



Louisville Metro Government

Meeting Agenda – Final

Planning and Zoning Committee

Chair Madonna Flood (D-24)
Vice Chair Scott Reed (R-16)
Committee Member Phillip T. Baker (D-6)
Committee Member Ben Reno-Weber (D-8)
Committee Member Jennifer Chappell (D-15)
Committee Member Betsy Ruhe (D-21)
Committee Member Robin Engel (R-22)
Committee Member Khalil Batshon (R-25)

May 02, 2023

1:00 PM

Council Chambers/Virtual

THIS MEETING IS BEING HELD VIA VIDEO TELECONFERENCE

6. **O-080-23** AN ORDINANCE RELATING TO THE ZONING AND FORM DISTRICT OF PROPERTY LOCATED AT 4660 POPLAR LEVEL ROAD CONTAINING APPROXIMATELY 1.47 ACRES AND BEING IN LOUISVILLE METRO (CASE NO. 23ZONE0003).

Enactment #: Ordinance No. 053, Series 2023

Sponsors:

ORDINANCE NO. _____, SERIES 2023

AN ORDINANCE RELATING TO THE ZONING AND FORM DISTRICT OF PROPERTY LOCATED AT 4660 POPLAR LEVEL ROAD CONTAINING APPROXIMATELY 1.47 ACRES AND BEING IN LOUISVILLE METRO (CASE NO. 23ZONE0003). (AS AMENDED)

SPONSORED BY: COUNCIL MEMBER MADONNA FLOOD

WHEREAS, the Legislative Council of the Louisville/Jefferson County Metro Government (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. 23ZONE0003; and

WHEREAS, the Council concurs in and adopts the findings of the Planning Commission for the zoning change and the form district change in Case No. 23ZONE0003 and approves and accepts the recommendation of the Planning Commission as set out in said minutes and records, with an additional binding element.

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

SECTION I: That the zoning of the property located at 4660 Poplar Level Road containing approximately 1.47 acres and being in Louisville Metro, as more particularly described in the minutes and records of the Planning Commission in Case No. 23ZONE0003, is hereby changed from R-4 Residential Single Family, C-2 Commercial and M-2 Industrial to M-2 Industrial (approximately 0.16 acres is already zoned M-2 Industrial) and the form district of the aforesaid property is hereby changed from Neighborhood to Suburban Workplace; provided, however, said property shall be

subject to the binding elements as set forth in the minutes of the Planning Commission
in Case No. 23ZONE0003-, with the following additional binding element:

6. Any significant increases to the proposed structures (e.g. increases in building height, number of units, number of buildings), any increase in density on the property, any changes in use on the property which directly or indirectly require a public hearing before the Planning Commission or subcommittee thereof, and/or any amendments to the binding elements, other than (i) the addition of new binding elements, (ii) changes to binding elements that merely update the public hearing date, or (iii) updating a previous version of this binding element to reflect the current language, shall be reviewed before the Planning Commission with final action to be determined by Metro Council.

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

Approval Date Mayor

APPROVED AS TO FORM AND LEGALITY:

Michael J. O'Connell Jefferson County Attorney

By: _____

ORDINANCE NO. _____, SERIES 2023

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Sonya Harward
Metro Council Clerk

Markus Winkler
President of the Council

Craig Greenberg
Mayor

Approval Date

APPROVED AS TO FORM AND LEGALITY:

Michael J. O'Connell
Jefferson County Attorney

By: _____

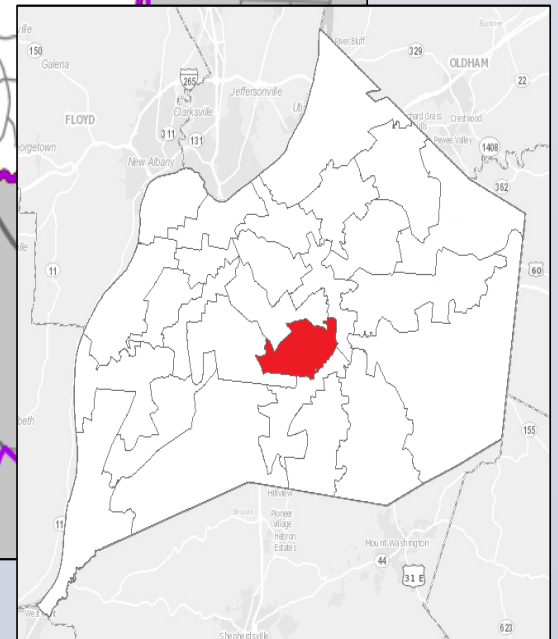
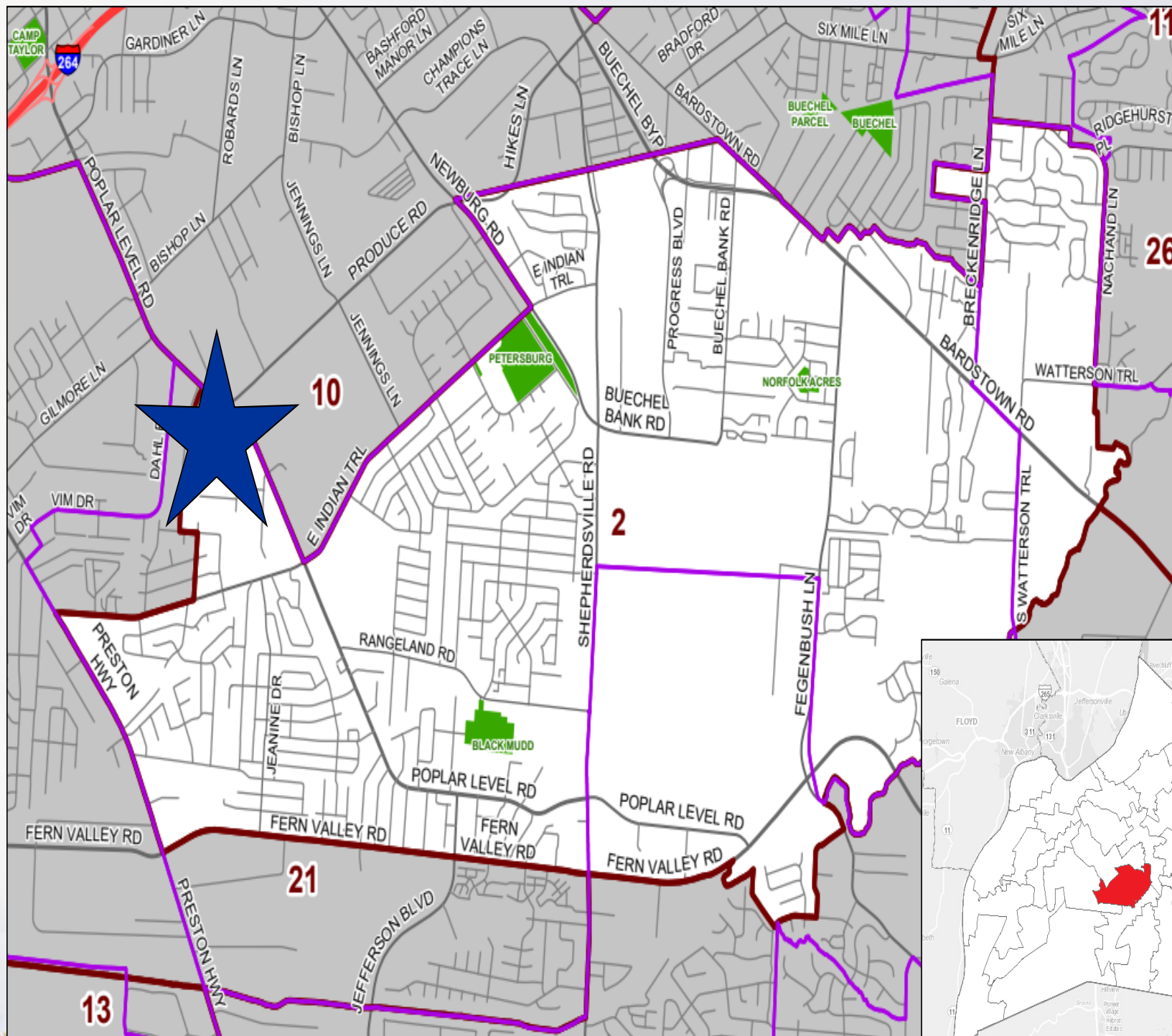
O-080-23– Zoning and Form District at 4660 Poplar Level Road (If)

23-ZONE-0003

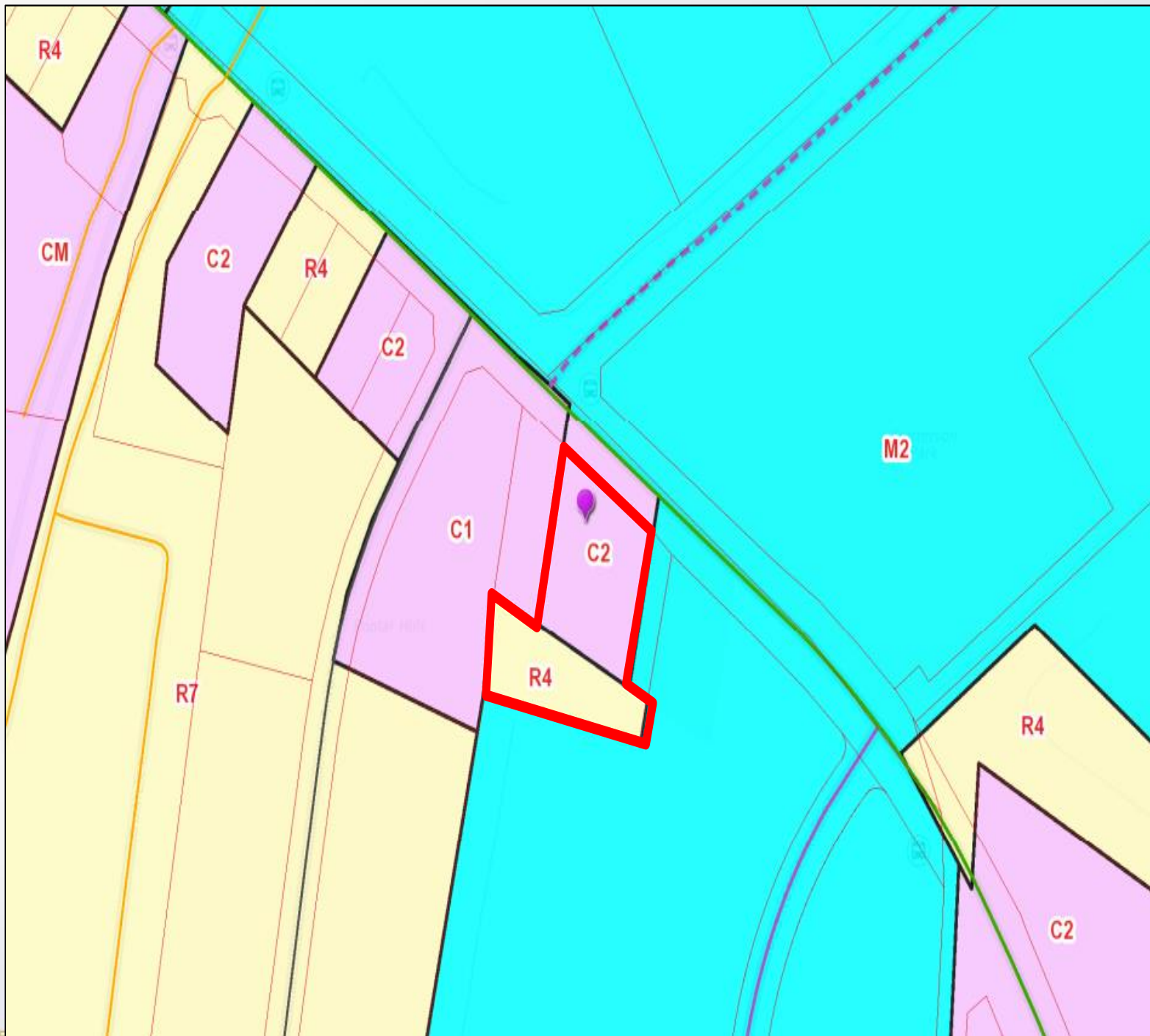
WATTERSON BUSINESS PARK



Planning & Zoning Committee
May 2, 2023







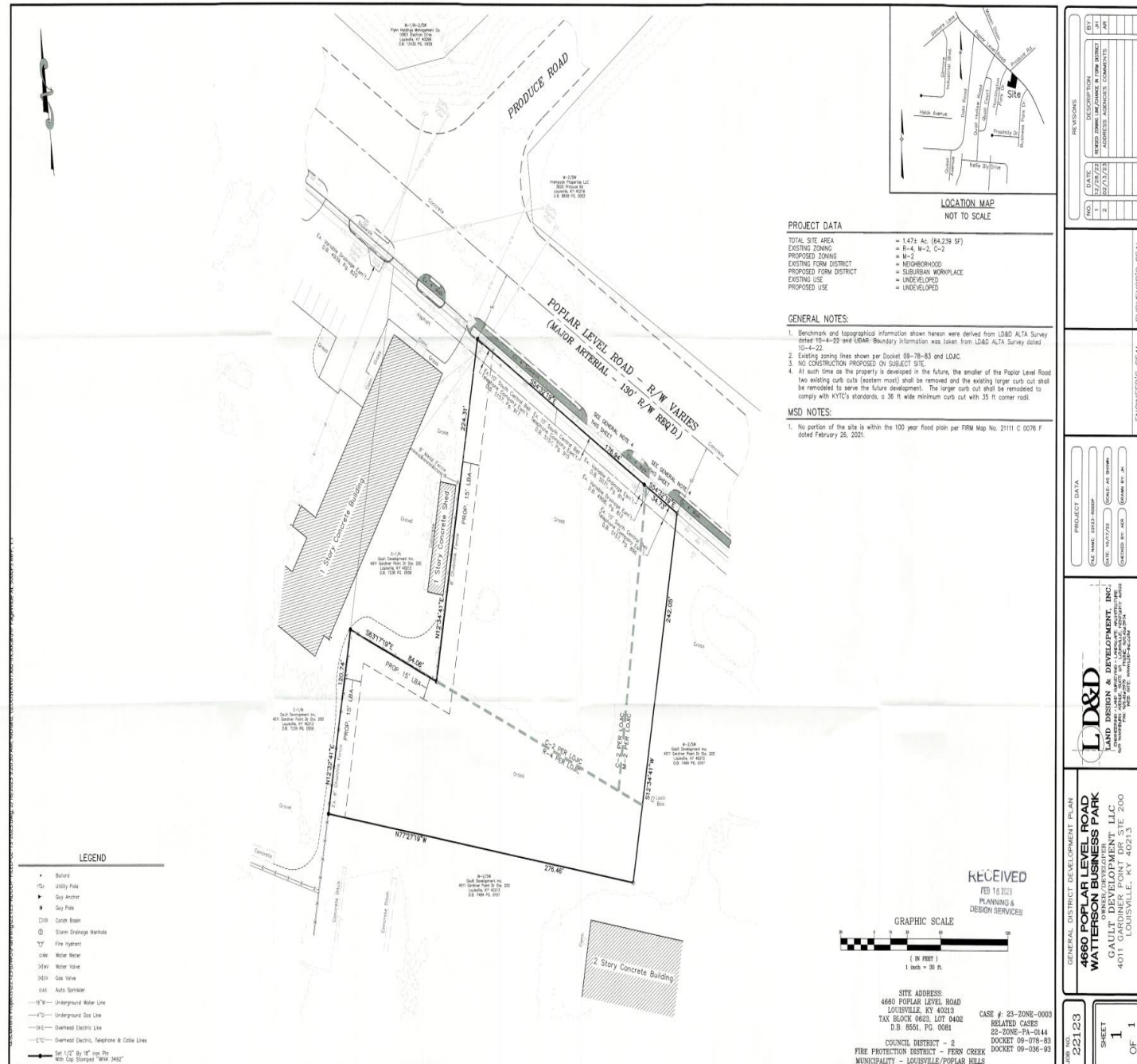
Request(s)

- Change in zoning from R-4, C-2 and M-2 to M-2
- Change in Form District from Neighborhood to Suburban Workplace
- Revised District Development Plan with replacement of existing binding elements
- Detailed District Development Plan with binding elements

Case Summary

- The applicant is proposing to rezone a parcel of land to match the adjacent industrial zoning district.
- A portion of the subject site was rezoned to C-2 under docket 9-78-83 for a used car lot.
- The site is currently vacant.
- No construction at this time.

Applicant's Development Plan



Site Photos-Subject Property



Public Meetings

- Neighborhood Meeting on 12/14/2022
- LD&T meeting on 3/9/2023
- Planning Commission public hearing on 3/30/2023
 - No one spoke in opposition.
 - Motion to approve the change in zoning from R-4 & C-2 to M-2 passed by a vote of 8-0.

4660 POPLAR LEVEL ROAD

Louisville Metro Planning Commission

March 30th, 2023

Owner:

GAULT DEVELOPMENT LLC

Engineer:

Ann Richard, RLA

Land Design & Development Inc.

Prepared By: Kyle Galloway, Esq.



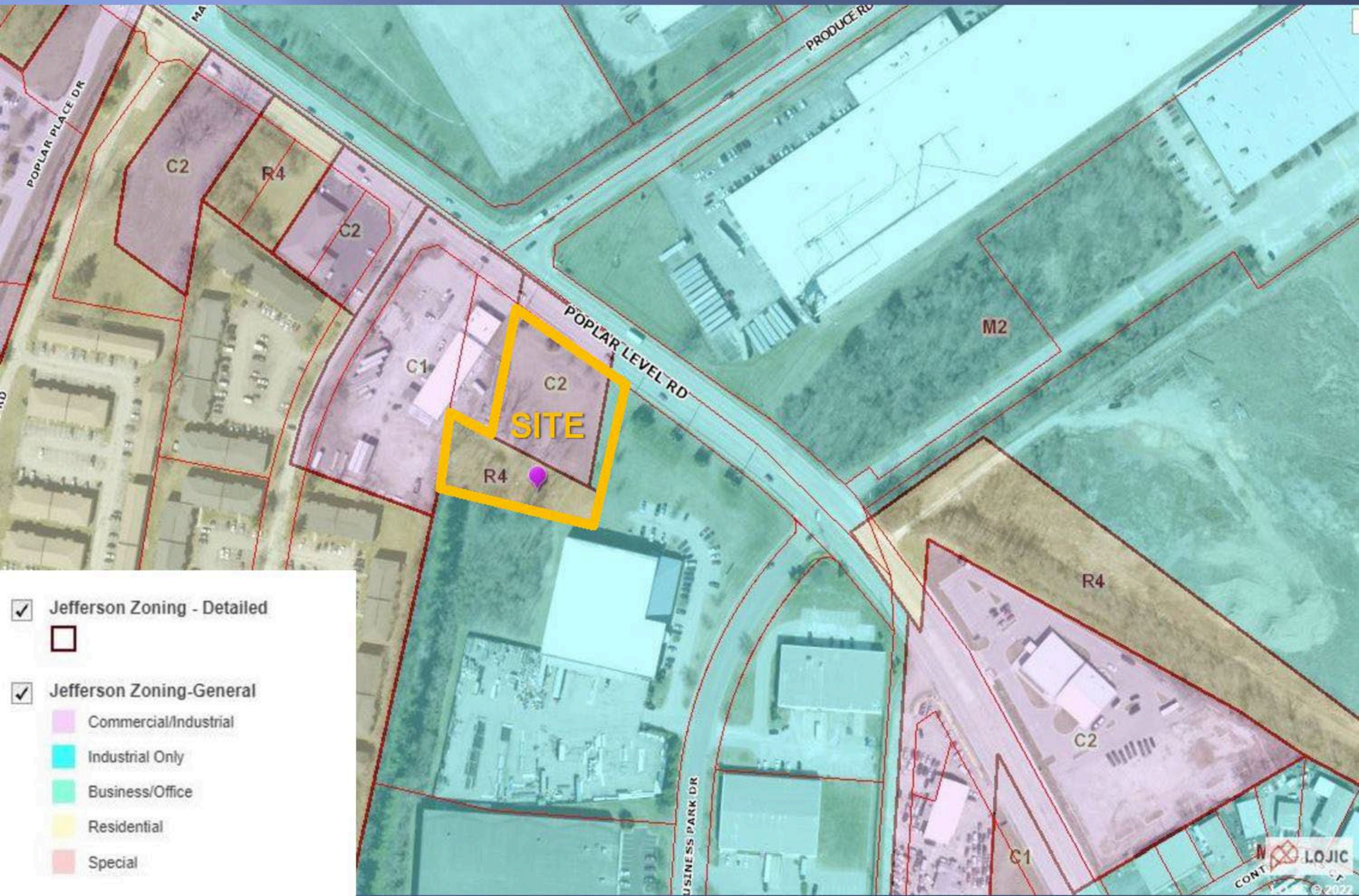
4660 POPLAR LEVEL ROAD

Project Information

- Currently Zoned: R~4, C~2 , and M~2
- Current Form District: Neighborhood
- Proposed Change: M~2 Industrial Zone and Suburban Workplace Form District

EXISTING ZONING

EXISTING FORM DISTRICT: NEIGHBORHOOD





☒ Jefferson Zoning - Detailed



☒ Jefferson Zoning-General

 Commercial/Industrial

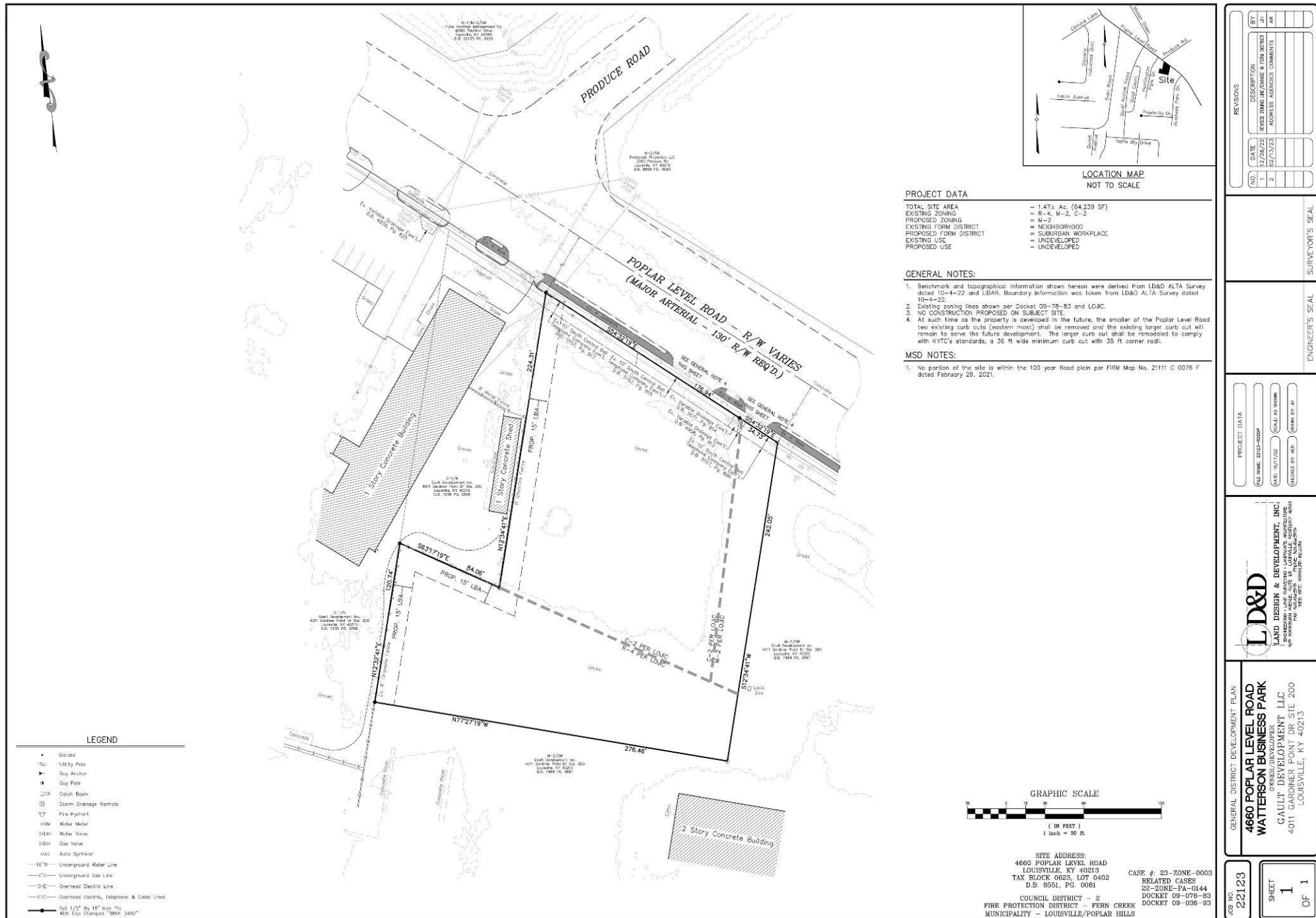
 Industrial Only

 Business/Office

 Residential

 Special

PLAN



AERIAL



AERIAL



Louisville, Kentucky

Google Street View

Jul 2021 [See more dates](#)

Google

AERIAL



Planning Commission
Staff Report
March 30, 2023



Case No:	23-ZONE-0003
Project Name:	4660 Poplar Level Rd
Location:	Watterson Business Park
Owner(s):	Gault Development LLC
Applicant:	Gault Development LLC
Jurisdiction:	Louisville Metro
Council District:	2-Barbara Shanklin
Case Manager:	Jay Luckett, AICP, Planner II

REQUEST(S)

- Change in zoning from R-4, C-2 and M-2 to M-2
- Change in Form District from Neighborhood to Suburban Workplace
- Revised District Development Plan with replacement of existing binding elements
- Detailed District Development plan with binding elements

CASE SUMMARY/BACKGROUND

The applicant is proposing to rezone a parcel of land to match the adjacent industrial zoning district. A portion of the subject site was rezoned to C-2 under docket 9-78-83 for a used car lot. The site is currently vacant. The applicant is not proposing construction at this time.

STAFF FINDING

The proposed change is generally in keeping with the provision of the Comprehensive Plan. The site is contiguous with similar zoning districts within the Suburban Workplace form district in an established industrial activity area.

The district development plan is compliant with the Land Development Code. Prior to future development or use of the land, a Revised Detailed District Development plan will be required.

TECHNICAL REVIEW

MSD and Transportation Planning have approved the preliminary development plan.

INTERESTED PARTY COMMENTS

None received.

REQUIRED ACTIONS

- **RECOMMEND** that Louisville Metro Council **APPROVE** or **DENY** the proposed change in zoning from R-4, C-2 and M-2 to M-2.

- **RECOMMEND** that Louisville Metro Council **APPROVE** or **DENY** the proposed **Change in Form District from Neighborhood to Suburban Workplace**.
- **APPROVE** or **DENY** the **Revised Detailed District Development Plan with Replacement of Binding Elements**
- **APPROVE** or **DENY** the **District Development Plan with Binding Elements**

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

Following is staff's analysis of the proposed rezoning against the Guidelines and Policies of Plan 2040.

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.

The proposed change is generally in keeping with the provision of the Comprehensive Plan. The site is contiguous with similar zoning districts within the Suburban Workplace form district in an established industrial activity area.

Louisville Metro Council has zoning authority over the property in question. Ultimately, they must determine whether the proposal meets the requirements of the Comprehensive Plan.

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 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.

- (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.

NOTIFICATION

Date	Purpose of Notice	Recipients
2-22-23	Hearing before LD&T	1 st and 2 nd tier adjoining property owners and current residents Registered Neighborhood Groups in Council District 2
3-16-23	Hearing before PC	1 st and 2 nd tier adjoining property owners and current residents Registered Neighborhood Groups in Council District 2
3-13-23	Hearing before PC	Sign Posting on property
3-19-23	Hearing before PC	Legal Advertisement in the Courier-Journal

ATTACHMENTS

1. Zoning Map
2. Aerial Photograph
3. Comprehensive Plan Checklist
4. Existing Binding Elements to be replaced
5. Proposed Binding Elements

1. Zoning Map



2. Aerial Photograph



3. Staff Plan 2040 Checklist

- + Exceeds Guideline
- ✓ Meets Guideline
- Does Not Meet Guideline
- +/- More Information Needed
- NA Not Applicable

Suburban Workplace: Non-Residential

#	Plan 2040 Plan Element	Land Use & Development Policy	Staff Finding	Staff Analysis
1	Community Form: Goal 1	6. Discourage non-residential expansion into existing residential areas unless applicant can demonstrate that any adverse impact on residential uses will be mitigated. Evaluation of impacts may include, but not be limited to, displacement of residents, loss of affordable housing units, traffic, parking, signs, lighting, noise, odor, and stormwater. Appropriate transitions from non-residential to residential uses should depend on the pattern of development of the Form District and may include natural vegetative buffers, landscaping or the use of higher density residential between lower density residential and/or non-residential.	✓	The proposal dose not represent an expansion of non-residential uses into residential areas. Portions of the subject site are already zoned M-2 and C-2, and adjacent sites to the north, south and east contain other industrial zones.
2	Community Form: Goal 1	7. Locate higher density and intensity uses near major transportation facilities and transit corridors, employment centers, in or near activity centers and other areas where demand and adequate infrastructure exists or is planned.	✓	The proposed district is appropriately located adjacent to like zones and uses. Appropriate buffering will need to be provided adjacent to the adjacent commercial zoning district.
3	Community Form: Goal 1	8. Encourage industries to locate in workplace Form Districts or in areas readily served by infrastructure and transportation facilities, including transit, rather than isolated industrial sites.	✓	The proposal is adjacent a workplace form adjacent to a variety of commercial, office and industrial uses readily served by infrastructure and transportation facilities. The proposed zoning district is appropriate within the Suburban Workplace form district, but not the neighborhood form district.
4	Community Form: Goal 1	15. When reviewing proposals for siting hazardous uses and uses with air, noise and light emissions, ensure disadvantaged populations are not disproportionately impacted.	✓	The proposal concentrates like uses and zones. Appropriate buffering will need to be provided adjacent to the commercial zoning district.

#	Plan 2040 Plan Element	Land Use & Development Policy	Staff Finding	Staff Analysis
5	Community Form: Goal 1	16. Consider impacts on human health, quality of life and the environment including prevailing meteorological conditions and the potential to transport noxious odors, particulates and emissions when reviewing new developments and redevelopments. Special attention should be paid to air and water quality when residences, schools, parks or vulnerable populations will be impacted. Mitigate impacts to areas that are disproportionately affected.	✓	The site is in an area with a mix of industrial, office and commercial uses. The applicant will be required to provide adequate screening and buffering adjacent to the existing commercial zoning district.
6	Community Form: Goal 1	17. Mitigate adverse impacts of traffic from proposed development on nearby existing communities.	✓	Traffic entering the area will not need to pass through residential areas to access the interstate or arterial roadways.
7	Community Form: Goal 1	18. Mitigate adverse impacts of noise from proposed development on existing communities.	✓	The site is in an area with a mix of industrial, and commercial uses. The applicant will be required to provide adequate screening and buffering adjacent to the existing commercial zoning district.
8	Community Form: Goal 1	21. Require that industries which handle hazardous or flammable materials or are potentially offensive such as junkyards, landfills and quarries are sited to protect public health, safety and welfare and are located away from residential areas and population centers.	✓	The site is in an area with a mix of industrial, office and commercial uses. The applicant will be required to provide adequate screening and buffering adjacent to the existing commercial zoning district.
9	Community Form: Goal 2	1. Locate activity centers in appropriate areas in all Form Districts. Design and density should be compatible with desired form, adjacent uses, and existing and planned infrastructure.	✓	The proposal is located in an existing industrial and commercial activity center.
10	Community Form: Goal 2	5. Locate retail commercial development in activity centers where it can be demonstrated that sufficient population exists or is anticipated to support it.	✓	The proposed zoning district allows for a variety of industrial uses. The subject site should be changed to a workplace form in an area with a variety of industrial, office and commercial uses
11	Community Form: Goal 2	6. Encourage a more compact development pattern in activity centers that result in efficient land use and cost-effective infrastructure investment.	✓	The proposal is adjacent to a workplace form near a variety of commercial, industrial and office uses and is served by adequate infrastructure and transportation facilities.
12	Community Form: Goal 2	7. Encourage activity centers to include a mixture of compatible land uses in order to reduce traffic congestion by requiring fewer trips, support and enhance alternative modes of travel, and encourage vitality and a sense of place.	✓	The proposal is adjacent to a workplace form near a variety of commercial, industrial and office uses and is served by adequate infrastructure and transportation facilities.

#	Plan 2040 Plan Element	Land Use & Development Policy	Staff Finding	Staff Analysis
13	Land Use & Development Goal 2: Community Form	8. Encourage residential land uses in designated centers. Encourage residential and office uses above retail and other mixed-use multi-story retail buildings.	✓	The proposed zoning would not permit residential development. The site is within an established industrial and commercial activity center.
14	Community Form: Goal 2	9. Encourage new developments and rehabilitation of buildings that provide commercial, office and/or residential uses.	✓	The proposal allows for the expansion of an existing industrial site within an established industrial activity center. The site does not contain buildings and no buildings are proposed.
15	Community Form: Goal 2	10. Encourage outlot development in underutilized parking lots of existing development to promote utilization of existing infrastructure provided specific criteria for elements such as location, scale, signs, parking, lighting, and landscaping are met. Outlot development shall encourage street-level retail with residential units above.	NA	The proposal is not part of a larger commercial center and is not an outlot.
16	Community Form: Goal 3	9. Encourage development that respects the natural features of the site through sensitive site design, avoids substantial changes to the topography, and minimizes property damage and environmental degradation resulting from disturbance of natural systems.	✓	The site does not have any natural resources or environmentally sensitive areas.
17	Community Form: Goal 3	10. Encourage development to avoid wet or highly permeable soils, severe, steep or unstable slopes where the potential for severe erosion problems exists in order to prevent property damage and public costs associated with soil slippage and foundation failure and to minimize environmental degradation.	✓	The site does not contain steep slopes or other environmental concerns.

#	Plan 2040 Plan Element	Land Use & Development Policy	Staff Finding	Staff Analysis
18	Community Form: Goal 3	11. Encourage land uses within the Ohio River Corridor that are appropriate for and related to river corridor activities and that are consistent with the goals and objectives of the Ohio River Corridor Master Plan. Reserve appropriate riverfront sites such as the Upper River Road industrial area for river-related development. Allow development of commercial leisure businesses related to the river, such as boating services and restaurants in appropriate locations. Encourage new development in the Ohio River corridor and along key greenway and street connections to provide for public access in new riverfront development and to maintain views of the river from public rights-of-way.	NA	The proposal is not located in the Ohio River corridor.
19	Community Form: Goal 3	12. When reviewing proposed developments consider changes to flood-prone areas and other features vulnerable to natural disasters such as sinkholes and landslides. Ensure appropriate measures to protect health, safety and welfare of future users of the development.	✓	MSD has approved the preliminary development plan.
20	Community Form: Goal 4	1. Preserve buildings, sites, districts and landscapes that are recognized as having historic or architectural value and ensure that new land uses are compatible in height, massing, scale, architecture style and placement when located within the impact area of such resources.	✓	The proposed site does not have any known historic or cultural value.
21	Community Form: Goal 4	2. Encourage preservation of distinctive cultural features including landscapes, natural elements and built features.	✓	The proposed site does not have any known historic or cultural value.
22	Mobility: Goal 1	4. Encourage higher densities and intensities within or near existing marketplace corridors, existing and future activity centers, and employment centers to support transit-oriented development and an efficient public transportation system.	✓	The proposal is adjacent to a workplace form in an area with a variety of industrial, office and commercial uses.

#	Plan 2040 Plan Element	Land Use & Development Policy	Staff Finding	Staff Analysis
23	Mobility: Goal 3	2. To improve mobility, and reduce vehicle miles traveled and congestion, encourage a mixture of compatible land uses that are easily accessible by bicycle, car, transit, pedestrians and people with disabilities. Housing should be encouraged near employment centers.	✓	The proposal is adjacent to a workplace form in an area with a variety of industrial, office and commercial uses. The zoning would not permit residential development, but would allow for additional employment-generating uses within an established industrial activity center.
24	Mobility: Goal 3	3. Evaluate developments for their ability to promote public transit and pedestrian use. Encourage higher density mixed-use developments that reduce the need for multiple automobile trips as a means of achieving air quality standards and providing transportation and housing choices.	✓	The site is served directly by transit along Poplar Level Rd. The proposal is in an area with a variety of industrial, office and commercial uses. The site has existing sidewalks along Poplar Level Rd.
25	Mobility: Goal 3	4. Encourage development of walkable centers to connect different modes of travel. Siting of these multi-modal centers shall consider the effects of the following: 4.1. nodal connections identified by Move Louisville; 4.2. impact on freight routes; 4.3. time of operation of facilities; 4.4. safety; 4.5. appropriate linkages between neighborhoods and employment; and 4.6. the potential for reducing travel times and vehicle miles traveled.	✓	The site is served directly by transit along Poplar Level Rd. The proposal is in an area with a variety of industrial, office and commercial uses. The site has existing sidewalks along Poplar Level Rd.
26	Mobility: Goal 3	5. Evaluate developments for their impact on the transportation network (including the street, pedestrian, transit, freight movement and bike facilities and services) and air quality.	✓	The proposal is adjacent to a workplace form in an area with a variety of industrial, office and commercial uses. Adequate infrastructure exists to serve the development.
27	Mobility: Goal 3	6. Ensure that those who propose new developments bear or share in rough proportionality the costs of transportation facilities and services made necessary by development.	✓	The proposal is adjacent to a workplace form in an area with a variety of industrial, office and commercial uses. Adequate infrastructure exists to serve the development.

#	Plan 2040 Plan Element	Land Use & Development Policy	Staff Finding	Staff Analysis
28	Mobility: Goal 3	9. When existing transportation facilities and services are inadequate and public funds are not available to rectify the situation, the developer may be asked to make improvements, roughly proportional to the projected impact of the proposed development, to eliminate present inadequacies if such improvements would be the only means by which the development would be considered appropriate at the proposed location.	✓	Transportation planning has approved the preliminary development plan.
29	Mobility: Goal 3	10. Ensure that necessary improvements occur in accordance with long-range transportation plans and level of mobility criteria for all modes of travel.	✓	Transportation planning has approved the preliminary development plan.
30	Community Facilities: Goal 2	1. Locate development in areas served by existing utilities or capable of being served by public or private utility extensions.	✓	All utilities will be provided as required. Any necessary easements will be provided per utility agency requirements.
31	Community Facilities: Goal 2	2. Ensure that all development has an adequate supply of potable water and water for fire-fighting purposes. Locate only very low-density land uses on sites that use on-lot sewage disposal systems or on a private supply of potable water.	✓	Water service will be coordinated.
32	Community Facilities: Goal 2	3. Ensure that all development has adequate means of sewage treatment and disposal to protect public health and to protect water quality in lakes and streams as determined by the Metropolitan Sewer District (MSD).	✓	MSD has approved the preliminary development plan.
33	Economic Development: Goal 1	1. Limit land uses in workplace Form Districts to compatible uses that meet the needs of the industrial subdivision or workplace district and their employees.	✓	The proposal is adjacent to a workplace form in an area and would permit additional industrial development within an established industrial activity center.
34	Economic Development: Goal 1	2. Encourage industries, to the extent possible, to locate in industrial subdivisions or adjacent to an existing industry to take advantage of special infrastructure needs.	✓	The proposal is adjacent to a workplace form in an area and would permit additional industrial development within an established industrial activity center.

#	Plan 2040 Plan Element	Land Use & Development Policy	Staff Finding	Staff Analysis
35	Economic Development: Goal 1	3. Locate commercial uses generating high volumes of traffic on a major arterial street, at the intersection of two minor arterials, or at a location with adequate access to a major arterial and at locations where nuisances and activities of the proposed use will not adversely affect adjacent areas.	✓	The site is located along Poplar Level Rd, a Major Arterial roadway.
36	Economic Development: Goal 1	4. Utilize industrial sites near the airport and the Ohio River to support the growth and development of uses whose infrastructure and production needs require such a location or for land uses that support airport-oriented or river-oriented industrial uses.	NA	The proposal is not located in the Ohio River corridor.
37	Economic Development: Goal 1	5. Require industrial developments to locate with the appropriate transportation connectivity, near an arterial street or within existing industrial subdivisions.	✓	The proposal is adjacent to a workplace form in an area and would permit additional industrial development within an established industrial activity center. The site is located along Poplar Level Rd, a Major Arterial roadway.
38	Livability: Goal 1	17. Determine site susceptibility to erosion; identify the presence of on-site carbonate conditions and features that are vulnerable to site disturbance; identify the extent of existing groundwater use and the impacts of the project on groundwater resources, flow patterns, and existing and proposed surface drainage. Then mitigate potential hazards to such systems resulting from the project.	✓	Soil erosion does not appear to be an issue with the proposal.
39	Livability: Goal 1	21. Mitigate negative development impacts to the integrity of the regulatory floodplain by encouraging development patterns that minimize disturbance and consider the increased risk of more frequent flooding events.	✓	MSD has approved the preliminary development plan.

#	Plan 2040 Plan Element	Land Use & Development Policy	Staff Finding	Staff Analysis
40	Livability: Goal 1	24. Ensure, to the extent feasible, that critical facilities and those that store or use hazardous wastes are located outside the regulatory floodplain. Where essential community facilities must be located within a floodplain (e.g., pumping stations), ensure that these facilities are designed, located and operated in a manner that minimizes loss of services during flood events as well as limits, to the extent possible, floodplain disturbance.	✓	The site is not located in the floodplain.
41	Housing: Goal 1	2. Promote housing options and environments that support aging in place. Encourage housing for older adults and people with disabilities to be located close to shopping and transit routes and, when possible, medical and other supportive facilities.	NA	The proposed zoning could would not permit residential development.
42	Housing: Goal 2	1. Encourage inter-generational, mixed-income and mixed-use development that is connected to the neighborhood and surrounding area.	NA	The proposed zoning could would not permit residential development.
43	Housing: Goal 2	2. Locate housing within proximity to multi-modal transportation corridors providing safe and convenient access to employment opportunities, as well as within proximity to amenities providing neighborhood goods and services. Higher density, accessible residential uses should be located along transit corridors and in or near activity centers.	NA	The proposed zoning could would not permit residential development.
44	Housing: Goal 3	2. As neighborhoods evolve, discourage displacement of existing residents from their community.	✓	No residents will be displaced as a result of this development. The site is currently vacant.
45	Housing: Goal 3	3. Encourage the use of innovative methods such as clustering, mixed-use developments, co-housing, and accessory apartments to increase the production of fair and affordable housing.	NA	The proposed zoning could would not permit residential development.

4. Existing Binding Elements to be Replaced

1. The development shall be in accordance with the approved district development plan and agreed upon binding elements unless amended pursuant to the Zoning District Regulations. No further development shall occur without prior approval from the Planning Commission, except for land uses permitted in the established zoning district (excluding those uses prohibited by binding element no. 10).
2. The development shall not exceed 2,215 square feet of gross floor area.
3. Access will be as shown on the approved district development plan. No additional accesses will be permitted. The existing access point located at the eastern property line is to be closed and access to the site be made through the main entrance.
4. The only permitted freestanding sign shall be a monument style sign, located as shown on the approved development plan. No portion of the[^] sign, including the leading edge of the sign frame, shall be closer than 5 feet to front property line. The sign shall not exceed 40 square feet in area per side and 6 feet in height. No sign shall have more than two sides.
5. No outdoor advertising signs (billboards), small free-standing (temporary) signs, pennants balloons, or banners shall be permitted on the site.
6. There shall be no outdoor storage on the site, except for display of automobiles for sale.
7. Outdoor lighting shall be directed down and away from surrounding residential properties. Lighting fixtures shall have a 90-degree cutoff so that no light source is visible off-site. Lighting levels attributable to the fixtures located on the subject site shall not exceed two-foot candles at the property line.
- 8a. Construction fencing shall be erected at the edge of the area of development prior to any grading or construction to protect the existing tree stands and their 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.
- 8b. The applicant shall submit a plan for approval by the Planning Commission staff landscape architect showing trees/tree masses to be preserved prior to beginning any construction procedure (i.e. clearing, grading, demolition). Any modification of the tree preservation plan requested by the applicant may be approved by the Planning Commission staff landscape architect if the changes are in keeping with the intent of the approved tree preservation plan. The plan shall exhibit the following information:
 - a. Proposed site plan (showing buildings, edges of pavement, property/lot lines, easements, existing topography, and other significant site features (LOJIC topographic information is acceptable)).
 - b. Preliminary drainage considerations (retention/detention, ditches/large swales, etc.).
 - c. Location of all existing trees/tree masses existing on the site as shown by aerial photo or LOJIC maps.
 - d. Location of construction fencing for each tree/tree mass designated to be preserved.
9. Before any permit (including but not limited to building, parking lot, change of use or alteration permit) is requested:

- a. The development plan must receive full construction approval from the Jefferson County Department of Public Works and Transportation (400 Fiscal Court Building) and the Metropolitan Sewer District (700 West Liberty).
 - b. The property owner/developer must obtain approval of a detailed plan for screening (buffering/landscaping as described in Article 12 prior to requesting a building permit. Such plan shall be implemented prior to occupancy of the site and shall be maintained thereafter.
 - c. The property owner/developer shall submit to the Planning Commission written procedures for tire/oil disposal that comply with applicable state and federal regulations and have been approved by the appropriate Works Director. Said procedures shall be submitted prior to requesting a building permit and shall be followed for the duration of the use unless otherwise approved by the Planning Commission
10. The site shall not be used as a tavern, bar, saloon, or other similar uses. This binding element may not be released until a public hearing is conducted and adjoining property owners are notified in accordance with the Kentucky Revised Statutes governing notice of a zoning change request.
 11. If a building permit is not issued within one year of the date of approval of the plan, 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.
 12. 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 requiring action and approval must be implemented prior to requesting issuance of the certificate of occupancy, unless specifically waived by the Planning Commission.
 13. There shall be no outdoor music (live, piped, radio or amplified), outdoor entertainment, or outdoor PA system permitted on the site.
 14. The property owner/developer shall provide copies of these binding elements to tenants, contractors and other parties engaged in development of this project and shall inform them of the content of these binding elements. Further, the property owner/developer shall require contractors to similarly notify all of their subcontractors whose duties relate to the binding elements. The property owner/developer shall ensure their compliance with the binding elements.

5. 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. 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.
3. 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 building permit. Such plan shall be implemented prior to occupancy of the site and shall be maintained thereafter.
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.

Land Development and Transportation Committee

Staff Report

November 3, 2022



Case No:	23-ZONE-0003
Project Name:	4660 Poplar Level Rd
Location:	Watterson Business Park
Owner(s):	Gault Development LLC
Applicant:	Gault Development LLC
Jurisdiction:	Louisville Metro
Council District:	2-Barbara Shanklin
Case Manager:	Jay Luckett, AICP, Planner II

REQUEST(S)

- Change in zoning from R-4, C-2 and M-2 to M-2
- Change in Form District from Neighborhood to Suburban Workplace
- Revised District Development Plan with replacement of existing binding elements
- Detailed District Development plan with binding elements

CASE SUMMARY/BACKGROUND

The applicant is proposing to rezone a parcel of land to match the adjacent industrial zoning district. A portion of the subject site was rezoned to C-2 under docket 9-78-83 for a used car lot. The site is currently vacant. The applicant is not proposing construction at this time.

STAFF FINDING

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

TECHNICAL REVIEW

MSD and Transportation Planning have approved the preliminary development plan.

INTERESTED PARTY COMMENTS

None received.

REQUIRED ACTIONS

- Set the public hearing date.

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

Following is staff's analysis of the proposed rezoning against the Guidelines and Policies of Plan 2040.

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.

Louisville Metro Council has zoning authority over the property in question. Ultimately, they must determine whether the proposal meets the requirements of the Comprehensive Plan.

NOTIFICATION

Date	Purpose of Notice	Recipients
2-22-23	Hearing before LD&T	1 st and 2 nd tier adjoining property owners and current residents Registered Neighborhood Groups in Council District 2
	Hearing before ____	1 st and 2 nd tier adjoining property owners and current residents Registered Neighborhood Groups in Council District 2
	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 to be replaced
4. Proposed Binding Elements

1. **Zoning Map**



2. Aerial Photograph



3. Existing Binding Elements to be Replaced

1. The development shall be in accordance with the approved district development plan and agreed upon binding elements unless amended pursuant to the Zoning District Regulations. No further development shall occur without prior approval from the Planning Commission, except for land uses permitted in the established zoning district (excluding those uses prohibited by binding element no. 10).
2. The development shall not exceed 2,215 square feet of gross floor area.
3. Access will be as shown on the approved district development plan. No additional accesses will be permitted. The existing access point located at the eastern property line is to be closed and access to the site be made through the main entrance.
4. The only permitted freestanding sign shall be a monument style sign, located as shown on the approved development plan. No portion of the sign, including the leading edge of the sign frame, shall be closer than 5 feet to front property line. The sign shall not exceed 40 square feet in area per side and 6 feet in height. No sign shall have more than two sides.
5. No outdoor advertising signs (billboards), small free-standing (temporary) signs, pennants balloons, or banners shall be permitted on the site.
6. There shall be no outdoor storage on the site, except for display of automobiles for sale.
7. Outdoor lighting shall be directed down and away from surrounding residential properties. Lighting fixtures shall have a 90-degree cutoff so that no light source is visible off-site. Lighting levels attributable to the fixtures located on the subject site shall not exceed two-foot candles at the property line.
- 8a. Construction fencing shall be erected at the edge of the area of development prior to any grading or construction to protect the existing tree stands and their 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.
- 8b. The applicant shall submit a plan for approval by the Planning Commission staff landscape architect showing trees/tree masses to be preserved prior to beginning any construction procedure (i.e. clearing, grading, demolition). Any modification of the tree preservation plan requested by the applicant may be approved by the Planning Commission staff landscape architect if the changes are in keeping with the intent of the approved tree preservation plan. The plan shall exhibit the following information:
 - a. Proposed site plan (showing buildings, edges of pavement, property/lot lines, easements, existing topography, and other significant site features (LOJIC topographic information is acceptable).
 - b. Preliminary drainage considerations (retention/detention, ditches/large swales, etc.).
 - c. Location of all existing trees/tree masses existing on the site as shown by aerial photo or LOJIC maps.
 - d. Location of construction fencing for each tree/tree mass designated to be preserved.
9. Before any permit (including but not limited to building, parking lot, change of use or alteration permit) is requested:

- a. The development plan must receive full construction approval from the Jefferson County Department of Public Works and Transportation (400 Fiscal Court Building) and the Metropolitan Sewer District (700 West Liberty).
 - b. The property owner/developer must obtain approval of a detailed plan for screening (buffering/landscaping as described in Article 12 prior to requesting a building permit. Such plan shall be implemented prior to occupancy of the site and shall be maintained thereafter.
 - c. The property owner/developer shall submit to the Planning Commission written procedures for tire/oil disposal that comply with applicable state and federal regulations and have been approved by the appropriate Works Director. Said procedures shall be submitted prior to requesting a building permit and shall be followed for the duration of the use unless otherwise approved by the Planning Commission
10. The site shall not be used as a tavern, bar, saloon, or other similar uses. This binding element may not be released until a public hearing is conducted and adjoining property owners are notified in accordance with the Kentucky Revised Statutes governing notice of a zoning change request.
 11. If a building permit is not issued within one year of the date of approval of the plan, 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.
 12. 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 requiring action and approval must be implemented prior to requesting issuance of the certificate of occupancy, unless specifically waived by the Planning Commission.
 13. There shall be no outdoor music (live, piped, radio or amplified), outdoor entertainment, or outdoor PA system permitted on the site.
 14. The property owner/developer shall provide copies of these binding elements to tenants, contractors and other parties engaged in development of this project and shall inform them of the content of these binding elements. Further, the property owner/developer shall require contractors to similarly notify all of their subcontractors whose duties relate to the binding elements. The property owner/developer shall ensure their compliance with the binding elements.

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. 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.
3. 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 building permit. Such plan shall be implemented prior to occupancy of the site and shall be maintained thereafter.
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.

Pre-Application

Staff Report

November 3, 2022



Case No:	22-ZONEPA-0144
Project Name:	4660 Poplar Level Rd
Location:	Watterson Business Park
Owner(s):	Gault Development LLC
Applicant:	Gault Development LLC
Jurisdiction:	Louisville Metro
Council District:	2-Barbara Shanklin
Case Manager:	Jay Lockett, AICP, Planner II

REQUEST(S)

- Change in zoning from R-4, C-2 and M-2 to M-2
- Detailed District Development plan

CASE SUMMARY/BACKGROUND

The proposal is to rezone a parcel of land to match the adjacent industrial zoning district.

STAFF FINDING

Staff recommends that the zoning change request be accompanied with a Form District change to Suburban Workplace, as the proposed zoning district is inappropriate for the Neighborhood form district.

The proposed zoning change is ready for a neighborhood meeting and formal application. Louisville Metro Council will ultimately have to determine whether the proposed zoning meets the requirements of the Comprehensive Plan.

TECHNICAL REVIEW

See agency review comments.

INTERESTED PARTY COMMENTS

None received.

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

Following is staff's analysis of the proposed rezoning against the Guidelines and Policies of Plan 2040.

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.

All other agency comments should be addressed to demonstrate compliance with the remaining Guidelines and Policies of Plan 2040.

A checklist is attached to the end of this staff report with a more detailed analysis. The Louisville Metro Planning Commission is charged with making a recommendation to the Louisville Metro Council regarding the appropriateness of this zoning map amendment.

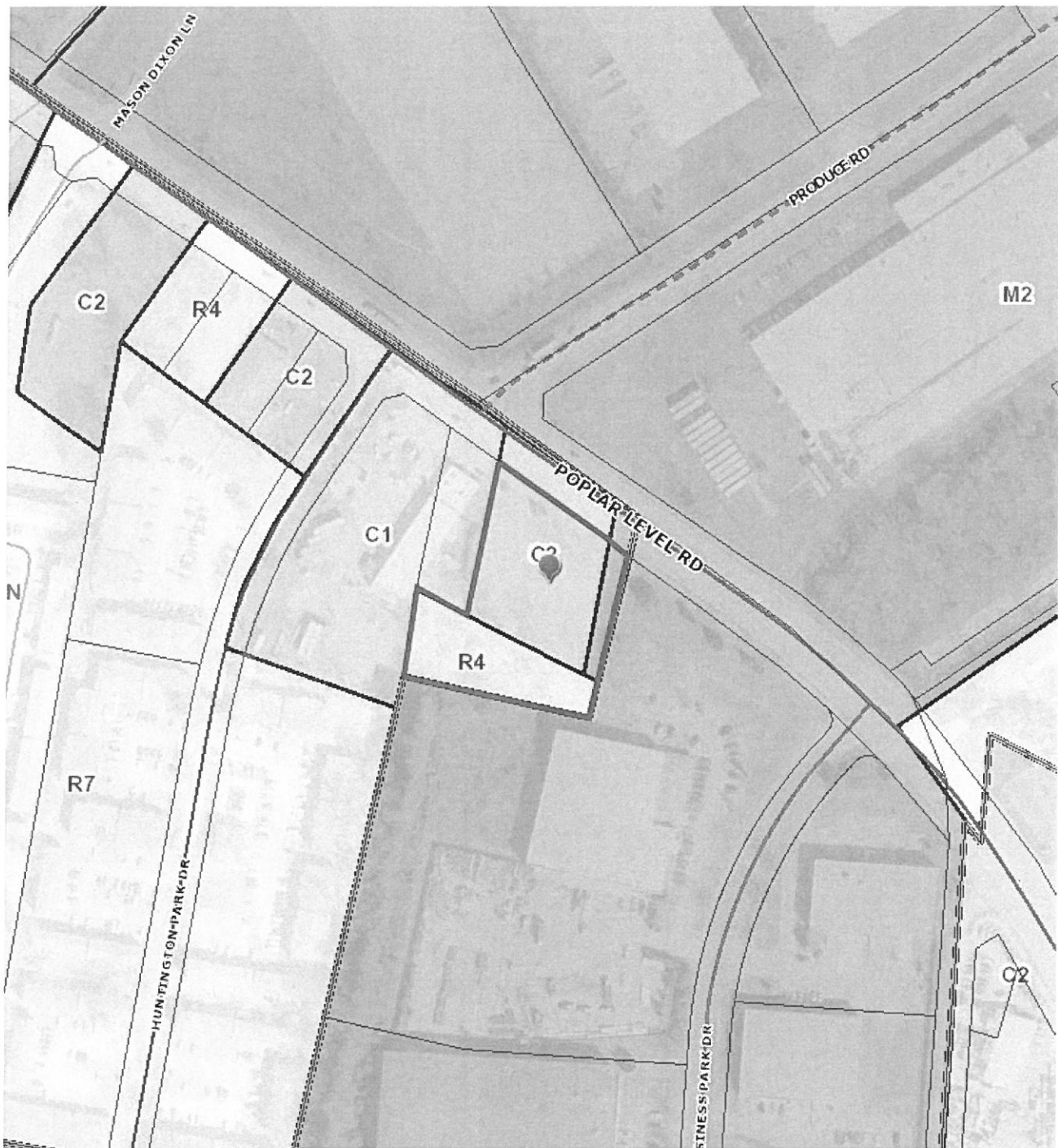
NOTIFICATION

Date	Purpose of Notice	Recipients
	Hearing before ____	1 st and 2 nd tier adjoining property owners and current residents Registered Neighborhood Groups in Council District 2
	Hearing before ____	1 st and 2 nd tier adjoining property owners and current residents Registered Neighborhood Groups in Council District 2
	Hearing before PC	Sign Posting on property
	Hearing before PC	Legal Advertisement in the Courier-Journal

ATTACHMENTS

1. Zoning Map
2. Aerial Photograph
3. Staff Plan 2040 Checklist

1. Zoning Map



2. Aerial Photograph



#	Plan 2040 Plan Element	Land Use & Development Policy	Staff Finding	Staff Analysis
5	Community Form: Goal 1	16. Consider impacts on human health, quality of life and the environment including prevailing meteorological conditions and the potential to transport noxious odors, particulates and emissions when reviewing new developments and redevelopments. Special attention should be paid to air and water quality when residences, schools, parks or vulnerable populations will be impacted. Mitigate impacts to areas that are disproportionately affected.	✓	The site is in an area with a mix of industrial, office and commercial uses. The applicant will be required to provide adequate screening and buffering adjacent to the existing commercial zoning district.
6	Community Form: Goal 1	17. Mitigate adverse impacts of traffic from proposed development on nearby existing communities.	✓	Traffic entering the area will not need to pass through residential areas to access the interstate or arterial roadways.
7	Community Form: Goal 1	18. Mitigate adverse impacts of noise from proposed development on existing communities.	✓	The site is in an area with a mix of industrial, and commercial uses. The applicant will be required to provide adequate screening and buffering adjacent to the existing commercial zoning district.
8	Community Form: Goal 1	21. Require that industries which handle hazardous or flammable materials or are potentially offensive such as junkyards, landfills and quarries are sited to protect public health, safety and welfare and are located away from residential areas and population centers.	✓	The site is in an area with a mix of industrial, office and commercial uses. The applicant will be required to provide adequate screening and buffering adjacent to the existing commercial zoning district.
9	Community Form: Goal 2	1. Locate activity centers in appropriate areas in all Form Districts. Design and density should be compatible with desired form, adjacent uses, and existing and planned infrastructure.	✓	The proposal is located in an existing industrial and commercial activity center.
10	Community Form: Goal 2	5. Locate retail commercial development in activity centers where it can be demonstrated that sufficient population exists or is anticipated to support it.	✓	The proposed zoning district allows for a variety of industrial uses. The subject site should be changed to a workplace form in an area with a variety of industrial, office and commercial uses
11	Community Form: Goal 2	6. Encourage a more compact development pattern in activity centers that result in efficient land use and cost-effective infrastructure investment.	✓	The proposal is adjacent to a workplace form near a variety of commercial, industrial and office uses and is served by adequate infrastructure and transportation facilities.
12	Community Form: Goal 2	7. Encourage activity centers to include a mixture of compatible land uses in order to reduce traffic congestion by requiring fewer trips, support and enhance alternative modes of travel, and encourage vitality and a sense of place.	✓	The proposal is adjacent to a workplace form near a variety of commercial, industrial and office uses and is served by adequate infrastructure and transportation facilities.

#	Plan 2040 Plan Element	Land Use & Development Policy	Staff Finding	Staff Analysis
13	Land Use & Development Goal 2: Community Form	8. Encourage residential land uses in designated centers. Encourage residential and office uses above retail and other mixed-use multi-story retail buildings.	✓	The proposed zoning would not permit residential development. The site is within an established industrial and commercial activity center.
14	Community Form: Goal 2	9. Encourage new developments and rehabilitation of buildings that provide commercial, office and/or residential uses.	✓	The proposal allows for the expansion of an existing industrial site within an established industrial activity center. The site does not contain buildings and no buildings are proposed.
15	Community Form: Goal 2	10. Encourage outlot development in underutilized parking lots of existing development to promote utilization of existing infrastructure provided specific criteria for elements such as location, scale, signs, parking, lighting, and landscaping are met. Outlot development shall encourage street-level retail with residential units above.	NA	The proposal is not part of a larger commercial center and is not an outlot.
16	Community Form: Goal 3	9. Encourage development that respects the natural features of the site through sensitive site design, avoids substantial changes to the topography, and minimizes property damage and environmental degradation resulting from disturbance of natural systems.	✓	The site does not have any natural resources or environmentally sensitive areas.
17	Community Form: Goal 3	10. Encourage development to avoid wet or highly permeable soils, severe, steep or unstable slopes where the potential for severe erosion problems exists in order to prevent property damage and public costs associated with soil slippage and foundation failure and to minimize environmental degradation.	✓	The site does not contain steep slopes or other environmental concerns.

#	Plan 2040 Plan Element	Land Use & Development Policy	Staff Finding	Staff Analysis
18	Community Form: Goal 3	11. Encourage land uses within the Ohio River Corridor that are appropriate for and related to river corridor activities and that are consistent with the goals and objectives of the Ohio River Corridor Master Plan. Reserve appropriate riverfront sites such as the Upper River Road industrial area for river-related development. Allow development of commercial leisure businesses related to the river, such as boating services and restaurants in appropriate locations. Encourage new development in the Ohio River corridor and along key greenway and street connections to provide for public access in new riverfront development and to maintain views of the river from public rights-of-way.	NA	The proposal is not located in the Ohio River corridor.
19	Community Form: Goal 3	12. When reviewing proposed developments consider changes to flood-prone areas and other features vulnerable to natural disasters such as sinkholes and landslides. Ensure appropriate measures to protect health, safety and welfare of future users of the development.	+/-	MSD review and approval required.
20	Community Form: Goal 4	1. Preserve buildings, sites, districts and landscapes that are recognized as having historic or architectural value and ensure that new land uses are compatible in height, massing, scale, architecture style and placement when located within the impact area of such resources.	✓	The proposed site does not have any known historic or cultural value.
21	Community Form: Goal 4	2. Encourage preservation of distinctive cultural features including landscapes, natural elements and built features.	✓	The proposed site does not have any known historic or cultural value.
22	Mobility: Goal 1	4. Encourage higher densities and intensities within or near existing marketplace corridors, existing and future activity centers, and employment centers to support transit-oriented development and an efficient public transportation system.	✓	The proposal is adjacent to a workplace form in an area with a variety of industrial, office and commercial uses.

#	Plan 2040 Plan Element	Land Use & Development Policy	Staff Finding	Staff Analysis
23	Mobility: Goal 3	2. To improve mobility, and reduce vehicle miles traveled and congestion, encourage a mixture of compatible land uses that are easily accessible by bicycle, car, transit, pedestrians and people with disabilities. Housing should be encouraged near employment centers.	✓	The proposal is adjacent to a workplace form in an area with a variety of industrial, office and commercial uses. The zoning would not permit residential development, but would allow for additional employment-generating uses within an established industrial activity center.
24	Mobility: Goal 3	3. Evaluate developments for their ability to promote public transit and pedestrian use. Encourage higher density mixed-use developments that reduce the need for multiple automobile trips as a means of achieving air quality standards and providing transportation and housing choices.	✓	The site is served directly by transit along Poplar Level Rd. The proposal is in an area with a variety of industrial, office and commercial uses. The site has existing sidewalks along Poplar Level Rd.
25	Mobility: Goal 3	4. Encourage development of walkable centers to connect different modes of travel. Siting of these multi-modal centers shall consider the effects of the following: 4.1. nodal connections identified by Move Louisville; 4.2. impact on freight routes; 4.3. time of operation of facilities; 4.4. safety; 4.5. appropriate linkages between neighborhoods and employment; and 4.6. the potential for reducing travel times and vehicle miles traveled.	✓	The site is served directly by transit along Poplar Level Rd. The proposal is in an area with a variety of industrial, office and commercial uses. The site has existing sidewalks along Poplar Level Rd.
26	Mobility: Goal 3	5. Evaluate developments for their impact on the transportation network (including the street, pedestrian, transit, freight movement and bike facilities and services) and air quality.	✓	The proposal is adjacent to a workplace form in an area with a variety of industrial, office and commercial uses. Adequate infrastructure exists to serve the development.
27	Mobility: Goal 3	6. Ensure that those who propose new developments bear or share in rough proportionality the costs of transportation facilities and services made necessary by development.	✓	The proposal is adjacent to a workplace form in an area with a variety of industrial, office and commercial uses. Adequate infrastructure exists to serve the development.

#	Plan 2040 Plan Element	Land Use & Development Policy	Staff Finding	Staff Analysis
28	Mobility: Goal 3	9. When existing transportation facilities and services are inadequate and public funds are not available to rectify the situation, the developer may be asked to make improvements, roughly proportional to the projected impact of the proposed development, to eliminate present inadequacies if such improvements would be the only means by which the development would be considered appropriate at the proposed location.	+/-	Transportation planning is reviewing the proposal.
29	Mobility: Goal 3	10. Ensure that necessary improvements occur in accordance with long-range transportation plans and level of mobility criteria for all modes of travel.	+/-	Transportation planning is reviewing the proposal.
30	Community Facilities: Goal 2	1. Locate development in areas served by existing utilities or capable of being served by public or private utility extensions.	+/-	All utilities should be provided as required. Any necessary easements must be provided per utility agency requirements.
31	Community Facilities: Goal 2	2. Ensure that all development has an adequate supply of potable water and water for fire-fighting purposes. Locate only very low-density land uses on sites that use on-lot sewage disposal systems or on a private supply of potable water.	+/-	Water service will need to be coordinated.
32	Community Facilities: Goal 2	3. Ensure that all development has adequate means of sewage treatment and disposal to protect public health and to protect water quality in lakes and streams as determined by the Metropolitan Sewer District (MSD).	+/-	MSD review and approval required.
33	Economic Development: Goal 1	1. Limit land uses in workplace Form Districts to compatible uses that meet the needs of the industrial subdivision or workplace district and their employees.	✓	The proposal is adjacent to a workplace form in an area and would permit additional industrial development within an established industrial activity center.
34	Economic Development: Goal 1	2. Encourage industries, to the extent possible, to locate in industrial subdivisions or adjacent to an existing industry to take advantage of special infrastructure needs.	✓	The proposal is adjacent to a workplace form in an area and would permit additional industrial development within an established industrial activity center.

#	Plan 2040 Plan Element	Land Use & Development Policy	Staff Finding	Staff Analysis
35	Economic Development: Goal 1	3. Locate commercial uses generating high volumes of traffic on a major arterial street, at the intersection of two minor arterials, or at a location with adequate access to a major arterial and at locations where nuisances and activities of the proposed use will not adversely affect adjacent areas.	✓	The site is located along Poplar Level Rd, a Major Arterial roadway.
36	Economic Development: Goal 1	4. Utilize industrial sites near the airport and the Ohio River to support the growth and development of uses whose infrastructure and production needs require such a location or for land uses that support airport-oriented or river-oriented industrial uses.	NA	The proposal is not located in the Ohio River corridor.
37	Economic Development: Goal 1	5. Require industrial developments to locate with the appropriate transportation connectivity, near an arterial street or within existing industrial subdivisions.	✓	The proposal is adjacent to a workplace form in an area and would permit additional industrial development within an established industrial activity center. The site is located along Poplar Level Rd, a Major Arterial roadway.
38	Livability: Goal 1	17. Determine site susceptibility to erosion; identify the presence of on-site carbonate conditions and features that are vulnerable to site disturbance; identify the extent of existing groundwater use and the impacts of the project on groundwater resources, flow patterns, and existing and proposed surface drainage. Then mitigate potential hazards to such systems resulting from the project.	✓	Soil erosion does not appear to be an issue with the proposal.
39	Livability: Goal 1	21. Mitigate negative development impacts to the integrity of the regulatory floodplain by encouraging development patterns that minimize disturbance and consider the increased risk of more frequent flooding events.	+/-	MSD review and approval required.

#	Plan 2040 Plan Element	Land Use & Development Policy	Staff Finding	Staff Analysis
40	Livability: Goal 1	24. Ensure, to the extent feasible, that critical facilities and those that store or use hazardous wastes are located outside the regulatory floodplain. Where essential community facilities must be located within a floodplain (e.g., pumping stations), ensure that these facilities are designed, located and operated in a manner that minimizes loss of services during flood events as well as limits, to the extent possible, floodplain disturbance.	✓	The site is not located in the floodplain.
41	Housing: Goal 1	2. Promote housing options and environments that support aging in place. Encourage housing for older adults and people with disabilities to be located close to shopping and transit routes and, when possible, medical and other supportive facilities.	NA	The proposed zoning could would not permit residential development.
42	Housing: Goal 2	1. Encourage inter-generational, mixed-income and mixed-use development that is connected to the neighborhood and surrounding area.	NA	The proposed zoning could would not permit residential development.
43	Housing: Goal 2	2. Locate housing within proximity to multi-modal transportation corridors providing safe and convenient access to employment opportunities, as well as within proximity to amenities providing neighborhood goods and services. Higher density, accessible residential uses should be located along transit corridors and in or near activity centers.	NA	The proposed zoning could would not permit residential development.
44	Housing: Goal 3	2. As neighborhoods evolve, discourage displacement of existing residents from their community.	✓	No residents will be displaced as a result of this development. The site is currently vacant.
45	Housing: Goal 3	3. Encourage the use of innovative methods such as clustering, mixed-use developments, co-housing, and accessory apartments to increase the production of fair and affordable housing.	NA	The proposed zoning could would not permit residential development.

PLANNING COMMISSION

March 30, 2023

PUBLIC HEARING

CASE NO. 23-ZONE-0003

NOTE: Commissioner Clare recused herself from this case.

Request:	Change in Zoning from R-4, C-2 and M-2 to M-2, with Detailed District Development Plan with Binding Elements
Project Name:	Watterson Business Park
Location:	4660 Poplar Level Road
Owner:	Gault Development, LLC
Applicant:	Gault Development, LLC
Representative:	Kyle Galloway - DGG Law
Jurisdiction:	Louisville Metro
Council District:	2 - Barbara Shanklin
Case Manager:	Jay Luckett, 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:

01:24:44 Jay Luckett presented the case, showed a Power Point presentation, and responded to questions from the Commissioners (see staff report and recording for detailed presentation.)

The following spoke in support of the request:

Kyle Galloway, 9625 Ormsby Station Road, Louisville, KY 40223

Ann Richard, Land Design & Development, 503 Washburn Avenue, Louisville, KY 40222

Charlie Marsh, Gault Development, 4011 Gardiner Point Dr STE 200, Louisville, KY 40213

Summary of testimony of those in support:

01:29:24 Kyle Galloway, the applicant's representative, presented the applicant's case and showed a Power Point presentation. He noted that KYTC has required that

PLANNING COMMISSION

March 30, 2023

PUBLIC HEARING

CASE NO. 23-ZONE-0003

curb cuts be consolidated when this site is developed (see recording for detailed presentation.)

01:32:45 In response to a question from Commissioner Mims, Mr. Galloway confirmed that there is no development plan at this time. The applicant would come back before the Commission at that time.

01:33:37 In response to questions from Commissioners Carlson and Mims, Mr. Luckett said the development and binding elements currently on the property were placed there when the site was zoned for a car lot. The Commission would be replacing the car lot plan with a "blank" development plan and standard binding elements. If anyone wants to build something on this lot, they would have to come before the Commission with a new Revised Detailed District Development Plan. Commissioner Howard joined the discussion and explanation (see recording for detailed discussion.)

The following spoke in opposition to the request:

No one spoke.

Deliberations:

01:37:37 Commissioners' deliberation (see recording for detailed discussion.)

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 zoning from R-4, C-2 and M-2 to M-2

01:39:24 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, was adopted:

WHEREAS, the Louisville Metro Planning Commission finds that the proposal meets Community Form: Goal 1 because the proposal does not represent an expansion of non-residential uses into residential areas. Portions of the subject site are already zoned M-2 and C-2, and adjacent sites to the north, south and east contain other industrial zones; the proposed district is appropriately located adjacent to like zones and uses. Appropriate buffering will need to be provided adjacent to the adjacent

PLANNING COMMISSION
March 30, 2023

PUBLIC HEARING

CASE NO. 23-ZONE-0003

commercial zoning district; the proposal is adjacent a workplace form adjacent to a variety of commercial, office and industrial uses readily served by infrastructure and transportation facilities. The proposed zoning district is appropriate within the Suburban Workplace form district, but not the neighborhood form district; the proposal concentrates like uses and zones. Appropriate buffering will need to be provided adjacent to the commercial zoning district; the site is in an area with a mix of industrial, office and commercial uses. The applicant will be required to provide adequate screening and buffering adjacent to the existing commercial zoning district; traffic entering the area will not need to pass through residential areas to access the interstate or arterial roadways; the site is in an area with a mix of industrial, and commercial uses. The applicant will be required to provide adequate screening and buffering adjacent to the existing commercial zoning district; and the site is in an area with a mix of industrial, office and commercial uses. The applicant will be required to provide adequate screening and buffering adjacent to the existing commercial zoning district; and

WHEREAS, the Commission further finds that the proposal meets Community Form: Goal 2 because the proposal is located in an existing industrial and commercial activity center; the proposed zoning district allows for a variety of industrial uses. The subject site should be changed to a workplace form in an area with a variety of industrial, office and commercial uses; the proposal is adjacent to a workplace form near a variety of commercial, industrial and office uses and is served by adequate infrastructure and transportation facilities; the proposed zoning would not permit residential development. The site is within an established industrial and commercial activity center; and the proposal allows for the expansion of an existing industrial site within an established industrial activity center. The site does not contain buildings and no buildings are proposed; and

WHEREAS, the Commission further finds that the proposal meets Community Form: Goal 3 because the site does not have any natural resources or environmentally sensitive areas; the site does not contain steep slopes or other environmental concerns; the proposal is not located in the Ohio River corridor; and MSD has approved the preliminary development plan; and

WHEREAS, the Commission further finds that the proposal meets Community Form: Goal 4 because the proposed site does not have any known historic or cultural value; and the proposed site does not have any known historic or cultural value; and

WHEREAS, the Commission further finds that the proposal meets Mobility: Goal 1 because the proposal is adjacent to a workplace form in an area with a variety of industrial, office and commercial uses; and

PLANNING COMMISSION

March 30, 2023

PUBLIC HEARING

CASE NO. 23-ZONE-0003

WHEREAS, the Commission further finds that the proposal meets Mobility: Goal 3 because the proposal is adjacent to a workplace form in an area with a variety of industrial, office and commercial uses. The zoning would not permit residential development, but would allow for additional employment-generating uses within an established industrial activity center; the site is served directly by transit along Poplar Level Rd. The proposal is in an area with a variety of industrial, office and commercial uses. The site has existing sidewalks along Poplar Level Road; the site is served directly by transit along Poplar Level Rd. The proposal is in an area with a variety of industrial, office and commercial uses. The site has existing sidewalks along Poplar Level Rd; the proposal is adjacent to a workplace form in an area with a variety of industrial, office and commercial uses. Adequate infrastructure exists to serve the development; and Transportation Planning has approved the preliminary development plan; and

WHEREAS, the Commission further finds that the proposal meets Community Facilities: Goal 2 because all utilities will be provided as required. Any necessary easements will be provided per utility agency requirements; water service will be coordinated; and MSD has approved the preliminary development plan; and

WHEREAS, the Commission further finds that the proposal meets Economic Development: Goal 1 because the proposal is adjacent to a workplace form in an area and would permit additional industrial development within an established industrial activity center; the site is located along Poplar Level Rd, a Major Arterial roadway; the proposal is not located in the Ohio River corridor; and the proposal is adjacent to a workplace form in an area and would permit additional industrial development within an established industrial activity center. The site is located along Poplar Level Rd, a Major Arterial roadway; and

WHEREAS, the Commission further finds that the proposal meets Livability: Goal 1 because soil erosion does not appear to be an issue with the proposal; MSD has approved the preliminary development plan; and the site is not located in the floodplain; and

WHEREAS, the Commission further finds that the proposal meets Housing: Goal 1 because the proposed zoning could would not permit residential development; and

WHEREAS, the Commission further finds that the proposal meets Housing: Goal 2 because the proposed zoning could would not permit residential development; and

WHEREAS, the Commission further finds that the proposal meets Housing: Goal 3 because no residents will be displaced as a result of this development. The site is

PLANNING COMMISSION

March 30, 2023

PUBLIC HEARING

CASE NO. 23-ZONE-0003

currently vacant; and the proposed zoning could would not permit residential development; now, therefore be it

RESOLVED, the Louisville Metro Planning Commission does hereby **RECOMMEND** to the Louisville Metro Council that the requested change in zoning from R-4, C-2 and M-2 to M-2 be **APPROVED**.

The vote was as follows:

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

RECUSE: Commissioner Clare.

ABSENT: Commissioner Sistrunk.

Change in Form District from Neighborhood to Suburban Workplace

01:40:03 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, was adopted:

WHEREAS, the Louisville Metro Planning Commission finds that the proposal meets Community Form: Goal 1 because the proposal does not represent an expansion of non-residential uses into residential areas. Portions of the subject site are already zoned M-2 and C-2, and adjacent sites to the north, south and east contain other industrial zones; the proposed district is appropriately located adjacent to like zones and uses. Appropriate buffering will need to be provided adjacent to the adjacent commercial zoning district; the proposal is adjacent a workplace form adjacent to a variety of commercial, office and industrial uses readily served by infrastructure and transportation facilities. The proposed zoning district is appropriate within the Suburban Workplace form district, but not the neighborhood form district; the proposal concentrates like uses and zones. Appropriate buffering will need to be provided adjacent to the commercial zoning district; the site is in an area with a mix of industrial, office and commercial uses. The applicant will be required to provide adequate screening and buffering adjacent to the existing commercial zoning district; traffic entering the area will not need to pass through residential areas to access the interstate or arterial roadways; the site is in an area with a mix of industrial, and commercial uses. The applicant will be required to provide adequate screening and buffering adjacent to

PLANNING COMMISSION

March 30, 2023

PUBLIC HEARING

CASE NO. 23-ZONE-0003

the existing commercial zoning district; and the site is in an area with a mix of industrial, office and commercial uses. The applicant will be required to provide adequate screening and buffering adjacent to the existing commercial zoning district; and

WHEREAS, the Commission further finds that the proposal meets Community Form: Goal 2 because the proposal is located in an existing industrial and commercial activity center; the proposed zoning district allows for a variety of industrial uses. The subject site should be changed to a workplace form in an area with a variety of industrial, office and commercial uses; the proposal is adjacent to a workplace form near a variety of commercial, industrial and office uses and is served by adequate infrastructure and transportation facilities; the proposed zoning would not permit residential development. The site is within an established industrial and commercial activity center; and the proposal allows for the expansion of an existing industrial site within an established industrial activity center. The site does not contain buildings and no buildings are proposed; and

WHEREAS, the Commission further finds that the proposal meets Community Form: Goal 3 because the site does not have any natural resources or environmentally sensitive areas; the site does not contain steep slopes or other environmental concerns; the proposal is not located in the Ohio River corridor; and MSD has approved the preliminary development plan; and

WHEREAS, the Commission further finds that the proposal meets Community Form: Goal 4 because the proposed site does not have any known historic or cultural value; and the proposed site does not have any known historic or cultural value; and

WHEREAS, the Commission further finds that the proposal meets Mobility: Goal 1 because the proposal is adjacent to a workplace form in an area with a variety of industrial, office and commercial uses; and

WHEREAS, the Commission further finds that the proposal meets Mobility: Goal 3 because the proposal is adjacent to a workplace form in an area with a variety of industrial, office and commercial uses. The zoning would not permit residential development, but would allow for additional employment-generating uses within an established industrial activity center; the site is served directly by transit along Poplar Level Rd. The proposal is in an area with a variety of industrial, office and commercial uses. The site has existing sidewalks along Poplar Level Road; the site is served directly by transit along Poplar Level Rd. The proposal is in an area with a variety of industrial, office and commercial uses. The site has existing sidewalks along Poplar Level Rd; the proposal is adjacent to a workplace form in an area with a variety of industrial, office and commercial uses. Adequate infrastructure exists to serve the

PLANNING COMMISSION

March 30, 2023

PUBLIC HEARING

CASE NO. 23-ZONE-0003

development; and Transportation Planning has approved the preliminary development plan; and

WHEREAS, the Commission further finds that the proposal meets Community Facilities: Goal 2 because all utilities will be provided as required. Any necessary easements will be provided per utility agency requirements; water service will be coordinated; and MSD has approved the preliminary development plan; and

WHEREAS, the Commission further finds that the proposal meets Economic Development: Goal 1 because the proposal is adjacent to a workplace form in an area and would permit additional industrial development within an established industrial activity center; the site is located along Poplar Level Rd, a Major Arterial roadway; the proposal is not located in the Ohio River corridor; and the proposal is adjacent to a workplace form in an area and would permit additional industrial development within an established industrial activity center. The site is located along Poplar Level Rd, a Major Arterial roadway; and

WHEREAS, the Commission further finds that the proposal meets Livability: Goal 1 because soil erosion does not appear to be an issue with the proposal; MSD has approved the preliminary development plan; and the site is not located in the floodplain; and

WHEREAS, the Commission further finds that the proposal meets Housing: Goal 1 because the proposed zoning could would not permit residential development; and

WHEREAS, the Commission further finds that the proposal meets Housing: Goal 2 because the proposed zoning could would not permit residential development; and

WHEREAS, the Commission further finds that the proposal meets Housing: Goal 3 because no residents will be displaced as a result of this development. The site is currently vacant; and the proposed zoning could would not permit residential development; now, therefore be it

RESOLVED, the Louisville Metro Planning Commission does hereby **RECOMMEND** to the Louisville Metro Council that the requested change in Form District from Neighborhood to Suburban Workplace be **APPROVED**.

The vote was as follows:

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

PLANNING COMMISSION

March 30, 2023

PUBLIC HEARING

CASE NO. 23-ZONE-0003

RECUSE: Commissioner Clare.

ABSENT: Commissioner Sistrunk.

Revised District Development Plan with replacement of existing binding elements

01:41:55 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, was adopted:

WHEREAS, the Louisville Metro Planning Commission finds that there do not appear to be any environmental constraints 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; 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 **APPROVE** the requested Revised District Development Plan, and revisions to the following binding elements (to be replaced):

Existing Binding Elements to be Replaced

PLANNING COMMISSION

March 30, 2023

PUBLIC HEARING

CASE NO. 23-ZONE-0003

1. ~~The development shall be in accordance with the approved district development plan and agreed upon binding elements unless amended pursuant to the Zoning District Regulations. No further development shall occur without prior approval from the Planning Commission, except for land uses permitted in the established zoning district (excluding those uses prohibited by binding element no. 10).~~
2. ~~The development shall not exceed 2,215 square feet of gross floor area.~~
3. ~~Access will be as shown on the approved district development plan. No additional accesses will be permitted. The existing access point located at the eastern property line is to be closed and access to the site be made through the main entrance.~~
4. ~~The only permitted freestanding sign shall be a monument style sign, located as shown on the approved development plan. No portion of the^Δ sign, including the leading edge of the sign frame, shall be closer than 5 feet to front property line. The sign shall not exceed 40 square feet in area per side and 6 feet in height. No sign shall have more than two sides.~~
5. ~~No outdoor advertising signs (billboards), small free-standing (temporary) signs, pennants balloons, or banners shall be permitted on the site.~~
6. ~~There shall be no outdoor storage on the site, except for display of automobiles for sale.~~
7. ~~Outdoor lighting shall be directed down and away from surrounding residential properties. Lighting fixtures shall have a 90-degree cutoff so that no light source is visible off-site. Lighting levels attributable to the fixtures located on the subject site shall not exceed two-foot candles at the property line.~~
- 8a. ~~Construction fencing shall be erected at the edge of the area of development prior to any grading or construction to protect the existing tree stands and their 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.~~

PLANNING COMMISSION

March 30, 2023

PUBLIC HEARING

CASE NO. 23-ZONE-0003

- 8b. ~~The applicant shall submit a plan for approval by the Planning Commission staff landscape architect showing trees/tree masses to be preserved prior to beginning any construction procedure (i.e. clearing, grading, demolition). Any modification of the tree preservation plan requested by the applicant may be approved by the Planning Commission staff landscape architect if the changes are in keeping with the intent of the approved tree preservation plan. The plan shall exhibit the following information:~~
- a. ~~Proposed site plan (showing buildings, edges of pavement, property/lot lines, easements, existing topography, and other significant site features (LOJIC topographic information is acceptable)).~~
 - b. ~~Preliminary drainage considerations (retention/detention, ditches/large swales, etc.).~~
 - c. ~~Location of all existing trees/tree masses existing on the site as shown by aerial photo or LOJIC maps.~~
 - d. ~~Location of construction fencing for each tree/tree mass designated to be preserved.~~
9. ~~Before any permit (including but not limited to building, parking lot, change of use or alteration permit) is requested:~~
- a. ~~The development plan must receive full construction approval from the Jefferson County Department of Public Works and Transportation (400 Fiscal Court Building) and the Metropolitan Sewer District (700 West Liberty).~~
 - b. ~~The property owner/developer must obtain approval of a detailed plan for screening (buffering/landscaping as described in Article 12 prior to requesting a building permit. Such plan shall be implemented prior to occupancy of the site and shall be maintained thereafter.~~
 - c. ~~The property owner/developer shall submit to the Planning Commission written procedures for tire/oil disposal that comply with applicable state and federal regulations and have been approved by the appropriate Works Director. Said procedures shall be submitted prior to requesting a building permit and shall be followed for the duration of the use unless otherwise approved by the Planning Commission~~
10. ~~The site shall not be used as a tavern, bar, saloon, or other similar uses. This binding element may not be released until a public hearing is~~

PLANNING COMMISSION

March 30, 2023

PUBLIC HEARING

CASE NO. 23-ZONE-0003

~~conducted and adjoining property owners are notified in accordance with the Kentucky Revised Statutes governing notice of a zoning change request.~~

- ~~11. If a building permit is not issued within one year of the date of approval of the plan, 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.~~
- ~~12. 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 requiring action and approval must be implemented prior to requesting issuance of the certificate of occupancy, unless specifically waived by the Planning Commission.~~
- ~~13. There shall be no outdoor music (live, piped, radio or amplified), outdoor entertainment, or outdoor PA system permitted on the site.~~
- ~~14. The property owner/developer shall provide copies of these binding elements to tenants, contractors and other parties engaged in development of this project and shall inform them of the content of these binding elements. Further, the property owner/developer shall require contractors to similarly notify all of their subcontractors whose duties relate to the binding elements. The property owner/developer shall ensure their compliance with the binding elements.~~

The vote was as follows:

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

RECUSE: Commissioner Clare.

ABSENT: Commissioner Sistrunk.

Detailed District Development plan with binding elements

01:42:34 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, was adopted:

PLANNING COMMISSION

March 30, 2023

PUBLIC HEARING

CASE NO. 23-ZONE-0003

WHEREAS, the Louisville Metro Planning Commission finds that there do not appear to be any environmental constraints 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; 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 **APPROVE** the requested Detailed District Development Plan, **SUBJECT** to the following binding elements:

1. The development shall be in accordance with the approved district development plan, all applicable sections of the Land Development Code (LDC) and agreed upon binding elements unless amended pursuant to the Land Development Code. Any changes/additions/alterations of any binding element(s) shall be submitted to the Planning Commission or the Planning Commission's designee for review and approval; any changes/additions/alterations not so referred shall not be valid.
2. 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

PLANNING COMMISSION

March 30, 2023

PUBLIC HEARING

CASE NO. 23-ZONE-0003

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.

3. 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 building permit. Such plan shall be implemented prior to occupancy of the site and shall be maintained thereafter.
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.

The vote was as follows:

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

RECUSE: Commissioner Clare.

PLANNING COMMISSION
March 30, 2023

PUBLIC HEARING

CASE NO. 23-ZONE-0003

ABSENT: Commissioner Sistrunk.

Case No. 23-ZONE-0003 Binding Elements

RESOLVED, the Louisville Metro Planning Commission does hereby **APPROVE** the requested Detailed District Development Plan, **SUBJECT** to the following binding elements:

1. The development shall be in accordance with the approved district development plan, all applicable sections of the Land Development Code (LDC) and agreed upon binding elements unless amended pursuant to the Land Development Code. Any changes/additions/alterations of any binding element(s) shall be submitted to the Planning Commission or the Planning Commission's designee for review and approval; any changes/additions/alterations not so referred shall not be valid.
2. 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.
3. 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 building permit. Such plan shall be implemented prior to occupancy of the site and shall be maintained thereafter.
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.

LAND DEVELOPMENT AND TRANSPORTATION COMMITTEE MINUTES
March 9, 2023

NEW BUSINESS

23-ZONE-0003

Request:	Change in Zoning from R-4, C-2 and M-2 to M-2, with Detailed District Development Plan with Binding Elements
Project Name:	Watterson Business Park
Location:	4660 Poplar Level Road
Owner:	Gault Development, LLC
Applicant:	Gault Development, LLC
Representative:	Kyle Galloway – DGG Law
Jurisdiction:	Louisville Metro
Council District:	2 – Barbara Shanklin
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. This report was available to any interested party prior to the LD&T meeting. (Staff report is part of the case file maintained in Planning and Design Services offices, 444 S. 5th Street.)

Agency Testimony:

00:47:32 Jay Lockett discussed the case summary from the staff report and indicated the application was ready for a public hearing (see video for presentation).

The following spoke in favor of this request:

Kyle Galloway, Duncan Galloway Green, 9625 Ormsby Station Court, Louisville, KY 40223

Summary of testimony of those in favor:

00:50:12 Kyle Galloway spoke in favor of the application. Galloway elaborated on the changes from R-4 and C-2 to an M-2 and Suburban Workplace form district (see presentation).

00:52:42 Commissioner Mims asked if the applicant is rezoning the property with no plan. Galloway stated that would be correct.

The following spoke in opposition to the request:

None

LAND DEVELOPMENT AND TRANSPORTATION COMMITTEE MINUTES
March 9, 2023

NEW BUSINESS

23-ZONE-0003

Summary of testimony of those in opposition:
None

REBUTTAL
None

Deliberation

00:53:56 Land Development and Transportation Committee deliberation.

An audio/visual recording of the Land Development & Transportation Committee meeting 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.

00:54:18 The Committee by general consensus scheduled this case to be heard at the **March 30, 2023**, Planning Commission public hearing

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

Change in Zoning and Form District
4660 Poplar Level Road
(Related Case: 22-ZONEPA-0144)

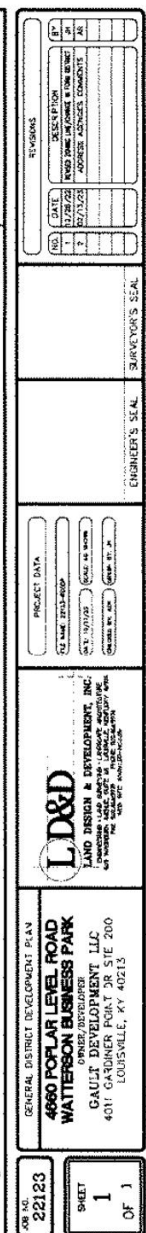
Beginning at a Point on the southerly right-of-way of Poplar Level Road and the northeasterly property corner of a tract belonging to Gault Development, LLC. by Deed Book 7236, Page 556 of record in the Office of the Jefferson County, Kentucky Clerk; thence with the Poplar Level Road right-of-way **S 54° 32' 19" E 176.94 feet** to a point on said right-of-way; thence continuing with said right-of-way **S 54° 32' 19" E 34.73 feet** to a point on said right-of-way; thence leaving said right-of-way **S 12° 34' 41" W 242.05 feet** to a point; then **N 77° 27' 19" W 276.46 feet** to a point; thence **N 12° 32' 41" E 120.74 feet** to a point; thence **S 63° 17' 19" E 84.06 feet** to a point; thence **N 12° 34' 41" E 224.31 feet** to the Point of Beginning, containing 1.47 acres more or less and being the same property belonging to Gault Development, LLC. By Deed Book 8551, Page 81 of record in the aforementioned Clerk's Office.

RECEIVED

JAN 09 2023

**PLANNING & DESIGN
SERVICES**

23-ZONE-0003



Justification Statement/Statement of Compliance with the Cornerstone 2040 Comprehensive Plan

Case No. 22-ZONEPA-0144

Project Name: 4660 Poplar Level Road

Location: 4660 Poplar Level Road, Louisville, Kentucky

Owner: Gault Development, LLC

Applicant: Gault Development, LLC

Proposed Use: Warehouse and Office

Proposed Zoning District and Form District and Use: Zoning District Change from R4 and C2 to M2 and a Form District Change from Traditional Neighborhood to Suburban Workplace.

The proposed Form and Zoning District changes are consistent with the Suburban Workplace and M2 uses and zoning located along Poplar Level Road. The proposed M2 zoning and Suburban Workplace form district are more compatible with the demand for potential warehouse and industrial uses in the area than the current zoning and form district.

- The area of the proposed rezoning conforms to the Suburban Workplace Form District in compliance with the Community Form Guidelines and specifically with Policy 3.1.10 which is characterized by predominately industrial and office uses where the buildings are set back from the street in a landscaped setting.
- The current form district, Traditional Neighborhood, anticipates predominately residential uses rather than workplaces, and is not consistent with the rest of the area along Poplar Level Road.
- The rezoning from R4 and C2 to M2 is consistent with the community form because it will allow uses consistent with nearby and the immediately adjacent uses (behind the parcel and across the street).
- The proposed revised zoning and form district complies with the Goals of the Mobility Guidelines because Poplar Level Road is a major arterial highway and has adequate capacity for any future proposed potential industrial uses. This is consistent with the intent of this Guideline which is to promote efficient land use and transportation patterns that connect Louisville Metro and support future growth.
- The proposed zoning and form district comply with the policies that are required and that are applicable pursuant to the Mobility Goals which encourage industrial uses along major arterial roads for efficient transportation. If this zoning and form district is approved this property will still

be required to seek approval for a design compliant industrial facility that is consistent with facilities immediately adjacent to the property and in the area.

- The proposed zoning and form district will comply with the policies that are required and that are applicable pursuant to the Land Development Code. Once a building is proposed, a Detailed District Development Plan will require that any buildings will be compliant with the development code and address any design or aesthetics concerns. Such Detailed District Development Plan will be required to demonstrate compliance with all set-back requirements. The applicant will comply with all necessary tree-canopy and landscaping requirements. All buffering requirements will be satisfied. The current Land Development Code design process will address many of these issues once the actual use is proposed, and also will require any outdoor lighting on the future building to be directed down and away from adjoining residential uses. Any proposed buildings will be buffered from any nearby residences.
- This proposed project will also be required to comply with applicable water management requirements. First, Storm Water Management requires MSD review. Second, Water Quality is also subject to the regulatory authority of MSD and will be addressed in any future District Development Plan. Third, Air Quality is subject to the authority of the Air Pollution Control District and will also be addressed on any future District Development Plan and subject to review by that agency. Any items not addressed on the future Detailed District Development Plan will need to be addressed in order to obtain building permits (e.g. silt fencing, drainage basin compensation). The intent of these guidelines is to protect the air and water quality and to ensure damage to streams and nearby properties is minimized by property drainage system design.
- Any proposed use will comply with the Landscape and Tree Canopy requirements in a manner consistent with Community Form Goal 3. Tree canopy will be preserved (consistent with Community Form Goal 3) or added as is appropriate and in compliance with the Land Development Code. Future plans will be further refined and reviewed by Planning Commission staff and the Applicant site engineering firm in order to ensure compliance.

For the above reasons, as well as the materials submitted with the application and during the application process as well as the testimony to be given at the upcoming public hearings, this application complies with the intent, the relevant policies and the Guidelines of Plan 2040.

ORDINANCE NO. 053, SERIES 2023

AN ORDINANCE RELATING TO THE ZONING AND FORM DISTRICT OF PROPERTY LOCATED AT 4660 POPLAR LEVEL ROAD CONTAINING APPROXIMATELY 1.47 ACRES AND BEING IN LOUISVILLE METRO (CASE NO. 23ZONE0003). (AS AMENDED)

SPONSORED BY: COUNCIL MEMBER MADONNA FLOOD

WHEREAS, the Legislative Council of the Louisville/Jefferson County Metro Government (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. 23ZONE0003; and

WHEREAS, the Council concurs in and adopts the findings of the Planning Commission for the zoning change and the form district change in Case No. 23ZONE0003 and approves and accepts the recommendation of the Planning Commission as set out in said minutes and records, with an additional binding element.

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

SECTION I: That the zoning of the property located at 4660 Poplar Level Road containing approximately 1.47 acres and being in Louisville Metro, as more particularly described in the minutes and records of the Planning Commission in Case No. 23ZONE0003, is hereby changed from R-4 Residential Single Family, C-2 Commercial and M-2 Industrial to M-2 Industrial (approximately 0.16 acres is already zoned M-2 Industrial) and the form district of the aforesaid property is hereby changed from Neighborhood to Suburban Workplace; provided, however, said property shall be subject to the binding elements as set forth in the minutes of the Planning Commission in Case


No. 23ZONE0003-, with the following additional binding element:

6. Any significant increases to the proposed structures (e.g. increases in building height, number of units, number of buildings), any increase in density on the property, any changes in use on the property which directly or indirectly require a public hearing before the Planning Commission or subcommittee thereof, and/or any amendments to the binding elements, other than (i) the addition of new binding elements, (ii) changes to binding elements that merely update the public hearing date, or (iii) updating a previous version of this binding element to reflect the current language, shall be reviewed before the Planning Commission with final action to be determined by Metro Council.

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



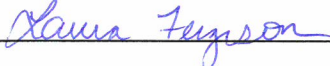
Craig Greenberg



Approval Date Mayor

APPROVED AS TO FORM AND LEGALITY:

Michael J. O'Connell Jefferson County Attorney

By:  _____

O-080-23 23ZONE0003 Approval (As Amended).docx (TF 5-3-23)

