general character of the area including factors such as height, bulk, scale, intensity, traffic, noise, odor, drainage, dust, lighting and appearance. There are residential uses along the property lines; however, the site will both screened and landscaped to mitigate potential impacts, and

WHEREAS, the Planning Commission finds all necessary on-site and off-site public facilities such as transportation, sanitation, water, sewer, drainage, emergency services, education and recreation adequate to serve the proposed use are available or will be provided. MSD has preliminary approved the proposal with the understanding that sanitary sewer will connect to the Cedar Creek Water Quality Treatment Plant by a lateral extension agreement, and

WHEREAS, the Planning Commission finds the development of mini warehouses will require a conditional use permit. A portion of the pavement will be located closer than 30 feet to both the northern and southern property lines. However, that encroachment will be limited; only the drives lanes will be located closer than the standard requirement. This

PLANNING COMMISSION MINUTES

February 6, 2025

PUBLIC HEARING

CASE NO. 24-ZONE-0113

will limit the impact on the residential uses that are located on the adjacent properties. Mini-warehouses do not generate the same traffic and parking demand as other commercial uses. However, because the units are enclosed in the building, there will be less of an impact on any adjacent residential uses. Moreover, the applicant is providing landscaping and screening that will minimize the impact of the proposal on the residential properties that surround the area. Furthermore, all required parkway setbacks and buffers are being maintained; now, therefore be it

RESOLVED, that the Louisville Metro Planning Commission does hereby **APPROVE** the requested Conditional Use Permit to allow a mini-warehouse with relief from items 'A' and 'F' (LDC 4.2.35).

The vote was as follows:

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

NO: Commissioner Kern

ABSTAIN: Commissioner Benitez

Parking Waiver from Land Development Code (LDC), Section 9.1.2 to reduce the minimum number of required parking spaces (24-PARKWAIVER-0017).

02:35:55 On a motion by Commissioner Cheek, seconded by Commissioner Lannert, 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 parking waiver conforms to Plan 2040. Parking is being minimized based on demand for similar facilities which reduces unnecessary impervious surfaces caused by over parking, and

WHEREAS, the Planning Commission finds the applicant has provided parking spaces thought to be necessary to serve the use based on the parking demand for similar uses, and

WHEREAS, the Planning Commission finds the requested waiver is an appropriate reduction based on the demonstrated demand of similar facilities, and

WHEREAS, the Planning Commission finds adjacent or nearby properties will not be adversely affected, and

PLANNING COMMISSION MINUTES

February 6, 2025

PUBLIC HEARING

CASE NO. 24-ZONE-0113

WHEREAS, the Planning Commission finds the requirements found in table 9.1.2 do not accurately depict the parking needs of the proposed use as demonstrated in the applicant's parking study of similar uses, and

WHEREAS, the Planning Commission finds the parking study does not demonstrate that on-street or public spaces are needed for overflow. The site provides some extra spaces beyond the demonstrated demand in the event there is overflow; now, therefore be it

RESOLVED, that the Louisville Metro Planning Commission does hereby **APPROVE** the Parking Waiver from Land Development Code (LDC), Section 9.1.2 to reduce the minimum number of required parking spaces (24-PARKWAIVER-0017).

The vote was as follows:

YES: Commissioners Cheek, Fischer, Steff, Lannert, Bond, and Lohan

NO: Commissioners Mims, Kern, Sistrunk

ABSTAIN: Commissioner Benitez

Variances: from Land Development Code (LDC), Section 5.3.1, Table 5.3.2 to vary the residential to non-residential setbacks to allow for the encroachment of drive lanes. (24- VARIANCE-0150).

02:37:15 On a motion by Commissioner Cheek, seconded by Commissioner Lannert, 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 requested variances will not adversely affect the public health, safety or welfare as the encroachment into the side yard setbacks does not affect the existing sightlines nor established traffic patterns for vehicles traveling adjacent Old Bardstown Road. Furthermore, safe, and efficient pedestrian movement within the development site will be provided. The applicant is proposing new pedestrian walkways that will connect from the public sidewalk to both buildings, and

WHEREAS, the Planning Commission finds the requested variances will not alter the essential character of the general vicinity because this request seems compatible with existing conditions. This is an area where there is no definitive pattern established for separation between residential and non-residential uses. Only the drive lines are encroaching on the subject site, thereby mitigating the potential impact, and

WHEREAS, the Planning Commission finds the requested variances does arise from special circumstances which do not generally apply to land in the general vicinity because the lot has double frontage; the lot fronts both Bardstown and Old Bardstown Road.

PLANNING COMMISSION MINUTES

February 6, 2025

PUBLIC HEARING

CASE NO. 24-ZONE-0113

Therefore, the site is required to maintain additional setbacks to accommodate the parkway standards associated with the Bardstown Road frontage that limits the buildable area of the site, and

WHEREAS, the Planning Commission finds the strict application of the provisions of the regulation would not deprive the applicant of the reasonable use of the land. The applicant could scale down the size of the proposal, thereby eliminating the need for variances, and

WHEREAS, the Planning Commission finds the circumstances are not the result of actions of the applicant taken subsequent to the adoption of the zoning regulation from which relief is sought as construction on the parking lot has not started; now, therefore be it

RESOLVED, that the Louisville Metro Planning Commission does hereby **APPROVE** the Variances: from Land Development Code (LDC), Section 5.3.1, Table 5.3.2 to vary the residential to non-residential setbacks to allow for the encroachment of drive lanes. (24-VARIANCE-0150) (Southern Side Yard Setback: Required 30', Proposed 11', Variance 19'), (Northern Side Yard Setback: Required 30', Proposed 11', Variance 19')

The vote was as follows:

YES: Commissioners Cheek, Fischer, Steff, Bond, Lannert, and Lohan

NO: Commissioner Mims, Kern, and Sistrunk

ABSTAIN: Commissioner Benitez

02:38:38 On a motion by Commissioner Cheek, seconded by Commissioner Lannert, the following resolution, based on the staff report, applicant and staff testimony heard today and staff analysis, was adopted:

1. Waiver of LDC, Section 10.2.4 to reduce the required landscape buffer area (LBA) from 35' to 11' on the southern property line (24-WAIVER-0167)

2. Waiver of LDC, Section 10.2.4 to reduce the required LBA from 20' to 11' on the northern property line

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 to the encroachment of drive lines through the subject site. The buildings are more than 30 feet away from the property lines. 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

PLANNING COMMISSION MINUTES

February 6, 2025

PUBLIC HEARING

CASE NO. 24-ZONE-0113

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 not the minimum necessary to afford relief to the applicant as the scale of the development could be reduced to eliminate the need for a reduction in the required property perimeter landscape buffer area, and

WHEREAS, the Planning Commission finds the strict application of the provisions of the regulation would not create an unnecessary hardship on the applicant as development could be reduced in scale; now, therefore be it

RESOLVED, that the Louisville Metro Planning Commission does hereby **APPROVE** the Waiver of LDC, Section 10.2.4 to reduce the required landscape buffer area (LBA) from 35' to 11' on the southern property line (24-WAIVER-0167) and the Waiver of LDC, Section 10.2.4 to reduce the required LBA from 20' to 11' on the northern property line.

The vote was as follows:

YES: Commissioners Cheek, Fischer, Lannert, Bond, Steff, and Lohan

NO: Commissioners Mims, Kern, and Sistrunk

ABSTAIN: Commissioner Benitez

Detailed District Development plan with Binding Elements

02:40:08 On a motion by Commissioner Cheek, seconded by Commissioner Lannert, 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 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 site would not appear to contain wet or highly permeable soils, severe, steep or unstable slopes where the potential for severe erosion problems exists. The site

PLANNING COMMISSION MINUTES

February 6, 2025

PUBLIC HEARING

CASE NO. 24-ZONE-0113

does not appear to contain features vulnerable to natural disasters such as sinkholes and landslides. A karst survey was conducted by the applicant and no apparent Karst features were identified. Tree canopy will be preserved in accordance with Ch. 10, Part 1 of the LDC to minimize property damage and environmental degradation resulting from disturbance of natural systems, and

WHEREAS, the Planning Commission finds provisions for safe and efficient vehicular and pedestrian transportation within and around the development and the community are provided. There will be a pedestrian connection from Old Bardstown to both proposed buildings. The use itself produces a limited number of trips as a mini-warehouse facility. Access into the subject site will utilize a collector level roadway that serves residential development, and the site is near an arterial roadway. All improvements or methods of compliance to provision pedestrian and transit infrastructure will be provided, and

WHEREAS, the Planning Commission finds tree canopy will be preserved in accordance with Ch. 10, Part 1 of the LDC to minimize property damage and environmental degradation resulting from disturbance of natural systems, and

WHEREAS, the Planning Commission finds the Metropolitan Sewer District has approved the preliminary development plan and will ensure the provisions 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 proposal is generally compatible with the overall site design of the area and the pattern of the form district, and

WHEREAS, the Planning Commission finds the proposal conforms with Plan 2040 and the Land Development, except where relief has been requested and justified; now, therefore be it

RESOLVED, that the Louisville Metro Planning Commission does hereby **APPROVE** the proposed 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.

PLANNING COMMISSION MINUTES

February 6, 2025

PUBLIC HEARING

CASE NO. 24-ZONE-0113

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. 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 Office of Planning.
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.

PLANNING COMMISSION MINUTES

February 6, 2025

PUBLIC HEARING

CASE NO. 24-ZONE-0113

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.

The vote was as follows:

YES: Commissioners Cheek, Fischer, Lannert, Steff, Bond, and Lohan,

NO: Commissioners Mims, Kern, and Sistrunk

ABSTAIN: Commissioner Benitez