

MINUTES

DECEMBER 7, 1978

DOCKET NO. 9-81-78 Plan Certain

Change in zoning from C-1 Commercial to C-2 Commercial on property on the north side of Beulah Church Road 95 feet more or less east of Outer Loop and 600 feet more or less west of Delightful Way, fronting on Beulah Church Road 75 feet more or less and extending north to a depth of 300 feet more or less and being property known as 8005 Beulah Church Road and being in unincorporated Jefferson County.

Owner and Developer: Kenneth F. Best
6902 Mariemont
Louisville, Kentucky

Notice of this public hearing appeared in The Louisville Times on November 7, 1978, a notice was posted on the property and notices were sent to adjoining property owners by registered mail as supplied by the applicant.

Jim Hodge, Attorney, 808 Kentucky Home Life building, spoke in favor of the proposed change.

A summary analysis of the staff report was given by a staff member. (See Appendix for staff report in full).

The following spoke in opposition:

Art Kennedy, representing Farmgate Homeowners Association, 8309 Cabin Hill Road

Charlotte Gittelson, 8203 Fernwood Way

Petitions were circulated and signed by 3 people present in opposition.

Mr. Hodge did not wish to speak in rebuttal.

A transcript of the public hearing is on file in this docket.

A motion to deny was made by Commissioner Brown but failed due to the lack of a second.

After a discussion, on a motion by Commissioner Eakin, seconded by Commissioner Birch, the following resolution was adopted:

WHEREAS, the Commission finds that this proposal is in conformance with the mapped portion of the Comprehensive Plan which shows general commercial uses to be appropriate at this location, and

WHEREAS, the Commission finds that this proposal is in conformance with the following commercial principles of the Comprehensive Plan which state:

No. 2 "COMMERCIAL USES SHOULD BE DEVELOPED AT STRATEGIC LOCATIONS RELATIVE TO THEIR TRADE AREAS WITH DIRECT ACCESS AND AMPLE PARKING SPACE."

No. 3 "COMMERCIAL DEVELOPMENTS SHOULD BE PROPERLY SPACED (It is noted that there is a cumulative attraction effect produced by grouping compatible business establishments together)," and

WHEREAS, the Commission finds that though the proposed use requires a C-2 Commercial district it does fit in with the existing C-1 uses presently in the immediate area,

NOW, THEREFORE BE IT RESOLVED, that the Louisville and Jefferson County Planning Commission does hereby recommend to the Jefferson County Fiscal Court that the proposed amendment to the Zoning District Map of Jefferson County, Kentucky from C-1 Commercial to C-2 Commercial on the following described property be APPROVED.

The vote was as follows:

YES: Commissioners Hutchinson, Birch, Eakin, Miller, and Tully
NO: Commissioner Brown

The motion carried.

BEGINNING in the northern right-of-way line of the Beulah Church Road, 95 feet eastwardly from a point in the northern right-of-way line of said road, which is at the southwest corner of a tract of land conveyed to Ada Blanche Tyler by Deed recorded in Deed Book 1774, Page 119, in the Jefferson County Clerk's Office; thence with the northern right-of-way line of said road South 86 degrees East 75 feet; thence North 4 degrees East 300 feet to a stake; thence North 86 degrees West 75 feet to a stake; thence South 4 degrees 00 minutes West 300 feet to the point of beginning containing 22,500 square feet.

APPROVED ON _____

MINUTES

DECEMBER 7, 1978

DOCKET NO. 9-81-78 (continued)

The vote was as follows:

GENERAL DISTRICT DEVELOPMENT PLAN

YES: Commissioners Hutchinson, Birch, Eakin,
Miller and Tully
NO: Commissioner Brown

On a motion by Commissioner Eakin, seconded by Commissioner Tully, the following resolution was adopted:

The motion carried.

WHEREAS, the General District Development Plan has received preliminary approval from the Traffic Engineering Department and from the Water Management Section of the Jefferson County Works Department, and

WHEREAS, the Planning Commission has recommended approval of the related zoning case and for the reasons stated in that recommendation,

NOW, THEREFORE, BE IT RESOLVED, that the Louisville and Jefferson County Planning Commission does hereby APPROVE the General District Development Plan for Docket Number 9-81-78 with the following binding elements:

1. The driveway and curbing will be constructed as shown on the approved district development plan prior to occupancy of the site for the proposed use.
2. The size and location of any advertising sign will be approved by the Planning Commission prior to construction.
3. Forty feet from the centerline will be dedicated to the right-of-way of Beulah Church Road. Dedication will be by minor subdivision plat.
4. There will be no further development on the property until a district development plan is approved by the Planning Commission.
5. Reapproval must be received from the Water Management Section of the Jefferson County Works Department and Traffic Engineering Department prior to occupancy of the building for the proposed use.
6. Unless use in accordance with the approved plan and binding elements has been substantially established within one year from the date of approval of the plan or rezoning whichever is later, the property may not be used in any manner until such time as a district development plan has been approved by the Planning Commission.

APPROVED ON _____