

ORDINANCE NO. 086, SERIES 2023

AN ORDINANCE RELATING TO THE REVISED DISTRICT DEVELOPMENT PLAN FOR PROPERTY LOCATED AT 11905 DIXIE HIGHWAY CONTAINING APPROXIMATELY 2.19 ACRES AND BEING IN LOUISVILLE METRO (CASE NO. 22DDP0078). (AMENDMENT BY SUBSTITUTION)

SPONSORED BY: COUNCIL MEMBER CINDI FOWLER

WHEREAS, the Legislative Council of the Louisville/Jefferson County Metro Government (the "Council") previously approved the zoning change in connection with 11905 Dixie Highway pursuant to Ordinance No. 239, Series 2017 (the "2017 Ordinance"); and

WHEREAS, as part of the 2017 Ordinance, any change of use or change to the approved development plan for 11905 Dixie Highway shall require Council review and approval; and

WHEREAS, as part of the 2017 Ordinance, any amendment to binding element #10 ("BE 10"), which restricts the uses on 11905 Dixie Highway to only "...those uses allowed in the C-M zoning district that are otherwise allowed in the C-2 zoning district and for 'Warehouse, storage,' but for no other use permitted in the M1 zoning district" shall require Council approval; and

WHEREAS, a revised district development plan has been proposed for 11905 Dixie Highway, pursuant to Case No. 22DDP0078; and

WHEREAS, the revised district development plan includes a proposed amendment to BE 10 to also include outdoor storage and sale of trailers as permitted uses; and

WHEREAS, the Council has considered the evidence presented at the public hearing held by the Louisville Metro Planning Commission (the "Planning Commission") and the recommendations of the Planning Commission and its staff as set out in the minutes and records of the Planning Commission in Case No. 22DDP0078; and

WHEREAS, the Council rejects the findings of the Planning Commission for the revised district development plan and amended binding elements in Case No. 22DDP0078 and has made alternative findings of fact based on the Planning Commission's record that support maintaining the existing development plan and binding elements; and

WHEREAS, the Council makes the following findings of fact based upon the record established before the Planning Commission for Case No. 22DDP0078 to overturn the recommendations of the Planning Commission and maintain the existing development plan and binding elements on the property located at 11905 Dixie Highway and being in Louisville Metro; and

WHEREAS, the current plan which was proposed as part of the 2017 Ordinance is for mini-warehouses, a use which would have been permitted under C-2 with the granting of a Conditional Use Permit, but the owner/developer saved time and money by instead pursuing a rezoning to CM limited by BE 10; and

WHEREAS, BE 10 was a critical factor in Council's consideration of the 2017 Ordinance, as there are a variety of uses otherwise permitted in the M-1 zoning district which would not be appropriate for the property; and

WHEREAS, the limited M-1 warehouse and storage uses permitted by BE 10 were intentionally contained inside buildings to minimize the impact on neighboring properties, which include C-2 and residentially zoned properties; and

WHEREAS, the proposed addition of “outdoor storage and sales of trailers” is likely to have significant impacts on such neighboring properties; and

WHEREAS, the owner/developer never constructed the current plan which was proposed as part of the 2017 Ordinance and

WHEREAS, the owner/developer was observed storing trailers on the property in violation of both the current plan and BE 10, which resulted in Zoning Enforcement case docket number ENF-ZON-19-000294 and seems to have been the impetus for the current request; and

WHEREAS, the Council does not wish to encourage the current owner/developer or any other applicants to violate their existing plans and binding elements in the hopes that the Planning Commission and/or the Council will automatically approve proposals which would render such violations legal; and

WHEREAS, the Council believes such cases demand appropriate scrutiny and has found no justification for the violations in this case; and


WHEREAS, for the foregoing reasons, the Council is opposed to the proposed expansion of additional M-1 uses on this property at this time; and

WHEREAS, without the requested changes to BE 10, the requested development plan depicts impermissible use and so must also be denied.

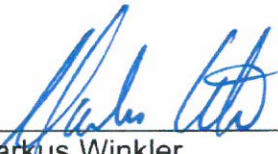
NOW, THEREFORE, BE IT ORDAINED BY THE LEGISLATIVE COUNCIL OF THE LOUISVILLE/JEFFERSON COUNTY METRO GOVERNMENT AS FOLLOWS:

SECTION I: That the revised district development plan and amended binding elements for the property located at 11905 Dixie Highway containing approximately 2.19 acres and being in Louisville Metro, as more particularly described in the minutes and records of the Planning Commission in Case No. 22DDP0078, is hereby denied.

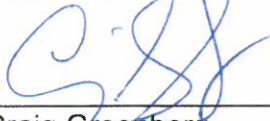
SECTION II: This Ordinance shall take effect upon its passage and approval or otherwise becoming law.



Sonya Harward
Metro Council Clerk



Markus Winkler
President of the Council



Craig Greenberg
Mayor

June 29, 2023

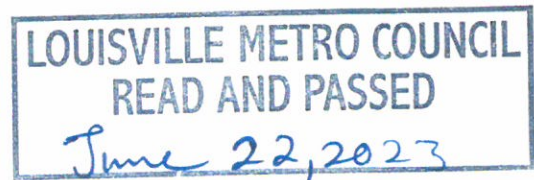
Approval Date

APPROVED AS TO FORM AND LEGALITY:

Michael J. O'Connell
Jefferson County Attorney

By: 

O-013-23 22DDP0078 Rejection.docx (TF)



PLANNING COMMISSION MINUTES
January 5, 2023

PUBLIC HEARING

CASE NO. 22-DDP-0078

| | |
|-------------------|---|
| Request: | Revised Detailed District Development Plan with revisions to Binding Elements |
| Project Name: | Thieneman E Orell |
| Location: | 11905 Dixie Hwy |
| Owner: | 11905 Dixie Hwy LLC |
| Applicant: | 11905 Dixie Hwy LLC |
| Representative: | Land Design and Development |
| Jurisdiction: | Louisville Metro |
| Council District: | 14 - Cindi Fowler |
| Case Manager: | Jay Lockett, AICP, Planner II |

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. (The staff report is part of the case file maintained in Planning and Design Services offices, 444 S. 5th Street.)

Agency Testimony:

00:08:36 Jay Lockett presented the case, showed a Power Point presentation, and responded to questions from the Commissioners. He noted that this case was originally heard at the December 15, 2022 Planning Commission hearing, and was continued to this date to address questions about gates and fences. Those have now been shown on the plan (see staff report and recording for detailed presentation.)

He also discussed an additional proposed binding element not included in the staff report (would be binding element #17), to read as follows:

The hours of operation for the site shall be limited to 8am to 6pm. The gate on Dixie Hwy shall remain open during operating hours and the gates on site shall remain locked outside of normal operating hours. Security fencing around the site shall be kept in good repair and the site shall be secure at all times when no employees or property owners are on-site.

00:11:58 Commissioner Carlson asked that proposed binding element #16 should read as follows:

No trailers required by USDOT Regulations to display hazardous materials placards shall be parked on the subject site.

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PUBLIC HEARING

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Mr. Lockett said the applicant agreed verbally to this at the last hearing.

00:12:46 Mr. Lockett and the Commissioners discussed traffic turning into the site from Dixie Highway and how the gate would affect this. In response to a question from Commissioner Brown, Mr. Lockett and Beth Stuber, with Louisville Metro Transportation Planning, discussed the KYDOT's response to the gated access on Dixie Highway, which appears to be right on the right-of-way. Ms. Stuber said Metro Transportation had asked the applicant to move the gate inward, but the applicant did not want to. She said she thought a binding element had been proposed that should address some of this (see recording for detailed discussion.)

The following spoke in support of the request:

Ted Bernstein, Land Design & Development, 503 Washburn Avenue, Louisville, KY 40222

Summary of testimony of those in support:

00:16:58 Ted Bernstein, the applicant's representative, presented the applicant's case, showed a Power Point presentation, and responded to questions from the Commissioners (see recording for detailed presentation and discussion.)

00:19:40 In response to questions from Commissioners Carlson and Brown, Mr. Bernstein discussed the gates' locations (they are close to, but not in, the ROW.)

00:20:52 In response to questions from Commissioner Mims, Ms. Stuber said the Metro Transportation had requested that the gates be at least 20 feet from the property line. Mr. Bernstein said that would affect some of the parking spaces, but that the applicant is willing to work with Metro Transportation Planning to potentially relocate some areas of fencing, and the gates (see recording.)

The following spoke in opposition to the request:

No one spoke.

Deliberations:

00:22:57 Commissioners' deliberation.

An audio/visual recording of the Planning Commission hearing related to this

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January 5, 2023

PUBLIC HEARING

CASE NO. 22-DDP-0078

case is available on the Planning & Design Services website, or you may contact the Customer Service staff to view the recording or to obtain a copy.

00:25:35 On a motion by Commissioner Brown, seconded by Commissioner Carlson, the following resolution, based on the Standard of Review and Staff Analysis, and evidence and testimony heard today and at the December 15, 2022 Planning Commission meeting, was adopted:

WHEREAS, the Louisville Metro Planning Commission finds that there do not appear to be any environmental constraints or historic resources on the subject site; and

WHEREAS, the Commission further finds that provisions for safe and efficient vehicular and pedestrian transportation within and around the development and the community has been provided, and Metro Public Works has approved the preliminary development plan; and

WHEREAS, the Commission further finds that there are no open space requirements pertinent to the current proposal; and

WHEREAS, the Commission further finds that the Metropolitan Sewer District has approved the preliminary development plan 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 Commission further finds that the overall site design and land uses are compatible with the existing and future development of the area. Appropriate landscape buffering and screening will be provided to screen adjacent properties and roadways except where waivers have been approved. Buildings and parking lots will meet all required setbacks except where variances have been approved; and

WHEREAS, the Commission further finds that 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, the Louisville Metro Planning Commission does hereby **RECOMMEND** to the Louisville Metro Council that the requested Revised Detailed District Development plan with Revisions to Binding Elements be **APPROVED ON CONDITION** that the plan is updated to show the gated access from Dixie Highway is a minimum of 20 feet from the property line, and **SUBJECT** to the following binding elements:

PLANNING COMMISSION MINUTES

January 5, 2023

PUBLIC HEARING

CASE NO. 22-DDP-0078

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.
5. Prior to any site disturbance permit being issued and prior to any clearing,

PLANNING COMMISSION MINUTES

January 5, 2023

PUBLIC HEARING

CASE NO. 22-DDP-0078

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 Planning Commission hearing.
10. The subject property shall only be used for those uses allowed in the C-M zoning district that are otherwise allowed in the C-2 zoning district and for "Warehouse, storage, outdoor storage and sales of trailers" but for no other use permitted in the M-1 zoning district. Any amendment to this binding element shall require approval from the Louisville Metro Planning Commission and from the Louisville Metro Council.
11. There shall be no storage of coal ash/fly ash on the premises.
12. The sidewalks along E. Orell Rd. shall be extended to the Orell Rd. intersection.
13. Any change of use or change to the approved development plan shall require Metro Council review and approval.

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14. Trailer sales on the subject site shall be limited to medium duty utility trailers and recreational vehicle trailers as defined by the Land Development Code.
15. All trailers parked on the subject site shall be in an operable condition.
16. No trailers required by US Department of Transportation Regulations to display hazardous materials placards shall be parked on the subject site.
17. The hours of operation for the site shall be limited to 8am to 6pm. The gate on Dixie Hwy shall be a minimum of 20 feet from the property line, and shall remain open during operating hours and the gates on site shall remain locked outside of normal operating hours. Security fencing around the site shall be kept in good repair and the site shall be secure at all times when no employees or property owners are on-site.

The vote was as follows:

YES: Commissioners Mims, Pennix, Brown, Cheek, Carlson, Howard, and Lewis.

ABSTAIN: Commissioner Fischer.

ABSENT: Commissioners Sistrunk and Clare.

Planning Commission
Staff Report
January 5, 2022



| | |
|--------------------------|-------------------------------|
| Case No: | 22-DDP-0078 |
| Project Name: | Thieneman E Orell |
| Location: | 11905 Dixie Hwy |
| Owner(s): | 11905 Dixie LLC |
| Applicant: | 11905 Dixie LLC |
| Jurisdiction: | Louisville Metro |
| Council District: | 14 – Cindi Fowler |
| Case Manager: | Jay Lockett, AICP, Planner II |

REQUEST(S)

- Revised Detailed District Development plan with Revisions to Binding Elements

CASE SUMMARY/BACKGROUND

The applicant is proposing to add a trailer sales and storage business to a site that is currently under development for mini-storage in the Valley Station area of southwestern Louisville Metro. The site was rezoned to CM with an approved development plan and binding elements under docket 17ZONE1022. The subject site is approximately 2.19 acres in the Suburban Marketplace Corridor form district at the intersection of E Orell Ave and Dixie Hwy. A revised detailed district development plan for the site was approved under docket 22-DDP-0009 and the site is partially constructed according to that plan.

STAFF FINDING

The request is adequately justified and meets the standards of review.

TECHNICAL REVIEW

The site is the subject of a current Zoning Enforcement case docket number ENF-ZON-19-000294. Zoning enforcement officers have observed trailers being stored on the subject site in violation of the approved plan 22-DDP-0009.

INTERESTED PARTY COMMENTS

Staff has received no comments from interested parties concerning this request.

STANDARD OF REVIEW AND STAFF ANALYSIS FOR (R)DDDP and/or AMENDMENT TO BINDING ELEMENTS

- (a) 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;

STAFF: There do not appear to be any environmental constraints or historic resources on the subject site.

- (b) The provisions for safe and efficient vehicular and pedestrian transportation both within the development and the community;

STAFF: Provisions for safe and efficient vehicular and pedestrian transportation within and around the development and the community has been provided, and Metro Public Works has approved the preliminary development plan.

- (c) The provision of sufficient open space (scenic and recreational) to meet the needs of the proposed development;

STAFF: There are no open space requirements pertinent to the current proposal.

- (d) 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;

STAFF: The Metropolitan Sewer District has approved the preliminary development plan 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.

- (e) The compatibility of the overall site design (location of buildings, parking lots, screening, landscaping) and land use or uses with the existing and projected future development of the area;

STAFF: The overall site design and land uses are compatible with the existing and future development of the area. Appropriate landscape buffering and screening will be provided to screen adjacent properties and roadways except where waivers have been approved. Buildings and parking lots will meet all required setbacks except where variances have been approved.

- (f) Conformance of the development plan with the Comprehensive Plan and Land Development Code. Revised plan certain development plans shall be evaluated for conformance with the non-residential and mixed-use intent of the form districts and comprehensive plan.

STAFF: The development plan conforms to applicable guidelines and policies of the Comprehensive Plan and to requirements of the Land Development Code.

REQUIRED ACTIONS

- **RECOMMEND** that the **Louisville Metro Council APPROVE** or **DENY** the **Revised Detailed District Development Plan** with revisions to binding elements.

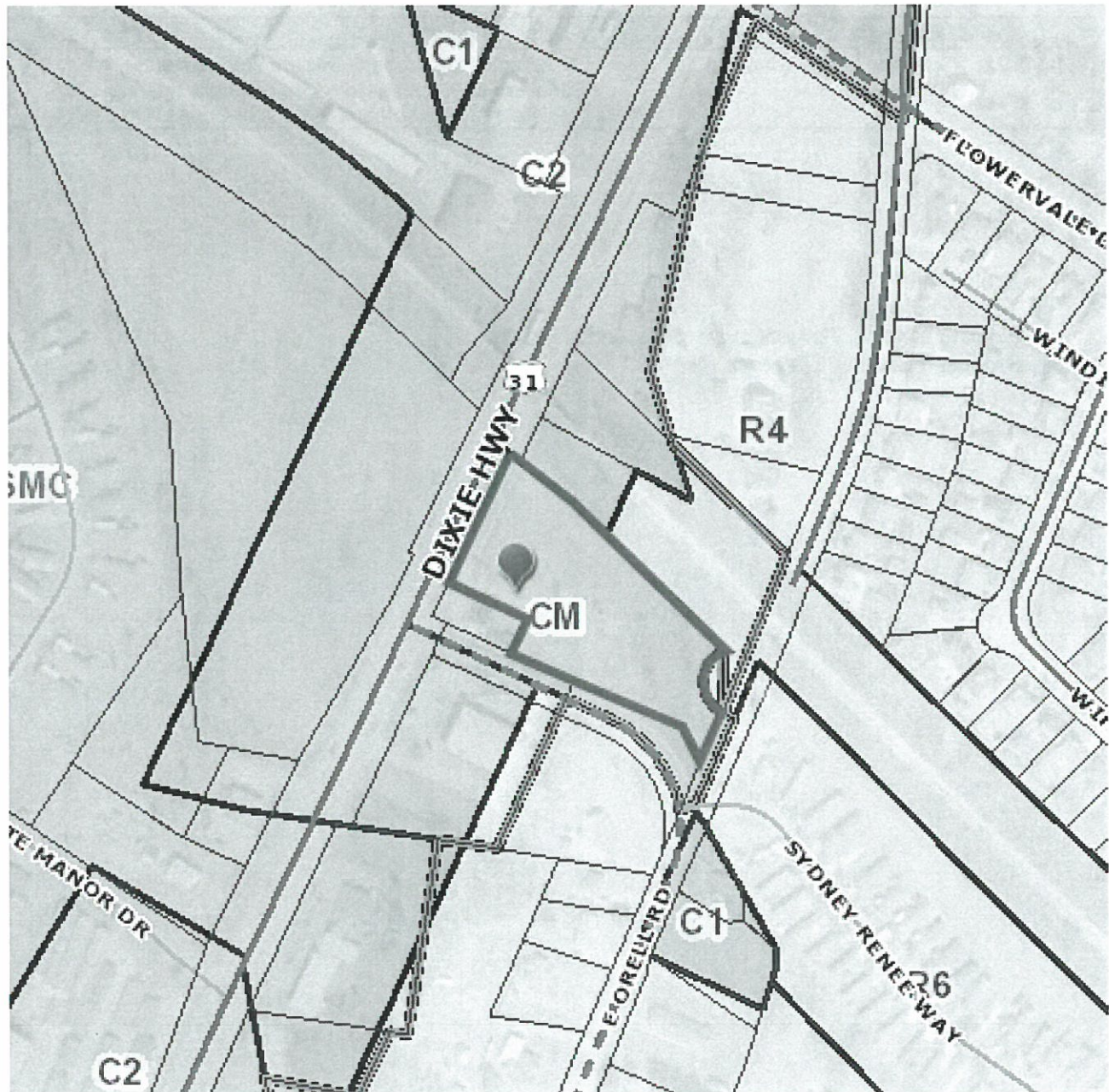
NOTIFICATION

| Date | Purpose of Notice | Recipients |
|----------|------------------------------------|---|
| 11-30-22 | Hearing before Planning Commission | 1 st tier adjoining property owners and residents Speakers at Planning Commission public hearing Registered Neighborhood Groups in Council District 14 |

ATTACHMENTS

1. Zoning Map
2. Aerial Photograph
3. Existing Binding Elements with proposed changes
4. Proposed Binding Elements

1. Zoning Map



2. Aerial Photograph



3. Existing 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.
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 Planning Commission hearing.
10. The subject property shall only be used for those uses allowed in the C-M zoning district that are otherwise allowed in the C-2 zoning district and for "Warehouse, storage, **outdoor storage and sales of trailers**" but for no other use permitted in the M-1 zoning district. Any amendment to this binding element shall require approval from the Louisville Metro Planning Commission and from the Louisville Metro Council.
11. There shall be no storage of coal ash/fly ash on the premises.
12. The sidewalks along E. Orell Rd. shall be extended to the Orell Rd. intersection.
13. Any change of use or change to the approved development plan shall require Metro Council review and approval.
14. **Trailer sales on the subject site shall be limited to medium duty utility trailers and recreational vehicle trailers as defined by the Land Development Code.**
15. **All trailers parked on the subject site shall be in an operable condition.**
16. **No trailers required by law to have a hazardous materials placard shall be parked on the subject site.**

4. 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 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.
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 Planning Commission hearing.
10. The subject property shall only be used for those uses allowed in the C-M zoning district that are otherwise allowed in the C-2 zoning district and for "Warehouse, storage, outdoor storage and sales of trailers" but for no other use permitted in the M-1 zoning district. Any amendment to this binding element shall require approval from the Louisville Metro Planning Commission and from the Louisville Metro Council.
11. There shall be no storage of coal ash/fly ash on the premises.
12. The sidewalks along E. Orell Rd. shall be extended to the Orell Rd. intersection.
13. Any change of use or change to the approved development plan shall require Metro Council review and approval.
14. Trailer sales on the subject site shall be limited to medium duty utility trailers and recreational vehicle trailers as defined by the Land Development Code.
15. All trailers parked on the subject site shall be in an operable condition.
16. No trailers required by law to have a hazardous materials placard shall be parked on the subject site.

Planning Commission
Staff Report
December 15, 2022



| | |
|--------------------------|-------------------------------|
| Case No: | 22-DDP-0078 |
| Project Name: | Thieneman E Orell |
| Location: | 11905 Dixie Hwy |
| Owner(s): | 11905 Dixie LLC |
| Applicant: | 11905 Dixie LLC |
| Jurisdiction: | Louisville Metro |
| Council District: | 14 – Cindi Fowler |
| Case Manager: | Jay Lockett, AICP, Planner II |

REQUEST(S)

- Revised Detailed District Development plan with Revisions to Binding Elements

CASE SUMMARY/BACKGROUND

The applicant is proposing to add a trailer sales and storage business to a site that is currently under development for mini-storage in the Valley Station area of southwestern Louisville Metro. The site was rezoned to CM with an approved development plan and binding elements under docket 17ZONE1022. The subject site is approximately 2.19 acres in the Suburban Marketplace Corridor form district at the intersection of E Orell Ave and Dixie Hwy. A revised detailed district development plan for the site was approved under docket 22-DDP-0009 and the site is partially constructed according to that plan.

STAFF FINDING

The request is adequately justified and meets the standards of review.

TECHNICAL REVIEW

The site is the subject of a current Zoning Enforcement case docket number ENF-ZON-19-000294. Zoning enforcement officers have observed trailers being stored on the subject site in violation of the approved plan 22-DDP-0009.

INTERESTED PARTY COMMENTS

Staff has received no comments from interested parties concerning this request.

STANDARD OF REVIEW AND STAFF ANALYSIS FOR (R)DDDP and/or AMENDMENT TO BINDING ELEMENTS

- (a) 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;

STAFF: There do not appear to be any environmental constraints or historic resources on the subject site.

- (b) The provisions for safe and efficient vehicular and pedestrian transportation both within the development and the community;

STAFF: Provisions for safe and efficient vehicular and pedestrian transportation within and around the development and the community has been provided, and Metro Public Works has approved the preliminary development plan.

- (c) The provision of sufficient open space (scenic and recreational) to meet the needs of the proposed development;

STAFF: There are no open space requirements pertinent to the current proposal.

- (d) 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;

STAFF: The Metropolitan Sewer District has approved the preliminary development plan 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.

- (e) The compatibility of the overall site design (location of buildings, parking lots, screening, landscaping) and land use or uses with the existing and projected future development of the area;

STAFF: The overall site design and land uses are compatible with the existing and future development of the area. Appropriate landscape buffering and screening will be provided to screen adjacent properties and roadways except where waivers have been approved. Buildings and parking lots will meet all required setbacks except where variances have been approved.

- (f) Conformance of the development plan with the Comprehensive Plan and Land Development Code. Revised plan certain development plans shall be evaluated for conformance with the non-residential and mixed-use intent of the form districts and comprehensive plan.

STAFF: The development plan conforms to applicable guidelines and policies of the Comprehensive Plan and to requirements of the Land Development Code.

REQUIRED ACTIONS

- **RECOMMEND** that the **Louisville Metro Council APPROVE** or **DENY** the **Revised Detailed District Development Plan with revisions to binding elements.**

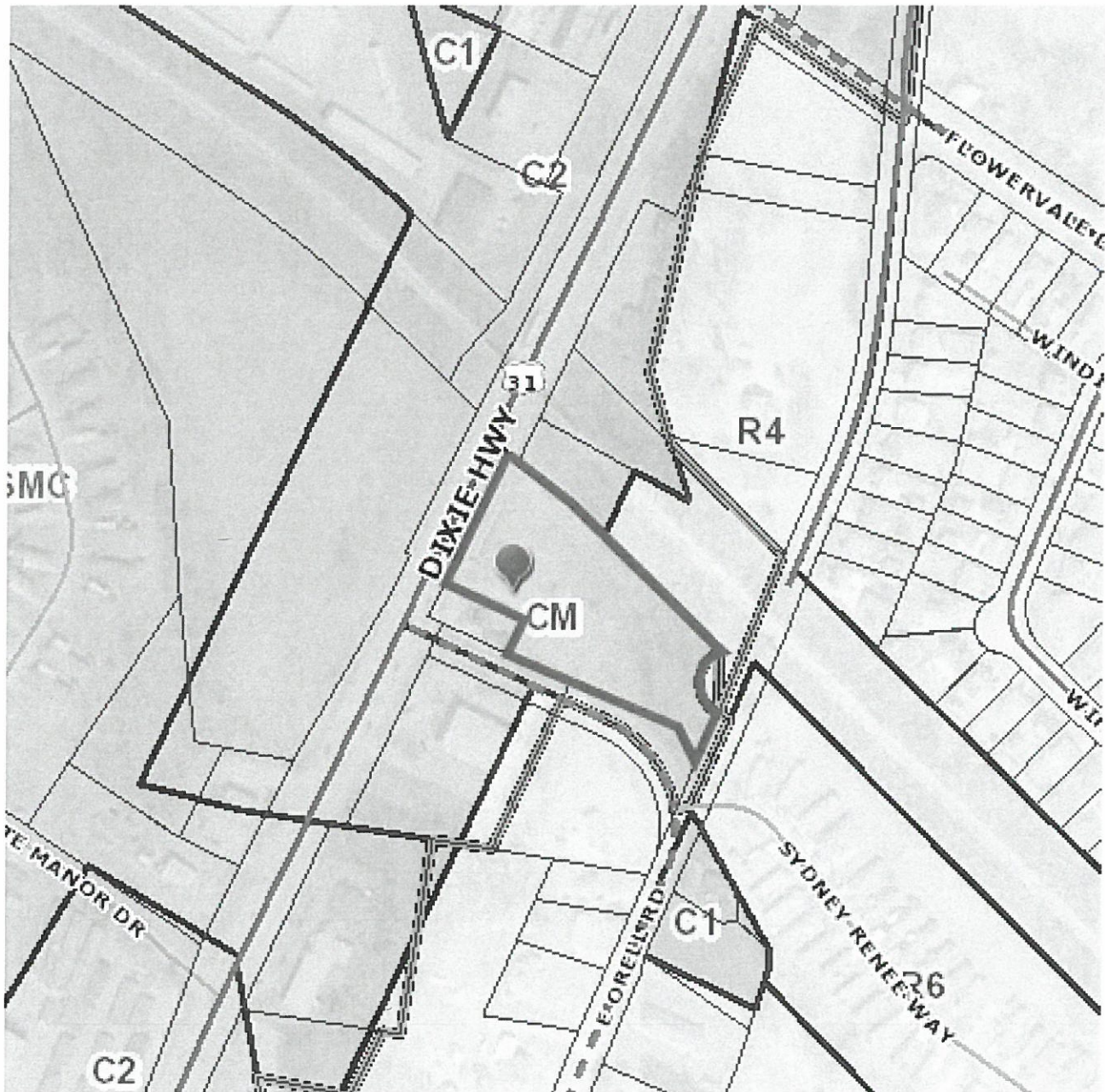
NOTIFICATION

| Date | Purpose of Notice | Recipients |
|-----------------|------------------------------------|---|
| 11-30-22 | Hearing before Planning Commission | 1 st tier adjoining property owners and residents Speakers at Planning Commission public hearing Registered Neighborhood Groups in Council District 14 |

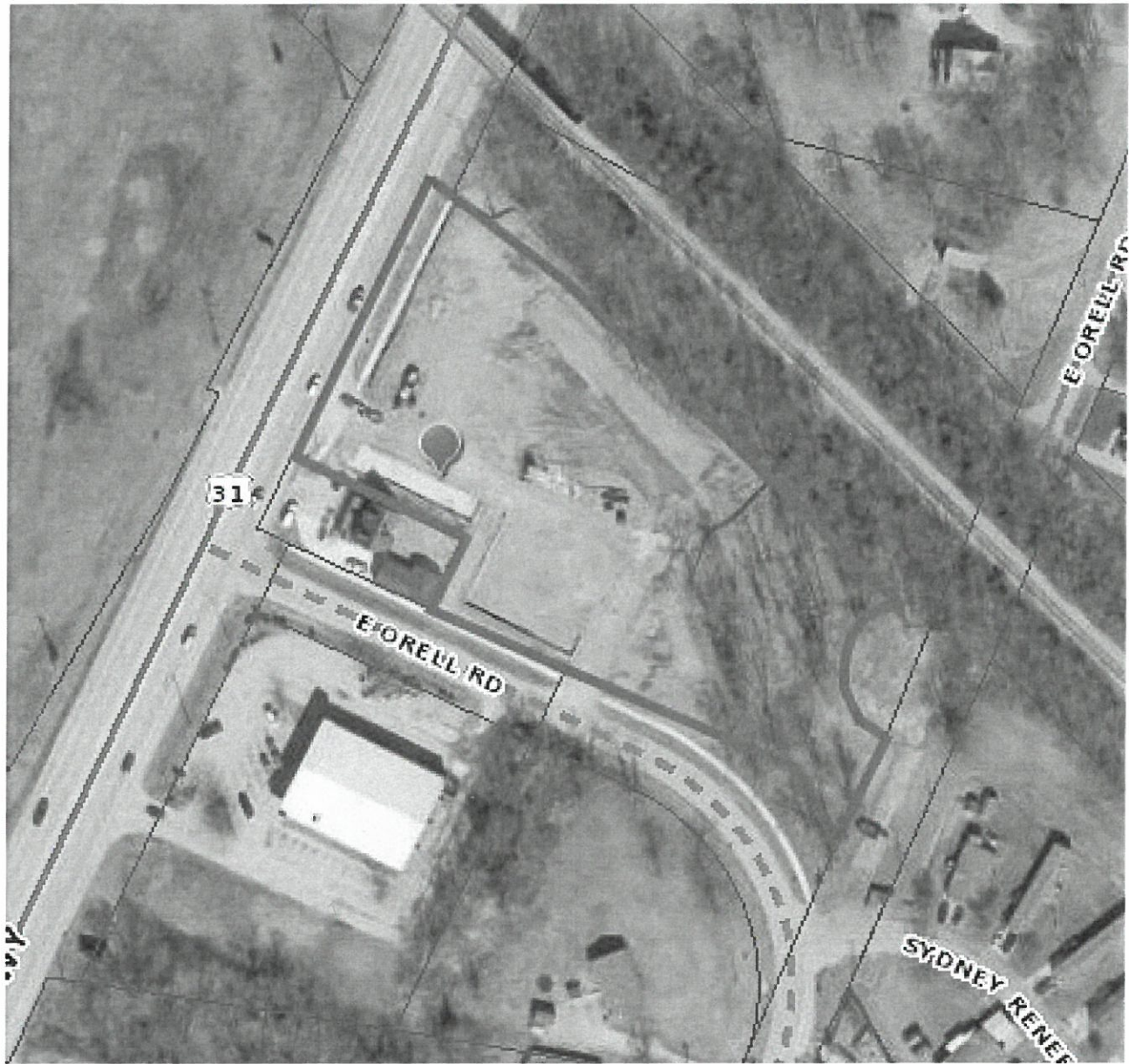
ATTACHMENTS

1. Zoning Map
2. Aerial Photograph
3. Existing Binding Elements with proposed changes
4. Proposed Binding Elements

1. Zoning Map



2. Aerial Photograph



3. Existing 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.
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 Planning Commission hearing.
10. The subject property shall only be used for those uses allowed in the C-M zoning district that are otherwise allowed in the C-2 zoning district and for "Warehouse, storage, **outdoor storage and sales of trailers**" but for no other use permitted in the M-1 zoning district. Any amendment to this binding element shall require approval from the Louisville Metro Planning Commission and from the Louisville Metro Council.
11. There shall be no storage of coal ash/fly ash on the premises.
12. The sidewalks along E. Orell Rd. shall be extended to the Orell Rd. intersection.
13. Any change of use or change to the approved development plan shall require Metro Council review and approval.
14. **Trailer sales and storage on the subject site shall be limited to medium duty utility trailers and recreational vehicle trailers as defined by the Land Development Code.**

4. 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 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.
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 Planning Commission hearing.
10. The subject property shall only be used for those uses allowed in the C-M zoning district that are otherwise allowed in the C-2 zoning district and for "Warehouse, storage, outdoor storage and sales of trailers" but for no other use permitted in the M-1 zoning district. Any amendment to this binding element shall require approval from the Louisville Metro Planning Commission and from the Louisville Metro Council.
11. There shall be no storage of coal ash/fly ash on the premises.
12. The sidewalks along E. Orell Rd. shall be extended to the Orell Rd. intersection.
13. Any change of use or change to the approved development plan shall require Metro Council review and approval.
14. Trailer sales and storage on the subject site shall be limited to medium duty utility trailers and recreational vehicle trailers as defined by the Land Development Code.

22-DDP-0078

Thieneman E Orell

11905 Dixie Hwy

 METRO
Louisville



Planning Commission

Jay Lockett, AICP, Planner II

January 5, 2023

Requests

- **Revised Detailed District Development plan with Revisions to Binding Elements**

Project Summary

- The applicant is proposing to add a trailer sales and storage business to a site that is currently under development for mini-storage in the Valley Station area of southwestern Louisville Metro.
- The site was rezoned to CM with an approved development plan and binding elements under docket 17ZONE1022.
- The subject site is approximately 2.19 acres in the Suburban Marketplace Corridor form district at the intersection of E Orell Ave and Dixie Hwy.

Site Aerial



Site Zoning



Louisville



Additional Proposed Binding Element

- The hours of operation for the site shall be limited to 8am to 6pm. The gate on Dixie Hwy shall remain open during operating hours and the gates on site shall remain locked outside of normal operating hours. Security fencing around the site shall be kept in good repair and the site shall be secure at all times when no employees or property owners are on-site.

Staff Findings

- The request is adequately justified and meets the standards of review.

Required Actions

- ✓ **RECOMMEND** that the **Louisville Metro Council APPROVE** or **DENY** the **Revised Detailed District Development Plan** with revisions to binding elements.

22-DDP-0078

Thieneman E Orell

11905 Dixie Hwy



Planning Commission

Jay Luckett, AICP, Planner II

December 15, 2022

Requests

- **Revised Detailed District Development plan with Revisions to Binding Elements**

Project Summary

- The applicant is proposing to add a trailer sales and storage business to a site that is currently under development for mini-storage in the Valley Station area of southwestern Louisville Metro.
- The site was rezoned to CM with an approved development plan and binding elements under docket 17ZONE1022.
- The subject site is approximately 2.19 acres in the Suburban Marketplace Corridor form district at the intersection of E Orell Ave and Dixie Hwy.

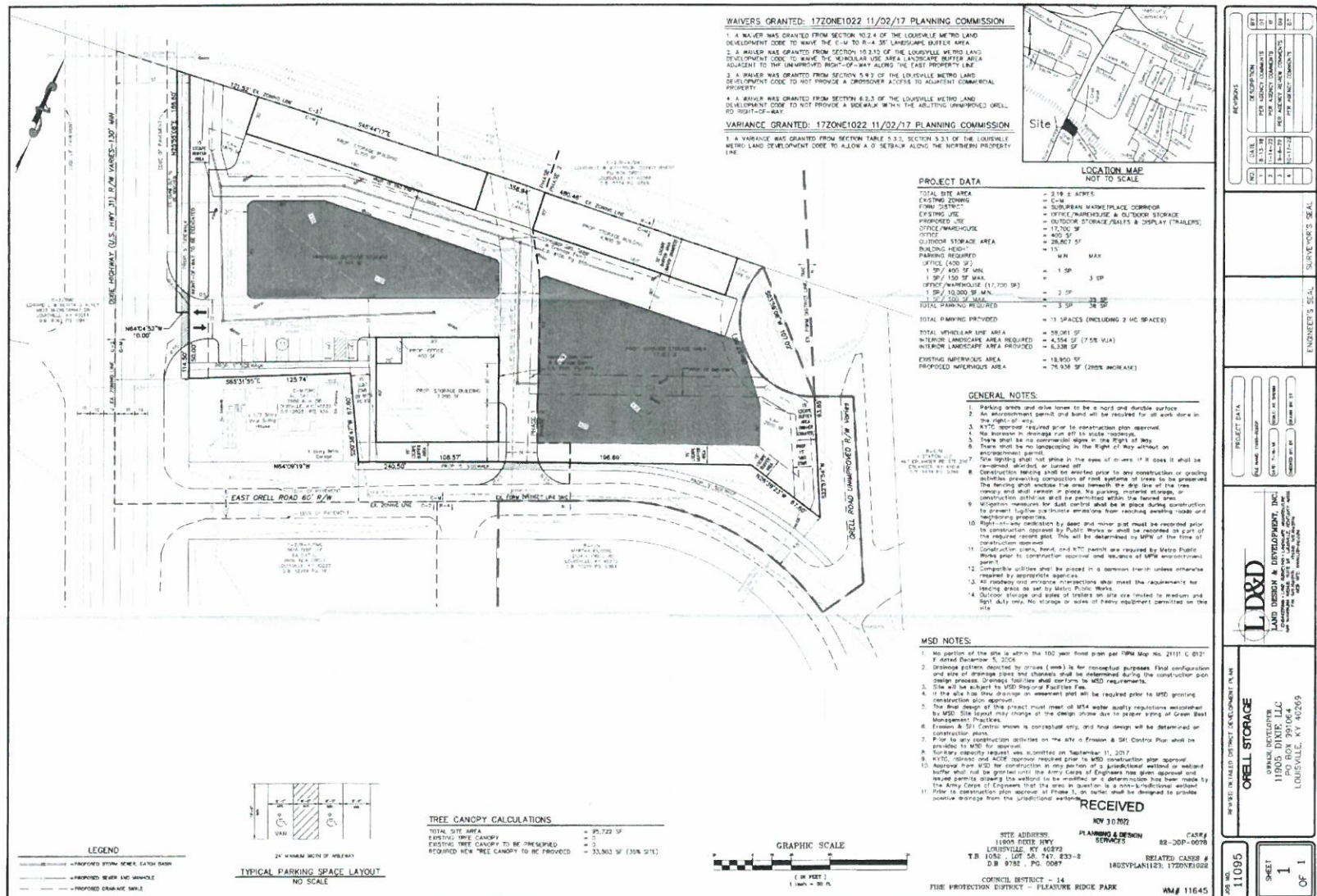
Site Aerial



Site Zoning



Proposed Plan



Louisville

L



SHEET
 1
 OF 1

L



Subject Site



Subject Site



Subject Site



Staff Findings

- The request is adequately justified and meets the standards of review.

Required Actions

RECOMMEND that the **Louisville Metro Council** **APPROVE** or **DENY** the **Revised Detailed District Development Plan** with revisions to binding elements.

ORELL STORAGE

Public Hearing

December 15th, 2022

Owner:

11905 DIXIE LLC

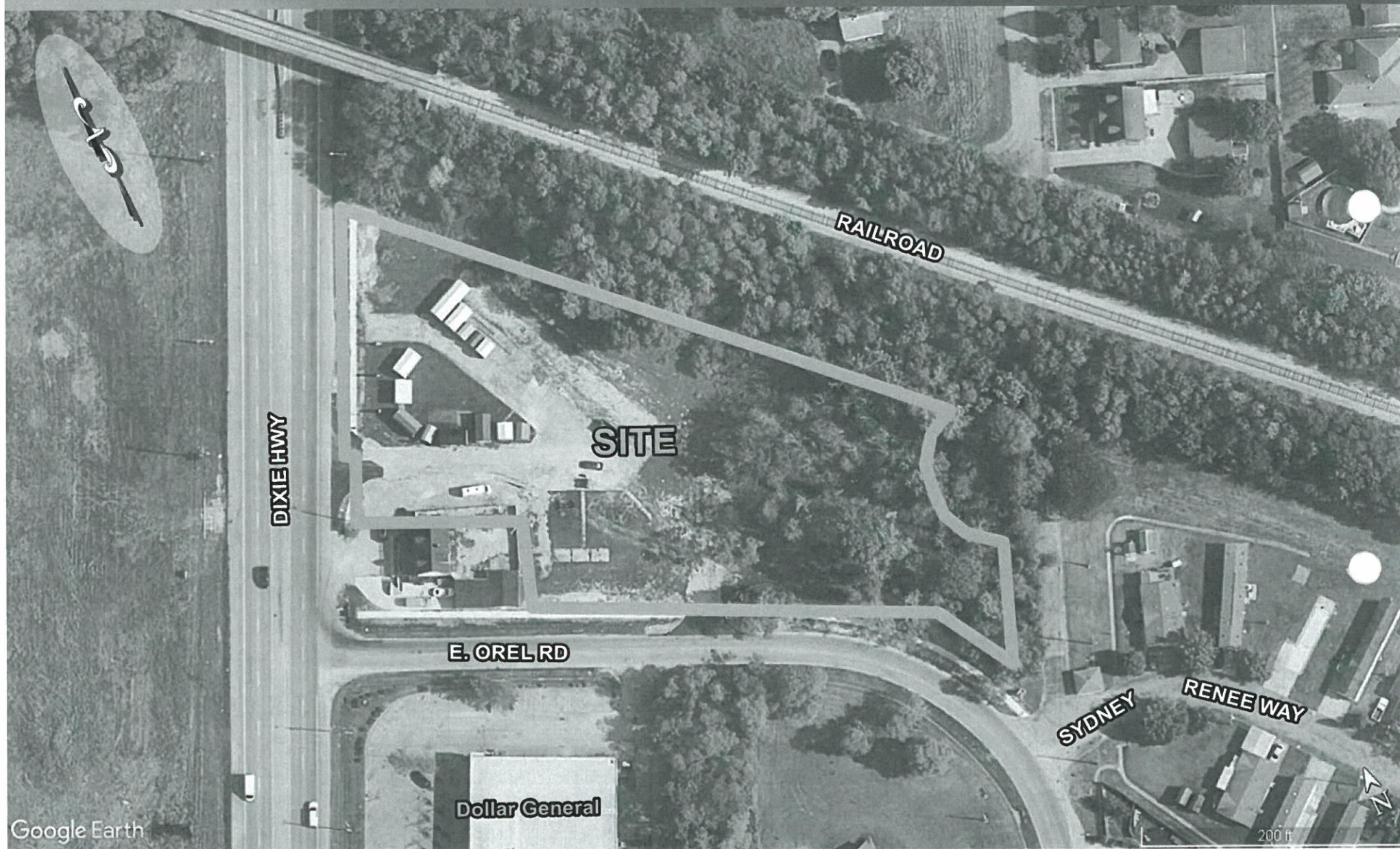
Prepared By: Ann Richard, RLA



LAND DESIGN & DEVELOPMENT INC

503 Washburn Avenue, Suite 101, Louisville, KY 40222 | p: (502) 426-9374

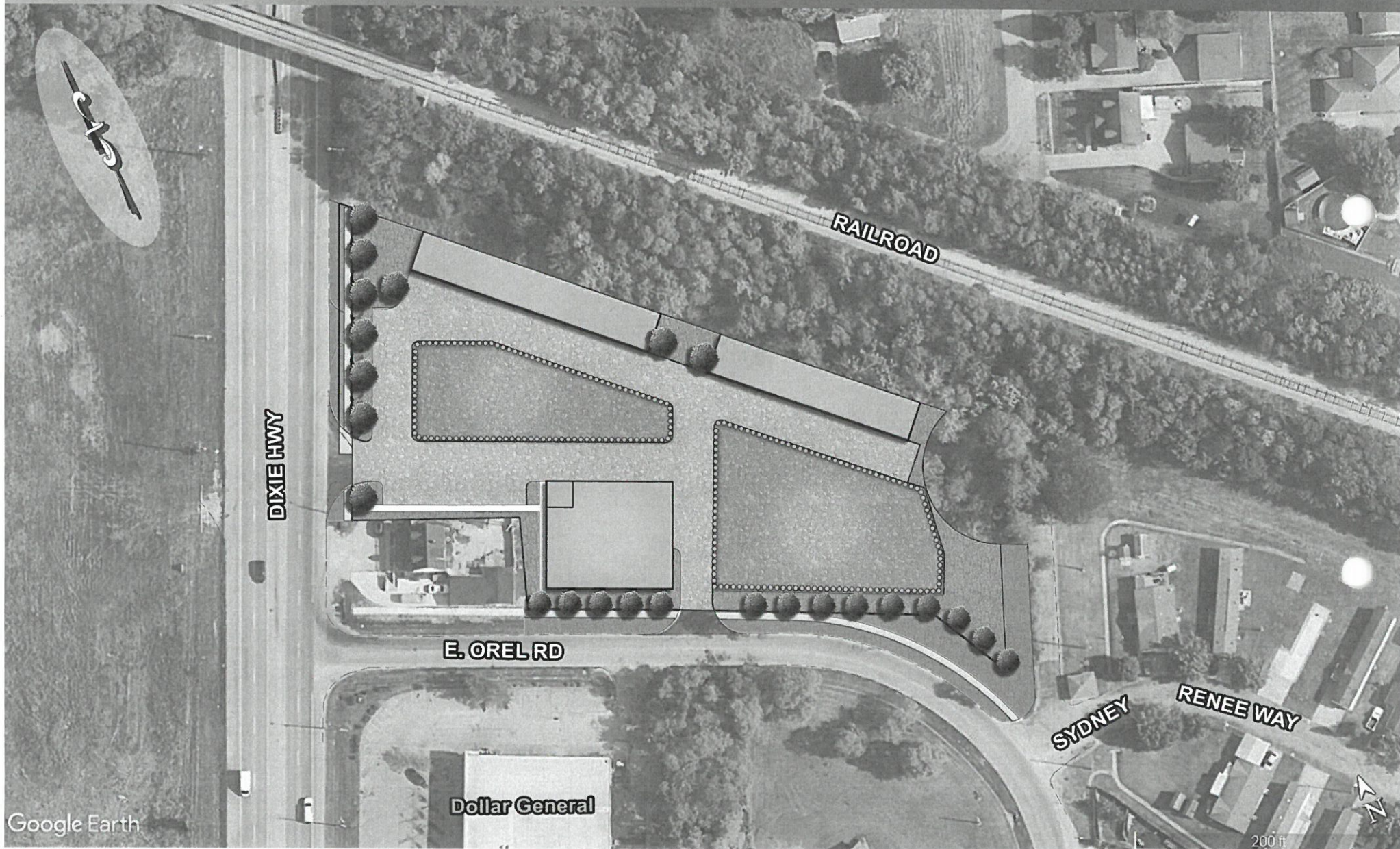
AERIAL - EXISTING



JOB # 11095
DATE: 12.14.2022

Aerial

AERIAL - PROPOSED



Google Earth

JOB # 11095
DATE: 12.14.2022

Aerial

LD&D
LAND DESIGN & DEVELOPMENT, INC.
LAND DESIGN • LAND DEVELOPMENT • LANDSCAPE ARCHITECTURE • PLANNING

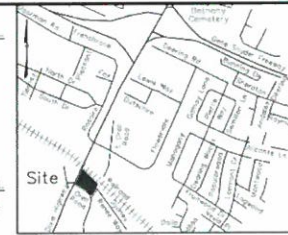
PLAN

WAIVERS GRANTED: 17ZONE1022 11/02/17 PLANNING COMMISSION

1. A WAIVER WAS GRANTED FROM SECTION 10.2.4 OF THE LOUISVILLE METRO LAND DEVELOPMENT CODE TO WAIVE THE C-4 TO R-4 30' LANDSCAPE BUFFER AREA.
2. A WAIVER WAS GRANTED FROM SECTION 10.2.10 OF THE LOUISVILLE METRO LAND DEVELOPMENT CODE TO WAIVE THE VEHICULAR USE AREA LANDSCAPE BUFFER AREA ADJACENT TO THE UNIMPROVED RIGHT-OF-WAY ALONG THE EAST PROPERTY LINE.
3. A WAIVER WAS GRANTED FROM SECTION 5.9.2 OF THE LOUISVILLE METRO LAND DEVELOPMENT CODE TO NOT PROVIDE A CROSSEVER ACCESS TO ADJACENT COMMERCIAL PROPERTY.
4. A WAIVER WAS GRANTED FROM SECTION 6.2.3 OF THE LOUISVILLE METRO LAND DEVELOPMENT CODE TO NOT PROVIDE A SIDEWALK WITHIN THE ABUTTING UNIMPROVED ORELL RD RIGHT-OF-WAY.

VARIANCE GRANTED: 17ZONE1022 11/02/17 PLANNING COMMISSION

1. A VARIANCE WAS GRANTED FROM SECTION TABLE 5.3.2, SECTION 5.3.1 OF THE LOUISVILLE METRO LAND DEVELOPMENT CODE TO ALLOW A 0' SETBACK ALONG THE NORTHERN PROPERTY LINE.



PROJECT DATA

| | |
|----------------------------------|--|
| TOTAL SITE AREA | = 2.19 ± ACRES |
| EXISTING ZONING | = C-4 |
| FORM DISTRICT | = SUBURBAN MARKETPLACE CORRIDOR |
| EXISTING USE | = OFFICE/WAREHOUSE & OUTDOOR STORAGE |
| PROPOSED USE | = OUTDOOR STORAGE/SALES & DISPLAY (TRAILERS) |
| OFFICE/WAREHOUSE | = 17,700 SF |
| OUTDOOR STORAGE AREA | = 400 SF |
| BUILDING HEIGHT | = 15' MAX |
| PARKING REQUIRED | MIN MAX |
| OFFICE (400 SF) | = 1 SP 3 SP |
| 1 SP/400 SF MIN. | |
| 1 SP/150 SF MAX. | |
| OFFICE/WAREHOUSE (17,700 SF) | |
| 1 SP/10,000 SF MIN. | = 2 SP 35 SP |
| 1 SP/500 SF MAX. | |
| TOTAL PARKING REQUIRED | = 3 SP 38 SP |
| TOTAL PARKING PROVIDED | = 11 SPACES (INCLUDING 2 HC SPACES) |
| TOTAL VEHICULAR USE AREA | = 18,061 SF |
| INTERIOR LANDSCAPE AREA REQUIRED | = 4,354 SF (7.5% VIA) |
| INTERIOR LANDSCAPE AREA PROVIDED | = 6,338 SF |
| EXISTING IMPERVIOUS AREA | = 18,950 SF |
| PROPOSED IMPERVIOUS AREA | = 76,936 SF (285% INCREASE) |

GENERAL NOTES:

1. Parking areas and drive lanes to be a hard and durable surface.
2. An encroachment permit and bond will be required for all work done in the right-of-way.
3. KYTC approval required prior to construction plan approval.
4. No increase in drainage run off to state roadways.
5. There shall be no commercial signs in the Right of Way.
6. There shall be no landscaping in the Right of Way without an encroachment permit.
7. Site lighting shall not shine in the eyes of drivers. If it does it shall be re-oriented, shielded, or turned off.
8. Construction fencing shall be erected prior to any construction or grading activities preventing compaction of root systems of trees to be preserved. The fencing shall enclose the area beneath the drip line of the tree canopy and shall remain in place. No parking, material storage, or construction activities shall be permitted within the fenced area.
9. Mitigation measures for dust control shall be in place during construction to prevent fugitive particulate emissions from reaching existing roads and neighboring properties.
10. Right-of-way dedication by deed and minor plat must be recorded prior to construction approval by Public Works or shall be recorded as part of the required record plat. This will be determined by MPW at the time of construction approval.
11. Construction plans, bond, and KYC permit are required by Metro Public Works prior to construction approval and issuance of MPW encroachment permit.
12. Compatible utilities shall be placed in a common trench unless otherwise required by appropriate agencies.
13. All roadway and entrance intersections shall meet the requirements for landing areas as set by Metro Public Works.
14. Outdoor storage and sales of trailers on site are limited to medium and light duty only. No storage or sales of heavy equipment permitted on this site.

MSD NOTES:

1. No portion of the site is within the 100 year flood plain per FIRM Map No. 21111 C 0121 E dated December 5, 2006.
2. Drainage pattern depicted by arrows (---) is for conceptual purposes. Final configuration and size of drainage pipes and channels will be determined during the construction plan design process. Drainage facilities shall conform to MSD requirements.
3. Site will be subject to MSD Regional Facilities Fee.
4. If the site has thru drainage an assessment plan will be required prior to MSD granting construction plan approval.
5. The final design of this project must meet all MSK water quality regulations established by MSD. Site layout may change at the design phase due to greater siting of Green Best Management Practices.
6. Erosion & Silt Control shown is conceptual only, and final design will be determined on construction plans.
7. Prior to any construction activities on the site a Erosion & Silt Control Plan shall be provided to MSD for approval.
8. Sanitary capacity request was submitted on September 11, 2017.
9. KYTC, railroad and ACOE railroad required prior to MSD construction plan approval.
10. Approval from MSD for construction in any portion of a jurisdictional wetland or wetland buffer shall not be granted until the Army Corps of Engineers has given approval and issued permits allowing the wetland to be modified or a determination has been made by the Army Corps of Engineers that the area in question is a non-jurisdictional wetland.
11. Prior to construction plan approval of Phase I, an outlet shall be designed to provide positive drainage from the jurisdictional wetlands.

SITE ADDRESS:
11905 DIXIE HWY
LOUISVILLE, KY 40222
T.B. 1052, LOT 68, 747, 235-2
D.B. 9782, P. 0067

CASE#

22-DDP-0078

RELATED CASES #

18DEVPLAN1123, 17ZONE1022

COUNCIL DISTRICT - 14
FIRE PROTECTION DISTRICT - PLEASURE RIDGE PARK

WM# 11645

| NO. | DATE | DESCRIPTION | FOR AGENT COMMENTS | FOR AGENT COMMENTS | FOR AGENT COMMENTS |
|-----|----------|-------------|--------------------|--------------------|--------------------|
| 1 | 11-14-17 | | | | |
| 2 | 11-14-17 | | | | |
| 3 | 11-14-17 | | | | |
| 4 | 11-14-17 | | | | |

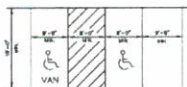
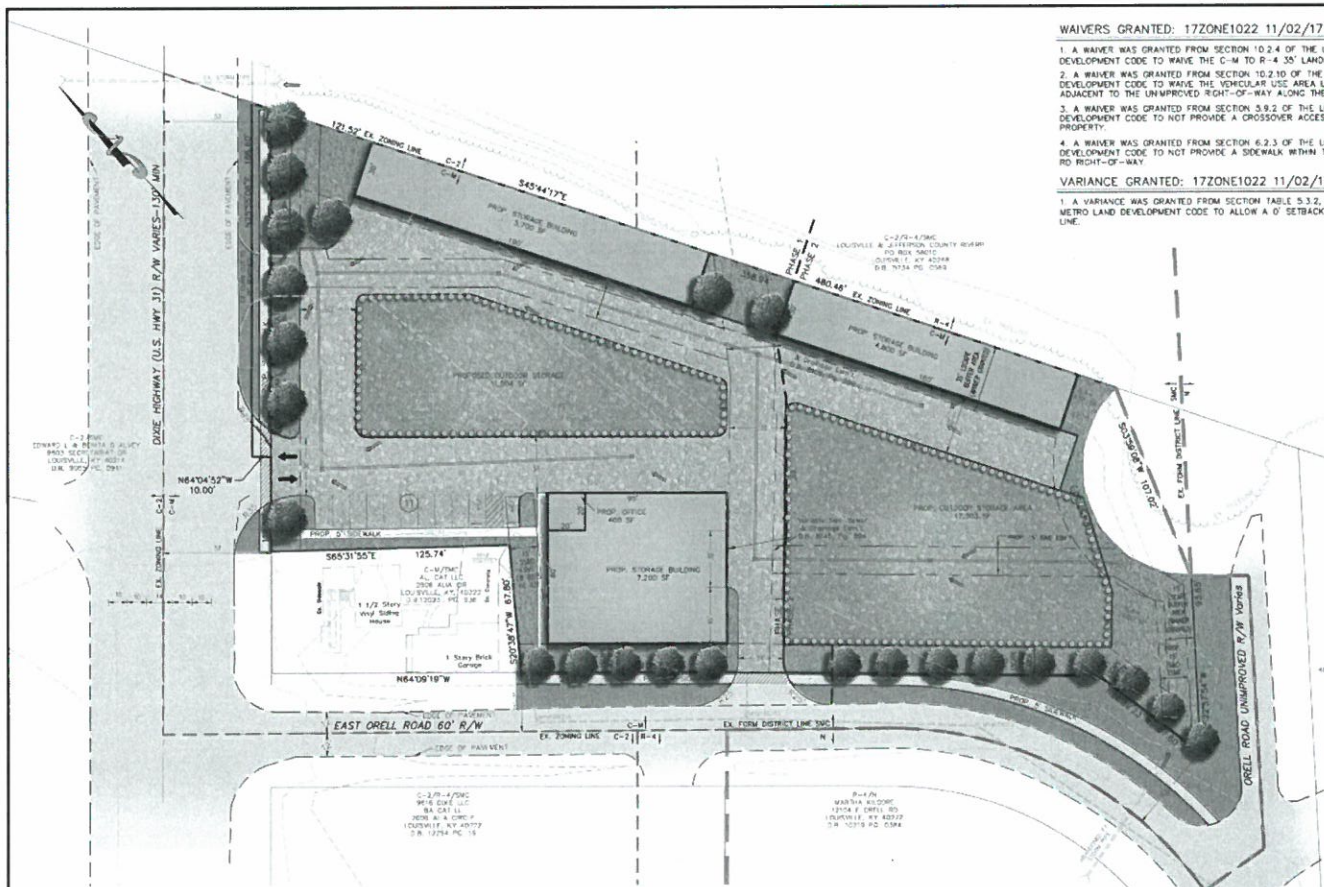
| NO. | DATE | DESCRIPTION | FOR AGENT COMMENTS | FOR AGENT COMMENTS | FOR AGENT COMMENTS |
|-----|----------|-------------|--------------------|--------------------|--------------------|
| 1 | 11-14-17 | | | | |
| 2 | 11-14-17 | | | | |
| 3 | 11-14-17 | | | | |
| 4 | 11-14-17 | | | | |

| NO. | DATE | DESCRIPTION | FOR AGENT COMMENTS | FOR AGENT COMMENTS | FOR AGENT COMMENTS |
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|-----|----------|-------------|--------------------|--------------------|--------------------|
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| 2 | 11-14-17 | | | | |
| 3 | 11-14-17 | | | | |
| 4 | 11-14-17 | | | | |



LEGEND

- PROPOSED STORM SEWER CATCH BASIN
- PROPOSED SEWER AND VEHICLE
- PROPOSED DRAINAGE SWALE

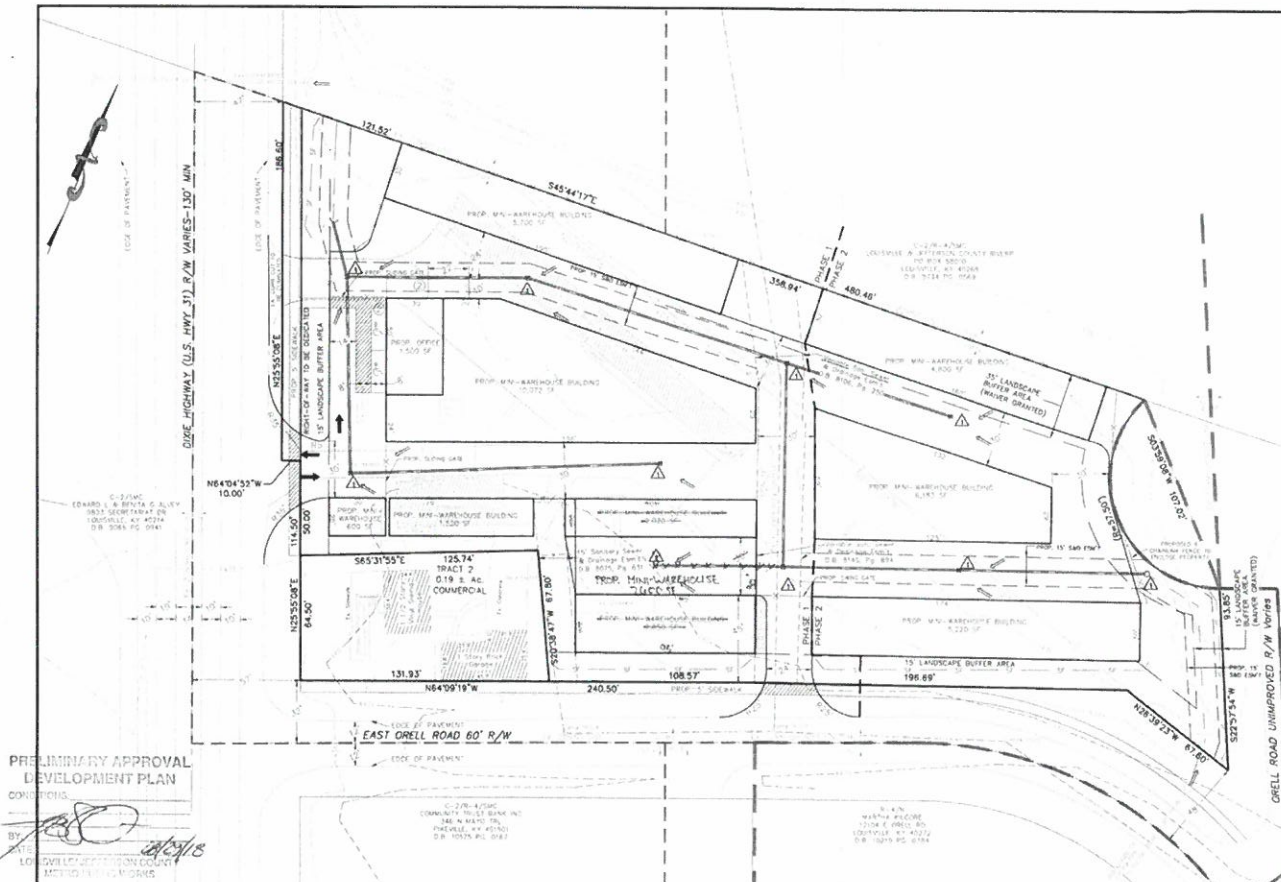
TREE CANOPY CALCULATIONS

| | |
|---|------------------------|
| TOTAL SITE AREA | = 93,722 SF |
| EXISTING TREE CANOPY | = 0 |
| REQUIRED NEW TREE CANOPY TO BE PROVIDED | = 33,503 SF (35% SITE) |

GRAPHIC SCALE



PREVIOUS APPROVED 18DEVPLAN123



PROJECT DATA

TOTAL SITE AREA = 2.18 ± ACRES
 EXISTING ZONING = C-4
 FORM DISTRICT = SUBURBAN MARKETPLACE CORRIDOR
 EXISTING USE = MINI-WAREHOUSE & OFFICE
 BUILDING AREA = 41,915 S.F.
 BUILDING HEIGHT = 15'
 PARKING DATA
 REQUIRED (3 EMPLOYEES/1.5 SP) = 2 SPACES
 PROVIDED = 4 SPACES (INCLUDING 2 HC SPACES)
 TOTAL VEHICULAR USE AREA = 32,000 S.F. (ALL-ENCLOSED)
 INTERIOR LANDSCAPE AREA REQUIRED = 0 S.F. (PER 10.2.2 - ENCLOSED STORAGE AREA)

LOCATION MAP

NOT TO SCALE



WAIVERS GRANTED: 17ZONE1022 11/02/17 PLANNING COMMISSION

1. A WAIVER WAS GRANTED FROM SECTION 10.2.4 OF THE LOUISVILLE METRO LAND DEVELOPMENT CODE TO WAIVE THE C-4 TO R-4.35 LANDSCAPE BUFFER AREA.
2. A WAIVER WAS GRANTED FROM SECTION 10.2.10 OF THE LOUISVILLE METRO LAND DEVELOPMENT CODE TO WAIVE THE VEHICULAR USE AREA LANDSCAPE BUFFER AREA ADJACENT TO THE UNIMPROVED RIGHT-OF-WAY ALONG THE EAST PROPERTY LINE.
3. A WAIVER WAS GRANTED FROM SECTION 5.9.2 OF THE LOUISVILLE METRO LAND DEVELOPMENT CODE TO NOT PROVIDE A CROSSOVER ACCESS TO ADJACENT COMMERCIAL PROPERTY.
4. A WAIVER WAS GRANTED FROM SECTION 6.2.3 OF THE LOUISVILLE METRO LAND DEVELOPMENT CODE TO NOT PROVIDE A SIDEWALK WITHIN THE ABUTTING UNIMPROVED DRELL RD RIGHT-OF-WAY.

VARIANCE GRANTED: 17ZONE1022 11/02/17 PLANNING COMMISSION

1. A VARIANCE WAS GRANTED FROM SECTION TABLE 5.3.3, SECTION 5.3.1 OF THE LOUISVILLE METRO LAND DEVELOPMENT CODE TO ALLOW A 0' SETBACK ALONG THE NORTHERN PROPERTY LINE.

GENERAL NOTES:

1. Parking areas and drive lanes to be a hard and durable surface.
2. An erosion permit and bond will be required for all work done in the right-of-way.
3. KYTC approval required prior to construction plan approval.
4. No increase in drainage run off to state roadways.
5. There shall be no commercial signs in the Right of Way.
6. There shall be no landscaping in the Right of Way without an erosion permit.
7. Site lighting shall not shine in the eyes of drivers if it does it shall be re-aimed, shielded, or turned off.
8. Construction fencing shall be erected prior to any construction or grading activities preventing compaction of road systems of trees to be preserved. The fencing shall enclose the area beneath the drip line of the tree canopy and shall remain in place. No parking, material storage, or construction activities shall be permitted within the fenced area.
9. Mitigation measures for dust control shall be in place during construction to prevent fugitive particulate emissions from existing roads and neighboring properties.
10. Right-of-way dedication by deed and minor plat must be recorded prior to construction approval by Public Works or shall be recorded as part of the required record plat. This will be determined by MPW at the time of construction approval.
11. Construction plans, bond, and KTC permit are required by Metro Public Works prior to construction approval and issuance of MPE encroachment permit.
12. Compatible utilities shall be placed in a common trench unless otherwise required by appropriate agencies.
13. All roadway and entrance intersections shall meet the requirements for loading areas as set by Metro Public Works.

MSD NOTES:

1. No portion of the site is within the 100 year flood plain per FIRM Map No. 21111 C 0121 dated December 2, 2006.
2. Drainage pattern depicted by arrows (mm) is for conceptual purposes. Final configuration and size of drainage pipes and channels shall be determined during the construction plan design process. Drainage facilities shall conform to MSD requirements.
3. Site will be subject to MSD Regional Facility Fee.
4. If the site has this drainage on easement plat will be required prior to MSD grading construction plan approval.
5. The final design of this project must meet all USA water quality regulations established by MSD. Site layout may change at the design phase due to proper sizing of Green Best Management Practices.
6. Erosion & Silt Control shall be conceptual only, and final design will be determined on construction plans.
7. Prior to any construction activities on the site a Erosion & Silt Control Plan shall be provided to MSD for approval.
8. Sanitary electricity request was submitted on September 11, 2017.
9. KYTC, railroad and ACOE approval required prior to MSD construction plan approval.
10. Approval from MSD for construction in any portion of a jurisdictional wetland or wetland buffer shall not be granted until the Army Corps of Engineers has given approval and issued permits allowing the wetland to be modified or a determination has been made by the Army Corps of Engineers that the area in question is a non-jurisdictional wetland.
11. Prior to construction plan approval of Phase 1, an outlet shall be designed to provide positive drainage from the jurisdictional wetland.

SITE ADDRESS:

11905 DIXIE HWY
 LOUISVILLE, KY 40272
 T.B. 1052, LOT 58, 747, 233-2
 D.B. 8982, PG. 0067

CASE#
 18DEVPLAN123
 RELATED CASE#
 17ZONE1022

COUNCIL DISTRICT - 14
 FIRE PROTECTION DISTRICT - PLEASANT RIDGE PARK
 WN# 11645

PRELIMINARY APPROVAL DEVELOPMENT PLAN CONDITIONS

BY DATE
 LOUISVILLE METRO PLANNING COMMISSION

APPROVED BY DEVELOPMENT PLAN
 DATE: 1/10/2018
 APPROVAL DATE: 5-8-18
 PLAN

PRELIMINARY APPROVAL

Condition of Approval
 Date

LOUISVILLE & JEFFERSON COUNTY
 METROPOLITAN SEWER DISTRICT

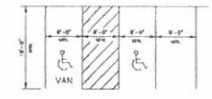
EX. IMPERVIOUS SURFACE = 19,950 S.F.
 PROP. IMPERVIOUS SURFACE INCREASE IN IMPERVIOUS = 56,936 S.F.

MSD STANDARD EROSION CONTROLS

| | |
|---|----------------------------------|
| △ | INLET PROTECTION |
| △ | WINGED HEADWALL INLET PROTECTION |
| △ | SILT FENCE |

LEGEND

- PROPOSED STORM SEWER, CATCH BASIN
- PROPOSED SEWER AND MANHOLE
- PROPOSED DRAINAGE SHALE



TYPICAL PARKING SPACE LAYOUT
 NO SCALE

EROSION PREVENTION AND SEDIMENT CONTROL NOTES

1. The approved erosion prevention and sediment control (EPSC) plan shall be implemented prior to any land-disturbing activity on the construction site.
2. Any modifications to the approved EPSC plan must be reviewed and approved by MSD's private development review office. EPSC BMP's shall be installed per the plan and MSD standards.
3. Detention basins, if applicable, shall be constructed first and shall perform as sediment basins during construction until the contributing drainage areas are seeded and stabilized.
4. Actions must be taken to minimize the tracking of mud and soil from construction areas onto public roadways. Soil tracked onto the roadway shall be removed daily.
5. Soil stockpiles shall be located away from streams, ponds, wetlands and catch basins. Stockpiles shall be seeded, mulched, and adequately contained through the use of silt fence.
6. Where construction or land disturbance activity will or has temporarily ceased on any portion of a site, temporary sedimentation measures shall be required as soon as practicable, but no later than 14 calendar days after the site stabilization measures shall be required.
7. Sediment-laden groundwater encountered during trenching, boring or other excavation activities shall be pumped to a sediment trapping device prior to being discharge into a stream, pond, wetland or catch basin. All storm drainage shall conform to MSD standard specifications.
8. Construction fencing shall be erected prior to any construction or grading activities preventing compaction of road systems or trees to be preserved. The fencing shall enclose the area beneath the drip line of the tree canopy and shall remain in place. No parking, material storage, or construction activities shall be permitted within the fenced area.

TREE CANOPY CALCULATIONS

| | |
|---|---------------------|
| TOTAL SITE AREA | = 95,723 S.F. |
| TOTAL TREE CANOPY AREA REQUIRED | = 20% (19,144 S.F.) |
| EXISTING TREE CANOPY TO BE PRESERVED | = 0% (0 S.F.) |
| PROPOSED TREE CANOPY TO BE PLANTED | = 20% (19,440 S.F.) |
| 22 TYPE "A" TREES @ 1 3/4 CAL. (720 SF CREDIT EACH) | = 19,440 S.F. |
| TOTAL TREE CANOPY PROVIDED | = 20% (19,440 S.F.) |

GRAPHIC SCALE



| NO. | DATE | DESCRIPTION | BY | ST |
|-----|---------|---------------------|----|----|
| 1 | 8-11-18 | PER ACTION COMMENTS | | |

REVISOR'S SEAL
 ENGINEER'S SEAL
 SURVEYOR'S

| PROJECT DATA |
|-----------------------|
| FILE NAME: 17ZONE1022 |
| DATE: 7-18-18 |
| DESIGNED BY: ST |
| CHECKED BY: ST |

L D & D
 LAND DESIGN & DEVELOPMENT, INC.
 11905 DIXIE HWY
 PO BOX 991084
 LOUISVILLE, KY 40269

RECEIVED
 PLANNING & DESIGN SERVICES

JOB NO. 11095
 SHEET 1 OF 1

PLANNING COMMISSION MINUTES
December 15, 2022

PUBLIC HEARING

CASE NO. 22-DDP-0078

| | |
|-------------------|---|
| Request: | Revised Detailed District Development Plan with revisions to Binding Elements |
| Project Name: | Thieneman E Orell |
| Location: | 11905 Dixie Hwy |
| Owner: | 11905 Dixie Hwy LLC |
| Applicant: | 11905 Dixie Hwy LLC |
| Representative: | Land Design and Development |
| Jurisdiction: | Louisville Metro |
| Council District: | 14 – Cindi Fowler |
| Case Manager: | Jay Lockett, AICP, Planner II |

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 Planning and Design Services offices, 444 S. 5th Street.)

Agency Testimony:

00:49:34 Jay Lockett discussed the case summary, standard of review and staff analysis from the staff report.

The following spoke in favor of this request:

Derek Triplett, Land Design and Development, 503 Washburn Avenue, Louisville, Ky. 40222

Summary of testimony of those in favor:

00:56:39 Derek Triplett gave a power point presentation. This plan was approved for mini-warehouses and the proposal is for a change of use (see recording for detailed presentation).

The following spoke neither for nor against the request:

James Jones, 6326 Winding Springs Drive, Louisville, Ky. 40272

Summary of testimony of those neither for nor against:

01:01:34 James Jones asked if the property will be maintained 10-15 years from now. Also, will there be any security (see recording for detailed presentation)?

Rebuttal

PLANNING COMMISSION MINUTES
December 15, 2022

PUBLIC HEARING

CASE NO. 22-DDP-0078

01:02:25 Derek Triplett said there's an existing fence with barbed wire around the site for security (to remain in place). There's also a gate on Dixie and E. Orell (see recording for detailed presentation).

Deliberation

01:07:28 Planning Commission deliberation.

An audio/visual recording of the Planning Commission hearing related to this case is available on the Planning & Design Services website, or you may contact the Customer Service staff to view the recording or to obtain a copy.

On a motion by Commissioner Carlson, seconded by Commissioner Brown, the following resolution was adopted.

RESOLVED, that the Louisville Metro Planning Commission does hereby **CONTINUE** this case to the January 5, 2023 Planning Commission meeting for additional information regarding hours of operation, location of gates and landscape requirements.

The vote was as follows:

YES: Commissioners Brown, Carlson, Cheek, Howard, Mims, Price and Lewis
NOT PRESENT AND NOT VOTING: Commissioners Clare, Pennix and Sistrunk

Planning Commission

Staff Report

December 15, 2022



| | |
|-------------------|-------------------------------|
| Case No: | 22-DDP-0078 |
| Project Name: | Thieneman E Orell |
| Location: | 11905 Dixie Hwy |
| Owner(s): | 11905 Dixie LLC |
| Applicant: | 11905 Dixie LLC |
| Jurisdiction: | Louisville Metro |
| Council District: | 14 – Cindi Fowler |
| Case Manager: | Jay Luckett, AICP, Planner II |

REQUEST(S)

- Revised Detailed District Development plan with Revisions to Binding Elements

CASE SUMMARY/BACKGROUND

The applicant is proposing to add a trailer sales and storage business to a site that is currently under development for mini-storage in the Valley Station area of southwestern Louisville Metro. The site was rezoned to CM with an approved development plan and binding elements under docket 17ZONE1022. The subject site is approximately 2.19 acres in the Suburban Marketplace Corridor form district at the intersection of E Orell Ave and Dixie Hwy. A revised detailed district development plan for the site was approved under docket 22-DDP-0009 and the site is partially constructed according to that plan.

STAFF FINDING

The request is adequately justified and meets the standards of review.

TECHNICAL REVIEW

The site is the subject of a current Zoning Enforcement case docket number ENF-ZON-19-000294. Zoning enforcement officers have observed trailers being stored on the subject site in violation of the approved plan 22-DDP-0009.

INTERESTED PARTY COMMENTS

Staff has received no comments from interested parties concerning this request.

STANDARD OF REVIEW AND STAFF ANALYSIS FOR (R)DDDP and/or AMENDMENT TO BINDING ELEMENTS

- (a) 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;

STAFF: There do not appear to be any environmental constraints or historic resources on the subject site.

- (b) The provisions for safe and efficient vehicular and pedestrian transportation both within the development and the community;

STAFF: Provisions for safe and efficient vehicular and pedestrian transportation within and around the development and the community has been provided, and Metro Public Works has approved the preliminary development plan.

- (c) The provision of sufficient open space (scenic and recreational) to meet the needs of the proposed development;

STAFF: There are no open space requirements pertinent to the current proposal.

- (d) 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;

STAFF: The Metropolitan Sewer District has approved the preliminary development plan 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.

- (e) The compatibility of the overall site design (location of buildings, parking lots, screening, landscaping) and land use or uses with the existing and projected future development of the area;

STAFF: The overall site design and land uses are compatible with the existing and future development of the area. Appropriate landscape buffering and screening will be provided to screen adjacent properties and roadways except where waivers have been approved. Buildings and parking lots will meet all required setbacks except where variances have been approved.

- (f) Conformance of the development plan with the Comprehensive Plan and Land Development Code. Revised plan certain development plans shall be evaluated for conformance with the non-residential and mixed-use intent of the form districts and comprehensive plan.

STAFF: The development plan conforms to applicable guidelines and policies of the Comprehensive Plan and to requirements of the Land Development Code.

REQUIRED ACTIONS

- **RECOMMEND** that the Louisville Metro Council **APPROVE** or **DENY** the Revised Detailed District Development Plan with revisions to binding elements.

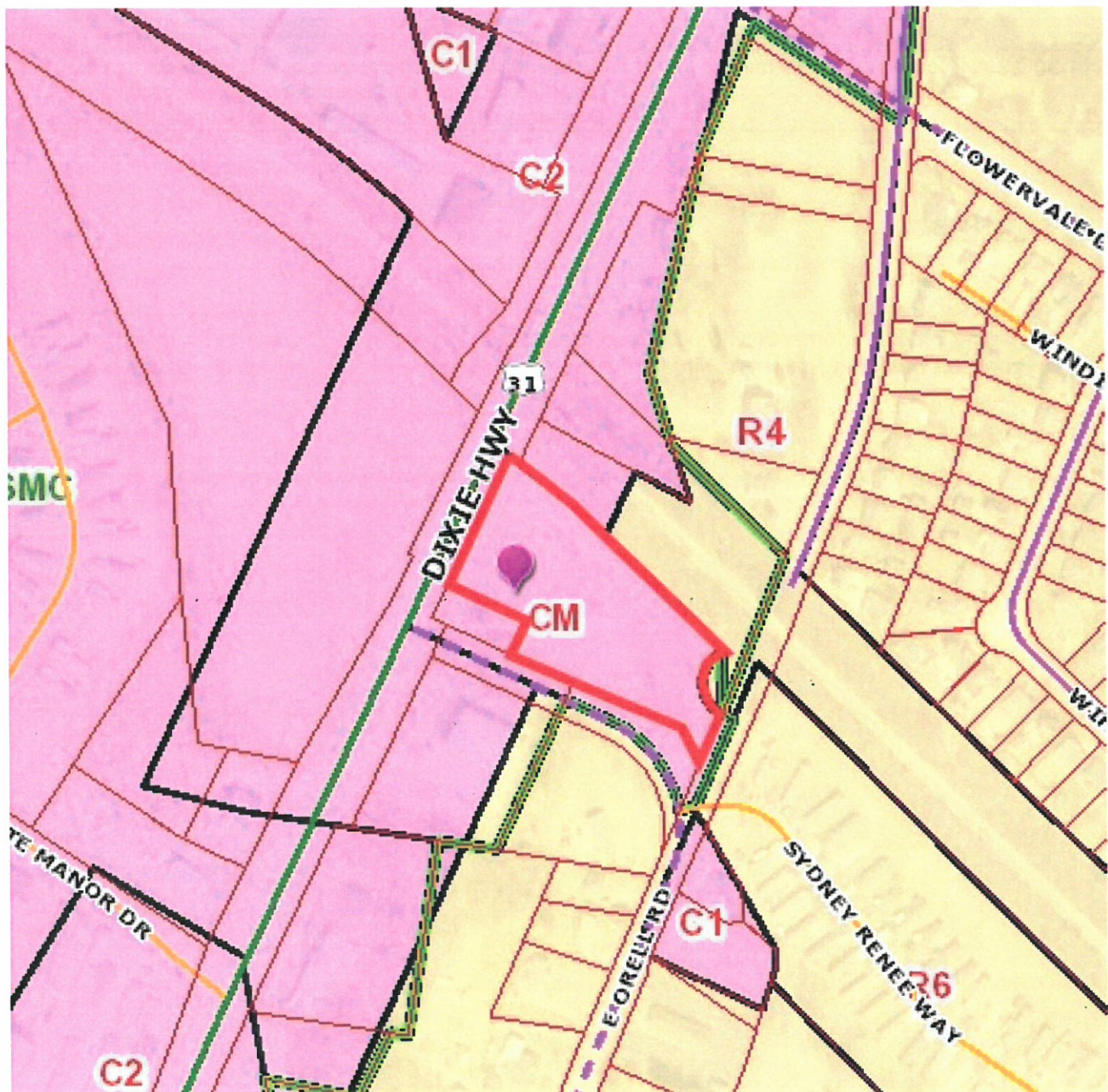
NOTIFICATION

| Date | Purpose of Notice | Recipients |
|-----------------|------------------------------------|---|
| 11-30-22 | Hearing before Planning Commission | 1 st tier adjoining property owners and residents Speakers at Planning Commission public hearing Registered Neighborhood Groups in Council District 14 |

ATTACHMENTS

1. Zoning Map
2. Aerial Photograph
3. Existing Binding Elements with proposed changes
4. Proposed Binding Elements

1. Zoning Map



2. Aerial Photograph



3. Existing 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.
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 Planning Commission hearing.
10. The subject property shall only be used for those uses allowed in the C-M zoning district that are otherwise allowed in the C-2 zoning district and for "Warehouse, storage, **outdoor storage and sales of trailers**" but for no other use permitted in the M-1 zoning district. Any amendment to this binding element shall require approval from the Louisville Metro Planning Commission and from the Louisville Metro Council.
11. There shall be no storage of coal ash/fly ash on the premises.
12. The sidewalks along E. Orell Rd. shall be extended to the Orell Rd. intersection.
13. Any change of use or change to the approved development plan shall require Metro Council review and approval.
- 14. Trailer sales and storage on the subject site shall be limited to medium duty utility trailers and recreational vehicle trailers as defined by the Land Development Code.**

4. 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.
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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.
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 Planning Commission hearing.
10. The subject property shall only be used for those uses allowed in the C-M zoning district that are otherwise allowed in the C-2 zoning district and for "Warehouse, storage, outdoor storage and sales of trailers" but for no other use permitted in the M-1 zoning district. Any amendment to this binding element shall require approval from the Louisville Metro Planning Commission and from the Louisville Metro Council.
11. There shall be no storage of coal ash/fly ash on the premises.
12. The sidewalks along E. Orell Rd. shall be extended to the Orell Rd. intersection.
13. Any change of use or change to the approved development plan shall require Metro Council review and approval.
14. Trailer sales and storage on the subject site shall be limited to medium duty utility trailers and recreational vehicle trailers as defined by the Land Development Code.



Affidavit of Notification

Louisville Metro Planning & Design Services

Once complete, please bring to Planning and Design Services, 444 South 5th Street, Suite 300.
For more information, call (502) 574-6230 or visit <http://www.louisvilleky.gov/PlanningDesign>.

Case Number: 22-DDP-0078

Primary Project Address: 11905 Dixie Hwy

Primary Parcel ID: _____

Applicant Name: 11905 Dixie Hwy, LLC.

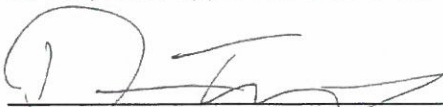
I confirm that, as required for the case noted above, the attached notice was mailed to the following on:

12-1-22 (mail date)

The notice was sent to (please check all that apply)*:

- ☒ All parties required by Kentucky Revised Statutes, the Land Development Code**, the Louisville Metro Code of Ordinances, and the policies of the Planning Commission and Board of Zoning Adjustments
- ☒ The PDS case manager assigned to the case

This notification was completed using the records of the Jefferson County Property Valuation Administrator to determine the addresses of the recipients described above. The records of Planning and Design Services were relied on to determine the identity of the neighborhood groups who are registered to receive notice of development applications as a courtesy through the Neighborhood Notification Program.


Applicant/Representative Signature

12-1-22
Date

* For a list of required parties, please see application checklist or contact your case manager

** All versions of the Land Development Code and Development Code as adopted by Municipalities within Louisville Metro

Luckett, Jay

From: Derek Triplett <triplett@ldd-inc.com>
Sent: Monday, November 28, 2022 2:39 PM
To: Luckett, Jay
Subject: RE: 22-DDP-0078

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Sounds good.

Derek Triplett R.L.A.
Landscape Architect
Land Design & Development, Inc.
503 Washburn Avenue, Suite 101
Louisville, Kentucky 40222
Phone: (502) 426-9374
Fax: (502) 426-9375
Email: triplett@ldd-inc.com
www.ldd-inc.com

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From: Luckett, Jay <Jay.Luckett@louisvilleky.gov>
Sent: Monday, November 28, 2022 2:31 PM
To: Derek Triplett <triplett@ldd-inc.com>
Subject: RE: 22-DDP-0078

Derek,

We can add it to 12-15 PC. Last one of the year. I will write a binding element about the trailer lengths.

Regards,

Jay Luckett, AICP
Planner II
Planning & Design Services
Department of Develop Louisville
LOUISVILLE FORWARD
444 South Fifth Street, Suite 300
Louisville, KY 40202

502-574-5159

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<https://louisvilleky.gov/government/planning-design>



**DEVELOP
LOUISVILLE**
LOUISVILLE FORWARD



From: Derek Triplett <triplett@ldd-inc.com>
Sent: Monday, November 28, 2022 2:28 PM
To: Luckett, Jay <Jay.Luckett@louisvilleky.gov>
Subject: RE: 22-DDP-0078

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Jay,

Chris has decided to agree to only selling trailers that are shorter than 25'. Any trailer larger 25' would be for storage only. Can we get a docket date based on that?

Thanks,

Derek Triplett R.L.A.
Landscape Architect
Land Design & Development, Inc.
503 Washburn Avenue, Suite 101
Louisville, Kentucky 40222
Phone: (502) 426-9374
Fax: (502) 426-9375
Email: triplett@ldd-inc.com
www.ldd-inc.com

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From: Derek Triplett <triplett@ldd-inc.com>
Sent: Tuesday, November 8, 2022 9:22 AM
To: Lockett, Jay <Jay.Lockett@louisvilleky.gov>
Subject: Re: 22-DDP-0078

Jay,

We're still trying to figure out the best way to handle the zoning code issue.

Thanks,

Derek Triplett R.L.A.
Landscape Architect
Land Design & Development, Inc.
503 Washburn Avenue, Suite 101
Louisville, Kentucky 40222
Phone: (502) 426-9374
Fax: (502) 426-9375
Email: triplett@ldd-inc.com
www.ddd-inc.com

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Sent from my Verizon, Samsung Galaxy smartphone
Get [Outlook for Android](#)

From: Lockett, Jay <Jay.Lockett@louisvilleky.gov>
Sent: Thursday, November 3, 2022 9:41:47 AM
To: Derek Triplett <triplett@ldd-inc.com>
Subject: RE: 22-DDP-0078

Derek,

Do you still want to notice this for PC on 11-17, or is your client still considering the use with respect to the standards for trailer sales and storage?

Regards,

Jay Lockett, AICP
Planner II
Planning & Design Services
Department of Develop Louisville
LOUISVILLE FORWARD
444 South Fifth Street, Suite 300
Louisville, KY 40202
502-574-5159

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**DEVELOP
LOUISVILLE**
LOUISVILLE FORWARD



From: Derek Triplett <triplett@ldd-inc.com>
Sent: Thursday, October 27, 2022 2:24 PM
To: Luckett, Jay <Jay.Luckett@louisvilleky.gov>
Subject: RE: 22-DDP-0078

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These are not heavy trucks nor motor driven vehicles. Trailers only. Per 4.4.8, outdoor sales, display and storage is permitted within C-M.

Derek Triplett R.L.A.
Landscape Architect
Land Design & Development, Inc.
503 Washburn Avenue, Suite 101
Louisville, Kentucky 40222
Phone: (502) 426-9374
Fax: (502) 426-9375
Email: triplett@ldd-inc.com
www.ldd-inc.com

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From: Luckett, Jay <Jay.Luckett@louisvilleky.gov>
Sent: Thursday, October 27, 2022 2:12 PM
To: Derek Triplett <triplett@ldd-inc.com>
Subject: RE: 22-DDP-0078

Trailers of that size could be stored on-site under the new regulations, but not sold or rented. Sales of trailers of that size would need a rezoning to M-2 or PEC.

Regards,

Jay Lockett, AICP
Planner II
Planning & Design Services
Department of Develop Louisville
LOUISVILLE FORWARD
444 South Fifth Street, Suite 300
Louisville, KY 40202
502-574-5159

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**DEVELOP
LOUISVILLE**
LOUISVILLE FORWARD



From: Derek Triplett <triplett@ldd-inc.com>
Sent: Thursday, October 27, 2022 2:08 PM
To: Lockett, Jay <Jay.Lockett@louisvilleky.gov>
Subject: RE: 22-DDP-0078

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I just heard back from the developer and they will need the ability to have trailers up to 40' long.

Derek Triplett R.L.A.
Landscape Architect
Land Design & Development, Inc.
503 Washburn Avenue, Suite 101
Louisville, Kentucky 40222
Phone: (502) 426-9374
Fax: (502) 426-9375
Email: triplett@ldd-inc.com
www.ldb-inc.com

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From: Luckett, Jay <Jay.Luckett@louisvilleky.gov>
Sent: Thursday, October 27, 2022 11:28 AM
To: Derek Triplett <triplett@ldd-inc.com>
Subject: RE: 22-DDP-0078

My proposed BE will be something along the lines of "sales of trailers shall be limited to those classified as medium or light duty utility trailers and recreational trailers as defined by the LDC..."

Regards,

Jay Luckett, AICP
Planner II
Planning & Design Services
Department of Develop Louisville
LOUISVILLE FORWARD
444 South Fifth Street, Suite 300
Louisville, KY 40202
502-574-5159

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<https://louisvilleky.gov/government/planning-design>



From: Derek Triplett <triplett@ldd-inc.com>
Sent: Thursday, October 27, 2022 11:25 AM
To: Luckett, Jay <Jay.Luckett@louisvilleky.gov>
Subject: RE: 22-DDP-0078

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I don't think the intent is to store or sell any trailers that would exceed that 25' dimension but I'll confirm with the developer

Derek Triplett R.L.A.
Landscape Architect
Land Design & Development, Inc.
503 Washburn Avenue, Suite 101
Louisville, Kentucky 40222
Phone: (502) 426-9374
Fax: (502) 426-9375
Email: triplett@ldd-inc.com
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From: Lockett, Jay <Jay.Lockett@louisvilleky.gov>
Sent: Thursday, October 27, 2022 11:07 AM
To: Derek Triplett <triplett@ldd-inc.com>
Subject: 22-DDP-0078

Derek,

I wanted to make sure you were aware of a slightly odd code interaction for the proposed use on this site. Since Metro Council recently passed the attached ordinance, heavy truck parking and storage is allowed on this site (Binding elements notwithstanding). Heavy truck sales/repair is still an M-2 use. So as a CM site, this site can store heavy trucks and trailers, but not sell them. Sales of trailers are limited to those classified as medium or light utility trailers (16' max excluding tongue) and recreational trailers (25' max including tongue). I expect this to cause enforcement issues in the future.

There will need to be revisions to binding element 10 approved by Metro Council to allow the use. I will let you know early next week about notice.

Regards,

Jay Lockett, AICP
Planner II
Planning & Design Services
Department of Develop Louisville
LOUISVILLE FORWARD
444 South Fifth Street, Suite 300
Louisville, KY 40202
502-574-5159

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Luckett, Jay

From: Luckett, Jay
Sent: Thursday, October 27, 2022 2:31 PM
To: Derek Triplett
Subject: RE: 22-DDP-0078

4.4.8 does not apply in this case with respect to the use. Recreational trailers 25' and under are considered medium, over that heavy. Utility trailers 16' and under are medium, over that heavy. See below from the definitions:

Utility Trailer – A vehicle designed to be pulled by a motor vehicle which is used to carry property, trash, or special equipment. Utility trailers less than or equal to sixteen (16) feet in length shall be regulated as medium trucks. Utility trailers in excess of 16 feet in length shall be considered industrial vehicles and are regulated as heavy trucks. Utility trailers shall be measured excluding the "tongue".

Vehicle, Recreational – A vehicle with or without motive power, which is designed for sport or recreational use, or which is designed for human occupancy on an intermittent basis. Recreational vehicle is divided into two categories as follows:

- A. Motor Home - Motor home includes motorized vehicles designed for human occupancy on an intermittent basis. A camper is considered a motor home when it is on the back of a pick-up or other truck. Motor homes are regulated as trucks unless the regulations specifically indicate otherwise.
- B. Accessory Recreational Vehicle - Accessory recreational vehicle includes non-motorized vehicles designed for human occupancy on an intermittent basis such as vacation trailers and fifth wheel trailers. A camper is considered an accessory recreational vehicle when it is standing alone. ~~Accessory recreational vehicles also include vehicles designed for off-road use such as off-road vehicles, dune buggies, recreational boats, and trailers used to haul these vehicles.~~ Accessory recreational vehicles and the trailers used to haul them less than or equal to 25 feet in length shall be regulated as medium trucks. Accessory recreational vehicles and trailers used to haul them in excess of 25 feet in length shall be regulated as heavy trucks.

Regards,

Jay Luckett, AICP
Planner II
Planning & Design Services
Department of Develop Louisville
LOUISVILLE FORWARD
444 South Fifth Street, Suite 300
Louisville, KY 40202
502-574-5159

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From: Derek Triplett <triplett@ldd-inc.com>
Sent: Thursday, October 27, 2022 2:24 PM
To: Luckett, Jay <Jay.Luckett@louisvilleky.gov>
Subject: RE: 22-DDP-0078

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These are not heavy trucks nor motor driven vehicles. Trailers only. Per 4.4.8, outdoor sales, display and storage is permitted within C-M.

Derek Triplett R.L.A.
Landscape Architect
Land Design & Development, Inc.
503 Washburn Avenue, Suite 101
Louisville, Kentucky 40222
Phone: (502) 426-9374
Fax: (502) 426-9375
Email: triplett@ldd-inc.com
www.ldb-inc.com

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From: Luckett, Jay <Jay.Luckett@louisvilleky.gov>
Sent: Thursday, October 27, 2022 2:12 PM
To: Derek Triplett <triplett@ldd-inc.com>
Subject: RE: 22-DDP-0078

Trailers of that size could be stored onsite under the new regulations, but not sold or rented. Sales of trailers of that size would need a rezoning to M-2 or PEC.

Regards,

Jay Lockett, AICP
Planner II
Planning & Design Services
Department of Development Louisville
LOUISVILLE FORWARD
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Louisville, KY 40202
502-574-5159

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**DEVELOP
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From: Derek Triplett <triplett@ldd-inc.com>
Sent: Thursday, October 27, 2022 2:08 PM
To: Lockett, Jay <Jay.Lockett@louisvilleky.gov>
Subject: RE: 22-DDP-0078

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I just heard back from the developer and they will need the ability to have trailers up to 40' long.

Derek Triplett R.L.A.
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From: Lockett, Jay <Jay.Lockett@louisvilleky.gov>
Sent: Thursday, October 27, 2022 11:28 AM
To: Derek Triplett <triplett@ldd-inc.com>
Subject: RE: 22-DDP-0078

My proposed BE will be something along the lines of "sales of trailers shall be limited to those classified as medium or light duty utility trailers and recreational trailers as defined by the LDC..."

Regards,

Jay Lockett, AICP
Planner II
Planning & Design Services
Department of Develop Louisville
LOUISVILLE FORWARD
444 South Fifth Street, Suite 300
Louisville, KY 40202
502-574-5159

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From: Derek Triplett <triplett@ldd-inc.com>
Sent: Thursday, October 27, 2022 11:25 AM
To: Lockett, Jay <Jay.Lockett@louisvilleky.gov>
Subject: RE: 22-DDP-0078

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I don't think the intent is to store or sell any trailers that would exceed that 25' dimension but I'll confirm with the developer

Derek Triplett R.L.A.
Landscape Architect
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Phone: (502) 426-9374
Fax: (502) 426-9375
Email: triplett@ldd-inc.com
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From: Lockett, Jay <Jay.Lockett@louisvilleky.gov>
Sent: Thursday, October 27, 2022 11:07 AM
To: Derek Triplett <triplett@ldd-inc.com>
Subject: 22-DDP-0078

Derek,

I wanted to make sure you were aware of a slightly odd code interaction for the proposed use on this site. Since Metro Council recently passed the attached ordinance, heavy truck parking and storage is allowed on this site (Binding elements notwithstanding). Heavy truck sales/repair is still an M-2 use. So as a CM site, this site can store heavy trucks and trailers, but not sell them. Sales of trailers are limited to those classified as medium or light utility trailers (16' max excluding tongue) and recreational trailers (25' max including tongue). I expect this to cause enforcement issues in the future.

There will need to be revisions to binding element 10 approved by Metro Council to allow the use. I will let you know early next week about notice.

Regards,

Jay Lockett, AICP
Planner II
Planning & Design Services
Department of Develop Louisville
LOUISVILLE FORWARD
444 South Fifth Street, Suite 300
Louisville, KY 40202
502-574-5159

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Luckett, Jay

From: Derek Triplett <triplett@ldd-inc.com>
Sent: Monday, October 17, 2022 10:02 AM
To: Luckett, Jay
Cc: Williams, Julia; Davis, Brian
Subject: RE: 22-DDP-0078 Revised Comments

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Great, thanks!

Derek Triplett R.L.A.
Landscape Architect
Land Design & Development, Inc.
503 Washburn Avenue, Suite 101
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Phone: (502) 426-9374
Fax: (502) 426-9375
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From: Luckett, Jay <Jay.Luckett@louisvilleky.gov>
Sent: Monday, October 17, 2022 9:42 AM
To: Derek Triplett <triplett@ldd-inc.com>
Cc: Williams, Julia <Julia.Williams@louisvilleky.gov>; Davis, Brian <Brian.Davis@louisvilleky.gov>
Subject: RE: 22-DDP-0078 Revised Comments

Derek,

I discussed it with Julia and its fine, I can withdraw that comment as there is still an active plan approved and this is a revision to that plan. If the plan was expired we would need to address the waivers.

Regards,

Jay Luckett, AICP
Planner II
Planning & Design Services
Department of Develop Louisville

LOUISVILLE FORWARD
444 South Fifth Street, Suite 300
Louisville, KY 40202
502-574-5159

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**DEVELOP
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From: Derek Triplett <triplett@ldd-inc.com>
Sent: Monday, October 17, 2022 9:20 AM
To: Luckett, Jay <Jay.Luckett@louisvilleky.gov>
Cc: Williams, Julia <Julia.Williams@louisvilleky.gov>; Davis, Brian <Brian.Davis@louisvilleky.gov>
Subject: FW: 22-DDP-0078 Revised Comments

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Jay,

I'm trying to get this resubmitted today and I'd like to discuss your comment #2 where you're saying that we need to resubmit the previously approved waivers.

I would disagree with your point that it's a significant change to the plan. These are both storage uses and the plan elements are in the exact same location as they were previously; meaning that the encumbrances are the same. I've attached the current and previously approved plan for comparison's sake. Historically speaking, we've had waivers on several previously approved plans carry forward into revised plans that were not as similar as these plans are.

Hopefully this explanation will resolve this comment but I'd be happy to discuss further if not.

Thanks,

Derek Triplett R.L.A.
Landscape Architect
Land Design & Development, Inc.
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From: Lockett, Jay P <Jay.Lockett@louisvilleky.gov>

Sent: Wednesday, September 21, 2022 9:58 AM

To: Derek Triplett <triplett@ldd-inc.com>

Subject: 22-DDP-0078 Revised Comments

Derek,

See attached.

Regards,

Jay Lockett, AICP
Planner II
Planning & Design Services
Department of Develop Louisville
LOUISVILLE FORWARD
444 South Fifth Street, Suite 300
Louisville, KY 40202
502-574-5159

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AGENCY REVIEW COMMENTS

Case Number: 22-DDP-0078 Project Name: Orell Storage
Comments Due: 9-21-22
Case Manager: Jay Lockett Project Contact: Derek Triplett
Jay.lockett@louisvilleky.gov
Email/Phone: 502-574-5159 Email/Phone: triplett@ldd-inc.com
Request: RDDDP

Agency: PDS **Reviewer: Jay Lockett** **Phone: 502-574-5159**

| # | Agency Comment | Resolved (Y/N/Revised) |
|---|--|---------------------------|
| 1 | Show ILA compliance. ILAs required, indicate the size of each on the plan. Per 10.2.12, ILAs still required for the overall VUA on site. <u>The outdoor storage area still counts in the total VUA for the site; you just don't have to meet the ILA within the storage area, it still must be met on site.</u> | |
| 2 | The previously approved waivers are no longer applicable, as this plan is a significant departure from what was previously approved. Show all required buffers and request waivers for any encroachments. The variance is still good. | |
| 3 | Recommend completing the sidewalk to the intersection to take care of the requirements for sidewalks in the unimproved ROW. | |
| 4 | Pedestrian connections required to the office from each adjacent street. <u>Show connection to E Orell.</u> | |
| 5 | Additional comments may follow further submittals. | |

Agency: DPW **Reviewer: Mark Dutrow** **Phone: 502-574-5542**

| # | Agency Comment |
|---|----------------------------------|
| 1 | All comments have been resolved. |

Agency: MSD **Reviewer: Tony Kelly** **Phone: 502-540-6266**

| # | Agency Comment |
|---|-----------------------------|
| 1 | 8-1-22 1. Ok to approve. |

| | | |
|---------------|-----------|--------|
| Agency: Misc. | Reviewer: | Phone: |
|---------------|-----------|--------|

| # | Agency Comment |
|---|----------------|
|---|----------------|

Luckett, Jay P

From: Stuber, Elizabeth W.
Sent: Tuesday, September 20, 2022 12:11 PM
To: Luckett, Jay P
Subject: 22-ddp-0078 11905 Dixie Hwy

Jay,

All comments have been resolved.

Beth Stuber, PE
Transportation Engineering Supervisor

From: Stuber, Elizabeth W.
Sent: Thursday, March 24, 2022 3:58 PM
To: Luckett, Jay P <Jay.Luckett@louisvilleky.gov>
Subject: 22-DDP-0009 11905 Dixie Hwy

Jay,

All Transportation comments for 22-DDP-0009 have been resolved.

Beth Stuber, PE
Transportation Engineering Supervisor

From: Stuber, Elizabeth W.
Sent: Tuesday, February 1, 2022 3:47 PM
To: Luckett, Jay P <Jay.Luckett@louisvilleky.gov>
Subject: 22-DDP-0009 11905 Dixie Hwy

Jay,

Transportation has the following comments for 22-ddp-0009.

1. All conditions and binding elements from 17zone1022 shall remain.
2. The State will need to approve the full access on Dixie.

Beth Stuber, PE
Transportation Engineering Supervisor
Planning & Design Services
Department of Develop Louisville
444 South Fifth Street, Suite 300
Louisville, KY 40202
(502) 574-3875
<https://louisvilleky.gov/government/planning-design>





AGENCY REVIEW COMMENTS

| | | | |
|---------------|---|------------------|--|
| Case Number: | 22-DDP-0078 | Project Name: | Orell Storage |
| Comments Due: | 8-3-22 | | |
| Case Manager: | Jay Lockett Jay.lockett@louisvilleky.gov | Project Contact: | Derek Triplett |
| Email/Phone: | 502-574-5159 | Email/Phone: | triplett@ldd-inc.com |
| Request: | RDDDP | | |

Agency: PDS

Reviewer: Jay Lockett

Phone: 502-574-5159

| # | Agency Comment | Resolved (Y/N/Revised) |
|---|---|---------------------------|
| 1 | The explanation says this site is to be used for trailer sales, but that is not reflected on the plan. Make all uses clear on the plan. | |
| 2 | Show ILA compliance. ILAs required, indicate the size of each on the plan. Per 10.2.12, ILAs still required for the overall VUA on site. | |
| 3 | Is the gate blocking a parking space? The gate closest to Dixie doesn't make sense. The ADA spaces need to be near the office. | |
| 4 | The previously approved waivers are no longer applicable, as this plan is a significant departure from what was previously approved. Show all required buffers and request waivers for any encroachments. | |
| 5 | Recommend the fee-in-lieu, or even better complete the sidewalk to the intersection to take care of the requirements for sidewalks in the unimproved ROW. | |
| 6 | Update the tree canopy requirements to meet current requirements. | |
| 7 | Outdoor storage and sale of trailers on site limited to medium and light duty only. No storage or sales of heavy equipment permitted on this site. | |
| 8 | Pedestrian connections required to the office from each adjacent street. | |
| 9 | Additional comments may follow further submittals. | |

Agency: DPW

Reviewer: Mark Dutrow

Phone: 502-574-5542

| # | Agency Comment |
|---|--|
| 1 | <ol style="list-style-type: none">On the plan, it is difficult to see how the two entrances will be connected around the outside storage. The parking and the drive lanes will have to be a hard, durable surface that doesn't include gravel.The ADA parking spaces should be closer to the office area. |

Agency: MSD**Reviewer: Tony Kelly****Phone: 502-540-6266**

| # | Agency Comment |
|---|-----------------------------|
| 1 | 8-1-22 1. Ok to approve. |

Agency: Misc.**Reviewer:****Phone:**

| # | Agency Comment |
|---|---|
| 1 | <p>For 22-DDP-0078 - 11905 Dixie Hwy, no known historic or cultural resources will be affected.</p> <p>Thanks!</p> <p>Kat</p> <p>Katherine Groskreutz Planning & Design Coordinator Planning & Design Services Department of Develop Louisville <i>LOUISVILLE FORWARD</i> 444 South Fifth Street, Suite 300 Louisville, KY 40202 (502) 574-6929</p> |
| 2 | <ul style="list-style-type: none">* Each proposed lot/building must connect to its own sanitary sewer PSC with a minimum six-inch sanitary sewer.* Owner must provide documentation of connect to sanitary sewer, PSC, with a minimum six-inch sanitary sewer.* Sanitary sewer service to be approved by MSD.* All construction and sales trailers must be permitted by the Department of Public Health and Wellness in accordance with chapter 115 of Louisville Jefferson County Metro Ordinances.* Mosquito control in accordance with chapter 96 of Louisville Jefferson Count Metro Ordinances.* Must comply with all current Metro Smoking Ordinances.* Plans must be submitted to the Health Dept. prior to construction. <p>Seth Schonburg Associate Planner Louisville Metro Public Health & Wellness 400 E Gray St Louisville, KY 40202 https://louisvilleky.gov/government/health-wellness</p> |

Luckett, Jay P

From: Groskreutz, Katherine H.
Sent: Wednesday, August 3, 2022 11:51 AM
To: Luckett, Jay P
Subject: UDT Comments for 22-DDP-0078 - 11905 Dixie Hwy

Hi Jay,

For 22-DDP-0078 - 11905 Dixie Hwy, no known historic or cultural resources will be affected.

Thanks!

Kat

Katherine Groskreutz
Planning & Design Coordinator
Planning & Design Services
Department of Develop Louisville
LOUISVILLE FORWARD
444 South Fifth Street, Suite 300
Louisville, KY 40202
(502) 574-6929



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Luckett, Jay P

From: Tony Kelly <Tony.Kelly@louisvillemetro.org>
Sent: Monday, August 1, 2022 1:55 PM
To: Luckett, Jay P
Cc: Williams, Julia; Mark A. Sites; Brad Selch; Davis, Brian
Subject: RE: WM#11645 PRELIM-22-1014 22-ddp-0009 11905 Dixie Hwy 22-ddp-0078
Attachments: WM#11645_22-DDP-0078_Plan_071822.pdf

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8-1-22

1. Ok to approve.

From: Tony Kelly
Sent: Tuesday, March 29, 2022 12:27 PM
To: Jay Luckett <jay.luckett@louisvilleky.gov>
Cc: Williams, Julia <Julia.Williams@louisvilleky.gov>; Mark A. Sites <Mark.Sites@louisvillemetro.org>; Brad Selch <brad.selch@louisvillemetro.org>; Davis, Brian <Brian.Davis@louisvilleky.gov>
Subject: RE: WM#11645 PRELIM-22-1014 22-ddp-0009 11905 Dixie Hwy

3-29-22

1. Ok to approve.

From: Tony Kelly
Sent: Monday, January 31, 2022 2:15 PM
To: Jay Luckett <jay.luckett@louisvilleky.gov>
Cc: Williams, Julia <Julia.Williams@louisvilleky.gov>; Mark A. Sites <Mark.Sites@louisvillemetro.org>; Brad Selch <brad.selch@louisvillemetro.org>; Davis, Brian <Brian.Davis@louisvilleky.gov>
Subject: WM#11645 PRELIM-22-1014 22-ddp-0009 11905 Dixie Hwy

1-31-22

1. Service Charges apply to all new plan submittals. MSD encourages customers to pay charges through the online portal. Checks may be accepted; however, the checks must be accompanied by the invoice received through the portal. Checks received that are not accompanied by an invoice may be returned without processing and could delay reviews and permitting. For more information or to access the online payment portal, visit <http://www.louisvillemetro.org/what-we-do/stormwaterdrainage/permitting>. Charges are required to be paid in full prior to a second review.
 - a. Preliminary Plan Review Fee 1 acre or less \$100 each
 - b. Preliminary Plan Review Fee 1 to 5 acres \$200 each
 - c. Preliminary Plan Review Fee more than 5 acres \$300 each
 - d. MSD plan review invoice number: Prelim-22-1014

2. Applicant must re-submit and receive an approved downstream sanitary capacity facility request prior to preliminary plan approval.
3. The most upstream storm water pipe picking up the trough drainage should be a headwall.



Tony Kelly
Associate Engineer II

P 502.540.6266

A Louisville MSD 700 West Liberty Street Louisville KY 40203-1911





Land Development Report

July 18, 2022 11:41 AM

[About](#) [LDC](#)

Location

Parcel ID: 105200580000
Parcel LRSN: 8104953
Address: MULTIPLE ADDRESSES

Zoning

Zoning: CM
Form District: SUBURBAN MARKETPLACE CORRIDOR
Plan Certain #: 17ZONE1022
Proposed Subdivision Name: NONE
Proposed Subdivision Docket #: NONE
Current Subdivision Name: NONE
Plat Book - Page: NONE
Related Cases: B-199-04

Special Review Districts

Overlay District: NO
Historic Preservation District: NONE
National Register District: NONE
Urban Renewal: NO
Enterprise Zone: NO
System Development District: NO
Historic Site: NO

Environmental Constraints

Flood Prone Area

FEMA Floodplain Review Zone: NO
FEMA Floodway Review Zone: NO
Local Regulatory Floodplain Zone or Combined Sewer Floodprone Area: NO
Local Regulatory Conveyance Zone: NO
FEMA FIRM Panel: 21111C0121F

Protected Waterways

Potential Wetland (Hydric Soil): NO
Streams (Approximate): NO
Surface Water (Approximate): NO

Slopes & Soils

Potential Steep Slope: NO
Unstable Soil: NO

Geology

Karst Terrain: NO

Sewer & Drainage

MSD Property Service Connection: YES
Sewer Recapture Fee Area: NO

Services

Municipality: LOUISVILLE
Council District: 14
Fire Protection District: PLEASURE RIDGE PARK
Urban Service District: NO

RECEIVED

JUL 18 2022

PLANNING & DESIGN
SERVICES

22 - DDP - 0078

LAND DESIGN & DEVELOPMENT, INC.
ENGINEERING • SURVEYING • LANDSCAPE ARCHITECTURE
503 Washburn Avenue, Suite 101
Louisville, Kentucky 40222
(502) 426-9374 FAX (502)426-9375

Letter of Explanation
11905 Dixie Hwy
Related Case# 17ZONE1022

The proposed Revised Development Plan is to construct a sales and storage use for a trailer sales company at the subject site, located at 11905 Dixie Hwy. Parking is being provided to meet the requirements of the Land Development Code. The existing zone (C-M) permits the proposed use. Minimal site design changes are being proposed in comparison to the previously approved plan.

RECEIVED

JUL 18 2022

PLANNING & DESIGN
SERVICES

22 - DDP - 0078

Current Resident
6319 Sydney Renee Way
Louisville, KY 40272

Current Resident
6320 Sydney Renee Way
Louisville, KY 40272

Current Resident
6322 Sydney Renee Way
Louisville, KY 40272

Current Resident
6323 Sydney Renee Way
Louisville, KY 40272

Current Resident
6324 Sydney Renee Way
Louisville, KY 40272

Current Resident
6325 Sydney Renee Way
Louisville, KY 40272

Current Resident
6326 Sydney Renee Way
Louisville, KY 40272

Current Resident
6327 Sydney Renee Way
Louisville, KY 40272

Current Resident
6328 Sydney Renee Way
Louisville, KY 40272

Current Resident
6329 Sydney Renee Way
Louisville, KY 40272

Current Resident
6330 Sydney Renee Way
Louisville, KY 40272

Current Resident
6331 Sydney Renee Way
Louisville, KY 40272

Current Resident
6333 Sydney Renee Way
Louisville, KY 40272

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Louisville, KY 40272

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Louisville, KY 40272

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6339 Sydney Renee Way
Louisville, KY 40272

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6340 Sydney Renee Way
Louisville, KY 40272

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6341 Sydney Renee Way
Louisville, KY 40272

Current Resident
6342 Sydney Renee Way
Louisville, KY 40272

Current Resident
6343 Sydney Renee Way
Louisville, KY 40272

Current Resident
6344 Sydney Renee Way
Louisville, KY 40272

Current Resident
6345 Sydney Renee Way
Louisville, KY 40272

Current Resident
6346 Sydney Renee Way
Louisville, KY 40272

Current Resident
6348 Sydney Renee Way
Louisville, KY 40272

Current Resident
6350 Sydney Renee Way
Louisville, KY 40272

Current Resident
6352 Sydney Renee Way
Louisville, KY 40272

Current Resident
6354 Sydney Renee Way
Louisville, KY 40272

Louisville & Jefferson County
Riverport Authority
PO Box 58010
Louisville, KY 40268

CL Cat LLC
500 W Jefferson St ste 1505
Louisville, KY 40202

Martha E Kilgore
12104 E Orell Rd
Louisville, KY 40272

Ronnie Cole
12013 E Orell Rd
Louisville, KY 40272

Edward & Benita Alvey
9803 Secretariat Dr
Louisville, KY 40214

11905 Dixie LLC
PO Box 991064
Louisville, KY 40269

Derek Triplett
Land Design & Development Inc
503 Washburn Ave ste 101
Louisville, KY 40222

A Another Room Self Stor
100 Knox Blvd
Radcliff, KY 40160

Current Resident
6200 Sydney Renee Way
Louisville, KY 40272

Current Resident
6202 Sydney Renee Way
Louisville, KY 40272

Current Resident
6204 Sydney Renee Way
Louisville, KY 40272

Current Resident
6300 Sydney Renee Way
Louisville, KY 40272

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Current Resident
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Louisville, KY 40272

Current Resident
6317 Sydney Renee Way
Louisville, KY 40272

Current Resident
6318 Sydney Renee Way
Louisville, KY 40272



Bobbie Holsclaw
Jefferson County Clerk's Office

As evidenced by the instrument number shown below, this document
has been recorded as a permanent record in the archives of the
Jefferson County Clerk's Office.



INST # 2021283678

BATCH # 345931

JEFFERSON CO, KY FEE \$50.00

PRESENTED ON: 11-10-2021 1 09:04:30 AM

LODGED BY: simplifile

RECORDED: 11-12-2021 09:04:30 AM

BOBBIE HOLSCRAW

CLERK

BY: TINK BROWN

INDEXING SUPERVISOR

BK: D 12194

PG: 405-410

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527 W Jefferson St ~ Louisville, KY 40202 (502) 574-5700

Website: www.jeffersoncountyclerk.org | Email: countyclerk@jeffersoncountyclerk.org

22 - 1 DDP - 0078

DEED OF CONSOLIDATION

THIS DEED OF CONSOLIDATION is made as of November 10, 2021, between:

11905 DIXIE, LLC

a Kentucky limited liability company
2606 Alia Circle
Louisville, Kentucky 40222

("Grantor")

and

11905 DIXIE, LLC

a Kentucky limited liability company
2606 Alia Circle
Louisville, Kentucky 40222

("Grantee")

WITNESSETH:

WHEREAS, Grantor owns that certain real property, together with all improvements thereon and appurtenances thereto, consisting of two (2) adjacent tracts of land located in Jefferson County, Kentucky, and being the real estate more particularly described in that certain Deed to File Minor Subdivision Plat dated January 12, 2021, recorded March 2, 2021 in Deed Book 11944, Page 95, in the Office of the Clerk of Jefferson County, Kentucky.

WHEREAS, Grantor desires to consolidate the real property described above, and being more particularly described in Exhibit A attached hereto and made a part hereof;

WHEREAS, a new consolidated property description, attached hereto and made a part hereof as Exhibit B, and the description to be used going forward, was prepared by Land Design & Development, Inc. The real property described in Exhibit B (the "Consolidated Property") is intended to be substantially the same property described in Exhibit A; and

NOW, THEREFORE,

For good and valuable consideration, the receipt of which is hereby acknowledged by Grantor, Grantor does hereby grant and convey unto Grantee in fee simple and with covenant of General Warranty all of Grantor's right, title, and interest in and to the above-referenced Consolidated Property, together with all improvements thereon and appurtenances thereto, located in Jefferson County, Kentucky, which property shall now be more fully described in Exhibit B.

Grantor covenants lawful seisin of the estate hereby conveyed, full right and power to convey same and that said estate is free of encumbrances except liens for real property taxes and assessments due and payable in 2021, and thereafter, which Grantee assumes and agrees to pay; however, this conveyance is made subject to easements, restrictions and stipulations of record and governmental laws and regulations affecting the Consolidated Property herein conveyed.

REC-11944-95

JUL 18 2022

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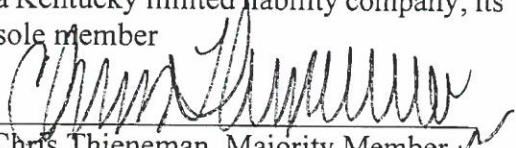
22 - DDP - 0078

IN WITNESS WHEREOF, Grantor has executed this deed as of the day and year first above written.

GRANTOR:

11905 DIXIE, LLC
a Kentucky limited liability company

By: T3 Multifamily Properties, LLC
a Kentucky limited liability company, its
sole member

By: 
Chris Thieneman, Majority Member

Date: November 10, 2021

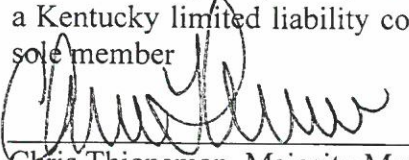
Consideration Certificate

For purposes of KRS Chapter § 382.135, Grantor and Grantee, by execution of this Deed of Consolidation, certify that the transfer herein is for no consideration. The estimated fair cash value of the Consolidated Property is One Hundred Eighty Eight Thousand Nine Hundred Eight Dollars (\$188,980.00). This Deed is EXEMPT from the transfer tax pursuant to KRS § 142.050(7)(d).

GRANTOR:

11905 DIXIE, LLC
a Kentucky limited liability company

By: T3 Multifamily Properties, LLC
a Kentucky limited liability company, its
sole member

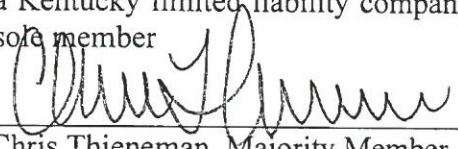
By: 
Chris Thieneman, Majority Member

Date: November 10, 2021

GRANTEE:

11905 DIXIE, LLC
a Kentucky limited liability company

By: T3 Multifamily Properties, LLC
a Kentucky limited liability company, its
sole member

By: 
Chris Thieneman, Majority Member

Date: November 10, 2021

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EXHIBIT A
Prior Property Descriptions

Being a consolidation of Tract 1A and Tract 1B as shown on that certain Minor Subdivision Plat approved by the Louisville Metro Planning Commission on January 11, 2021, as Case Number 20-MPLAT-0109, record March 2, 2021 in Deed Book 11944, Page 95 in the Office of the Clerk of Jefferson County.

BEING the same property conveyed by 11905 Dixie, LLC, by virtue of that certain Deed to Record Minor Plat dated January 12, 2021, recorded March 2, 2021 in Deed Book 11944, Page 95, in the Office of the Clerk of Jefferson County, Kentucky.

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EXHIBIT B

Consolidated Property Description

Being a consolidation of Tract 1A and Tract 1B of Minor Subdivision Plat Case Number 20-MPLAT-0109, of record in Deed Book 11944, Page 95 in the Office of the Clerk of Jefferson County, and being more particularly described as follows: **BEGINNING** at an existing ½" by 18" iron pin with cap stamped "WINK 3492", said iron pin lying in a northwest line of a property conveyed to Louisville & Jefferson County Riverport Authority, of record in Deed Book 5734, Page 569 in the Clerk's Office aforesaid, and said iron pin lying in the north right of way line of East Orell Road; thence running with said north line the following three courses: **N26°39'23"W, 67.60'** to an existing 1" pinched pipe; **N63°24'02"W, 196.69'** to an existing ½" by 18" iron pin with cap stamped "WINK 3492"; **N64°09'19"W, 108.57'** to an existing ½" by 18" iron pin with cap stamped "WINK 3492", said iron pin being the southernmost corner of a property conveyed to AL CAT, LLC and Valley Station Towne Center, LLC, of record in Deed Book 12023, Page 936 in the Clerk's Office aforesaid: thence running with the last mentioned property the following two courses: **N20°38'47"E, 67.80'** to an existing ½" by 18" iron pin with cap stamped "WINK 3492"; **N65°31'55"W, 125.74'** to an existing ½" by 18" iron pin with cap stamped "WINK 3492", said iron pin lying in the southeast right of way line of Dixie Highway; thence running with said southeast line **N25°55'08"E, 233.28'** to an existing ½" by 18" iron pin with cap stamped "WINK 3492", said iron pin lying in a line of said Louisville & Jefferson County Riverport Authority; thence running with the last named property the following three courses: **S45°44'17"E, 469.92'** to an existing ½" by 18" iron pin with cap stamped "WINK 3492"; with a curve to the left having a radius of **57.50'**, and a chord of **S03°59'08"W 107.02'** an existing ½" by 18" iron pin with cap stamped "WINK 3492"; **S22°57'54"W, 93.85'** to the **BEGINNING**, containing 2.16 acres.

BEING the same property conveyed by 11905 Dixie, LLC, by virtue of that certain Deed to Record Minor Plat dated January 12, 2021, recorded March 2, 2021 in Deed Book 11944, Page 95, in the Office of the Clerk of Jefferson County, Kentucky.

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Resources:

1. Land Development Reports can be obtained online by entering the site address at: <https://www.lojic.org/lojic-online>
2. Deeds and plats can be found at the Jefferson County Clerk's Office, located at the 2nd floor of Metro Hall (527 West Jefferson Street, telephone: 502-574-6220). Many deeds, plats and other records are available online at: <https://search.jeffersondeeds.com>
3. Adjoining property ownership information can be found at the Property Valuation Administrator (PVA) office at 531 Court Place, Suite 504 or via their website: <https://jeffersonpva.ky.gov/property-search>

Site Plan Requirements:

Plans must be drawn to engineer's scale

Description

- ☐ Owner's name and address
- ☐ Developer's name and address
- ☐ Engineer's name and address
- ☐ Site Address
- ☐ Tax block and lot number
- ☐ Zoning of property
- ☐ Zoning of adjacent properties
- ☐ Existing Use
- ☐ Proposed Use
- ☐ Plan date
- ☐ Revision date

Map Elements

- ☐ North Arrow
- ☐ Vicinity Map
- ☐ Legend
- ☐ Plan Scale

Site Information & Labels

- ☐ Street names
- ☐ Property lines with dimensions (new lots shall show bearings)
- ☐ Location, ownership, deed book & page of all adjacent property owners
- ☐ Form District boundaries and transition zones shown if required by regulations

Project Plan

- ☐ Right of way / sidewalks (with widths shown)
- ☐ Existing and/or proposed structures shown and identified
- ☐ Gross building footprint area
- ☐ Gross floor area of buildings
- ☐ Net and gross acreage of site
- ☐ Height of structures
- ☐ Off-street loading areas if applicable
- ☐ Accessory structures shown with required screening if applicable
- ☐ ILA/VUA calculations (may be shown on tree canopy plan) if applicable
- ☐ Landscape buffer areas in accordance with Chapter 10 of the LDC
- ☐ Parking calculations (minimums and maximums)
- ☐ Required building setbacks with dimensions
- ☐ Net and gross density, and number of dwelling units
- ☐ Typical dimensions of parking spaces and aisles

MSD Requirements (All items shall be checked as included or marked N/A)

- ☐ Existing MSD Easements
- ☐ Proposed MSD Easements
- ☐ MSD Standard EPSC notes
- ☐ SUB/WM number
- ☐ Landscape Buffer Areas/WPAs
- ☐ Downstream Facilities Capacity Request
- ☐ Existing Storm & Sanitary Sewer Systems
- ☐ Topography of Site + Minimum 50' beyond property lines
- ☐ Concept Drainage (i.e. proposed storm pipes, ditches, swales, and drainage flow arrows)
- ☐ Detention Basin Location, with outlet identified & MSD easement shown for basin
- ☐ Concept Sanitary Sewers (i.e. lateral extension or location of property service connection) & identification of outlet system
- ☐ Name of sewage treatment plant serving site
- ☐ Preliminary detention calculation ($x=CRA/12$) including basin surface area, depth, volume required and volume provided
- ☐ Limits of FEMA and/or Local Regulatory Floodplains, if applicable
- ☐ Approximate increase or reduction in impervious area, in square feet

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Please submit the completed application along with the following items:

Project application and description

- ☐ Land Development Report¹
- ☐ A copy of the current recorded deed² (*must show "End of Document" stamp on last page*)
- ☐ Letter of explanation for the proposed development

Site plan (please refer to the site plan requirements on page 4)

- ☐ Twelve copies of the site plan, 24" x 36" or other appropriate size to legibly convey the site plan requirements. All plans should be folded no larger than 9" x 9" with the bottom right corner as the front.
- ☐ One set of renderings of the building(s) proposed for the site. The rendering must contain views of **ALL** sides of the building(s).

Mailing labels to notify Adjoining Property Owners (APOs)³

For applications that are not staff approvable:

- ☐ Notice of filing of this application is required to be mailed to all 1st tier APOs and individuals who provided oral or written testimony in support or opposition of a previous rezoning of the site within 17 days of the filing deadline day. A copy of the notice should be provided to Planning & Design Services as soon as possible to be emailed to the Council District notification list. Complete both notice templates at the end of this application.
- ☐ One set of mailing label sheets of 1st tier APOs, those listed on the application and individuals who provided oral or written testimony in support or opposition of a previous rezoning of the site. These labels are to be used for the public meeting notice.
- ☐ One copy of the APO mailing label sheets

Fee (Cash, charge or check made payable to Planning & Design Services)

- ☐ Application Fee: \$375 (Staff Level)
\$600 (Committee Level)

Clerk's Fee: \$60

(If two or more applications are submitted simultaneously for the same site, only one Clerk's Fee is required.)

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District Development Plan Justification:

In order to justify approval of any district development plan, the Planning Commission considers the following criteria. Please answer all of the following items. Use additional sheets if needed. A response of yes, no, or N/A is not acceptable.

- 1. Are there any natural resources on the property, including trees and other living vegetation, steep slopes, water courses, flood plains, soils, air quality, scenic views, and historic sites? And are these natural resources being preserved?**

There are no natural resources on site to be preserved

- 2. Is safe and efficient vehicular and pedestrian transportation provided both within the development and the community?**

Safe and efficient vehivular and pedestrian tranposrtation is being provided both within the development and the community

- 3. Is sufficient open space (scenic and recreational) to meet the needs of the proposed development being provided?**

Any open space requirements per the Land Development Code will be met on-site.

- 4. Are provisions for adequate drainage facilities provided on the subject site in order to prevent drainage problems from occurring on the subject site or within the community?**

Adequate drainage facilities will be provided on the subject site to prevent drainage problems from occurring on the subject site or within the community

- 5. Is the overall site design (location of buildings, parking lots, screening, landscaping) and land use or uses compatible with the existing and projected future development of the area?**

The overall site design and land use are compatible with the existing and projected future development of the area.

- 6. Is the proposal in conformance with the Comprehensive Plan and Land Development Code?**

The proposal is in conformance with the Comprehensive Plan and the Land Development Code.

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Contact Information:

Owner: ☐ Check if primary contact

Applicant: ☐ Check if primary contact

Name: _____

Name: _____

Company: 11905 Dixie LLC

Company: _____

Address: 2606 Alia Cir

Address: _____

City: Louisville State: KY Zip: 40222

City: _____ State: _____ Zip: _____

Primary Phone: _____

Primary Phone: _____

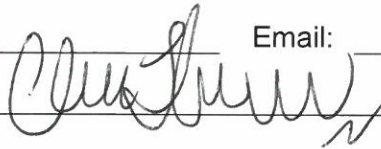
Alternate Phone: _____

Alternate Phone: _____

Email: _____

Email: _____

Owner Signature (required):



Attorney: ☐ Check if primary contact

Plan prepared by: ☒ Check if primary contact

Name: _____

Name: Derek Triplett

Company: _____

Company: Land Design & Development Inc

Address: _____

Address: 503 Washburn Ave ste 101

City: _____ State: _____ Zip: _____

City: Louisville State: KY Zip: 40222

Primary Phone: _____

Primary Phone: (502)426-9374

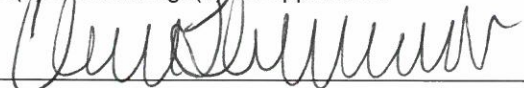

Alternate Phone: _____

Alternate Phone: _____

Email: _____

Email: triplett@l-dd-inc.com

Certification Statement: A certification statement **must be submitted** with any application in which the owner(s) of the subject property is (are) a limited liability company, corporation, partnership, association, trustee, etc., or if someone other than the owner(s) of record sign(s) the application.

I, , in my capacity as , hereby
representative/authorized agent/other

certify that 11905 Alia Cir is (are) the owner(s) of the property which
name of LLC / corporation / partnership / association / etc.

is the subject of this application and that I am authorized to sign this application on behalf of the owner(s).

Signature:  Date: 7/18/22

I understand that knowingly providing false information on this application may result in any action taken hereon being declared null and void. I further understand that pursuant to KRS 523.010, et seq. knowingly making a material false statement, or otherwise providing false information with the intent to mislead a public servant in the performance of his/her duty is punishable as a Class B misdemeanor.



District Development Plan Application

Louisville Metro Planning & Design Services

Case No.: 22-DDP-0078 Intake Staff: EL

Date: 7/18/22 Fee: _____

Applications are due on Mondays at 2:00 p.m. in order to be processed that week. Once complete, please bring the application and supporting documentation to: Planning and Design Services, located at 444 South 5th Street, Suite 300. For more information, call (502) 574-6230 or visit <http://www.louisvilleky.gov/PlanningDesign>.

Project Information:

Application Type: ☐ Detailed District Development Plan ☒ Revised District Development Plan ☐ General District Development Plan

Project Description (e.g., retail center and office development, etc.): Proposed office, storage and sales/display

Project Name: Thieneman-E. Orell

Primary Project Address: 11905 Dixie Hwy

Additional Address(es): _____

Primary Parcel ID: 105200580000

Additional Parcel ID(s): _____

of Residential Units: N/A Commercial Square Footage: _____

Proposed Use: Storage Existing Use: Mini-warehouse

Existing Zoning District: C-M Existing Form District: SMC

Deed Book(s) / Page Numbers²: D.B. 9782 PG. 0067

The subject property contains 2 +/- acres. Number of Adjoining Property Owners: 8

Has the property been the subject of a previous development proposal (e.g., rezoning, variance, appeal, conditional use permit, minor plat, etc.)? *This information can be found in the Land Development Report (Related Cases)*¹ ☒ Yes ☐ No

If yes, please list the docket/case numbers:

Docket/Case #: 17ZONE1022 Docket/Case #: _____

Docket/Case #: _____ Docket/Case #: _____

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