

PLANNING COMMISSION MINUTES

NOVEMBER 21, 1985

DOCKET NO. 9-115-85

Change in zoning from C-1 Commercial to C-2 Commercial on property located at the west intersection of Bardstown Road and Buechel By-Pass, fronting 345 feet more or less on Bardstown Road, and fronting 224 feet more or less on Buechel By-Pass, being an irregularly shaped lot, and being in the unincorporated area of Jefferson County.

Owners: William H. Collins
8902 Cromwell Hill Road 40222

Developer: Good Buick, Inc.
3718 Bardstown Road 40218

Existing Use: Vacant

Proposed Use: Auto Dealership

Notice of this public hearing appeared in The Louisville Times on October 22, 1985, 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).

Rand Kruger, Attorney, 310 W. Liberty Street, 40202, spoke in favor of this request.

No one spoke in opposition.

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

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

WHEREAS, The Commission finds the proposal to be in conformance with Guidelines E-1 and E-3 because the existing structure will be utilized, and because the applicant's representative has indicated that water does not collect on this site but instead in lower areas, and because the plan has been approved by the Water Management Section of the Jefferson County Public Works and Transportation Cabinet; and

WHEREAS, The Commission finds the proposal to be in conformance with Guideline C-1 because the applicant proposes to expand the existing business, so the site is obviously within the intended trade area; and

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WHEREAS, The Commission finds the proposal to be in conformance with Guideline C-2 because accommodations for the handicapped will be provided, and because the existing building will be utilized, and because the applicant has agreed to binding elements relating to screening and the design and size of the development; and

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 proposed change in zoning from C-1 Commercial to C-2 Commercial on the following described property be APPROVED.

BEGINNING at a point in the Northwest corner of the Buechel Recreation, Inc., tract as described in Deed Book 5175 Page 708, in the Office of the Clerk of the County Court of Jefferson County, Kentucky, said point also being in the South right-of-way line of Bardstown Road; thence with the North line of the herein described tract and said right-of-way line South 57 degrees 45 minutes East 387.35 feet to the Northeast corner of the herein described tract, the Real Point of Beginning; thence South 58 degrees 48 minutes 42 seconds East 102.44 feet; thence South 60 degrees 19 minutes 51 seconds East 169.79 feet to an iron pipe; thence South 01 degrees 52 minutes 02 seconds West 144.93 feet to an iron pipe; thence North 87 degrees 58 minutes 45 seconds West 151.53 feet to an iron pipe; thence North 01 degrees 53 minutes East 91.84 feet to an iron pipe; thence North 64 degrees 32 minutes West 117.54 feet to an iron pipe; thence North 09 degrees 58 minutes East 136.77 feet to the point of beginning.

RESOLVED, That the Louisville and Jefferson County Planning Commission does hereby APPROVE the General District Development Plan subject to the following binding elements:

1. The development will be in accordance with the approved district development plan. No further development will occur.
2. The development shall not exceed 4200 square feet of gross floor area.
3. Before a certificate of occupancy is issued:
 - a) The development plan must be reapproved by the Transportation Engineering, Water Management and Fire Safety Sections of the Jefferson County Public Works and Transportation Cabinet.

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- b) The size and location of any proposed sign must be approved by the Planning Commission. The Planning Commission may require that the signs be smaller than would otherwise be permitted by the Zoning District Regulations.
 - c) Encroachment permits must be obtained from the Kentucky Department of Transportation, Bureau of Highways.
 - d) A minor plat or other legal instrument shall be recorded consolidating the lots to be rezoned with the lot immediately to the west. The deed book and page number of the recorded instrument shall be submitted to the Planning Commission.
4. 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.
5. 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, and all binding elements must be implemented prior to requesting issuance of the certificate.
6. The above binding elements may be amended as provided for in the Zoning District Regulations.

The vote was as follows:

YES: Commissioners Lurding, Auerbach, Birch, French, Hutchinson, Karzen and Mullins

NO: None

NOT VOTING: None.