

PLANNING COMMISSION MINUTES

November 2, 2023

PUBLIC HEARING

CASE NO. 23-ZONE-0113

Request: Change in Zoning from OR-1 to C-2 with Detailed District Development Plan and Binding Elements
Project Name: 6604 Bardstown Road Rezoning
Location: 6604 Bardstown Road
Owner/Applicant: TK Real Estate LLC
Representative: Bowman
Jurisdiction: Louisville Metro
Council District: 22 – Robin Engel
Case Manager: Dante St. Germain, AICP, Planner II

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

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

Agency Testimony:

00:47:20 Jay Luckett presented on behalf of Dante St. Germain and discussed the case summary, standard of review and staff analysis from the staff report (see video for PowerPoint presentation). The applicant is requesting to change the existing office building to a car sales operation. There would be no new construction proposed.

The following spoke in favor of this request:

Chris Brown, Bowman, 6001 Taylor Springs Drive, Louisville, KY 40220

Tom Kanaly, 1414 Northwind Road, Louisville, KY 40207

Summary of testimony of those in favor:

00:55:24 Chris Brown spoke in support of the application and presented a PowerPoint presentation (see video for details). Brown stated the site is currently developed and the proposed use is in keeping with many uses through this commercial corridor.

01:00:09 Commissioner Carlson asked if there would be car prep done on the site. Tom Kanaly said there would not be any car clean up on the site.

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Deliberation:

01:01:19 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.

Zoning Change from OR-1 to C-2

01:02:11 On a motion by Commissioner Carlson, seconded by Commissioner Sistrunk, the following resolution, based on the staff report, applicant and staff testimony heard today and staff analysis, was adopted.

WHEREAS, the Planning Commission finds the request meets Community Form: Goal 1 because the proposal would not constitute a non-residential expansion into a residential area. The site is already in non-residential use and is located along a commercial corridor. The site is located on a major arterial road and is within an activity corridor. Bardstown Road is a transit corridor at this location. The proposed zoning district would not permit hazardous uses. Uses with air, noise and light emissions must comply with LMCO and LDC restrictions. The proposed zoning district would not permit noxious odors, particulates or emissions. Access to the site is via Bardstown Road, a major arterial at this location. The site is generally surrounded by commercial and institutional development. The nearest residential structures are buffered by a significant distance from the site,

WHEREAS, the request meets Community Form: Goal 2 because site is located in an existing activity corridor. No new construction is proposed. The proposed zoning district would permit a more compact pattern of development. The proposed zoning district would permit a mixture of compatible land uses in an existing activity corridor. The proposed zoning district would permit residential and office uses above retail and other mixed-use multi-story buildings. The proposal would permit re-use of an existing commercial structure. No underutilized parking lots are proposed,

WHEREAS, the request meets Mobility: Goal 1 because the site is located within an existing commercial corridor,

WHEREAS, the request meets Mobility: Goal 2 because access to the site is via Bardstown Road, a major arterial at this location,

WHEREAS, the request meets Mobility: Goal 3 because the proposal would permit a mix of complementary businesses that would encourage short trips easily made by walking

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or bicycling. The site is easily accessible by bicycle, car, transit, pedestrians and people with disabilities. The site is located on Bardstown Road, a transit corridor at this location. Transportation Planning has approved the proposal.

WHEREAS, the request meets Community Facilities: Goal 2 because the relevant utilities have approved the proposal. Louisville Water Company has approved the proposal. MSD has approved the proposal.

WHEREAS, the request meets Economic Development: Goal 1 because the site is located on a major arterial,

WHEREAS, the request meets Livability: Goal 1 because no karst features are evident on the site,

WHEREAS, the request meets Housing: Goal 1 because the proposal would support aging in place by permitting a mix of commercial uses along an existing commercial corridor,

WHEREAS, the request meets Housing: Goal 2 because the proposal would support inter-generational mixed-income and mixed-use development by permitting a mix of commercial uses along an existing commercial corridor. The proposal would permit employment opportunities, as well as amenities providing neighborhood goods and services, in proximity to a multi-modal transportation corridor and to housing, and

WHEREAS, the request meets Housing: Goal 3 because no existing residents will be displaced by the proposal. The proposal would permit innovative methods of housing; now, therefore be it

RESOLVED, that the Louisville Metro Planning Commission does hereby **RECOMMEND** that the Louisville Metro Council **APPROVE** the change in zoning from OR-1 to C-2 on property described in the legal description.

The vote was as follows:

YES: Commissioners Mims, Pennix, Clare, Carlson, Cheek, Kern, Sistrunk, and Howard

NOT PRESENT FOR THIS CASE: Commissioners Lewis and Fischer

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Detailed District Development Plan

01:03:08 On a motion by Commissioner Carlson, seconded by Commissioner Sistrunk, the following resolution, based on the staff report, applicant and staff testimony heard today and staff analysis, was adopted.

WHEREAS, the site is already developed and no natural resources exist on the site currently. Required street trees will be provided,

WHEREAS, 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,

WHEREAS, no open space requirements are pertinent to the request,

WHEREAS, 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,

WHEREAS, the overall site design is in compliance with existing and planned future development in the area. The proposal would provide commercial development in a commercial corridor, and

WHEREAS, the development plan conforms to applicable requirements of the Land Development Code and, and to the policies and guidelines of Plan 2040; now, therefore be it

RESOLVED, that the Louisville Metro Planning Commission does hereby **APPROVE** the Revised Detailed District Development Plan with the following Binding Elements.

1. The development shall be in accordance with the approved district development plan, all applicable sections of the Land Development Code (LDC) and agreed upon binding elements unless amended pursuant to the Land Development Code. Any changes/additions/alterations of any binding element(s) shall be submitted to the Planning Commission or the Planning Commission's designee for review and approval; any changes/additions/alterations not so referred shall not be valid.
2. No outdoor advertising signs, small freestanding signs, pennants, balloons, or banners shall be permitted on the site.

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3. Construction fencing shall be erected when off-site trees or tree canopy exists within 3' of a common property line. Fencing shall be in place prior to any grading or construction to protect the existing root systems from compaction. The fencing shall enclose the entire area beneath the tree canopy and shall remain in place until all construction is completed. No parking, material storage or construction activities are permitted within the protected area.
4. Before any permit (including but not limited to building, parking lot, change of use, site disturbance, alteration permit or demolition permit) is requested:
 - a. The development plan must receive full construction approval from Construction Review, Louisville Metro Public Works and the Metropolitan Sewer District.
 - b. Encroachment permits must be obtained from the Kentucky Transportation Cabinet for any work in the Bardstown Road right-of-way.
 - 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 certificate of occupancy. Such plan shall be implemented prior to occupancy of the site and shall be maintained thereafter.
 - d. A Tree Preservation Plan in accordance with Chapter 10 of the LDC shall be reviewed and approved prior to obtaining approval for site disturbance.
5. 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.
6. There shall be no outdoor music (live, piped, radio or amplified) or outdoor entertainment or outdoor PA system audible beyond the property line.
7. 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.
8. No inoperable vehicles shall be located on the site.