

2. PLN-ZOTA-24-00001: AMENDMENT TO ARTICLE 8-16, TRUCK RENTAL IN THE B-1 ZONE – a text amendment to the Zoning Ordinance to allow truck and trailer rental and leasing businesses as principal uses in the B-1 zone.

INITIATED BY: U-Haul Company of Louisville, Kentucky
PROPOSED TEXT: Copies are available from the staff.

The Zoning Committee Recommended: **Disapproval.**

The Staff Recommends: **Disapproval**, for the following reasons:

1. The applicant has not provided any information that demonstrates that the proposed use is appropriate as a principal use in a neighborhood context.
2. The request does not meet the intent of the Neighborhood Business (B-1) zone.
3. The proposal is not supported by the Goals, Objectives, Policies, or Placebuilder Element of the 2045 Comprehensive Plan.
4. The proposal creates inconsistency within the Zoning Ordinance by making an arbitrary distinction between the proposed use and similar vehicular or equipment rental uses that would remain prohibited in the B-1 zone.

Staff Text Amendment Presentation – Mr. Crum presented and summarized the staff report and recommendations for this text amendment. Mr. Crum stated that the current language in the B-1 zone allowed for the rental of trucks as a conditional use with specific parameters tailored for the neighborhood business use and briefly touched on why truck rentals were allowed in the B-3 zone as a principal use. The B-3 zone is more appropriate near higher intensity roadways like main roadways and highways.

Mr. Crum stated that the applicant is seeking to add truck and trailer rentals as a principal use in the B-1 zone with several conditions related to storage areas and proximity to residences. Additionally, Mr. Crum noted the intent of the B-1 zone was to accommodate neighborhood shopping facilities to serve the needs of the surrounding residential area.

Mr. Crum stated that this text amendment came from zoning enforcement action that was taken against businesses in the B-1 zone who were operating as U-Haul sellers while not being in compliance with the ordinance. Mr. Crum indicated that since these facilities were in neighborhoods, where a zone change to the B-3 zone would not make sense, the only way forward for the applicant was to file this text amendment.

Mr. Crum conveyed that Staff had several concerns including compatibility with the neighborhood, the lack of agreement with the Comprehensive Plan, inconsistency with current efforts to modify the B-1 zone, as well as inconsistency with other vehicle/equipment rental uses. Mr. Crum stated that Staff understands the need for having these facilities in our community, but they do not belong in a neighborhood context. For those reasons, Mr. Crum concluded his presentation stating that Staff is recommending disapproval of the text amendment, and could answer any questions from the Planning Commission.

Applicant Comment – Mr. Crum indicated that the applicant had not sent a representative on their behalf, and there was no applicant presentation.

Commission Questions and Comments – Mr. Michler stated he thought it was odd for the applicant to file and ZOTA and then to not show up to the hearing and asked if there had been discussions with the applicant about the hearing date and process. Mr. Crum indicated that the applicant and Staff had been in contact and were aware of the dates and process and that they had not been present for the committee meetings as well.

Mr. Wilson asked if Staff had conveyed the possibility of disapproval to the applicant and if the applicant had any comment. Mr. Crum indicated that they had been informed and did not have any comment.

Mr. Owens asked if there was any connection between this applicant and another that he had seen in subdivision committee and Mr. Martin stated it was the U-Haul Corporation but other than that it was not related at all.

Ms. Barksdale asked what the process would be for those neighborhood businesses that are not in compliance so that they would be and Mr. Crum indicated that the businesses cited did not meet the criteria to apply to the Board of Adjustment, and this text amendment was to bring them into compliance.

Mr. Michler asked if Staff has had conversations with the neighborhood business owners and Mr. Crum indicated that they have and that Staff went over if the zone change process was viable for their needs.

Action – A motion was made by Mr. Wilson, seconded by Ms. Worth and carried 9-0 (Forester and Johnathon Davis absent) to disapprove PLN-ZOTA-24-00001: AMENDMENT TO ARTICLE 8-16, TRUCK RENTAL IN THE B-1 ZONE for reasons provided by Staff.