

LAND DEVELOPMENT AND TRANSPORTATION COMMITTEE MINUTES
January 11, 2018

CASE NO. 16ZONE1049

Request: Change in zoning from R-5 to C-2; change in form district from Neighborhood to Suburban Marketplace Corridor; and sidewalk waiver

Project Name: Team Automotive Rezoning

Location: 2210 Beargrass Avenue

Owner: Cardinal One Properties

Applicant: Cardinal One Properties

Representative: Cardinal One Properties

Jurisdiction: Louisville Metro

Council District: 10 – Pat Mulvihill

Staff Case Manager: Beth Jones, 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. (Staff report is part of the case file maintained in Planning and Design Services offices, 444 S. 5th Street.)

Agency Testimony:

01:02:12 Beth Jones presented the case (see staff report and recording for detailed presentation.) She distributed to the Committee members a list of C-2-permitted uses that the applicant was willing to bind out; also, an e-mail she received from an adjoining property owner. She read into the record the list of C-1 and C-2 uses that the applicant is going to restrict from the property. She said that a future/new property owner would not be able to put these restricted uses on this property without coming to the Planning Commission. She said the restrictions would run with the land.

The following spoke in favor of the request:

Bruce Mattingly, Cardinal One properties, 4209 Bardstown Road, Louisville, KY 40218

Summary of testimony of those in favor:

01:09:03 Bruce Mattingly, the applicant, presented the case (see recording for detailed presentation.) He said this property has been used for the storage and displaying of cars since the 1970's, and he wants to clean up the site. He described the current condition of the property, and explained what would be paved and/or landscaped.

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01:11:30 In response to a question from Commissioner Lewis, Mr. Mattingly explained that he was asking for a sidewalk waiver because there is no sidewalk on that side of Beargrass Avenue. He discussed lighting and security; hours of operation; and vehicle loading & unloading.

01:14:50 In response to a question from John Carroll, legal counsel for the Planning Commission, Mr. Mattingly said the use on the site would be used car sales. The vehicle repair facility associated with the auto sales business is next door.

01:15;19 Commissioner Carlson asked for more information regarding a landscape plan. Mr. Mattingly said he was willing to work with neighbors to make sure that dense landscaping is installed. Commissioner Lindsey said she wanted more information about how lighting would affect neighbors.

The following spoke in opposition to the request:

Steve Porter, 2406 Tucker Station Road, Louisville, KY 40299

Benita and Paula Jolly, 2209 Beargrass Avenue, Louisville, KY 40218

Daniel Boone, 2214 Beargrass Avenue, Louisville, KY 40218

Bradley Gilkey, 2207 Beargrass Avenue, Louisville, KY 40218

Summary of testimony of those in opposition:

01:16:56 Bradley Gilkey, whose property is located directly across the street, spoke in opposition. He said he is concerned about drainage, runoff, vehicle fluids, and what types of businesses could be here if this property is sold in the future.

01:18:05 Steve Porter said he represents almost every resident on Beargrass Avenue, who are almost all opposed to a C-2 Commercial incursion into a residential neighborhood. Concerns include pollution, water runoff, customers on the lot after hours, light pollution, and potential future uses.

01:22:49 Daniel Boone, an adjoining property owner, explained that there is a line of 100-year-old, 80-foot trees that separates his lot from the commercial lot. He said the applicant wants to cut down those trees and replace them with small bushes, which he said will do nothing to buffer his property or the rest of the neighborhood. He is also concerned about the devaluation of his property; trash; drainage issues; and what could go in there if the property is sold in the future. He submitted a petition of opposition into the record.

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01:27:40 Paula Jolly expressed concerns about increased crime, more traffic, the offloading of cars late at night, and light pollution. She said the light from the property shines right into her bedroom window at night; now, the applicant said he will be increasing that lighting to combat crime. She said she has called the City repeatedly about trash from the site.

01:30:11 Benita Jolly said she has lived in this house since 1968. She expressed concern about what could go in to this site if the property is rezoned.

Applicant's Rebuttal:

01:32:13 Mr. Mattingly said he was unaware of the lighting problems for the neighbors and is unsure if that is security lighting from his business, or from LG&E. He said trash does blow in from Bardstown Road. He addressed car-selling activity on his and other nearby sites.

01:34:54 Commissioner Carlson suggested a binding element regarding times of vehicle delivery. Mr. Mattingly said the trucks that the neighbors are concerned about are delivering to the Hertz business, not his business; however, he said he would be willing to add a binding element to this effect.

01:35:49 In response to a question from Commissioner Lindsey, Mr. Mattingly said Hertz does lease their space from him (see recording for detailed discussion.) He also discussed the meeting he had with the neighbors. Commissioner Carlson suggested that Mr. Mattingly meet with Mr. Porter to craft binding element language regarding what uses should not be permitted on the property.

01:40:12 Commissioners' Discussion

The Commissioners requested that the applicant produce justifications for the sidewalk waiver and also work on binding elements between now and a public hearing date.

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.

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01:43:21 The Committee by general consensus scheduled this case to be heard at the March 1, 2018 Planning Commission public hearing.