

Louisville Metro Planning Commission Public Hearing – February 2, 2017

Louisville Metro Land Development & Transportation Committee – January 11, 2017

Neighborhood Meeting - October 18, 2016

Docket No. 16ZONE1066

Proposed zone change from PEC to C-2 on 1.76 acres (requiring public hearing with ultimate referral to the City of Jeffersontown) and associated

Revised Detailed District Development Plan (16DEVPLAN1203) on the remaining 11.41 acres (for an immediate decision and referral to the City of Jeffersontown) – all for a proposed BMW of Louisville dealership on property located at 2000 and 2200 Blankenbaker Parkway and 2400 Shining Water Drive



OF LOUISVILLE

Attorneys: Bardenwerper Talbott & Roberts, PLLC

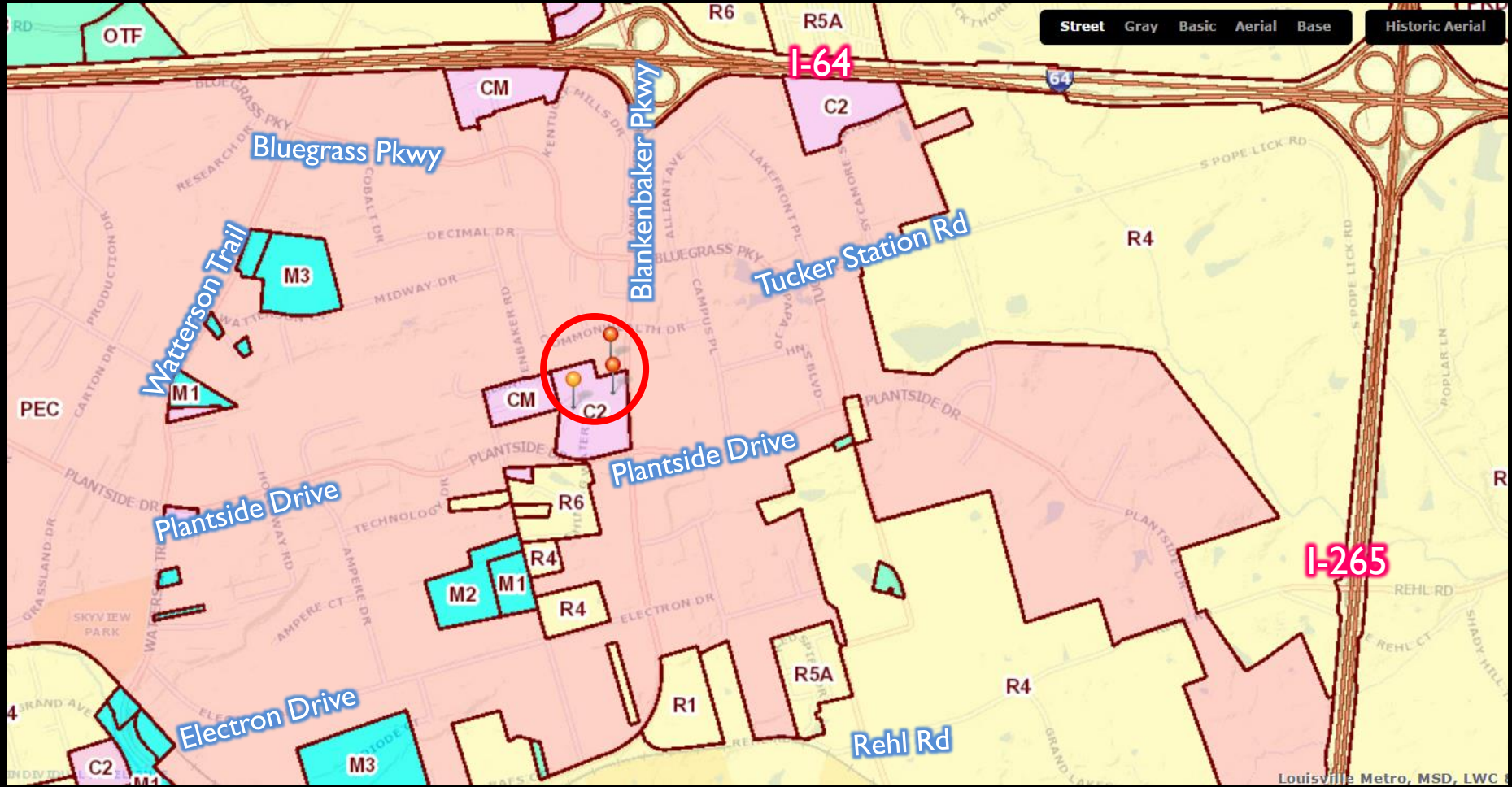
Land Planners, Landscape Architects & Engineers: BTM Engineering

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TAB I

LOJIC ZONING MAP



Bluegrass Pkwy

Blankenbaker Pkwy

Zone Change

RDDDP

Plantside Drive

CM

Lexus

R2

CM

R4

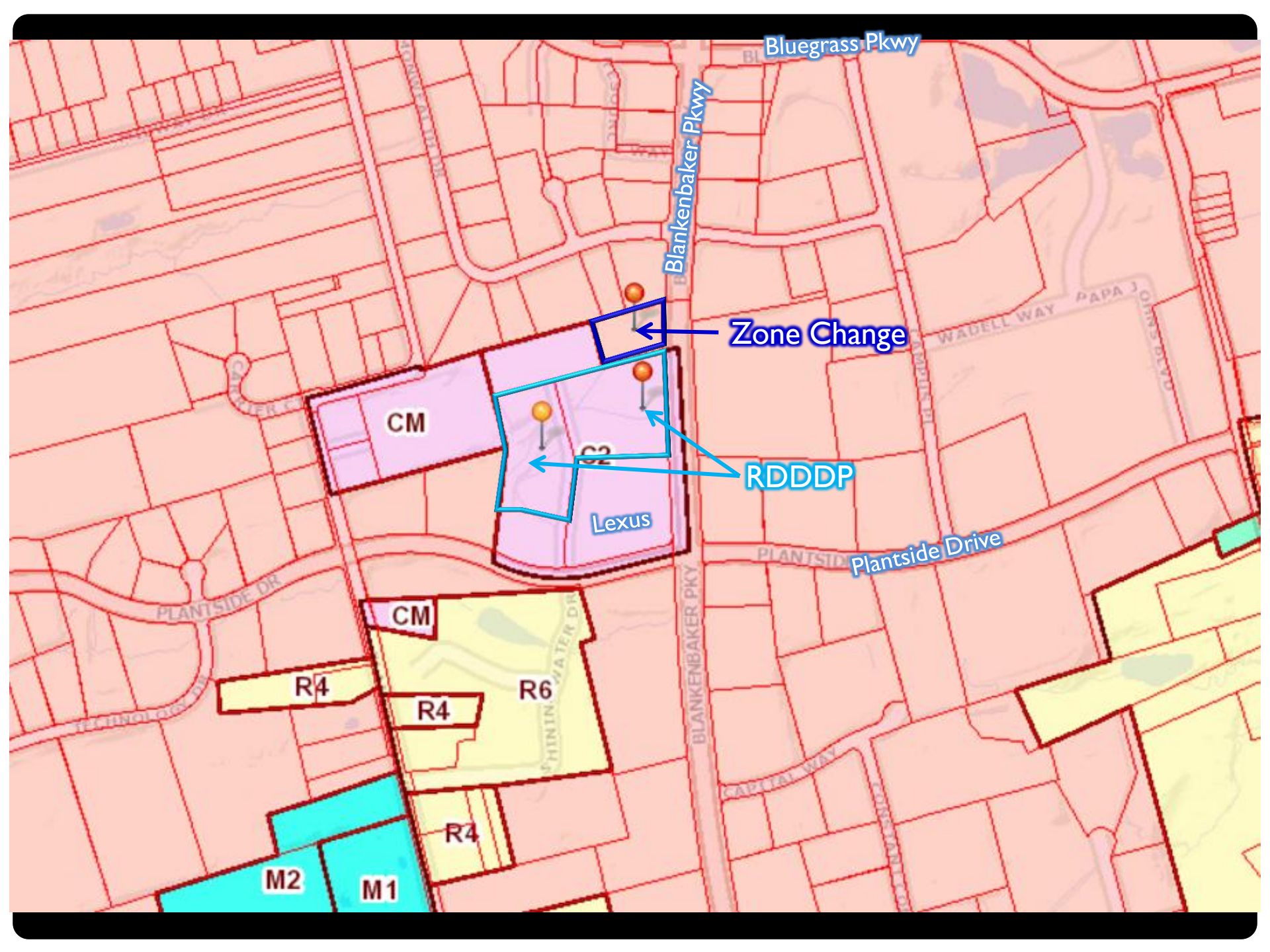
R4

R6

R4

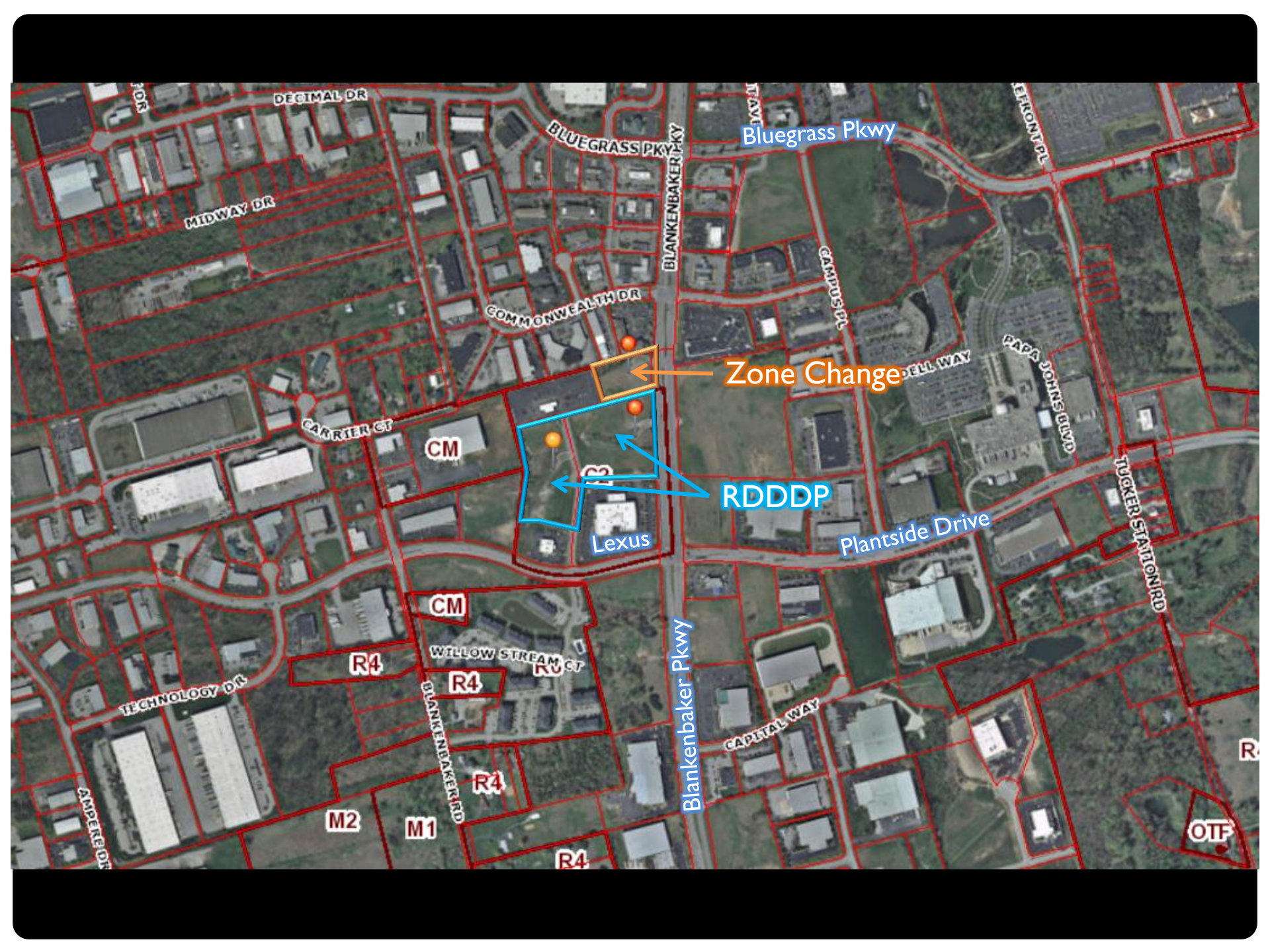
M2

M1



TAB 2

**AERIAL PHOTOGRAPH OF THE SITE
AND SURROUNDING AREA**



Bluegrass Pkwy

Zone Change

RDDDP

Lexus

CM

CM

R4

R4

R4

M2

M1

R4

OTF

TAB 3

**GROUND LEVEL PHOTOGRAPHS
OF THE SITE AND SURROUNDING
AREA**



View of site looking west along Blankenbaker Parkway.



Lexus

SITE

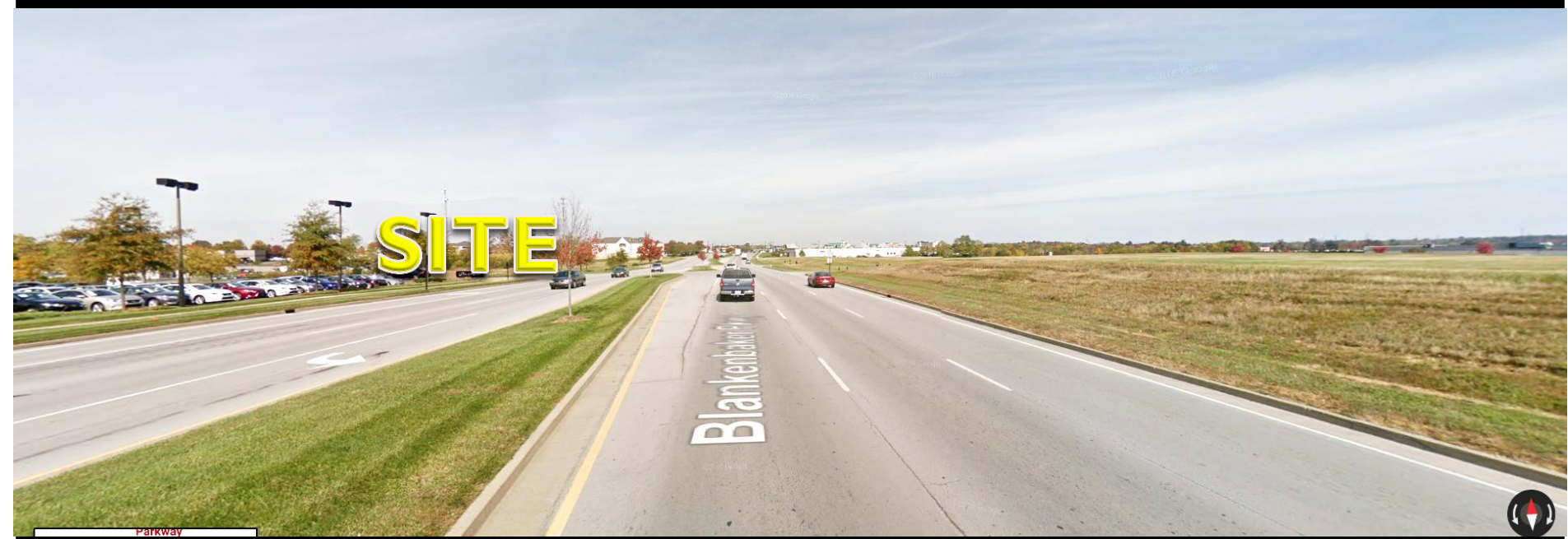
Blankenbaker



View along Blankenbaker Parkway looking south. Site is to the right (west).



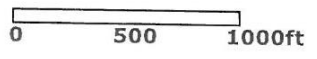
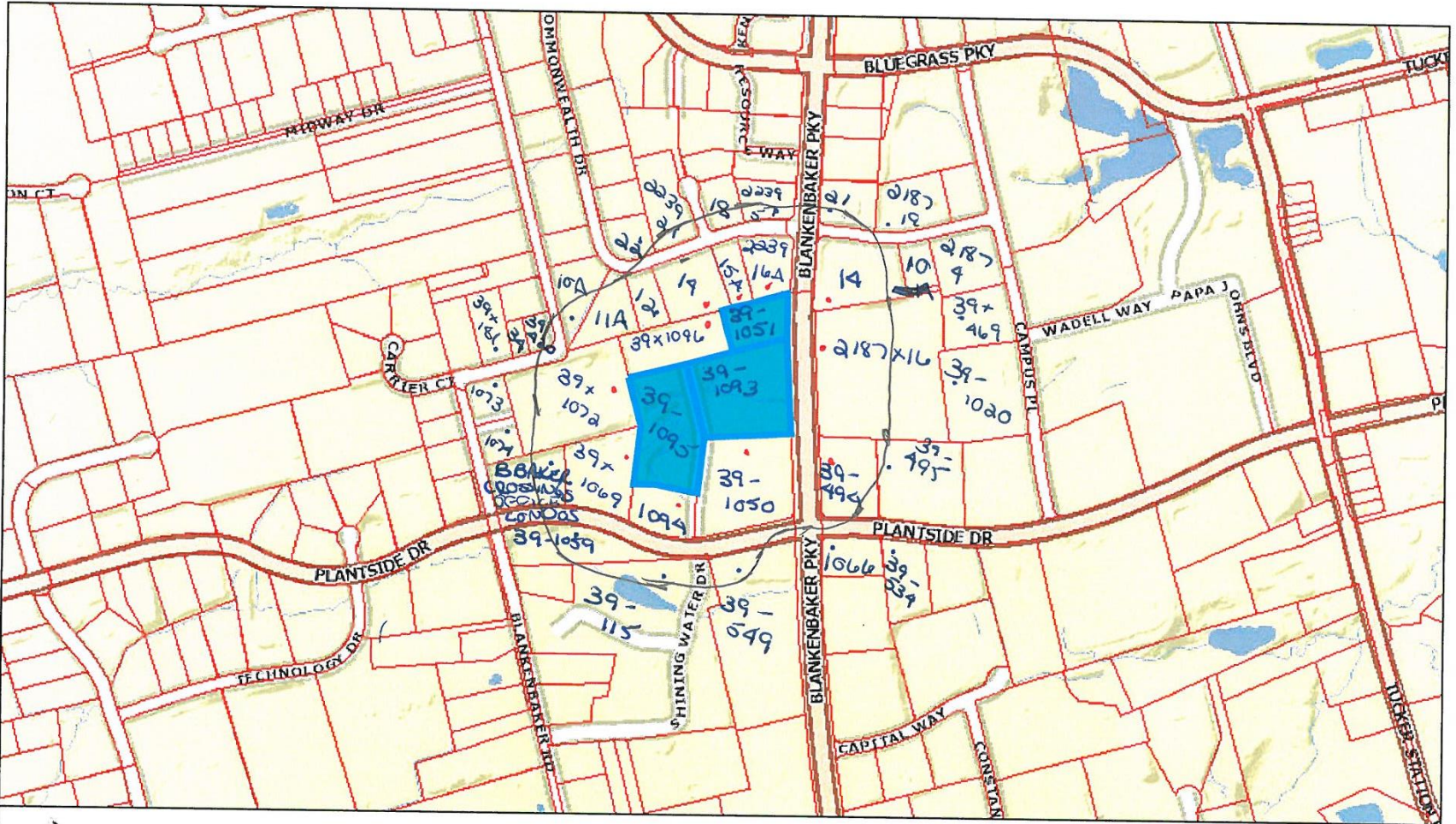
View of existing Lexus dealership along Blankenbaker Parkway. Site is to the right (north) of the Lexus dealership.



View along Blankenbaker Parkway looking north from the existing Lexus dealership. Site is to the left.

TAB 4

**NEIGHBORHOOD MEETING
NOTICE LIST MAP, LETTER TO
NEIGHBORS INVITING THEM TO
THE MEETING AND SUMMARY OF
MEETING**



9/27/2016, 10:31:52 AM



Louisville Metro, MSD, LWC & PVA © 2016
 This map is not a legal document and should only be used for general reference and identification.

BARDENWERPER, TALBOTT & ROBERTS, PLLC

ATTORNEYS AT LAW

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William B. Bardenwerper
Direct dial: 426-0388, ext. 125
Email: WBB@BARDLAW.NET

October 3, 2016

Dear Neighbor,

RE: Proposed change in zoning from PEC to C-2 on 1.76 acres of the 11.41 acre proposed BMW of Louisville property to allow an auto dealership at 2000, 2200 & 2400 Blankenbaker Pkwy.

We are writing to invite you to a meeting we have scheduled to present neighbors with our rezoning plan to allow a BMW auto dealership on properties with the three addresses set forth above. Only the 2000 Blankenbaker Pkwy address requires rezoning. The other two addresses are already zoned C-2, which is appropriate for automobile car sale lots. This small portion of the overall site is currently zoned PEC.

Accordingly, we have filed a plan for pre-application review on Monday, October 3rd with the Division of Planning and Design Services (DPDS) that will be assigned a case manager and has been assigned case number **16ZONE1066**. We would like to show and explain to neighbors this plan so that we might hear what thoughts, issues and perhaps even concerns you may have.

In that regard, a meeting will be held on **Tuesday, October 18th at 7:00 p.m.** at the **Country Inn & Suites Louisville East** located at **1241 Kentucky Mills Drive, Louisville, Kentucky**.

If you cannot attend the meeting but have questions or concerns, please call me at 426-6688 or our land planning and engineering firm representative John Addington at 459-8402.

We look forward to seeing you.

Sincerely,



William B. Bardenwerper

cc: Hon. Bill Dieruf, Mayor, City of Jeffersontown
Hon. Stuart Benson, Councilman, District 20
Brian Davis, Planning Supervisor with Division of Planning & Design Services
Nicholas J. Berndt, Facilities Design & Construction Director, Automotive Mgmt.
Services, Inc.
John Addington, land planner, BTM Engineering, Inc.

Neighborhood Meeting Summary

The neighborhood meeting was called to order by Bill Bardenwerper, with assistance from BTM's John Addington, on October 18, 2016 at 7 PM at the Country Inn and Suites off Blankenbaker Parkway which is near the subject property.

He showed a PowerPoint presentation of the site, which included aerial photographs, ground-level photographs, colored-up site plan, the proposed rezoning plan and the Revised Detailed District Development Plan (RDDDP), all in relationship to the Lexus dealership already built.

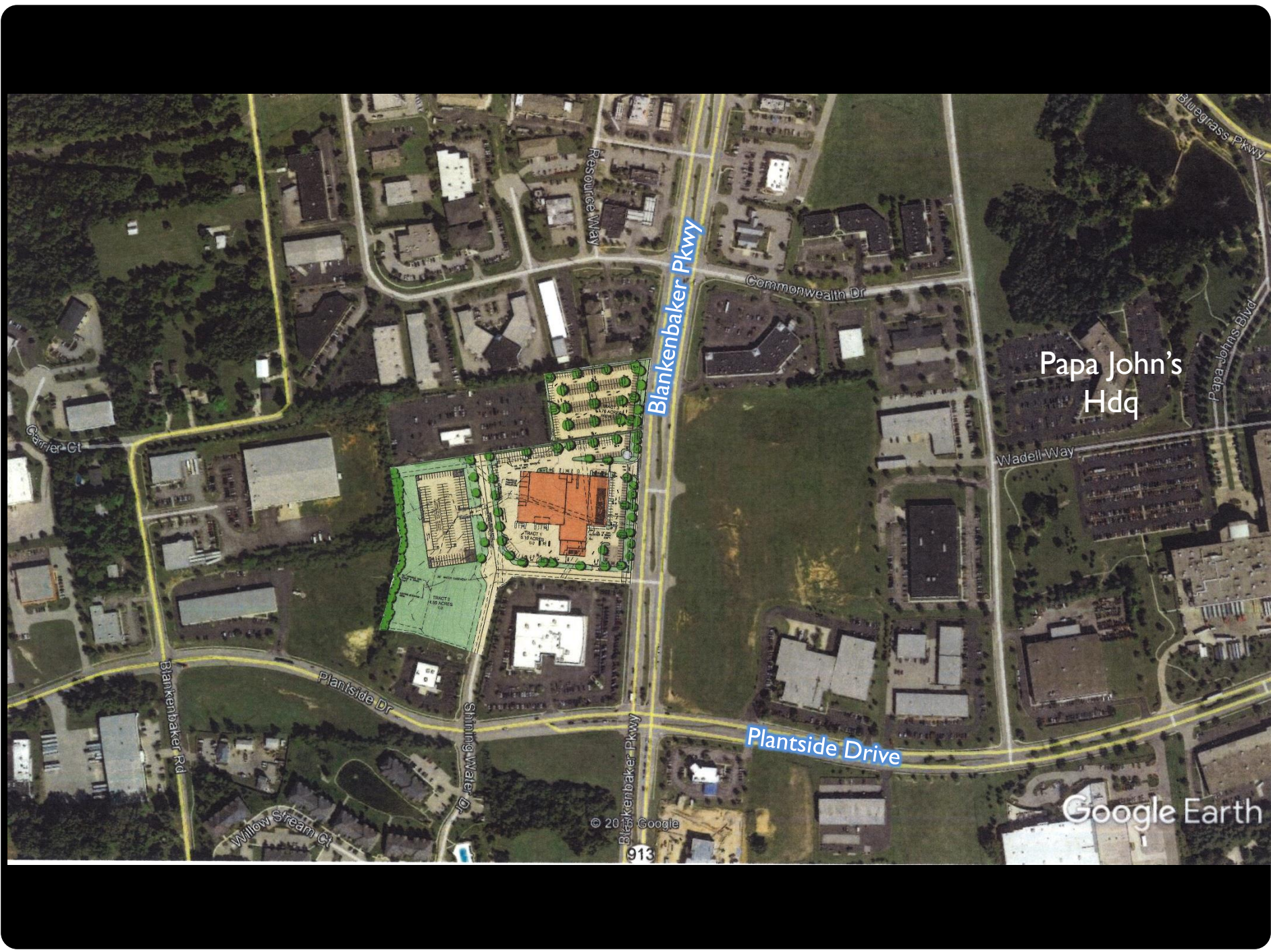
Only three interested parties attended. They had questions to do with drainage through the site, which John Addington explained would be piped and placed into detention; as respects the two-level parking structure at the rear of the RDDDP site; as respects the "Parkway" buffer (explained by John Addington to be like the Lexus site but preferably without the required Parkway berm); and lighting which they would like to be same as the binding elements as in the Lexus case.

Respectfully submitted,

William B. Bardenwerper
Bardenwerper, Talbott & Roberts, PLLC
Building Industry Association of Greater Louisville Building
1000 N. Hurstbourne Parkway, 2nd Floor
Louisville, KY 40223
(502) 426-6688

TAB 5

DEVELOPMENT PLAN



Blankenbaker Pkwy

Plantside Drive

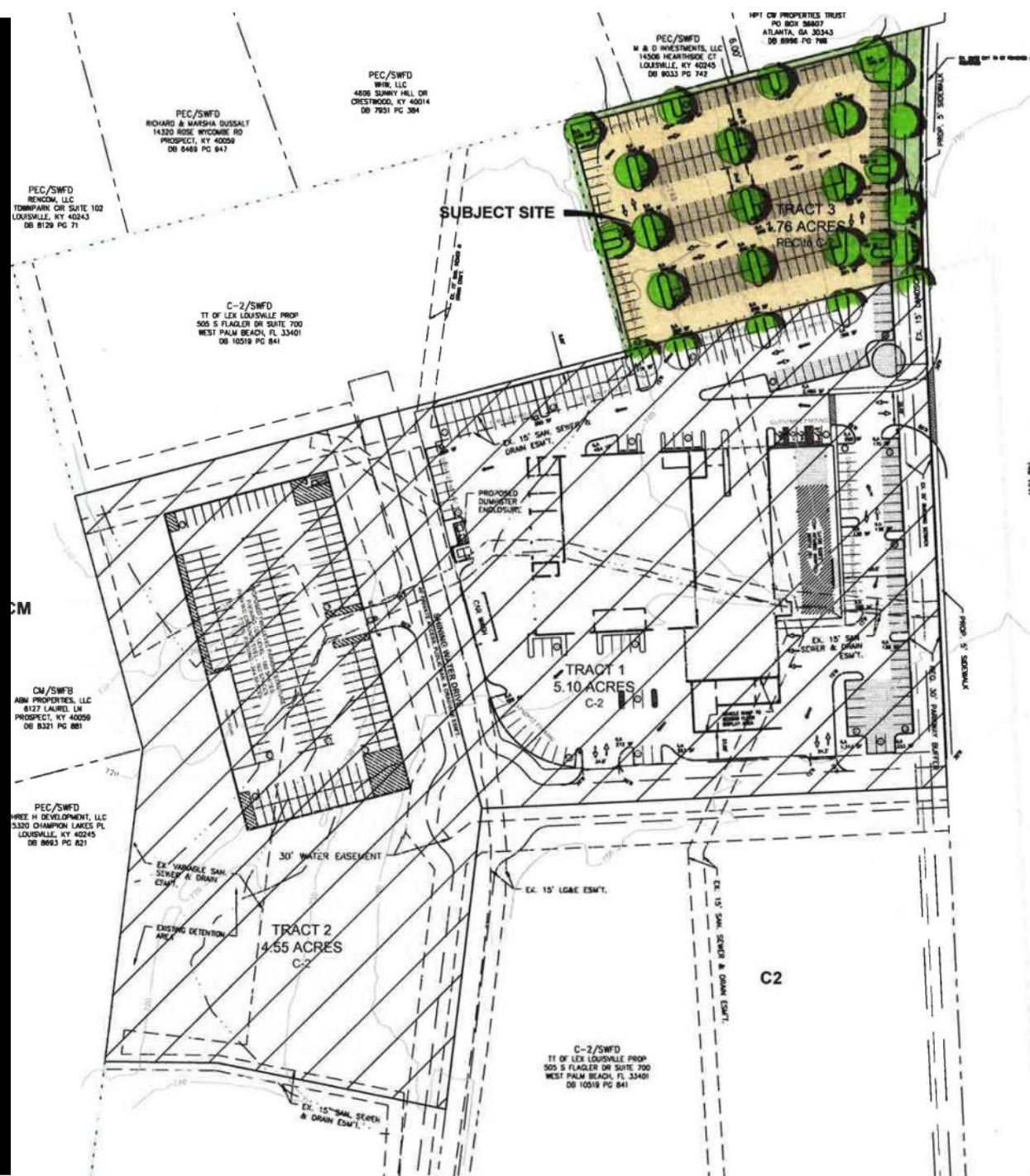
Papa John's Hdq

Google Earth

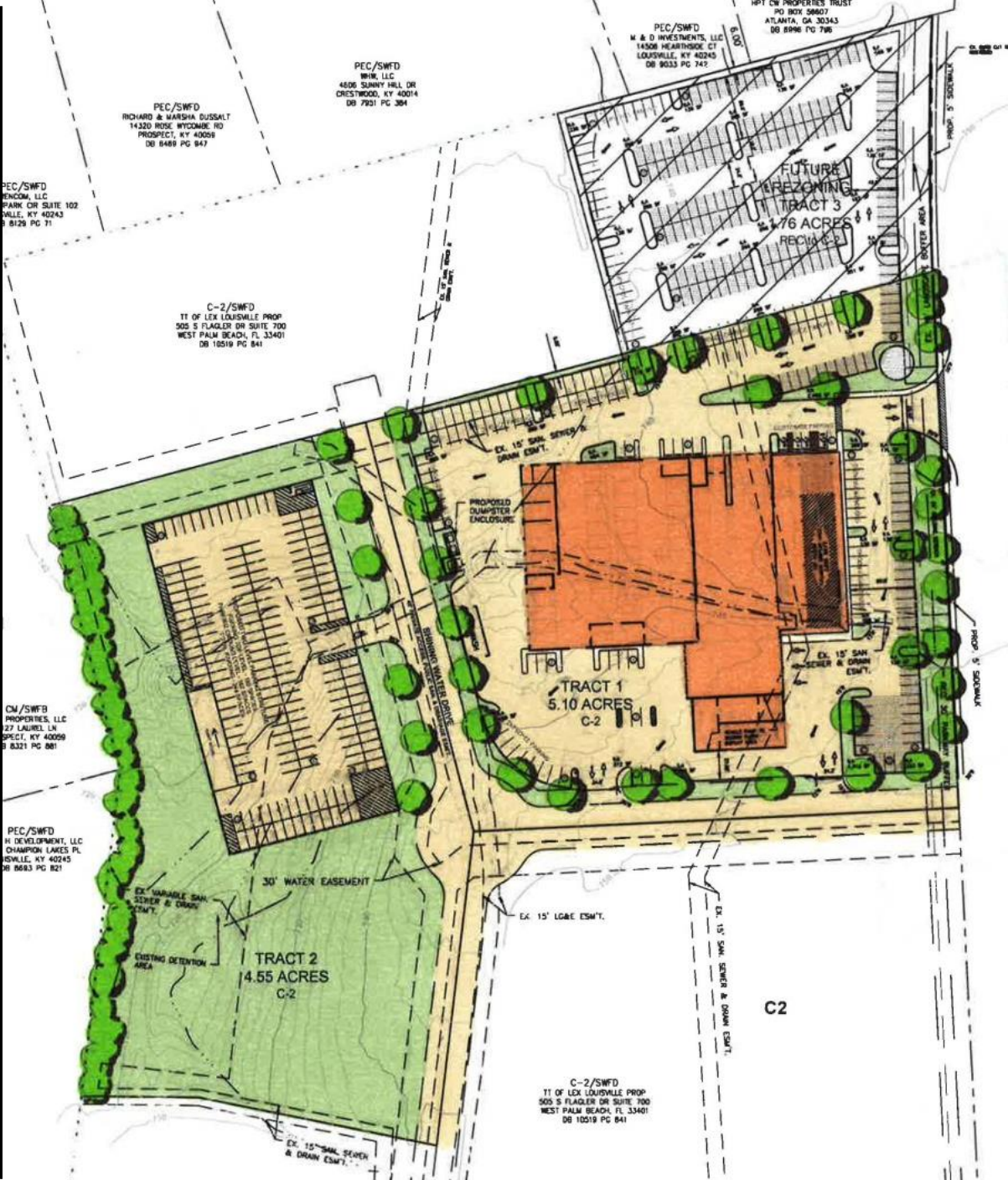
© 2013 Google

913

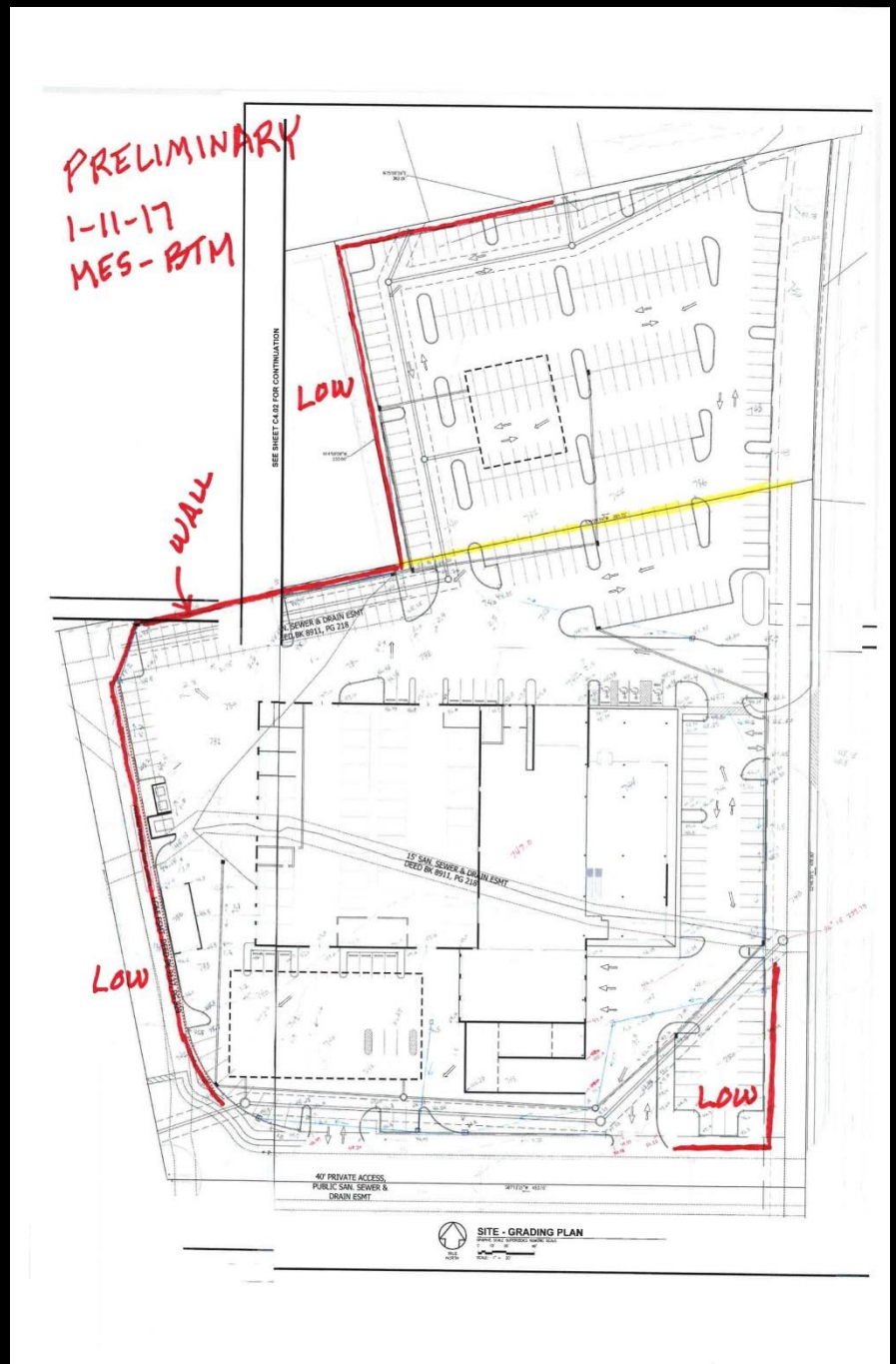
Development plan for Zone Change



Revised Detailed District
Development Plan for
already C-2 zoned site



Waiver application to allow the retaining wall to be located in the LBA



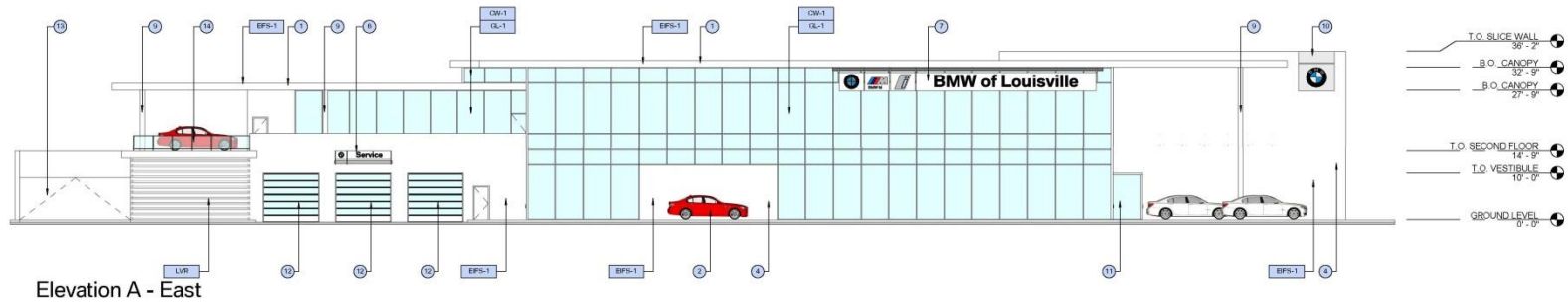
TAB 6

BUILDING ELEVATION

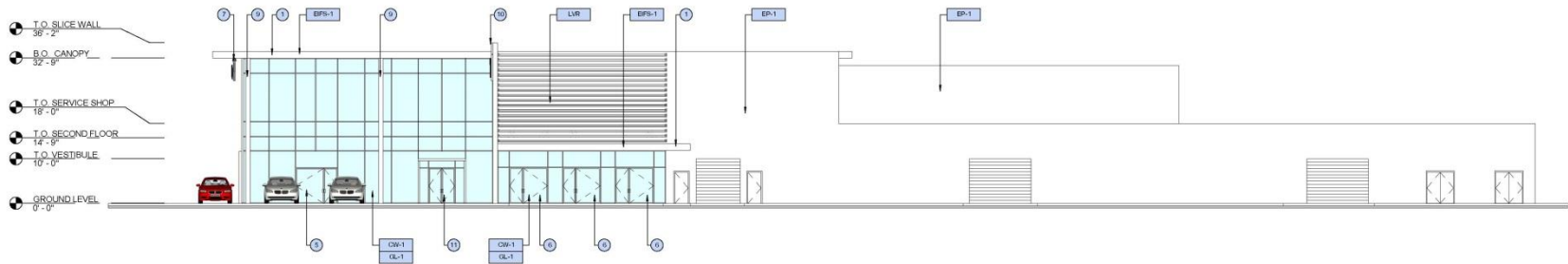


BMW of Louisville

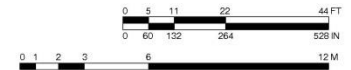
Proposed Elevations 8.0



Elevation A - East



Elevation B - North



Elements

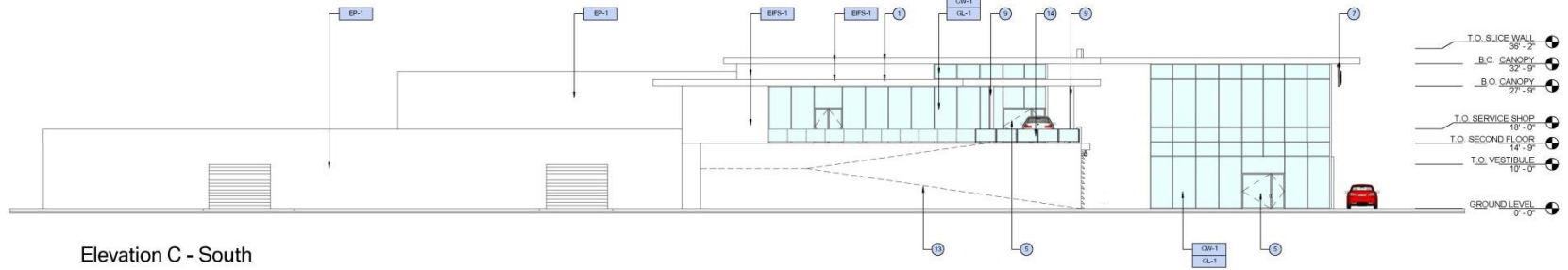
- ① Canopy
- ② Accent Car
- ③ Entry Doors
- ④ Slice Wall
- ⑤ Showroom Vehicle Doors
- ⑥ New Vehicle Delivery Doors
- ⑦ Brand Signage
- ⑧ Service Signage
- ⑨ Structural Column
- ⑩ Long Distance Sign
- ⑪ Vestibule
- ⑫ Service Drive Doors
- ⑬ Vehicle Ramp
- ⑭ Glass Guardrail

Exterior Finishes

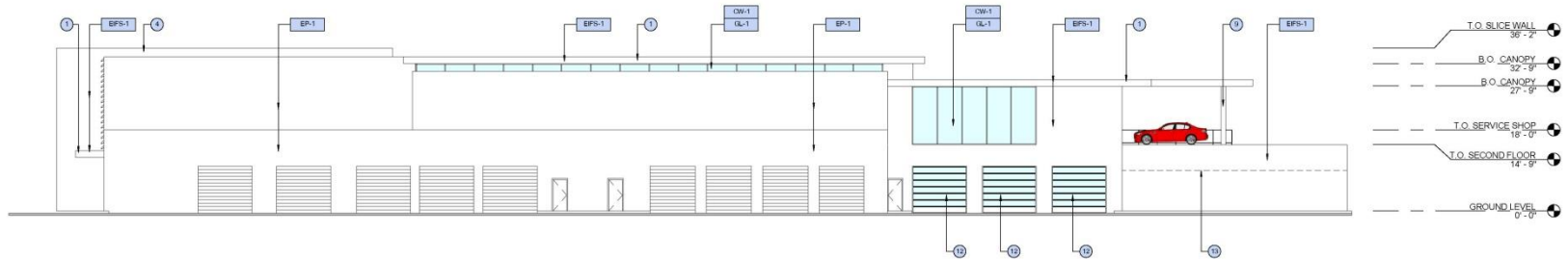
- EFS-1 Exterior Insulation Finish System - Standard Watermaster Super Smooth finish with Aquasol Coating- Color to match RAL 9010 pure white
 - CW-1 Prefinished Curtainwall - Kawneer - Sterling Gray
 - LUR Exterior Louver System-Color to match RAL 9010 pure white
 - EP-1 Exterior Paint - Benjamin Moore - to match RAL 9010 pure white
 - GL-1 1" Insulated Clear Glass
- *Brand & Service signs to be coordinated with United Signs. Refer to sheet 10.3 for additional signage information.

BMW of Louisville

Proposed Elevations 8.1



Elevation C - South



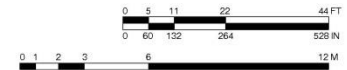
Elevation D - West

Elements

- ① Canopy
- ② Accent Car
- ③ Entry Doors
- ④ Slice Wall
- ⑤ Showroom Vehicle Doors
- ⑥ New Vehicle Delivery Doors
- ⑦ Brand Signage
- ⑧ Service Signage
- ⑨ Structural Column
- ⑩ Long Distance Sign
- ⑪ Vestibule
- ⑫ Service Drive Doors
- ⑬ Vehicle Ramp

Exterior Finishes

- EPS-1 Exterior Insulation Finish System - Standard Watermaster Super Smooth finish with Aquasol Coating Color - to match RAL 9010 pure white.
- EP-1 Exterior Paint - Benjamin Moore - to match RAL 9010 pure white
- CW-1 Prefinished Curtainwall - Kawneer - Sterling Gray
- GL-1 1" Insulated Clear Glass



*Brand & Service signs to be coordinated with United Signs. Refer to sheet 10.3 for additional signage information.

TAB 7

**STATEMENT OF COMPLIANCE FILED WITH
THE ORIGINAL ZONE CHANGE
APPLICATION WITH ALL APPLICABLE
GUIDELINES AND POLICIES OF THE
CORNERSTONE 2020 COMPREHENSIVE
PLAN**

BARDENWERPER, TALBOTT & ROBERTS, PLLC

ATTORNEYS AT LAW

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STATEMENT OF COMPLIANCE WITH ALL APPLICABLE GUIDELINES AND POLICES OF THE CORNERSTONE 2020 COMPREHENSIVE PLAN

<u>Applicant/Owner:</u>	TT of B Louisville, Inc.
<u>Location:</u>	2000 Blankenbaker Parkway
<u>Proposed Use:</u>	Parking Lot/display area in association with the proposed automotive dealership
<u>Engineers, Land Planners and Landscape Architects:</u>	BTM Engineering
<u>Request:</u>	Change in Zoning from PEC to C-2

INTRODUCTION

This rezoning involves an adjacent site to the already zoned site that is the subject of an RDDDP for the BMW of Louisville dealership that will be constructed on these combined sites. They adjoin the Lexus of Louisville dealership under ownership of an affiliated entity. This site together with the RDDDP site will be developed under a common scheme, although the proposed 71,231 sf BMW dealership building will be located on the adjoining larger site, whereas this one will be for automobile display parking.

GUIDELINE 1 – COMMUNITY FORM

The proposed automobile dealership on this site is appropriate because Suburban Workplaces “often contain a single large-scale use or a cluster of uses within a master plan development.” Also, Suburban Workplace is a form characterized by predominantly industrial and office uses, meaning not entirely. Given that the Lexus and BMW dealerships are side by side, they represent a large-scale use, and they are large employers requiring significant sized properties such as available at this location.

GUIDELINE 2: CENTERS

The proposed automobile dealership complies with all of the applicable Intents and Policies 2, 3, 4, 5, 7, 11, 13, 14 and 15 of Guideline 2. This is because this adjacent property to an already properly zoned site next to an already existing car dealership involves an efficient use of land similarly used next door and an investment in existing infrastructure. Car buyers already visiting the Lexus dealership will have travel times and distances reduced when shopping for another similar brand next door. Since this is an expansion of an already properly zoned site with an affiliated dealership located next door to an already existing car dealership, this rezoning does not involve an isolated commercial use expansion. The activity center established by the Lexus

dealership and other commercial facilities nearby means this involves an expansion of same and not the creation of a new activity center. The addition of another automobile dealership enhances the mix of commercial uses already existing at this location. The new BMW dealership will be of a high-end design like the Lexus dealership. Existing utilities will be utilized. Parking will be well screened and landscaped.

GUIDELINE 3: COMPATIBILITY

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. This is because the proposed new BMW automobile dealership next to the existing Lexus one is a compatible use in an area of large employment activities. The proposed dealership building on the already zoned adjacent site is highly attractive, just like the existing Lexus dealership building. High quality building materials are used. Odors and air quality emissions, traffic, noise, lighting and visual impacts are addressed by virtue of this new dealership being part of a larger automobile dealership site, thus promoting the referenced impacts to be congregated at one high-traffic location, not adjacent to and thus adversely impacting residential uses. The accompanying DDDP and concept landscape plan on the colored-up site plan shown at the neighborhood meeting illustrates the appropriate setbacks with good screening and buffering. Lighting will be addressed in a binding element as requested in the neighborhood meeting.

GUIDELINE 6 – ECONOMIC GROWTH AND SUSTAINABILITY

The proposed automobile dealership complies with all of the applicable Intents and Policies 1, 2 and 6 of Guideline 6. This is because this site is one of very few that has significant available land at a high-traffic location to accommodate a new car dealership in an already existing activity center. This reduces costs of land development and further promotes an existing employment center with good access to a support population that will visit this and the adjoining auto dealership.

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

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, 3, 5, 6, 7, 9, 10 and 11 of Guideline 8, and Policies 1, 2, 3 and 4 of Guideline 9. This is because Blankenbaker Parkway 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 of similar acreage. Since roads systems are adequate, the issues to address, as addressed on the DDDP accompanying this application and on the related RDDDP involve the issues of parking adequacy, alternative transportation modes, and whether internal traffic movements, internal parking arrangements and access from Blankenbaker Parkway as well as between adjoining sites are appropriately designed. The DDDP accompanying this application combined with the adjoining RDDDP satisfy all of the design requirements of Metro Public Works and Transportation planning which are inherent in all three

of these Guidelines. The DDDP will receive the preliminary stamp of approval from these agencies prior to public review.

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

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. This is 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's preliminary stamp of approval will be required on the DDDP prior to public review. 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. 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.

GUIDELINE 13 – LANDSCAPE CHARACTER

The proposed automobile dealership complies with all of the applicable Intents and Policies 1, 2, 3, 4, 5 and 7 of Guideline 13. This is because, as the concept landscape plan produced at the neighborhood meeting and accompanying this application demonstrate, and as will be included in the eventual landscape plan filed with DPDS post zoning approval, this site will comply with LDC landscape requirements.

* * *

For all of these and other reasons set forth on the Detailed District Development Plan accompanying this application and in accordance with evidence presented at Planning Commission public hearings, this application will comply with all other applicable Guidelines and Policies of the Cornerstone 2020 Comprehensive Plan.

Respectfully submitted,

BARDENWERPER, TALBOTT & ROBERTS, PLLC
Bardenwerper Talbott & Roberts, PLLC
1000 N. Hurstbourne Parkway, Second Floor
Louisville, KY 40223
(502) 426-6688

TAB 8

**PROPOSED FINDINGS OF FACT
PERTAINING TO COMPLIANCE WITH
THE COMPREHENSIVE PLAN**

BARDENWERPER, TALBOTT & ROBERTS, PLLC

ATTORNEYS AT LAW

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PROPOSED FINDINGS OF FACT REGARDING COMPLIANCE WITH ALL APPLICABLE GUIDELINES AND POLICIES OF THE CORNERSTONE2020 COMPREHENSIVE PLAN

<u>Applicant/Owner:</u>	TT of B Louisville, Inc.
<u>Location:</u>	2000 Blankenbaker Parkway
<u>Proposed Use:</u>	Parking Lot/display area in association with the proposed automotive dealership
<u>Engineers, Land Planners and Landscape Architects:</u>	BTM Engineering
<u>Request:</u>	Change in Zoning from PEC to C-2

The Louisville Metro Planning Commission, having heard testimony before its Land Development & Transportation Committee, in the Public Hearing held on February 2, 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 an adjacent site to the already zoned site that is the subject of an RDDDP for the BMW of Louisville dealership that will be constructed on these combined sites; they adjoin the Lexus of Louisville dealership under ownership of an affiliated entity; this site together with the RDDDP site will be developed under a common scheme, although the proposed 71,231 sf BMW dealership building will be located on the adjoining larger site, whereas this one will be for automobile display parking; and

GUIDELINE 1 – COMMUNITY FORM

WHEREAS, the proposed automobile dealership on this site is appropriate because Suburban Workplaces “often contain a single large-scale use or a cluster of uses within a master plan development;” also, Suburban Workplace is a form characterized by predominantly industrial and office uses, meaning not entirely; and given that the Lexus and BMW dealerships are side by side, they represent a large-scale use, plus they are large employers requiring significant sized properties such as available at this location; and

GUIDELINE 2: CENTERS

WHEREAS, the proposed automobile dealership complies with all of the applicable Intents and Policies 2, 3, 4, 5, 7, 11, 13, 14 and 15 of Guideline 2 because this adjacent property to an already properly zoned site next to an already existing car dealership involves an efficient use of land similarly used next door and an investment in existing infrastructure; car buyers already visiting the Lexus dealership will have travel times and distances reduced when shopping for another similar brand next door; since this is an expansion of an already properly zoned site with an affiliated dealership located next door to an already existing car dealership, this rezoning does not involve an isolated commercial use expansion; the activity center established by the Lexus dealership and other commercial facilities nearby means this involves an expansion of same and not the creation of a new activity center; the addition of another automobile dealership enhances the mix of commercial uses already existing at this location; the new BMW dealership will be of a high-end design like the Lexus dealership; existing utilities will be utilized; and parking will be well screened and landscaped; 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 next to the existing Lexus one is a compatible use in an area of large employment activities; the proposed dealership building on the already zoned adjacent site, as proposed, is highly attractive, just like the existing Lexus dealership building; high quality building materials are used; odors and air quality emissions, traffic, noise, lighting and visual impacts are addressed by virtue of this new dealership being part of a larger automobile dealership site, thus promoting the referenced impacts to be congregated at one high-traffic location, not adjacent to and thus adversely impacting residential uses; the accompanying DDDP and concept landscape plan on the colored-up site plan shown at the neighborhood meeting illustrate the appropriate setbacks with good screening and buffering; and lighting will be addressed in a binding element as requested in the neighborhood meeting; and

GUIDELINE 6 – ECONOMIC GROWTH AND SUSTAINABILITY

WHEREAS, the proposed automobile dealership complies with all of the applicable Intents and Policies 1, 2 and 6 of Guideline 6 because this site is one of very few that has significant available land 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 a support population that will visit this and the adjoining 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, 3, 5, 6, 7, 9, 10 and 11 of Guideline 8, and Policies 1, 2, 3 and 4 of Guideline 9 because Blankenbaker Parkway 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 of similar acreage; since roads systems are adequate, the issues to address, as addressed on the DDDP accompanying this application and on the related RDDDP, involve parking adequacy, alternative transportation modes, and whether internal traffic movements, internal parking arrangements and access from Blankenbaker Parkway as well as between adjoining sites are appropriately designed; the DDDP accompanying this application combined with the adjoining RDDDP satisfy 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 public review; 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’s preliminary stamp of approval was obtained on the DDDP prior to public review; 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 neighborhood meeting and accompanying this application demonstrate, and as will be included in the eventual landscape plan filed with DPDS post zoning approval, this site will comply with LDC landscape requirements; 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 City of Jeffersontown that it rezone the subject property from C-1 to C-2 and approves the Detailed District Development Plan.

Proposed Finding for Waiver

Waiver of: Chapter 10.3.5.A.1 to omit the required 3 ft berm in the Parkway Buffer.

WHEREAS, the waiver will not adversely affect adjacent property owners because the most affected property is the one that this same applicant already owns for its Lexus auto dealership; and

WHEREAS, the waiver will not violate the Comprehensive Plan for all the reasons set forth in the Detailed Statement of Compliance with all applicable Guidelines and Policies of the Cornerstone 2020 Comprehensive Plan filed with the PEC to C-2 rezoning application; and as respects the RDDDP portion of the overall site, landscaping in compliance with the LDC will be evident in abundance elsewhere on the site, just not proposed to obstruct the view of for-sale automobiles that need to be seen from the roadway; and

WHEREAS, the extent of waiver of the regulation is the minimum necessary to afford relief to the applicant because, as stated above, ample landscaping in compliance with the LDC will be evident elsewhere throughout the overall site; and

WHEREAS, strict application of the provisions of the regulation would deprive the applicant of a reasonable use of the land or would create an unnecessary hardship on the applicant because for-sale vehicles would otherwise not be visible from the street, which would make it difficult to market and sell them.

Waiver of: Chapter 10.2.4.B to allow the retaining wall to encroach into required Landscape Buffer areas.

WHEREAS, the waiver on these two properties comprising the BWM of Louisville dealership will not adversely affect adjacent property owners because the only affected property is the one that this same applicant already owns for its Lexus auto dealership; and

WHEREAS, the waiver will not violate the Comprehensive Plan for all the reasons set forth in the Detailed Statement of Compliance with all applicable Guidelines and Policies of the Cornerstone 2020 Comprehensive Plan filed with the PEC to C-2 rezoning application, which is on the same overall dealership site but on a property that presently adjoins the already zoned property; thus that Statement of Compliance filed with the rezoning application applies to the retaining wall on this property; and enhanced landscaping will mitigate impacts, if any, of the retaining wall; and

WHEREAS, the extent of waiver of the regulation is the minimum necessary to afford relief to the applicant because it only applies in areas where changes in elevation necessitate a wall to buttress cut and/or fill conditions; and

WHEREAS, strict application of the provisions of the regulation would deprive the applicant of a reasonable use of the land or would create an unnecessary hardship on the applicant because the property would end up at various levels without the retaining wall which would not work and would make no practical sense given the location and lack of adverse impacts of this retaining wall on anyone or anything.

Waiver of: Chapter 10.2.4.B to allow the retaining wall to encroach into required Landscape Buffer areas.

WHEREAS, the waiver on these two properties comprising the BWM of Louisville dealership will not adversely affect adjacent property owners because the only affected property is the one that this same applicant already owns for its Lexus auto dealership.

WHEREAS, the waiver will not violate the Comprehensive Plan for all the reasons set forth in the Detailed Statement of Compliance with all applicable Guidelines and Policies of the Cornerstone 2020 Comprehensive Plan filed with the PEC to C-2 rezoning application, which is on the same overall dealership site but on a property that presently adjoins the already zoned property. Thus that Statement of Compliance filed with the rezoning application applies to the retaining wall on that property and also to this one and is adopted by reference and incorporated in this waiver justification. Enhanced landscaping will mitigate impacts, if any, of the retaining wall.

WHEREAS, the extent of waiver of the regulation is the minimum necessary to afford relief to the applicant because it only applies in areas where changes in elevation necessitate a wall to buttress cut and/or fill conditions essential to assure the large building can remain at a single finished floor elevation.

WHEREAS, strict application of the provisions of the regulation would deprive the applicant of a reasonable use of the land or would create an unnecessary hardship on the applicant because the building would end up at various levels without the retaining wall which would not work and would make no practical sense given the location and lack of adverse impacts of this retaining wall on anyone or anything.