

**Zone Change Pre-Application  
Staff Report**  
August 26, 2016



<b>Case No:</b>	<b>16ZONE1049</b>
<b>Request:</b>	<b>Zone change from R-5 to C-2</b>
<b>Project Name:</b>	<b>Team Automotive</b>
<b>Location:</b>	<b>2208-2210 Beargrass Avenue</b>
<b>Owner:</b>	<b>Cardinal One Properties</b>
<b>Applicant:</b>	<b>Cardinal One Properties</b>
<b>Representative:</b>	<b>Bruce Mattingly</b>
<b>Jurisdiction:</b>	<b>Louisville Metro</b>
<b>Council District:</b>	<b>10 – Pat Mulvihill</b>
<b>Case Manager:</b>	<b>Beth Jones, AICP, Planner II</b>

**REQUEST**

- Change in zoning *22007 sf*

**CASE SUMMARY/BACKGROUND/SITE CONTEXT**

The applicant proposes to change zoning of the property from R-5 Residential to C-2 Commercial. The site is currently zoned R-5 in the Neighborhood Form District. The site has been fenced and paved for use as parking for vehicle sales inventory; no structures currently exist.

**LAND USE / ZONING DISTRICT / FORM DISTRICT**

	<b>Land Use</b>	<b>Zoning</b>	<b>Form District</b>
<b>Subject Property</b>			
<b>Existing</b>	Parking vehicles for sale	R5 w/CUP	Neighborhood
<b>Proposed</b>	Parking vehicles for sale	C2	Neighborhood
<b>Surrounding Properties</b>			
<b>Northeast</b>	Vacant	R5	Neighborhood
<b>Southeast</b>	Car sales	C2	Suburban Marketplace Corridor
<b>Southwest</b>	Single family residential	R5	Neighborhood
<b>Northwest</b>	Car sales	C2	Suburban Marketplace Corridor

## PREVIOUS CASES ON SITE

B-102-72: A Conditional Use Permit (CUP) was approved by BOZA on 01/24/73 for the site. In response to complaints from neighboring residents, the case was reviewed again on 09/26-27/1973, at which time the applicant was required to "replace the required evergreen screening". On 02/16/81, a request to modify the existing CUP to "allow a portion of the property to be used for automobile sales" was denied.

B-6-73: A Conditional Use Permit request for off-street parking at 2210 Beargrass Avenue was presented; staff referenced B-102-72 as an open case and recommended the request be tabled until B-102-72 had been resolved. BOZA approved the B-6-73 request ON CONDITION that "the parking lot and the area of the lot not used for parking be maintained in a professional manner and the clients, visitors and employees of said operation not park in the right-of-way of Beargrass Avenue."

There is no evidence to show that the applicant ever received approval of a CUP modification to allow automobile sales on the subject property.

## INTERESTED PARTY COMMENTS

No comments on the proposed zone change have been received.

## APPLICABLE PLANS AND POLICIES

Cornerstone 2020  
Land Development Code

## STANDARD OF REVIEW FOR REZONING AND FORM DISTRICT CHANGES

Statutory criteria for granting the proposed form district change/rezoning (KRS Chapter 100.213):

1. The proposed form district/rezoning change complies with 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 not anticipated by Cornerstone 2020 which have substantially altered the basic character of the area.

## **STAFF ANALYSIS FOR REZONING AND FORM DISTRICT CHANGES**

The site is located in the Neighborhood Form District.

The Neighborhood Form District is characterized by predominantly residential uses that vary from low to high density and that blend compatibly into the existing landscape and neighborhood areas. High-density uses will be limited in scope to minor or major arterials and to areas that have limited impact on the low to moderate density residential areas.

The Neighborhood Form will contain diverse housing types in order to provide housing choice for differing ages and incomes. New neighborhoods are encouraged to incorporate these into a neighborhood as long as they are designed to be compatible with nearby land uses. These types may include, but are not limited to, large lot single family developments with cul-de-sacs, neo-traditional neighborhoods with short blocks or walkways in the middle of long blocks to connect with other streets, villages and zero lot line neighborhoods with open space, and high density multi-family condominium-style or rental housing.

The Neighborhood Form should provide for accessibility and connectivity between adjacent uses and neighborhoods for automobiles, pedestrians, bicycles and transit.

Neighborhood streets may be either curvilinear, rectilinear or in a grid pattern and should be designed to invite human interaction. Streets are connected and easily accessible to each other, using design elements such as short blocks or bike/walkways in the middle of long blocks to connect with other streets. Examples of design elements that encourage this interaction include narrow street widths, street trees, sidewalks, shaded seating/gathering areas and bus stops. Placement of utilities should permit the planting of shade trees along both sides of the streets.

The Cornerstone 2020 Staff Checklist (Attachment 3) provides a more detailed analysis of the proposed amendment and its compliance with Cornerstone 2020.

Applicant is requesting C2 zoning for the site.

Automobile rental agencies, repair garages and sales agencies are permitted in the C2 zone. Used car sales areas are also permitted, provided that repair or reconditioning of automobiles or storage of parts shall occur only within an enclosed building.

The Louisville Metro Planning Commission is charged with making a recommendation to the Louisville Metro Council regarding the appropriateness of this zoning map amendment, which has zoning authority over the property in question.

### **TECHNICAL REVIEW**

The plan document cannot be approved without significant revision.

Public Works (DPW), Metropolitan Sewer District (MSD) and Metro Planning Staff have multiple concerns with the level of detail and information provided by the plan document currently under review which will require resolution. The checklist included within the Change in Zoning Pre-Application should be used to revise the plan for formal filing of the zone change.

The property falls partially within a FEMA Floodplain Review Zone. The Louisville Metro Department of Public Health and Wellness (LMDPHW) will require a documented sewer connection and permits for any construction and/or sales trailers on site and mosquito control in accordance with Chapter 96 of Louisville Jefferson County Metro Ordinances. The Air Pollution Control Board (APCB) will require the addition of a standard note regarding dust control mitigation.

### STAFF CONCLUSIONS

The C-2 zoning classification requested is appropriate to allow for the applicant's proposed use of the site. It does, however, expand upon current business operations and further infringe on a well-established single-family residential neighborhood, as any direct access to the site would have to be from Beargrass Avenue, the existing residential street. This condition was specifically cited by BOZA at its 02/16/2016 meeting as justification for denying a modification of an existing CUP to allow the property to be used for automobile sales: "...the Board finds that the additional traffic generated by the request will have an adverse effect on the surrounding neighborhood...".

The applicant owns two adjoining properties directly to the southeast and southwest of the lot, both of which are already in use for the same auto sales business. If the applicant were to consolidate all three lots, it would allow the use of a single point of access off of Bardstown Road, a major arterial roadway. This would create an access point more appropriate to the business uses of the site, enable the applicant to better control access, and significantly mitigate negative impacts on the surrounding neighborhood.

Based upon the information in the staff report and the testimony and evidence provided at the public hearing, the Planning Commission must determine that:

- the proposal is in conformance with the Comprehensive Plan; OR
- the existing form district/zoning classification is inappropriate and the proposed classification is appropriate; OR
- there have been major changes of an economic, physical, or social nature within the area which were not anticipated in Cornerstone 2020 and which have substantially altered its basic character.

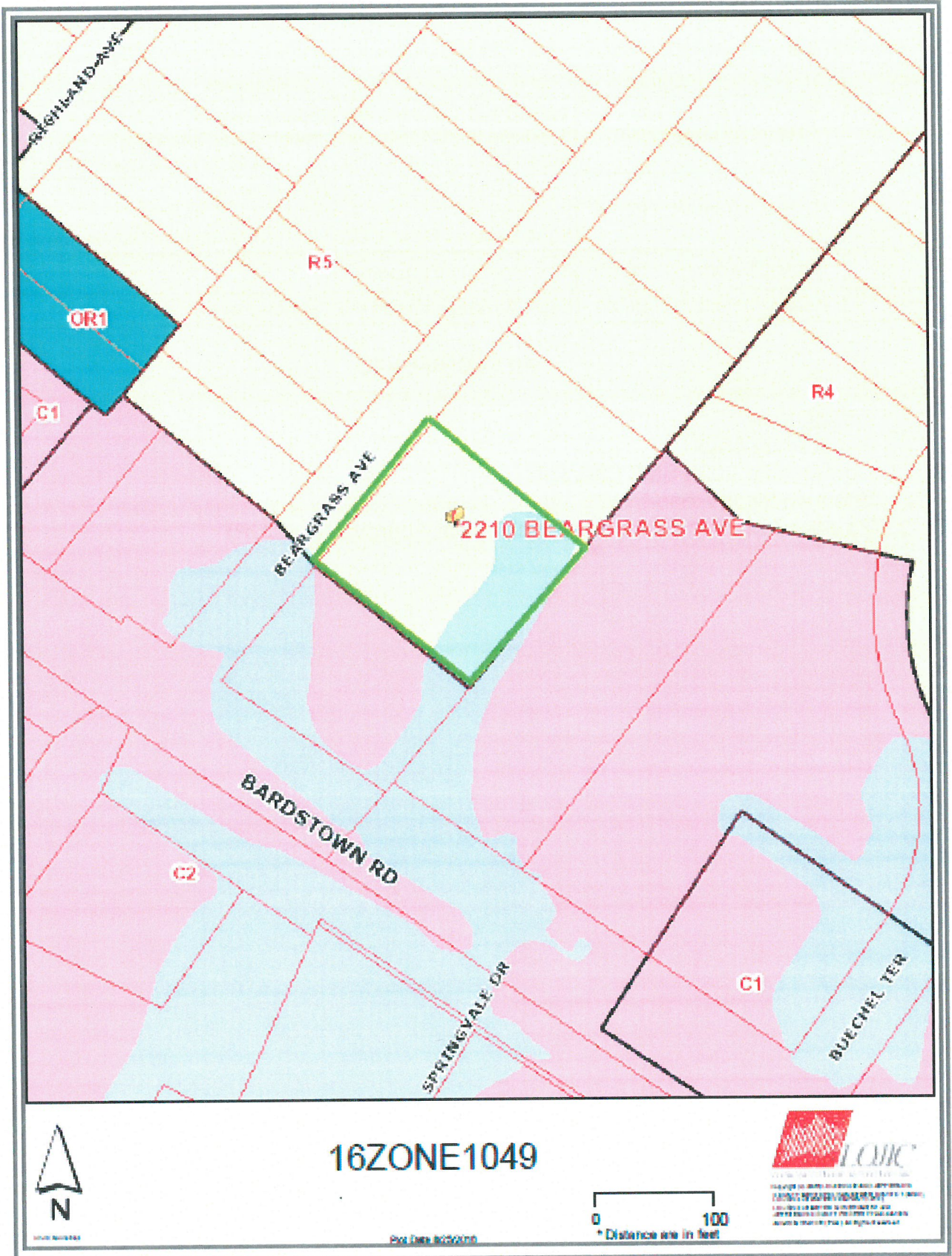
## NOTIFICATION

Date	Purpose of Notice	Recipients
	Hearing before LD&T	1st and 2nd Tier adjoining property owners Speakers at Planning Commission public hearing Subscribers of Council District __ Notification of Development Proposals
	Hearing before PC / BOZA	1st and 2nd Tier adjoining property owners Speakers at Planning Commission public hearing Subscribers of Council District __ Notification of Development Proposals
	Hearing before PC / BOZA	Sign Posting on property
	Hearing before PC / BOZA	Legal Advertisement in the Courier-Journal

## ATTACHMENTS

1. Zoning Map
2. Aerial Photograph
3. Cornerstone 2020 Staff Checklist
4. Site Inspection Report
5. Proposed Binding Elements/Conditions of Approval (for CUP)

1. Zoning Map



2. Aerial Photograph



3. **Cornerstone 2020 Staff Checklist**
4. **Site Inspection Report**
5. **Proposed Binding Elements/Conditions of Approval (for CUP)**