

**Planning Commission Minutes
April 21, 2016**

Public Hearing

Case No. 15ZONE1067

Request: Zoning Map Amendment from C-1 to C-2 on 0.56 acres and Detailed District Development Plan for Auto Sales

Project Name: Car Dealership

Location: 5520 Bardstown Road

Owner/Applicant: Cayman Investments LLC
Michael S. Gordon, Representative
5801 Bardstown Road
Louisville, KY 40291

Representative: Ashley Bartley
QK4
1046 East Chestnut Street
Louisville, KY 40205

Jurisdiction: Louisville Metro

Council District: 22 – Robin Engel

Case Manager: **Brian Davis, AICP, Planning Manager
Presented by Julia Williams, RLA, 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.)

An audio/visual recording of the Land Development and 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.

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Agency Testimony:

01:05:46 Julia Williams presented the case and showed a Power Point presentation (see staff report and recording for detailed presentation.)

01:09:17 In response to a question from Commissioner Jarboe, Ms. Williams addressed how staff handled the issue of this property being surrounded by C-1 zoning. She said staff looks at the use, the roadway level/s, and if the area serves a neighborhood, or as greater regional population than only residential.

01:11:58 In response to a question from Commissioner Blake, Ms. Williams discussed C-2 uses. Commissioner Blake said this site is already being advertised "for sale or lease" as C-2.

The following spoke in favor of the proposal:

Michael S. Gordon (applicant), 5801 Bardstown Road, Louisville, KY 40291

Ashley Bartley, QK4, 1046 East Chestnut Street, Louisville, KY 40205

Summary of testimony of those in favor of the proposal:

01:13:10 Ashley Bartley, the applicant's representative, presented the applicant's case and showed a Power Point presentation (see recording for detailed presentation.)

The following spoke in opposition to the proposal:

No one spoke.

The following spoke neither for nor against the proposal ("Other"):

No one spoke.

Rebuttal:

There was no rebuttal, since no one spoke in opposition.

Deliberation:

01:16:30 Commissioners' deliberation.

01:19:34 Commissioner Blake specifically addressed the sign that the applicant put up advertising the property as "C-2" before this hearing was held. Commissioner Howard discussed a typo in binding element #1 (page 13 in the

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staff report); also Commissioners Blake and Howard said the words "vacant site" in the staff report should be changed to "unused site".

01:27:51 In response to a question from Commissioner Howard, Ms. Williams addressed the transportation facilities (items 40 and 43 of staff's findings).

Zoning

01:33:14 On a motion by Commissioner Brown, seconded by Commissioner Peterson, the following resolution was adopted:

WHEREAS, the Louisville Metro Planning Commission finds that the proposal meets the intents of **Guideline 1: Community Form**. The property lies within the Suburban Workplace Form District. The proposal is consistent with the existing commercial zoning and use along the Bardstown Road corridor. Sidewalks exist along the property frontage and are being improved upon and extended with a new stub from the sidewalk to parking lot, providing direct pedestrian access onto site. Existing structure and parking are being used for the proposal. Existing curb cut is being reduced and a second one removed creating safer conditions; and

WHEREAS, the Commission further finds that the proposal meets the intents of **Guideline 2: Centers**. This site will provide a new service along an already existing active commercial area within a compact space. Existing utilities will be utilized. Parking is located directly adjacent to building minimizing pedestrian and vehicular conflict. Outdoor sales area is located on the perimeter of the lot providing clear views of vehicular traffic and safe conditions. Sidewalk stub from existing sidewalk into parking lot is provided. Site is located on TARC route between two stops; and

WHEREAS, the Commission further finds that the proposal meets the intents of **Guideline 3: Compatibility**. The existing structure will be reused; its scale is consistent with other commercial development in the area. Architecture and building materials are consistent with nearby structures. Property is surrounded by other commercial uses. Lighting is compliant with the LDC. Landscaping (three foot screen and trees) will be added to property frontage. Commercial use is located along transit corridors and near activity centers. New handicap ramps will be provided as needed. Transition between roadway and vehicular use area/outdoor sales will be partially screened by landscaping requirements.

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Appropriate setbacks are provided. Parking areas are not located adjacent to residential areas. Existing sign will be re-faced; and

WHEREAS, the Commission further finds that the proposal meets the intents of **Guideline 4: Open Space**. Open space is not required and no natural features are present on site; and

WHEREAS, the Commission further finds that the proposal meets the intents of **Guideline 5: Natural Areas and Scenic and Historic Resources**. There are no known affected natural, scenic or historically significant resources; and

WHEREAS, the Commission further finds that the proposal meets the intents of **Guideline 6: Economic Growth and Sustainability**. The site is located along major arterial road; and

WHEREAS, the Commission further finds that the proposal meets the intents of **Guideline 7: Circulation**. Roadway improvements are not warranted with this proposal. An existing entrance into the site is being reduced in width by more than 30 feet to a standard 24' entrance, and the second entrance nearest Hudson Lane is being closed, both resulting in safer vehicular conditions. Sidewalks exist along the property frontage and are being improved upon and extended with a new stub from the sidewalk to parking lot, providing direct pedestrian access onto site and access to transit corridor. Right-of-way is fairly consistent along this stretch of Bardstown Road and provides adequate space for roadway, sidewalk, and buffering area. Adequate parking is provided. The existing entrance closest to Hudson Lane is being closed. The entrance to be utilized is being reduced in width by more than 30 feet to a standard 24' entrance; and

WHEREAS, the Commission further finds that the proposal meets the intents of **Guideline 8: Transportation Facility Design**. An existing entrance into the site is being utilized. Parking is located directly adjacent to building minimizing pedestrian and vehicular conflict. Outdoor sales area is located on the perimeter of the lot providing clear views of vehicular traffic and safe conditions; and

WHEREAS, the Commission further finds that the proposal meets the intents of **Guideline 9: Bicycle, Pedestrian and Transit**. Sidewalks exist along the property frontage and are being improved upon/extended with a new stub from the sidewalk to parking lot, providing direct pedestrian access onto site and access to transit corridor; and

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WHEREAS, the Commission further finds that the proposal meets the intents of **Guideline 10: Flooding and Stormwater**. There will be no increase in impervious area, and existing infrastructure will be utilized; and

WHEREAS, the Commission further finds that the proposal meets the intents of **Guideline 11: Water Quality**. The development will not adversely affect water quality or erosion; and

WHEREAS, the Commission further finds that the proposal meets the intents of **Guideline 12: Air Quality**. APCD finds no negative impact on air quality for this development; and

WHEREAS, the Commission further finds that the proposal meets the intents of **Guideline 13: Landscape Character**. There is no existing tree canopy to protect. Trees will be added along the Bardstown Road frontage; and

WHEREAS, the Commission further finds that the proposal meets the intents of **Guideline 14: Infrastructure**. This development is utilizing existing infrastructure; and

WHEREAS, the Commission further finds that the proposal meets the intents of **Guideline 15: Community Facilities**. This development is utilizing existing infrastructure and community facilities; and

WHEREAS, the Commission further finds that, based on the evidence and testimony presented, the applicant's justification, and the staff report that all of the applicable Guidelines of Cornerstone 2020 and the Comprehensive Plan are being met; 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 C-1 to C-2 on property described in the attached legal description, be **APPROVED**.

The vote was as follows:

YES: Commissioners Brown, Turner, Blake, Kirchdorfer, Tomes, Jarboe, Peterson, and Howard.

NO: No one.

NOT PRESENT: Commissioners White and Lewis.

ABSTAINING: No one.

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Detailed District Development Plan and Binding Elements

01:34:31 On a motion by Commissioner Brown, seconded by Commissioner Peterson, the following resolution was adopted:

WHEREAS, the Commission further finds that, based on the evidence and testimony presented, the applicant's justification, and the staff report that all of the applicable Guidelines of Cornerstone 2020 and the Comprehensive Plan are being met; 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:

Binding Elements

1. The development shall be in accordance with the approved district development plan, all applicable sections of the Development Code, Land Development Code (LDC) and agreed upon binding elements unless amended pursuant to the Development Code and 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 ~~and to the City of St. Matthews~~ for review and approval; any changes/additions/alterations not so referred shall not be valid.
2. The development shall not exceed 450 square feet of gross floor area.
3. No outdoor advertising signs, small freestanding signs, pennants, balloons, or banners shall be permitted on the site
4. Before any permit (including but not limited to building, parking lot, change of use, site disturbance, alteration permit or demolition permit) is requested:
 - a. The development plan must receive full construction approval from Louisville Metro Department of Codes and Regulations Construction Permits and Transportation Planning Review and the Metropolitan Sewer District.
 - b. Encroachment permits must be obtained from the Kentucky Department of Transportation, Bureau of Highways.
 - c. The property owner/developer must obtain approval of a detailed plan for screening

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(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.

5. If a certificate of occupancy is not issued within two years of the date of approval of the plan or rezoning, whichever is later, the property shall not be used in any manner unless a revised district development plan is approved or an extension is granted by the Planning Commission.
6. 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.
7. There shall be no outdoor music (live, piped, radio or amplified) or outdoor entertainment or outdoor PA system (**audible beyond the property line or permitted on the site**).
8. The applicant, developer, or property owner shall provide copies of these binding elements to tenants, purchasers, contractors, subcontractors and other parties engaged in development of this site and shall advise them of the content of these binding elements. These binding elements shall run with the land and the owner of the property and occupant of the property shall at all times be responsible for compliance with these binding elements. At all times during development of the site, the applicant and developer, their heirs, successors; and assignees, contractors, subcontractors, and other parties engaged in development of the site, shall be responsible for compliance with these binding elements.

The vote was as follows:

YES: Commissioners Brown, Turner, Blake, Kirchdorfer, Tomes, Jarboe, Peterson, and Howard.

NO: No one.

NOT PRESENT: Commissioners White and Lewis.

ABSTAINING: No one.