

**Land Development & Transportation Committee**  
**Staff Report**  
January 11, 2018



<b>Case No.</b>	16ZONE1049
<b>Project Name</b>	Team Automotive
<b>Location</b>	2208-2210 Beargrass Avenue
<b>Owner(s)</b>	Cardinal One Properties
<b>Applicant</b>	Cardinal One Properties
<b>Representative</b>	Bruce Mattingly
<b>Project Area</b>	0.60 acres
<b>Jurisdiction</b>	Louisville Metro
<b>Council District</b>	10 – Pat Mulvihill
<b>Case Manager</b>	Beth Jones, AICP, Planner II

**REQUEST**

- Change in zoning from R-5 Residential Single-Family to C-2 Commercial
- Change in form district from Neighborhood to Suburban Marketplace Corridor
- Waiver of sidewalk requirement for property frontage on Beargrass Avenue (LDC 6.2.6.)
- Detailed District Development Plan

**CASE SUMMARY/BACKGROUND**

The applicant is proposing to use the site for parking of vehicles for sale. This would allow for an expansion of an auto sales business currently operated by the applicant on adjoining properties to the east and south; the requested zone and form district changes would bring the site into conformity with these properties.

**STAFF FINDING**

This proposal is ready to be docketed at the next available Planning Commission Hearing.

**TECHNICAL REVIEW**

All comments have been addressed. The proposal has received preliminary approval from MSD and Transportation Planning.

**INTERESTED PARTY COMMENTS**

A neighborhood meeting was held on February 24, 2017. A neighbor, Paula C. Jolly, visited PDS offices to ask questions and voice concerns. Staff has received no additional interested party comments.

**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 Cornerstone 2020; 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 Cornerstone 2020 which have substantially altered the basic character of the area.

**STAFF ANALYSIS FOR REZONING**

The site is located in the Suburban Marketplace Corridor Form District

Suburban Marketplace Corridors: Suburban Marketplace Corridors are generally located along major roadways with well-defined beginning and ending points and established depths along the length of the corridor. The pattern of development is distinguished by a mixture of medium to high intensity uses. Accommodations for transit users, bicyclists and pedestrians are encouraged in an effort to attract a variety of users as well as to minimize automobile dependency and traffic congestion. Connectivity to nearby uses should be encouraged. Developers should be encouraged to design new commercial development in compact groups of buildings, which use the same curb cut, share parking, have a common freestanding sign identifying the uses and have a common buffering or streetscape plan with respect to any abutting uses of lower density or intensity. This form may include medium to high-density residential uses that are designed to be compatible with both the non-residential uses along the corridor and the lower density residential uses in adjacent form districts. Medium density residential uses may serve as a transition area from lower to higher density residential uses and should be encouraged in this form. Proposed new commercial uses are encouraged, to locate within the boundaries of existing corridors. Reuse of locations within existing corridors is preferred over expansion of a corridor. Proposals to expand defined corridors represent significant policy decisions. When considering proposals that result in an extension of suburban marketplace corridors, particular emphasis should be placed on: (a) use or reuse of land within existing corridors; (b) potential for disruption of established residential neighborhoods; and (c) compliance with the site and community design standards of the Land Development Code.

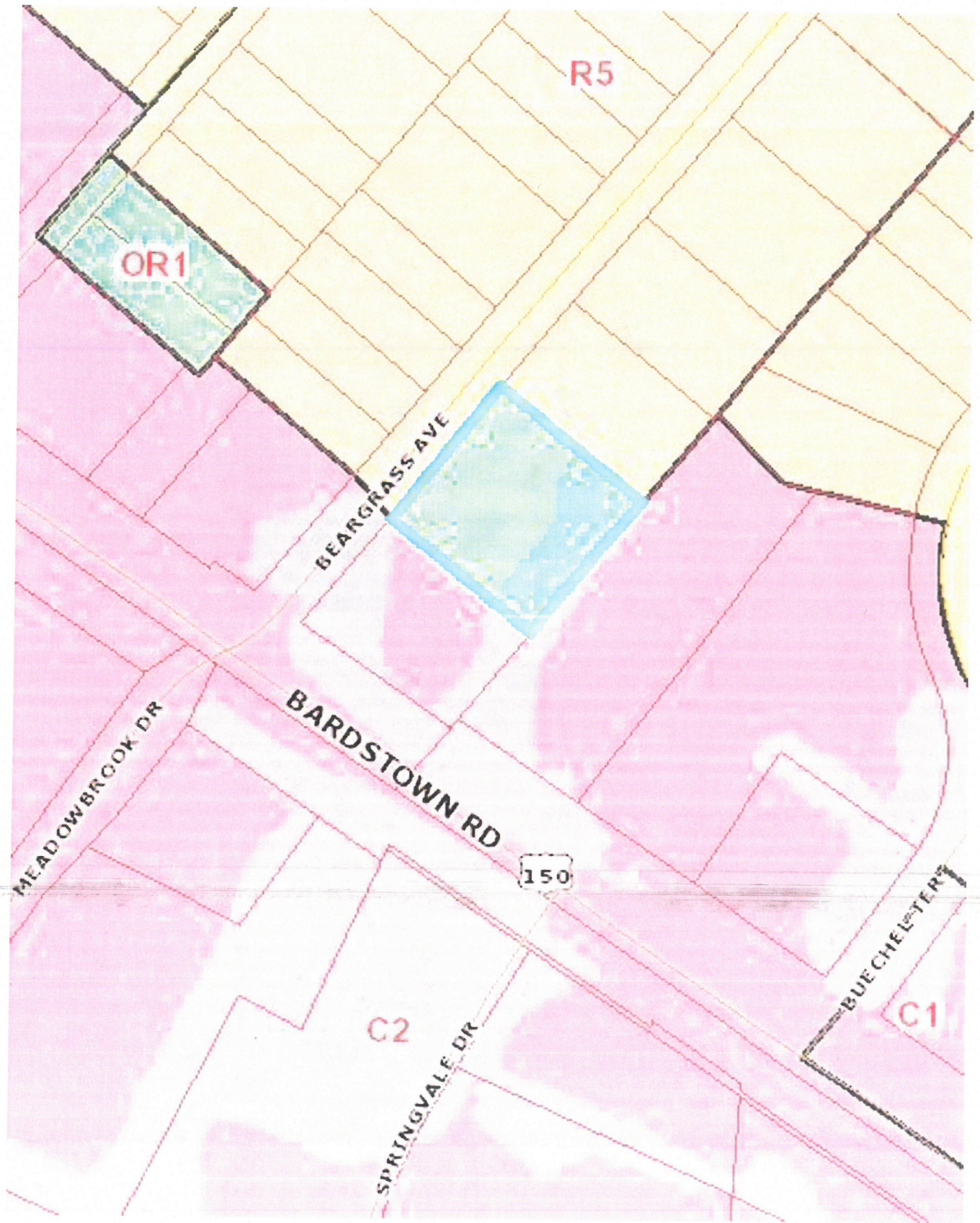
**NOTIFICATION**

Date	Purpose of Notice	Recipients
12/28/2017	Hearing before LD&T	1 <sup>st</sup> and 2 <sup>nd</sup> tier adjoining property owners Subscribers to Council District 10 Notification of Development Proposals
	Hearing before PC	1 <sup>st</sup> and 2 <sup>nd</sup> tier adjoining property owners Subscribers to Council District 10 Notification of Development Proposals
	Hearing before PC	Sign Posting on property
	Hearing before PC	Legal Advertisement in the Courier-Journal

**ATTACHMENTS**

1. Zoning Map
2. Aerial Photograph
3. Proposed Binding Elements

1. Zoning Map



2. Aerial Photograph



### 3. 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 LDC. Any changes/additions/alterations of any binding element(s) shall be submitted to the Planning Commission or its designee for review and approval; any changes/additions/alterations not so referred shall not be valid.
2. No outdoor advertising signs, small freestanding signs, pennants, balloons, or banners shall be permitted on the site.
3. Construction fencing shall be erected when off-site trees or tree canopy exists within 3 ft 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.
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 Inspections, Permits and Licenses, 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 LDC Chapter 10 prior to requesting a building permit. Such plan shall be implemented prior to occupancy of the site and shall be maintained thereafter.
  - c. A Tree Preservation Plan in accordance with LDC Chapter 10 shall be reviewed and approved prior to obtaining approval for site disturbance.
5. Prior to the issuance of any site disturbance permit and prior to any clearing or grading, a site inspection shall be conducted by PDS staff to ensure proper placement of required tree protection fencing in accordance with the approved Tree Preservation Plan.
6. A Certificate of Occupancy must be issued by 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, entertainment or PA system (live, piped, radio or amplified) audible beyond the property line.
8. The applicant, developer or property owner shall provide a copy of these binding elements to all tenants, purchasers, contractors, subcontractors and other parties engaged in development of this site and shall advise them of its contents. 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. These binding elements shall run with the land and the owner of and the occupant of the property shall at all times be responsible for compliance with these binding elements.
9. The materials and design of proposed structures shall be substantially the same as depicted in the rendering as presented at the \_\_\_\_\_ Planning Commission hearing.