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## PROPOSED FINDINGS OF FACT REGARDING COMPLIANCE WITH ALL APPLICABLE GUIDELINES AND POLICIES OF THE CORNERSTONE 2020 COMPREHENSIVE PLAN

Applicant/Owner: TT of B Louisville, Inc.

Location: 100 and 102 Marshall Drive, fronting on Shelbyville Road with access through the adjoining already C-2 zoned auto sales lot to the west

Proposed Use: Auto sales parking lot/display area (in association with the proposed automotive dealership primarily located on an adjacent pre-“Plan Certain” lot)

Engineers, Land Planners and Landscape Architects: BTM Engineering

Request: Change in Zoning from R-7 to C-2

The Louisville Metro Planning Commission, having heard testimony before its Land Development & Transportation Committee, in the Public Hearing held on June 1, 2017 and having reviewed evidence presented by the applicant and the staff’s analysis of the application, make the following findings:

### INTRODUCTION

**WHEREAS**, this rezoning involves a proposal to demolish 2 old apartment buildings and replace them with auto display parking as an addition to the adjacent already zoned (previously Fiat, Nissan and Pontiac dealerships) site that is under construction for the pre-“Plan Certain” BMW of Louisville dealership that will be built both next door and also on this site; and this site together with the adjoining site will be developed under a common scheme with common access; and

### GUIDELINE 1 – COMMUNITY FORM

**WHEREAS**, the proposed automobile dealership on this site is appropriate because Suburban Neighborhoods contain retail uses at appropriate locations at appropriate scale when designed to be compatible with residential neighborhoods; and this proposal is to combine an auto display lot that is well screened, buffered and that mitigates (through site design and binding element conditions of approval) all neighborhood impacts with an existing already C-2 zoned auto dealership site next door; and

## **GUIDELINE 2: CENTERS**

**WHEREAS**, the proposed automobile dealership complies with all of the applicable Intents and Policies 2, 3, 4, 5, 7, 8, 9, 11, 12, 13, 14 and 15 of Guideline 2 because this property, adjacent to an already properly C-2 zoned site that has long been a car dealership site, involves an efficient use of land similarly used next door and an investment in existing infrastructure; car buyers already visiting the dealership long established next door will have travel times and distances reduced when shopping along a busy arterial already lined with multiple other auto dealerships; since this is an expansion of an already properly C-2 zoned site with a history of various auto dealerships located next door, this rezoning does not involve an isolated commercial use expansion; the activity center established along this stretch of Shelbyville Road means this involves an expansion of same and not the creation of a new activity center; the small addition of land to a long-standing automobile dealership site promises to enhance the commercial use already existing at that location; the new BMW dealership to locate here and next door will be of a high-end design; existing utilities will be utilized; and parking will be well screened and landscaped as shown on plans and elevations presented at the public hearing; and

## **GUIDELINE 3: COMPATIBILITY**

**WHEREAS**, the proposed automobile dealership complies with all of the applicable Intents and Policies 1, 2, 4, 5, 6, 7, 8, 9, 20, 21, 22, 23, 24, 28 and 29 of Guideline 3 because the proposed new BMW automobile dealership here and next door is a compatible use in an area of large employment activities, notably other auto dealerships; the proposed dealership building on the already C-2 zoned adjacent site will include an attractive, remodeled dealership building consisting of high quality building materials; odors and air quality emissions, traffic, noise, lighting and visual impacts are addressed on this discretionary DDDP site (and also on the adjoining ministerial plan site) by virtue of an agreed upon list of landscaping, screening, lighting, drainage facility and amenity designs with the City of Beechwood Village; and the images shown at the public hearing and 3 neighborhood meetings detail a lot of this, including enhanced setbacks with good screening and buffering and less intense lighting; and

## **GUIDELINE 6 – ECONOMIC GROWTH AND SUSTAINABILITY**

**WHEREAS**, the proposed automobile dealership complies with all of the applicable Intents and Policies 1, 2, 5 and 6 of Guideline 6 because this site represents a small expansion at a high-traffic location to accommodate a new car dealership in an already existing activity center; and this reduces costs of land development and further promotes an existing employment center with good access to an existing support population that will visit this new auto dealership; and

## **GUIDELINES 7, 8 AND 9 – CIRCULATION; TRANSPORTATION FACILITY DESIGN; AND BICYCLE, PEDESTRIAN AND TRANSIT**

**WHEREAS**, the proposed automobile dealership complies with all of the applicable Intents and Policies 1, 2, 4, 10, 11, 13, 14, 15 and 18 of Guideline 7, Policies 1, 5, 7, 8, 9, 10 and 11 of Guideline 8, and Policies 1, 2, 3 and 4 of Guideline 9 because Shelbyville Road has adequate traffic-carrying capacity for business growth, and a car dealership generates less traffic than many retail users because of fewer large purchases as opposed to more smaller purchases – thus less customers than many retail uses on similar acreage; since roads systems are adequate, the

issues to address, as addressed on the DDDP accompanying this application, involve the issues of parking adequacy, alternative transportation modes, and whether internal traffic movements, internal parking arrangements and access from Shelbyville Road via the adjacent already C-2 zoned site as well as between adjoining sites are appropriately designed; the DDDP satisfies all of the design requirements of Metro Public Works and Transportation planning which are inherent in all three of these Guidelines; and the DDDP received the preliminary stamp of approval from these agencies prior to the public hearing; and

**GUIDELINES 10, 11 AND 12 – FLOODING AND STORMWATER; WATER QUALITY; AND AIR QUALITY**

**WHEREAS**, the proposed automobile dealership complies with all of the applicable Intents and Policies 1, 3, 6, 7, 10 and 11 of Guideline 10, Policies 3 and 5 of Guideline 11, and Policies 1, 4, 7, 8 and 9 of Guideline 12 because MSD requires that post development peak rates of runoff do not exceed pre-development conditions and that adjacent properties are not adversely affected by the subject site's new and through drainage from storm water run-off; MSD gave its preliminary stamp of approval on the DDDP prior to the public hearing; moreover, stormwater measures being added, where not required, to the adjoining, already C-2 zoned companion site, will improve overall stormwater conditions more so than if this site alone was considered absent applicant/developer concessions made of the adjoining pre-"Plan Certain" lot; MSD has also established soil erosion and sediment control as well as water quality standards which must be met with this development's construction plans; and as to all of the Policies associated with air quality, they are always addressed when commuting times and distances are reduced when new activities congregate, as here, in an existing activity center; and

**GUIDELINE 13 – LANDSCAPE CHARACTER**

**WHEREAS**, the proposed automobile dealership complies with all of the applicable Intents and Policies 1, 2, 3, 4, 5 and 7 of Guideline 13 because, as the concept landscape plan produced at the public hearing and neighborhood meetings demonstrate, as will be included in the eventual landscape plan filed with DPDS post zoning approval, this site will not just comply with, but rather will exceed, LDC landscape requirements; and as mentioned above as respects stormwater management, enhanced landscaping, screening and buffering are added next door where not required; and

\* \* \* \* \*

**WHEREAS**, for all the reasons explained at LD&T and the Planning Commission public hearing and also in the public hearing exhibit books and on the approved detailed district development plan, this application also complies with all other applicable Guidelines and Policies of the Cornerstone 2020 Comprehensive Plan;

**NOW, THEREFORE**, the Louisville Metro Planning Commission hereby recommends to the Louisville Metro Council that it rezone the subject property from R-7 to C-2 and approves the Detailed District Development Plan.