PLANNING COMMISSION MINUTES

SEPTEMBER 7, 1989

CONSIDERATION OF CASES:

Postponed Cases:

DOCKET NO. 9-68-88
Change in zoning from R-4 Residential Single Family to C-2 Commercial at 8020 National Turnpike in the unincorporated area of Jefferson County.

Owner/Developer: Catherine Foster
8020 National Turnpike 40214

Existing Use: Residential

Proposed Use: Auto repair, used car sales

The public hearing on this request was held on November 17, 1989, at which time the Commission deferred action in order for the applicant to address concerns regarding landscaping, drainage, and air pollution.

On August 17, 1989, the Commission was informed and given a copy of the applicant's addendum to the change in zoning application which addressed the concerns during the public hearing. The Commission again deferred action in order to seek the applicant's agreement for an additional binding element regarding a plan for disposal of automotive fluids and to reaffirm agreement at the public hearing with the binding element stating the hours of operation shall cease at 6:00 P. M.

The Commissioners were given a copy of the applicant's second addendum addressing the hours of operation and agreement to an additional binding element regarding a written plan for disposal of automotive fluids.

After a discussion, on a motion by Commissioner Hettinger, the following resolution was unanimously adopted:

WHEREAS, The Commission finds the Board of Health has no objection to the proposed rezoning; and an on-site sewage disposal system must be provided and must meet the standards of the Board of Health and the Kentucky Cabinet for Human Resources, therefore, the proposal is in conformance with Guidelines U-1, U-3, and U-4;

DOCKET NO. 9-68-88 (continued)

WHEREAS, The Commission finds that screening/buffering must be provided in accordance with Article 12 of the Development Code, the applicant has agreed to a binding element stating the hours of operation shall cease at 6:00 P. M., no new construction is permitted on the site, the only permitted freestanding sign shall not exceed 20 square feet and 6 feet in height, all of which will mitigate any potential adverse impacts on the surrounding residential area; and the development plan has received preliminary approval from the Jefferson County Department of Public Works and Transportation, the Jefferson County Fire Safety Office and the Louisville and Jefferson County Metropolitan Sewer District, therefore, the proposal is in conformance with Guidelines R-1, C-2 and C-3;

WHEREAS, The Commission finds the site is located in a mixed use area where residential, commercial and industrial uses coexist, therefore, the proposal is in conformance with Guideline C-6;

WHEREAS, The Commission finds from evidence and testimony presented at the public hearing the proposal is located centerally in the intended service area where sufficient support population exists; excessive curb cuts will not be created; the proposal will not create traffic problems, congestion or adversely affect the capacity of the street; the proposed use will not extend the linear development of commercial uses to the extent that such a pattern creates substantial nuisances, hazards or disruptions to the area; the proposal will be compatible with adjacent buildings and uses, which include a used car lot in addition to general commercial use and the Louisville Industrial Center and Midland Commerce Park; and the applicant has agreed to a binding element to allow a shared entrance and exit in the event that 8024 National Turnpike is developed for non-residential use which will promote sharing vehicular access points and circulation patterns to provide compact groupings of commercial uses; therefore, the proposal is in conformance with Guidelines C-1, C-4 and C-5;

WHEREAS, The Commission finds the proposal to be in conformance with all other applicable guidelines of the Comprehensive Plan; now, therefore, be it

RESOLVED, That the Louisville and Jefferson County Planning Commission does hereby recommend to the Fiscal Court of Jefferson County that the change in zoning from R-4 Residential to C-2 Commercial on property as described in the attached legal description be APPROVED.

DOCKET NO. 9-68-88 (continued)

RESOLVED, That the Louisville and Jefferson County Planning Commission does hereby APPROVE the district development plan for Docket No. 9-68-88 subject to the following binding elements:

1. The development will be in accordance with the approved district development plan. No further development will occur unless approved by the Planning Commission.

2. The development shall not exceed 1,520 square feet of gross floor area.

3. Before a certificate of occupancy is requested:
   a) The development plan must be reapproved by the Jefferson County Department of Public Works and Transportation and the Metropolitan Sewer District.
   b) The property owner must obtain approval of a landscape plan for screening (buffering/landscaping) as described in Article 12. Such plan shall be implemented prior to occupancy and maintained thereafter.
   c) Encroachment permits must be obtained from the Kentucky Department of Transportation, Bureau of Highways.
   d) A written plan for disposal of motor oil and other automotive fluids must be submitted.
   e) All necessary recording fees shall be paid.

4. Any renovation over 50% of the market value of the existing structure must adhere to the floodplain regulations.

5. No new construction permitted on the site.

6. The site is subject to regional facility fee.

7. In the event that 8024 National Turnpike is developed for non-residential use and access is required over 8020 National Turnpike to allow a shared entrance and exit, a joint access easement agreement shall be secured with the adjoining property owners. A copy of the recorded instrument shall be submitted to the Planning Commission.

8. The hours of operation shall be restricted to daytime and extend no later than 6:00 P. M.

9. The repair of automobiles shall be limited to the vehicles held for sale or resale.

DOCKET NO. 9-68-88 (continued)

10. The only permitted freestanding sign shall be constructed as shown on the approved district development plan. The sign shall not exceed 20 square feet in area and 6 feet in height.

11. Outdoor advertising signs (billboards), small freestanding (temporary) signs, pennants and banners are prohibited on the site.

12. If a certificate of occupancy is not issued within one year 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.

13. A certificate of occupancy must be received from the appropriate code enforcement office prior to occupancy of the structure or land for the proposed use. All binding elements must be implemented prior to requesting issuance of the certificate.

14. The above binding elements may be amended as provided for in the Zoning District Regulations.

The vote was as follows:

YES: Commissioners McDonald, Fischer, Herron, Hettinger, Seraphine and Taylor.
NO: None.
NOT VOTING: No one.

Beginning at a point in the West line of National Turnpike 706 feet, more or less, South of Toll Lane; running thence with said line of National Turnpike South 17° 22' 35" East, 100 feet and extending back South 72° 45' West, of the same width throughout between parallel lines, 300 feet.

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9-68-58

Other Cases:

DOCKET NO. 9-68-88
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Owner/Developer: Catherine Foster
8020 National Turnpike 40214

Existing Use: Residential

Proposed Use: Auto repair, used car sales

The public hearing on this request was held on November 17, 1989, at which time the Commission deferred action in order for the applicant to address concerns regarding landscaping, drainage, and air pollution.

Staff informed the Commission that the applicant has deleted the fence along the south border as required by Article 12 which will be replaced with trees at the request of the adjacent resident. The plan has been reapproved by the Metropolitan Sewer District. An addendum submitted by the applicant's representative states that the disposal of tires will be made at the Okolona Sanitation Company, and the Air Pollution Board has advised that there are no existing regulations concerning auto body shops. Regulatons concerning the emission of volatile organic compounds would apply only if the facility operates approximately 8,760 hours per year, which the applicant feels is unlikely for the operation which is proposed. Copies of the addendum and Air Pollution Control District Regulation 7.25, Standard of performance for new sources using volatile organic compounds, were given to each Commissioner present.

Commissioner Herron requested a binding element be added regarding a the submission of a written plan for disposal of automobile fluids.

Commissioner Auerbach noted that the addendum submitted states that the hours of operation may be restricted to daytime extending to 6:00 or 7:00 P. M., however, the applicant had agreed to a binding element restricting the hours of operation to 6:00 P.M.

After a furtsher discussion, on a motion by Commissioner Herron, the following resolution was unanimously adopted:

DOCKET NO. 9-68-88 (continued)

RESOLVED, That the Louisville and Jefferson County Planning Commission does hereby DEFER Docket No. 9-68-88 in order to seek the applicant's agreement for an additional binding regarding a plan for disposal of automotive fluids and to reaffirm agreement at the public hearing with the binding element stating the hours of operation shall cease at 6:00 P. M.

The additional binding element shall state:

"A written plan for disposal of motor oil and other automotive fluids must be submitted."

The vote was as follows:

YES: Commissioners Auerbach, Fischer, Herron, Hutchinson, McDonald, Seraphine and Taylor.
NO: None.
NOT VOTING: No one.

The meeting adjourned at 3:00 P. M.

_____
Chairman

_____
Commission Director

PLANNING COMMISSION MINUTES

NOVEMBER 17, 1988

DOCKET NO. 9-68-88
Change in zoning from R-4 Residential Single Family to C-2 Commercial at 8020 National Turnpike in the unincorporated area of Jefferson County.

Owner/Developer: Catherine Foster
8020 National Turnpike 40214

Existing Use: Residential

Proposed Use: Auto repair, used car sales

Notice of this public hearing appeared in The Courier-Journal on October 18, 1988, 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 applicant.

A summary analysis of the staff report was given by a staff member (See Staff Report Appendix for staff report in full).

The following spoke in favor of this request:

Elaine Duncan, 5607 So. Third, 40214, who submitted the amended signed binding elements.

The following spoke in opposition:

Charles Warren, 8024 National Turnpike, 40214.

Mr. Duncan spoke in rebuttal.

A transcript of the public hearing is on file in this docket.

In a business session conducted subsequent to the public hearing, the Commission took the following action.

On a motion by Commissioner Herron, the following resolution was unanimously adopted:

RESOLVED, That the Louisville and Jefferson County Planning Commission does hereby DEFER Docket No. 9-68-88 in order for the applicant to address the concerns regarding landscaping, drainage, and air pollution.

DOCKET NO. 9-68-88 (continued)

The vote was as follows:

YES: Commissioners Auerbach, Fischer, Herron, Hettinger, Hutchinson, McDonald, Seraphine and Taylor.
NO: None.
NOT VOTING: No one.