

Land Development and Transportation Committee Staff Report July 13, 2023



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| Case No: | 22-ZONE-0096 |
| Project Name: | Mini Warehouses |
| Location: | 6212 & 6220 Shepherdsville Rd, 5700 Janies Way, Parcel ID 063402420000 |
| Owner(s): | AL CAT LLC |
| Applicant: | AL CAT LLC |
| Jurisdiction: | Louisville Metro |
| Council District: | 2 – Barbara Shanklin |
| Case Manager: | Dante St. Germain, AICP, Planner II |

REQUESTS

- **Change in zoning** from R-4 Single Family Residential, C-1 Commercial and C-M Commercial Manufacturing to C-M Commercial Manufacturing
- **Waivers:**
 - #1: from 10.2.4.A to permit omission of required plantings within a required property perimeter Landscape Buffer Area (LBA) and move the plantings to another location on the site
 - #2: from 10.2.4.B.3 to permit greater than 50% overlap between a required property perimeter LBA and a utility easement
- **Revised Detailed District Development Plan** with Binding Elements

CASE SUMMARY/BACKGROUND

The subject site is located along Shepherdsville Road north of the intersection with Fern Valley Road, and consists of three parcels and a portion of a fourth parcel. One parcel is undeveloped, one parcel is partially developed with an office structure, one parcel is developed with a restaurant, and the fourth is a portion of a parcel developed with a bowling alley. The applicant proposes to rezone the R-4 and C-1 portions of the site in order to construct 86,199 sf of mini-warehouse space.

Commercial and commercial/industrial uses abut the site to the north and south. A multi-family development abuts the site to the south-west. Commercial uses are located across Shepherdsville Road to the east, and multi-family development is located across Fern Valley Road to the south.

The undeveloped parcel is Tract 2 on a development plan associated with docket 21-ZONE-0072. On that plan, Tract 2 was not proposed for development, with the exception of a proposed detention basin. Tract 1 on that plan is part of the current proposal as that plan is being altered to provide a sidewalk. A portion of the bowling alley parcel is part of the current proposal in order to provide parking for the mini-warehouses. That site is plan certain under docket 9-130-85.

STAFF FINDING

The proposal is ready for a public hearing date to be set.

TECHNICAL REVIEW

MSD and Transportation Planning have provided preliminary approval of the proposal.

INTERESTED PARTY COMMENTS

Staff received one interested party comment requesting more information regarding the case.

STANDARD OF REVIEW FOR REZONING

Criteria for granting the proposed form district change/rezoning: KRS Chapter 100.213

1. The proposed form district/rezoning change complies with the applicable guidelines and policies Plan 2040; OR
2. The existing form district/zoning classification is inappropriate and the proposed classification is appropriate; OR
3. There have been major changes of an economic, physical, or social nature within the area involved which were not anticipated in Plan 2040 which have substantially altered the basic character of the area.

STAFF ANALYSIS FOR CHANGE IN ZONING

The site is located in the Suburban Workplace Form District

A Suburban Workplace is a form characterized by predominately industrial and office uses where the buildings are set back from the street in a landscaped setting. Suburban Workplaces often contain a single large-scale use or a cluster of uses within a master planned development. New larger proposed industrial uses are encouraged to apply for a planned development district.

In order to provide adequate transportation access in suburban workplaces connected roads, public transportation and pedestrian facilities should be encouraged. Walkways to workplace-serving uses are encouraged for workplace employees. Development within Suburban Workplace Form Districts may need significant buffering from abutting uses.

REQUIRED ACTIONS

- **Set** the public hearing date.

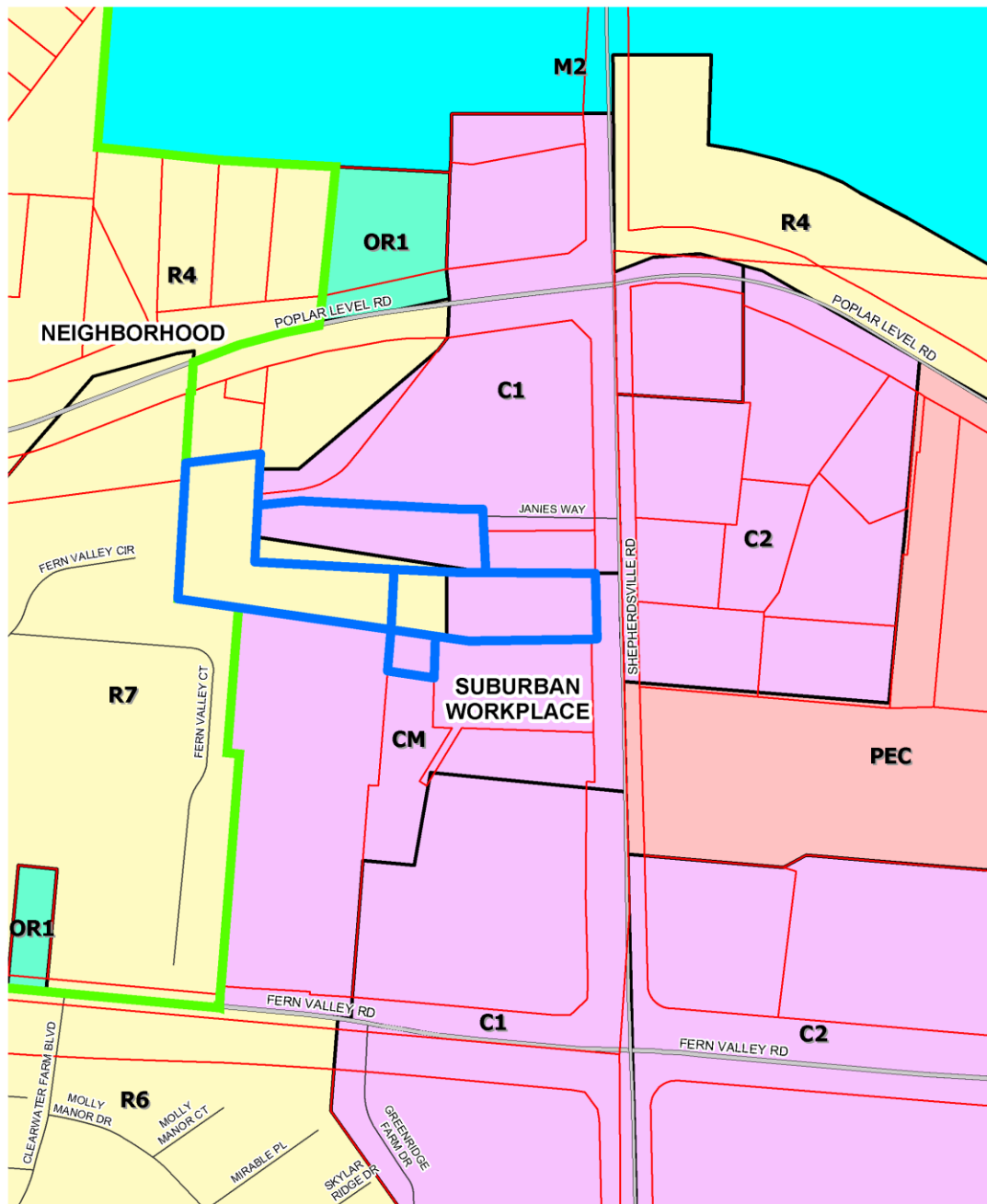
NOTIFICATION

| Date | Purpose of Notice | Recipients |
|------------|---------------------|--|
| 06/30/2023 | Hearing before LD&T | 1 st and 2 nd tier adjoining property owners and current residents Registered Neighborhood Groups in Council District 2, 21, 24 |
| | Hearing before PC | 1 st and 2 nd tier adjoining property owners and current residents Registered Neighborhood Groups in Council District 2, 21, 24 |
| | Hearing before PC | Sign Posting on property |
| | Hearing before PC | Legal Advertisement in the Courier-Journal |

ATTACHMENTS

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

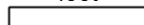
1. Zoning Map



Shepherdsville Rd Mini-Warehouses



feet

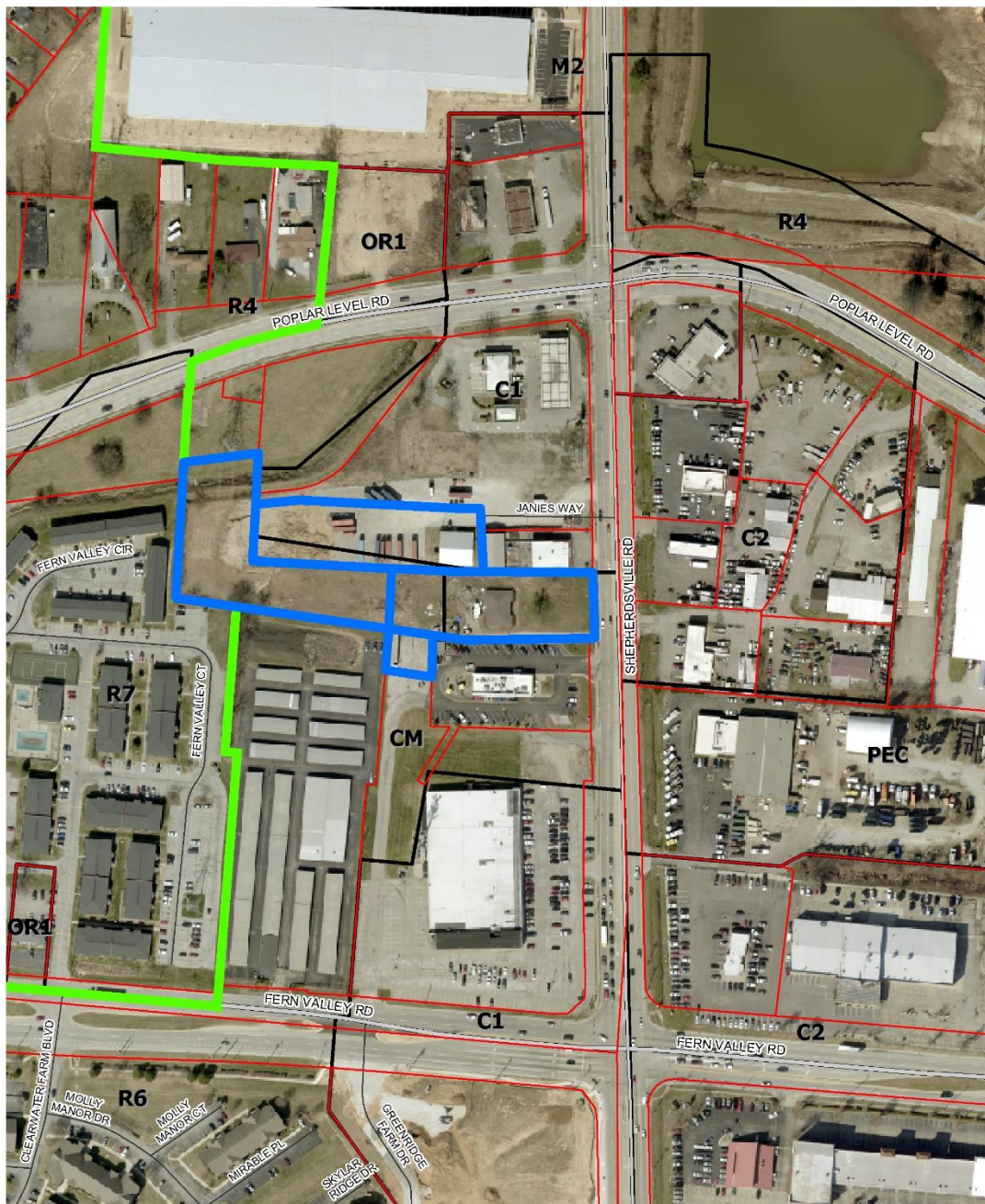


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Map Created: 6/30/2023

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JEFFERSON COUNTY PROPERTY VALUATION
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2. Aerial Photograph



Shepherdsville Rd Mini-Warehouses  **LOJIC**

feet
230

Map Created: 6/30/2023

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3. Existing Binding Elements

21-ZONE-0072/22-DDP-0051 (to remain on Tract 2, to be replaced on Tract 1)

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. Except for the clearing, grading and construction necessary for the implementation and maintenance thereafter of improvements related to sanitary sewer, storm sewer, detention basin, and roadway connection infrastructure, as depicted on the approved district development plan, no development on Tract 2 shall occur, unless developed in accordance with the Land Development Code. Prior to development (includes clearing and grading for development unrelated to the aforementioned exceptions herein) of Tract 2, the applicant, developer, or property owner shall obtain approval of a detailed district development plan in accordance with Chapter 11, Part 6. Each Plan shall be in adequate detail and subject to additional binding elements.
3. Before any permit (including but not limited to building, parking lot, change of use, site disturbance) is requested:
 - a. The development plan must receive full construction approval from Louisville Metro Construction Review, Louisville Metro Public Works and the Metropolitan Sewer District.
 - b. Encroachment permits must be obtained from the Kentucky Transportation Cabinet, Bureau of Highways.
 - c. A minor plat shall be recorded creating the lots as shown on the approved development plan. A copy of the recorded instrument shall be submitted to the Division of Planning and Design Services prior to obtaining a building permit.
 - d. 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.
 - e. A reciprocal access and crossover easement agreement in a form acceptable to the Planning Commission legal counsel shall be created between tracts 1 and 2, and with the adjoining property owners and recorded.
4. A certificate of occupancy must be received from the appropriate code enforcement department prior to occupancy of the structure or land for the proposed use. All binding elements requiring action and approval must be implemented prior to requesting issuance of the certificate of occupancy, unless specifically waived by the Planning Commission.
5. The applicant, developer, or property owner shall provide copies of these binding elements to tenants, purchasers, contractors, subcontractors and other parties engaged in development of this site and shall advise them of the content of these binding elements. These binding elements shall run with the land and the owner of the property and occupant of the property shall at all times be responsible for compliance with these binding elements. At all times during development of the site, the applicant and developer, their heirs, successors; and assignees, contractors, subcontractors, and other parties engaged in development of the site, shall be responsible for compliance with these binding elements.

6. No outdoor advertising signs, small freestanding signs, pennants, balloons, or banners shall be permitted on the site.

9-130-85 General Plan Binding Elements (to remain on residual tract)

1. The development will be in accordance with the approved district development plan. No further development will occur.
2. The development shall not exceed 89,000 square feet of gross floor area.
3. The signs shall not exceed 16 feet in height and 32 square feet in area as shown on the approved landscape and sign plan.
4. Before a building permit is issued:
 - a) The development plan must be reapproved by the Transportation Engineering, Water Management and Fire Safety Sections of the Jefferson County Public Works and Transportation Cabinet.
 - b) Encroachment permits must be obtained from the Kentucky Department of Transportation, Bureau of Highways.
5. A minor plat or other legal instrument shall be recorded consolidating the lots to be rezoned. The deed book and page number of the legal instrument shall be submitted to the Planning Commission.
6. If a building permit is not issued within one year of the date of approval of the plan or rezoning, whichever is later, the property shall not be used in any manner unless a revised district development plan is approved or an extension is granted by the Planning Commission.
7. A certificate of occupancy must be received from the appropriate code enforcement office prior to occupancy of the structure or land for the proposed use. All binding elements must be implemented prior to requesting issuance of the certificate.
8. The above binding elements may be amended as provided for in the Zoning District Regulations.

4. Proposed Binding Elements (for Tract 1)

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 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 Tree Preservation Plan in accordance with Chapter 10 of the LDC shall be reviewed and approved prior to obtaining approval for site disturbance.
 - d. The materials and design of proposed structures shall be substantially the same as depicted in the rendering as presented at the _____, 2023 Planning Commission meeting. A copy of the approved rendering is available in the case file on record in the offices of the Louisville Metro Planning Commission.
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 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.