

PLANNING COMMISSION MINUTES

May 11, 2023

PUBLIC HEARING

CASE NO. 23-ZONE-0019

Request: Change in Form District from TNFD to TWFD, Change in Zoning from R-4 to EZ-1, with Detailed District Development Plan and Binding Elements and Waiver

Project Name: Bayus Millers Lane

Location: Parcel ID 100400250002

Owner: Pipe Fitters Joint Education and Training

Applicant: Pipe Fitters Joint Education and Training

Representative: Wyatt, Tarrant & Combs LLP

Jurisdiction: Louisville Metro

Council District: 3 – Kumar Rashad

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:

01:44:18 Dante St. Germain discussed the case summary, standard of review and staff analysis from the staff report.

The following spoke in favor of this request:

Jon Baker, Wyatt, Tarrant & Combs LLP, 400 West Market Street, Suite 2000, Louisville, Ky. 40202

Summary of testimony of those in favor:

01:49:13 Jon Baker gave a power point presentation. More trees will be planted for screening. The majority (75%) of the building is zoned correctly and just one corner needs to be corrected (see recording for detailed presentation).

Deliberation

01:58:47 Planning Commission deliberation.

PLANNING COMMISSION MINUTES

May 11, 2023

PUBLIC HEARING

CASE NO. 23-ZONE-0019

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.

Change in form district from Traditional Neighborhood to Traditional Workplace

On a motion by Commissioner Howard, seconded by Commissioner Carlson, the following resolution based on the Plan 2040 Staff Analysis and testimony heard today was adopted.

WHEREAS, the Louisville Metro Planning Commission finds that the proposal meets Land Use & Development Goal 1: Community Form because, the proposal would not constitute an expansion of non-residential development into an existing residential area. The site is already developed non-residentially and the proposal would bring the zoning into compliance with the site development; the proposal would permit higher density and intensity uses. The site is close to transit along Dixie Highway and would expand an existing employment center; the proposal is for industrial zoning. Staff recommends a form district change to a Workplace form. The site is adjacent to Traditional Workplace form; the site is already developed and the proposal would not permit any more intensive uses than are already permitted on the larger site; the proposal would permit uses generating noxious odors, particulates and emissions. The site is already developed non-residentially and the proposal would bring the site zoning into compliance with the current development; access to the site is via Millers Lane, a minor arterial at this location; Screening will be provided by the applicant to mitigate any noise impacts; the proposed zoning district would not permit junkyards, landfills or quarries; and

WHEREAS, the Louisville Metro Planning Commission finds that the proposal meets Land Use & Development Goal 2: Community Form because, the site is located adjacent to an existing activity/employment center and would expand the center to correct the zoning on an already-developed parcel; the proposal would permit retail development. The site is located adjacent to an existing activity/employment center; the proposal would permit a more compact pattern of development; the proposed zoning district would permit a mixture of compatible land uses; the proposal would permit new development providing commercial/industrial uses; and

WHEREAS, the Louisville Metro Planning Commission finds that the proposal meets Land Use & Development Goal 3: Community Form because, no natural features are evident on the site; no wet or highly permeable soils, or severe, steep or unstable slopes are evident on the site; no karst terrain or flood-prone areas are evident on the site; and

PLANNING COMMISSION MINUTES

May 11, 2023

PUBLIC HEARING

CASE NO. 23-ZONE-0019

WHEREAS, the Louisville Metro Planning Commission finds that the proposal meets Land Use & Development Goal 4: Community Form because, no historic assets are evident on the site; no distinctive cultural features are evident on the site; and

WHEREAS, the Louisville Metro Planning Commission finds that the proposal meets Land Use & Development Goal 1: Mobility because, the site is adjacent to an existing employment center with transit located nearby; and

WHEREAS, the Louisville Metro Planning Commission finds that the proposal meets Land Use & Development Goal 3: Mobility because, the proposed zoning district would permit a mixture of compatible land uses. The site is easily accessible by car and bicycle, and transit is located nearby. Accessibility by pedestrians and people with disabilities would be improved by the development; transit is located close to the site. The proposal would encourage higher density mixed-use development; Transportation Planning has approved the proposal; and

WHEREAS, the Louisville Metro Planning Commission finds that the proposal meets Land Use & Development Goal 2: Community Facilities because, the responsible utilities have approved the proposal; Louisville Water Company has approved the proposal; MSD has approved the proposal; and

WHEREAS, the Louisville Metro Planning Commission finds that the proposal meets Land Use & Development Goal 1: Economic Development because, the proposed zoning district would permit land uses compatible with the recommended Workplace form; the site is located adjacent to existing industry; no additional traffic would be anticipated to be generated by the zoning change. The site is already developed; the site is located adjacent to an existing industrial subdivision and would have access to a minor arterial at Milers Lane; and

WHEREAS, the Louisville Metro Planning Commission finds that the proposal meets Land Use & Development Goal 1: Livability because, no karst terrain is evident on the site; No floodplain is evident on the site; and

WHEREAS, the Louisville Metro Planning Commission finds that the proposal meets Land Use & Development Goal 3: Housing because, no existing residents would be displaced by the proposal.

RESOLVED, that the Louisville Metro Planning Commission does hereby **RECOMMEND** to the Louisville Metro Council the change in form district from Traditional Neighborhood to Traditional Workplace on property in the attached legal description be **APPROVED**.

PLANNING COMMISSION MINUTES

May 11, 2023

PUBLIC HEARING

CASE NO. 23-ZONE-0019

The vote was as follows:

YES: Commissioners Brown, Carlson, Cheek, Fischer, Howard, Mims and Lewis

NOT PRESENT AND NOT VOTING: Commissioners Clare, Pennix and Sistrunk

Zoning Change from R-4 Single Family Residential to EZ-1 Enterprise Zone

On a motion by Commissioner Howard, seconded by Commissioner Carlson, the following resolution based on the Plan 2040 Staff Analysis, Staff Presentation and the Applicant's testimony heard today was adopted.

WHEREAS, the Louisville Metro Planning Commission finds that the proposal meets Land Use & Development Goal 1: Community Form because, the proposal would not constitute an expansion of non-residential development into an existing residential area. The site is already developed non-residentially and the proposal would bring the zoning into compliance with the site development; the proposal would permit higher density and intensity uses. The site is close to transit along Dixie Highway and would expand an existing employment center; the proposal is for industrial zoning. Staff recommends a form district change to a Workplace form. The site is adjacent to Traditional Workplace form; the site is already developed and the proposal would not permit any more intensive uses than are already permitted on the larger site; the proposal would permit uses generating noxious odors, particulates and emissions. The site is already developed non-residentially and the proposal would bring the site zoning into compliance with the current development; access to the site is via Millers Lane, a minor arterial at this location; Screening will be provided by the applicant to mitigate any noise impacts; the proposed zoning district would not permit junkyards, landfills or quarries; and

WHEREAS, the Louisville Metro Planning Commission finds that the proposal meets Land Use & Development Goal 2: Community Form because, the site is located adjacent to an existing activity/employment center and would expand the center to correct the zoning on an already-developed parcel; the proposal would permit retail development. The site is located adjacent to an existing activity/employment center; the proposal would permit a more compact pattern of development; the proposed zoning district would permit a mixture of compatible land uses; the proposal would permit new development providing commercial/industrial uses; and

WHEREAS, the Louisville Metro Planning Commission finds that the proposal meets Land Use & Development Goal 3: Community Form because, no natural features are evident on the site; no wet or highly permeable soils, or severe, steep or unstable

PLANNING COMMISSION MINUTES
May 11, 2023

PUBLIC HEARING

CASE NO. 23-ZONE-0019

slopes are evident on the site; no karst terrain or flood-prone areas are evident on the site; and

WHEREAS, the Louisville Metro Planning Commission finds that the proposal meets Land Use & Development Goal 4: Community Form because, no historic assets are evident on the site; no distinctive cultural features are evident on the site; and

WHEREAS, the Louisville Metro Planning Commission finds that the proposal meets Land Use & Development Goal 1: Mobility because, the site is adjacent to an existing employment center with transit located nearby; and

WHEREAS, the Louisville Metro Planning Commission finds that the proposal meets Land Use & Development Goal 3: Mobility because, the proposed zoning district would permit a mixture of compatible land uses. The site is easily accessible by car and bicycle, and transit is located nearby. Accessibility by pedestrians and people with disabilities would be improved by the development; transit is located close to the site. The proposal would encourage higher density mixed-use development; Transportation Planning has approved the proposal; and

WHEREAS, the Louisville Metro Planning Commission finds that the proposal meets Land Use & Development Goal 2: Community Facilities because, the responsible utilities have approved the proposal; Louisville Water Company has approved the proposal; MSD has approved the proposal; and

WHEREAS, the Louisville Metro Planning Commission finds that the proposal meets Land Use & Development Goal 1: Economic Development because, the proposed zoning district would permit land uses compatible with the recommended Workplace form; the site is located adjacent to existing industry; no additional traffic would be anticipated to be generated by the zoning change. The site is already developed; the site is located adjacent to an existing industrial subdivision and would have access to a minor arterial at Milers Lane; and

WHEREAS, the Louisville Metro Planning Commission finds that the proposal meets Land Use & Development Goal 1: Livability because, no karst terrain is evident on the site; No floodplain is evident on the site; and

WHEREAS, the Louisville Metro Planning Commission finds that the proposal meets Land Use & Development Goal 3: Housing because, no existing residents would be displaced by the proposal.

RESOLVED, that the Louisville Metro Planning Commission does hereby
RECOMMEND to the Louisville Metro Council the change in zoning from R-4, Single

PLANNING COMMISSION MINUTES

May 11, 2023

PUBLIC HEARING

CASE NO. 23-ZONE-0019

Family Residential to EZ-1, Enterprise Zone on property described in the attached legal description be **APPROVED**.

The vote was as follows:

YES: Commissioners Brown, Carlson, Cheek, Fischer, Howard, Mims and Lewis

NOT PRESENT AND NOT VOTING: Commissioners Clare, Pennix and Sistrunk

Waiver from 10.2.4 to permit encroachment into a required property perimeter Landscape Buffer Area (23-WAIVER-0055)

On a motion by Commissioner Howard, seconded by Commissioner Carlson, the following resolution based on the Standard of Review and Staff Analysis, Staff and Applicant's Representative Presentation was adopted.

WHEREAS, the waiver will not adversely affect adjacent property owners as the structure was built between 2000 and 2003 according to LOJIC aerial photographs, and it has caused no known adverse effects to the most affected adjacent properties; and

WHEREAS, the waiver will not violate specific guidelines of Plan 2040 as Plan 2040 encourages appropriate buffering and transitions between uses that are significantly different in density or intensity. Buffering can be provided despite the encroachment; and

WHEREAS, the Louisville Metro Planning Commission finds, the extent of the waiver of the regulation is the minimum necessary to afford relief to the applicant as the subject site is already developed with an existing structure, which is infeasible to be removed to make room for the required landscape buffer area; and

WHEREAS, the Louisville Metro Planning Commission further finds strict application of the provisions of the regulation would deprive the applicant of the reasonable use of the land or would create an unnecessary hardship on the applicant because provision of the required landscape buffer area is impossible without removing the structure already on the lot. The structure has been in place for at least 20 years.

RESOLVED, that the Louisville Metro Planning Commission does hereby **APPROVE** the Waiver from 10.2.4 to permit encroachment into a required property perimeter Landscape Buffer Area (23-WAIVER-0055).

The vote was as follows:

PLANNING COMMISSION MINUTES

May 11, 2023

PUBLIC HEARING

CASE NO. 23-ZONE-0019

YES: Commissioners Brown, Carlson, Cheek, Fischer, Howard, Mims and Lewis

NOT PRESENT AND NOT VOTING: Commissioners Clare, Pennix and Sistrunk

Detailed District Development Plan and Binding Elements

On a motion by Commissioner Howard, seconded by Commissioner Carlson, the following resolution based on the Standard of Review and Staff Analysis, testimony heard today and evidence provided was adopted.

WHEREAS, no natural resources are evident on the site. The site is fully developed; and

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; and

WHEREAS, no open space provisions are pertinent to the request; and

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; and

WHEREAS, the Louisville Metro Planning Commission finds, the overall site design is in compliance with existing and planned future development in the area. No new construction is proposed. The structure on the site already exists within its current context and is compatible with the surrounding development; and

WHEREAS, the Louisville Metro Planning Commission further finds the development plan conforms to applicable requirements of the Land Development Code and Plan 2040 with the exception of the requested waiver. The site plan generally complies with the policies and guidelines of the Comprehensive Plan. The site plan would preserve an existing structure.

RESOLVED, that the Louisville Metro Planning Commission does hereby **APPROVE** the Detailed District Development Plan, **SUBJECT** to the following Binding Elements:

1. The development shall be in accordance with the approved district development plan, all applicable sections of the Land Development Code (LDC) and agreed upon binding elements unless amended pursuant to the Land Development Code. Any changes/additions/alterations of any binding element(s) shall be submitted to the

PLANNING COMMISSION MINUTES

May 11, 2023

PUBLIC HEARING

CASE NO. 23-ZONE-0019

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 Construction Review, Louisville Metro Public Works and the Metropolitan Sewer District.

b. The property owner/developer must obtain approval of a detailed plan for screening (buffering/landscaping) as described in Chapter 10 prior to requesting a certificate of occupancy. Such plan shall be implemented prior to occupancy of the site and shall be maintained thereafter.

c. A minor plat or legal instrument shall be recorded consolidating the property with the 2329 Millers Lane lot. A copy of the recorded instrument shall be submitted to the Division of Planning and Design Services. A copy of the recorded instrument shall be submitted to the Division of Planning and Design Services prior to obtaining a building permit.

5. There shall be no outdoor music (live, piped, radio or amplified) or outdoor entertainment or outdoor PA system audible beyond the property line.

6. No idling of trucks shall take place within 200 feet of residential structures. No overnight idling of trucks shall be permitted on-site.

7. A certificate of occupancy must be received from the appropriate code enforcement department prior to occupancy of the structure or land for the proposed use. All binding elements requiring action and approval must be implemented prior to requesting issuance of the certificate of occupancy, unless specifically waived by the Planning Commission.

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

PLANNING COMMISSION MINUTES
May 11, 2023

PUBLIC HEARING

CASE NO. 23-ZONE-0019

elements. These binding elements shall run with the land and the owner of the property and occupant of the property shall at all times be responsible for compliance with these binding elements. At all times during development of the site, the applicant and developer, their heirs, successors; and assignees, contractors, subcontractors, and other parties engaged in development of the site, shall be responsible for compliance with these binding elements.

The vote was as follows:

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