

PLANNING COMMISSION MINUTES
October 17, 2019

PUBLIC HEARING
CASE NO. 19-ZONE-0019

Request: Change in Zoning from C-1 to C-2, commercial with detailed district development plan
Project Name: Awesome Auto
Location: 4910 Poplar Level Road
Owner: Ibrahim H. Ahmed
Applicant: Awesome Auto, LLC
Representative: Greg Butrum
Jurisdiction: Louisville Metro
Council District: 2 – Barbara Shanklin
Case Manager: Joel P. Dock, AICP, Planner II

NOTE: COMMISSIONER CARLSON LEFT AND DID NOT VOTE ON THIS CASE OR THE REMAINING CASES

Notice of this public hearing appeared in **The Courier Journal**, a notice was posted on the property, and 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:

01:36:26 Mr. Dock discussed the case summary, standard of review and staff analysis from the staff report.

01:41:16 Commissioner Mims asked if this site is currently compliant with C-1 zoning? Mr. Dock said he's not sure if there was a citation issued for non-compliance. The applicant can clarify.

01:42:38 Commissioner Howard said the landscape plan says it's a proposed car wash. Mr. Dock said the landscape plan is from 2002.

The following spoke in favor of this request:

Greg Butrum, 101 North 7th Street, Louisville, Ky. 40202

Summary of testimony of those in favor:

PLANNING COMMISSION MINUTES
October 17, 2019

PUBLIC HEARING
CASE NO. 19-ZONE-0019

01:43:29 Mr. Butrum, attorney for Awesome Auto, said the sidewalk has already been installed. The applicant is aware of the landscaping requirements and plans to follow them.

01:44:10 Chair Jarboe asked Mr. Butrum if he agrees with the (CUP) conditional use permit for the sidewalk. Mr. Butrum said yes. It will be an improvement for the area.

Deliberation

01:44:34 Planning Commission deliberation.

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.

Zoning Change from C-1 to C-2

On a motion by Commissioner Brown, seconded by Commissioner Howard, the following resolution based on the Plan 2040 Staff Analysis and testimony heard today was adopted.

WHEREAS, the Louisville Metro Planning Commission finds that the proposal meets Land Use & Development Goal 1: Community Form because, the proposed district is located in an area of commercial activity and within the boundaries of the marketplace corridor; the proposal is located along a major arterial roadway with TARC service, and in area of employment within close proximity to infrastructure; the proposed district is located along a major arterial roadway and does not have access through lower classification roadways; uses within the district with respect to noise are similar to those of adjoining and nearby property; and

WHEREAS, the Louisville Metro Planning Commission finds that the proposal meets Land Use & Development Goal 2: Community Form because, the subject property is located along an activity corridor; the subject property is located along an activity corridor and sufficient population is available to support a wide range of uses permitted within the district; the proposed land use efficiently uses the land as it is located in an existing area of non-residential use with existing infrastructure; the subject property is located along an activity corridor. TARC service and sidewalks are available; commercial, office and/or residential uses are permitted within the district which is located along an activity corridor; and

PLANNING COMMISSION MINUTES
October 17, 2019

PUBLIC HEARING
CASE NO. 19-ZONE-0019

WHEREAS, the Louisville Metro Planning Commission finds that the proposal meets Land Use & Development Goal 3: Community Form because, no natural features are apparent; no wet or highly permeable soils, severe, steep or unstable slopes are apparent; no flood-prone areas and other features vulnerable to natural disasters such as sinkholes and landslides are apparent; and

WHEREAS, the Louisville Metro Planning Commission finds that the proposal meets Land Use & Development Goal 4: Community Form because, buildings on site are not historic in nature and will be reused; no distinctive cultural features including landscapes, natural elements and built features are apparent; and

WHEREAS, the Louisville Metro Planning Commission finds that the proposal meets Land Use & Development Goal 1: Mobility because, the proposed district is located in an area of commercial activity and within the boundaries of the marketplace corridor. Sidewalks and TARC service are available; and

WHEREAS, the Louisville Metro Planning Commission finds that the proposal meets Land Use & Development Goal 3: Mobility because, the proposed district is located in an area of commercial activity and within the boundaries of the marketplace corridor. Sidewalks and TARC service are available; all improvements required of the developer within the public right-of-way will be made; all improvements required of the developer within the public right-of-way will be made; and

WHEREAS, the Louisville Metro Planning Commission finds that the proposal meets Land Use & Development Goal 2: Community Facilities because, the proposed development is located in an area of existing development. Utilities would appear to be available; the development has an adequate supply of potable water and water for fire-fighting purposes; the development has adequate means of sewage treatment and disposal to protect public health; and

WHEREAS, the Louisville Metro Planning Commission finds that the proposal meets Land Use & Development Goal 1: Economic Development because, the proposal is located along a major arterial roadway with TARC service, in area of employment, and within close proximity to infrastructure (highway and railway).

WHEREAS, the Louisville Metro Planning Commission finds that the proposal meets Land Use & Development Goal 1: Livability because, the site is previously developed and does not appear to contain karst features; the proposal is not located in the floodplain.

RESOLVED, that the Louisville Metro Planning Commission does hereby **RECOMMEND** to the Louisville Metro Council the change in zoning from C-1,

PLANNING COMMISSION MINUTES
October 17, 2019

PUBLIC HEARING
CASE NO. 19-ZONE-0019

Commercial to C-2, Commercial on property described in the attached legal description be **APPROVED**.

The vote was as follows:

YES: Commissioners Brown, Daniels, Howard, Mims and Jarboe

NOT PRESENT AND NOT VOTING: Commissioners Carlson, Lewis, Peterson and Tomes

Development Plan and Binding Elements

On a motion by Commissioner Brown, seconded by Commissioner Howard, the following resolution based on the Standard of Review and Staff Analysis and testimony heard today was adopted.

WHEREAS, the development plan does not significantly impact natural resources on the property as no site construction is proposed; and

WHEREAS, provisions for safe and efficient vehicular and pedestrian transportation within and around the development and the community will be provided as a pedestrian connection from the public way will be provided through landscaped area into the site; and

WHEREAS, open space is not required of the proposed development; and

WHEREAS, the Metropolitan Sewer District has approved the preliminary development plan and will ensure the provision of adequate drainage facilities on the subject site in order to prevent drainage problems from occurring on the subject site or within the community; and

WHEREAS, the Louisville Metro Planning Commission finds, the proposal is generally compatible within the scale and site design of nearby existing development and with the form district's pattern of development as the existing infrastructure will be repurposed for the proposed use; and

WHEREAS, the Louisville Metro Planning Commission further finds the proposed development plan conforms to Plan 2040. The proposal is located in an area of commercial activity and within the boundaries of the marketplace corridor. The proposal is located along a major arterial roadway with TARC service, and in area of employment within close proximity to infrastructure. Buildings on site are not historic in nature and will be reused. No distinctive cultural features including landscapes, natural elements or built features are apparent.

PLANNING COMMISSION MINUTES
October 17, 2019

PUBLIC HEARING
CASE NO. 19-ZONE-0019

RESOLVED, that the Louisville Metro Planning Commission does hereby **APPROVE** the Detailed District Development Plan **ON CONDITION** that an ADA compliant sidewalk is provided within the landscape island to connect the public sidewalk to the building entrance through the display area, **SUBJECT** to the following 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 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 for review and approval; any changes/additions/alterations not so referred shall not be valid.
2. Before any permit (including but not limited to building, parking lot, change of use, site disturbance) 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. Encroachment permits must be obtained from the Kentucky Department of Transportation, Bureau of Highways.
3. 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.
4. 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.
5. The requirements of the approved landscape plan in case L-106-02 shall be satisfied on the subject site within 6-months of final action of the Louisville Metro Council.

PLANNING COMMISSION MINUTES
October 17, 2019

PUBLIC HEARING
CASE NO. 19-ZONE-0019

6. No outdoor advertising signs, small freestanding signs, pennants, balloons, or banners shall be permitted on the site.

The vote was as follows:

YES: Commissioners Brown, Daniels, Howard, Mims and Jarboe

NOT PRESENT AND NOT VOTING: Commissioners Carlson, Lewis, Peterson and Tomes