

**Planning Commission
Staff Report**
February 2, 2017



Case No.	16ZONE1066
Project Name	BMW of Louisville
Location	2000 Blankenbaker Parkway
Owner(s)	TT of B Louisville, Inc.
Applicant	BMW of Louisville
Representative	Bardenwerper Talbott & Roberts PLLC
Project Area	1.76 acres
Jurisdiction	Jeffersontown
Council District	20 – Stuart Benson
Case Manager	Beth Jones, AICP, Planner II

REQUEST

- Change in zoning from PEC Planned Employment Center to C-2 Commercial District
- Detailed District Development plan
 - Waiver of LDC 10.3.5.A.1 to omit the 3 foot berm required within a Parkway Buffer

CASE SUMMARY / BACKGROUND / SITE CONTEXT

The applicant is requesting a zone change from PEC to C-2 in order to develop the subject site (Tract 3) as a parking/display area for an auto dealership. This site will be consolidated with two adjoining parcels: Tract 1, which will be the site of the dealership building, and Tract 2, which will be a two-story parking structure to be used for storing vehicle inventory. The zone change requested herein will result in a consistent zone and form district for all three tracts.

Development of the 1.76 acre site consists of 155 parking spaces for display of vehicles for sale and 31 spaces for employee parking. The site will be accessed via Tract 1 and will have no direct public roadway access.

The site is subject to special setback, buffer area and landscaping requirements due to its location on a parkway. A waiver of the berm requirement is being requested.

LAND USE / ZONING DISTRICT / FORM DISTRICT

	Land Use	Zoning	Form District
<i>Subject Property</i>			
Existing	Vacant	PEC	Suburban Workplace
Proposed	Inventory and employee parking for automobile dealership	C-2	
<i>Surrounding Properties</i>			
North	Hotel, Warehouse	PEC	Suburban Workplace
South	Vacant	C-2	
East	Vacant	PEC	
West	Auto services	C-2	

PREVIOUS CASES ON SITE

- Case 9-52-97: Includes binding elements attached to Tract 1 (2200 Blankenbaker Parkway), which is to be consolidated with Tract 2 and subject Tract 3 upon resolution of this case 16ZONE1066 and related case 16DEVPLAN1203.
- 16DEVPLAN1203: Case running concurrently for development of Tract 1 (2200 Blankenbaker Parkway) and Tract 2 (2400 Shining Water Drive), to be consolidated with subject site Tract 3.

INTERESTED PARTY COMMENTS

No comments from the public on the proposal have been received.

APPLICABLE PLANS AND POLICIES

Cornerstone 2020
City of Jeffersontown Land Development Code

STANDARD OF REVIEW FOR REZONING

Criteria for granting the proposed form district change/rezoning: *KRS Chapter 100.213*

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

STAFF ANALYSIS FOR REZONING

The proposed development is located within a **Suburban Workplace Form District (SWFD)**.

A Suburban Workplace is characterized by predominately industrial and office uses where the buildings are set back from the street in a landscaped setting. Suburban workplaces often contain a single large-scale use or cluster of uses within a master planned development. New larger proposed industrial uses are encouraged to apply for a planned development district.

In order to provide adequate transportation access in suburban workplaces connected roads, public transportation and pedestrian facilities should be encouraged. Walkways to workplace-serving uses are encouraged for workplace employees. Development within suburban workplace form districts may require significant buffering from abutting uses.

STANDARD OF REVIEW AND STAFF ANALYSIS FOR DDP

- a. The conservation of natural resources on the property proposed for development, including trees and other living vegetation, steep slopes, water courses, flood plains, soils, air quality, scenic views and historic sites;
STAFF: These natural resources do not currently exist on the site.
- b. Provisions for safe and efficient vehicular and pedestrian transportation both within the development and the community;
STAFF: The plan has been reviewed and approved by DPW.
- c. The provision of sufficient open space, scenic and recreational, to meet the needs of the proposed development;
STAFF: The proposed development includes no open space requirements. With the exception of the parkway berm, for which a waiver is requested, the plan meets or exceeds all landscaping requirements.
- d. The provision of adequate drainage facilities on the subject site in order to prevent drainage problems from occurring on the subject site or within the community;
STAFF: The proposal has been reviewed and approved by MSD.
- e. The compatibility of the land use and overall site design, including building location, parking lots, screening and landscaping, with existing and projected development within the area;
STAFF: The proposal is consistent with development on adjacent and nearby sites.
- f. Conformance of the development plan with the Comprehensive Plan and Land Development Code.
STAFF: The proposal has been fully reviewed and approved by Louisville Metro Planning and Design Services and the appropriate public agencies and public service providers.

STANDARD OF REVIEW AND STAFF ANALYSIS FOR WAIVER

LDC 10.3.5.A.1 to omit the 3 foot berm required within a Parkway Buffer

- (a) The waiver will not adversely affect adjacent property owners; and
STAFF: All properties adjacent to the site are within a Suburban Workplace form district. The proposed development is consistent with existing development and development that would be permitted within the form district. The proposal meets or exceeds all remaining landscaping and buffering requirements
- (b) The waiver will not violate specific guidelines of Cornerstone 2020; and
STAFF: The proposal meets the Cornerstone 2020 guideline to “ensure a quality visual experience” along the Parkway corridor.
- (c) The extent of the waiver of the regulation is the minimum necessary to afford relief to the applicant; and
STAFF: The proposal meets or exceeds all remaining landscaping and buffering requirements.
- (d) Either:
(i) The applicant has incorporated other design measures that exceed the minimums of the district and compensate for non-compliance with the requirements to be waived (net beneficial effect); OR
(ii) The strict application of the provisions of the regulation would deprive the applicant of the reasonable use of the land or would create an unnecessary hardship on the applicant.
STAFF: The required 3 foot berm along Blankenbaker Parkway would interfere with the applicant’s intended use of the site (Tract 3) as a display area for vehicles for sale by preventing a clear view of the vehicles. The adjacent property that would be most directly affected (Tract 1) is under the same ownership and will be the primary site of the vehicle dealership; the same waiver is being requested for

that site for the same reason. Upon approval of the development plan for Tracts 1 and 2, the three tracts are to be consolidated. The development plan for the final site (Tracts 1, 2, and 3) includes ample landscaping that meets all other requirements.

TECHNICAL REVIEW

Agency review has been completed and all comments have been addressed.

STAFF CONCLUSIONS

The proposed zone change is appropriate for the site and for the form district in which it is located. It meets all standards for community form, compatibility, open space, natural areas, scenic and historic resources, economic growth and sustainability, circulation, multi-modal transportation design, stormwater, air quality, landscape character and infrastructure that apply to the site and its proposed use. The requested change in zone and consolidation with the adjacent tracts will result in a single tract with consistent zoning throughout.

Based upon the information in the staff report, the testimony and evidence provided at the public hearing, the Planning Commission must determine if 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 if there have been major changes of an economic, physical, or social nature within the area involved which were not anticipated in Cornerstone 2020 which have substantially altered the basic character of the area.

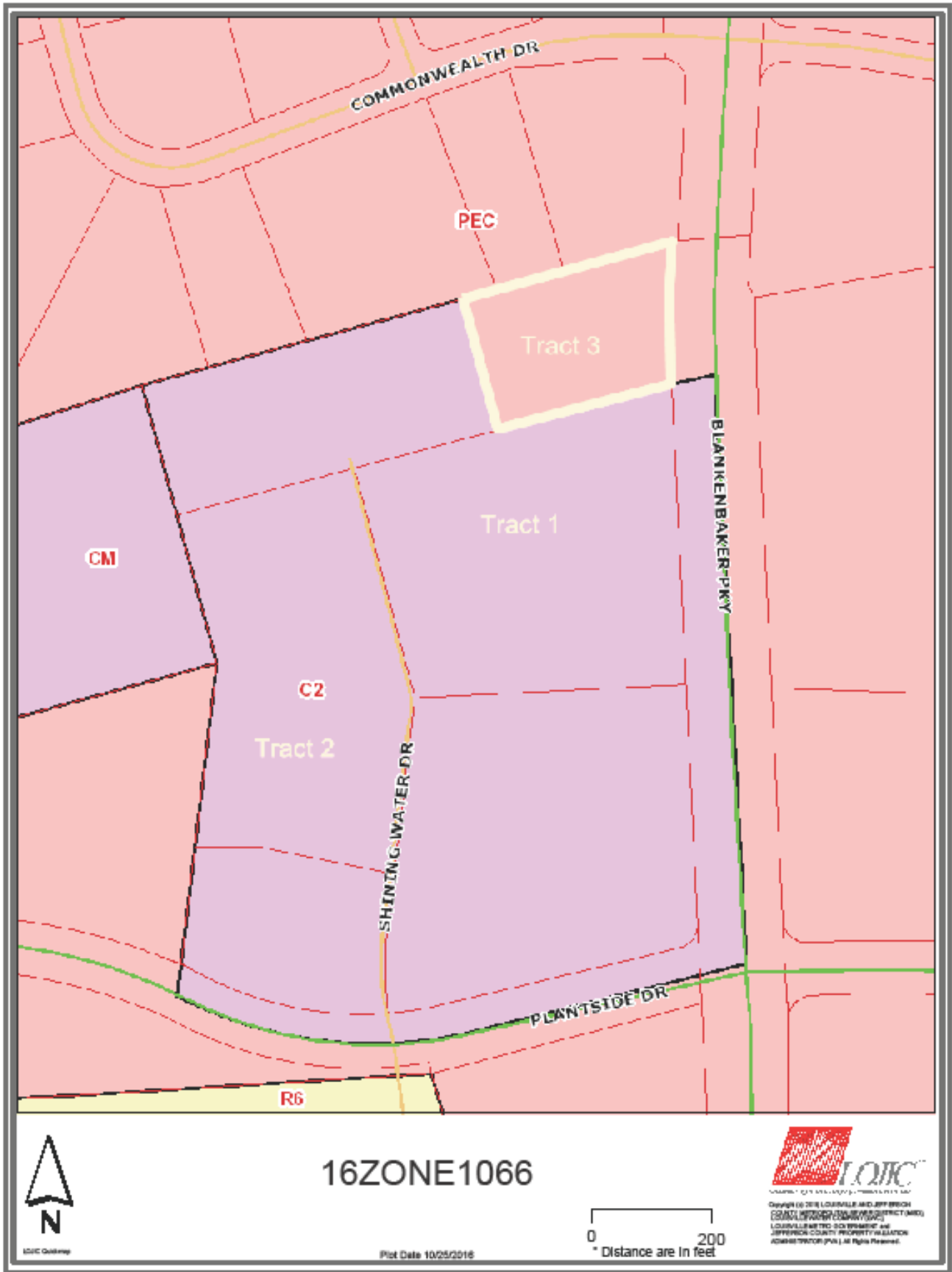
NOTIFICATION

Date	Purpose of Notice	Recipients
10/3/2016	Neighborhood Meeting	1st and 2nd tier adjoining property owners Registered Neighborhood Groups, Council District 20
12/28/2016	Hearing before LD&T	1st and 2nd tier adjoining property owners Registered Neighborhood Groups, Council District 20
	Hearing before Planning Commission	1st and 2nd tier adjoining property owners Registered Neighborhood Groups, Council District 20
	Hearing before Planning Commission	Sign posted

ATTACHMENTS

1. Zoning Map
2. Aerial Photograph
3. Cornerstone 2020 Checklist
4. Recommended Binding Elements

1. Zoning Map



2. Aerial Photograph



3. Cornerstone 2020 Review

+ Exceeds Guideline ✓ Meets Guideline - Does Not Meet Guideline
 +/- More Information Needed NA Not Applicable

Suburban Workplace: Non-Residential

#	Plan Element or Portion of Plan Element	Staff Finding	Staff Comments
Community Form/Land Use Guideline 1: Community Form			
1	B.10: The proposal integrates into the pattern of development, which features buildings set back from the street in a landscaped setting.	✓	When consolidated with two other parcels (16DEVPLAN1203) upon approval, proposal will meet this requirement.
2	B.10: The proposal integrates into a planned development that features a mixture of related uses, and that may contain either a single major use or a cluster of uses.	✓	Proposal is one of several auto dealership and related uses adjacent to one another.
3	B.10: The proposal incorporates connected roads, encourages access to public transportation, and provides for pedestrians.	✓	Proposal includes interior streets and provides for multi-modal access.
Community Form/Land Use Guideline 3: Compatibility			
4	A.2: The proposed building materials increase the new development's compatibility.	✓	Materials used in development of other parcels (16DEVPLAN1203) are compatible with adjacent development.
5	A.4/5/6/7: The proposal does not constitute a non-residential expansion into an existing residential area, or demonstrates that despite such an expansion, impacts on existing residences (including traffic, parking, signs, lighting, noise, odor and stormwater) are appropriately mitigated.	✓	Proposal is not an expansion into a residential area.
6	A.5: The proposal mitigates any potential odor or emissions associated with the development.	✓	Proposal has been reviewed by APCD.
7	A.6: The proposal mitigates any adverse impacts of its associated traffic on nearby existing communities.	✓	Proposal has been reviewed by DPW and KYTC.
8	A.8: The proposal mitigates adverse impacts of its lighting on nearby properties, and on the night sky.	✓	Proposal will meet LDC lighting regulations.
9	A.11: If the proposal is a higher density or intensity use, it is located along a transit corridor AND in or near an activity center.	NA	Proposal is not a higher density/intensity use.
10	A.21: The proposal provides appropriate transitions between uses that are substantially different in scale and intensity or density of development such as landscaped buffer yards, vegetative berms, compatible building design and materials, height restrictions, or setback requirements.	NA	Proposal is surrounded by compatible uses.

#	Plan Element or Portion of Plan Element	Staff Finding	Staff Comments
11	A.22: The proposal mitigates the impacts caused when incompatible developments unavoidably occur adjacent to one another by using buffers that are of varying designs such as landscaping, vegetative berms and/or walls, and that address those aspects of the development that have the potential to adversely impact existing area developments.	NA	Proposal is surrounded by compatible uses.
12	A.23: Setbacks, lot dimensions and building heights are compatible with those of nearby developments that meet form district standards.	✓	Proposal is compatible with surrounding development.
13	A.24: Parking, loading and delivery areas located adjacent to residential areas are designed to minimize adverse impacts of lighting, noise and other potential impacts, and that these areas are located to avoid negatively impacting motorists, residents and pedestrians.	✓	Parking, loading and deliveries activities are internal to the site.
14	A.24: The proposal includes screening and buffering of parking and circulation areas adjacent to the street, and uses design features or landscaping to fill gaps created by surface parking lots. Parking areas and garage doors are oriented to the side or back of buildings rather than to the street.	✓	A waiver is requested for the required landscape berm. Proposal meets or exceeds all other landscaping and buffering requirements.
15	A.25: Parking garages are integrated into their surroundings and provide an active, inviting street-level appearance.	✓	Parking garage is internal to the site.
16	A.28: Signs are compatible with the form district pattern and contribute to the visual quality of their surroundings.	✓	Signage will meet LDC regulations.
Community Form/Land Use Guideline 4: Open Space			
17	A.2/3/7: The proposal provides open space that helps meet the needs of the community as a component of the development and provides for the continued maintenance of that open space.	NA	Open space is not required on the site.
18	A.4: Open space design is consistent with the pattern of development in the Suburban Workplace form district.	NA	Open space is not required on the site.
19	A.5: The proposal integrates natural features into the pattern of development.	NA	These features do not exist on the site.
Community Form/Land Use Guideline 5: Natural Areas and Scenic and Historic Resources			
20	A.1: The proposal respects the natural features of the site through sensitive site design, avoids substantial changes to the topography and minimizes property damage and environmental degradation resulting from disturbance of natural systems.	✓	Proposal has met MSD requirements.
21	A.2/4: The proposal includes the preservation, use or adaptive reuse of buildings, sites, districts and landscapes that are recognized as having historical or architectural value, and, if located within the impact area of these resources, is compatible in height, bulk, scale, architecture and placement.	✓	These features do not exist on the site.

#	Plan Element or Portion of Plan Element	Staff Finding	Staff Comments
22	A.6: Encourage development to avoid wet or highly permeable soils, severe, steep or unstable slopes with the potential for severe erosion.	✓	Proposal has met MSD requirements.
Marketplace Guideline 6: Economic Growth and Sustainability			
23	A.1: Limit land uses in workplace districts to those land uses necessary to meet the needs of the industrial subdivision or workplace district and their employees.	✓	Proposal meets needs of employees in the vicinity.
24	A.3: Encourage redevelopment, reinvestment and rehabilitation in the downtown where it is consistent with the form district pattern.	NA	Proposal is not industrial in nature.
25	A.4: Encourage industries to locate in industrial subdivisions or adjacent to existing industry to take advantage of special infrastructure needs.	NA	Proposal is not industrial in nature.
26	A.6: Locate retail commercial development in activity centers. Locate uses generating large amounts of traffic on a major arterial, at the intersection of two minor arterials or at locations with good access to a major arterial and where the proposed use will not adversely affect adjacent areas.	✓	Proposal is located along a major roadway and will not adversely affect adjacent development.
27	A.8: Require industrial development with more than 100 employees to locate on or near an arterial street, preferably in close proximity to an expressway interchange. Require industrial development with less than 100 employees to locate on or near an arterial street.	NA	Proposal is not industrial in nature.
Mobility/Transportation Guideline 7: Circulation			
28	A.1/2: The proposal will contribute its proportional share of the cost of roadway improvements and other services and public facilities made necessary by the development through physical improvements to these facilities, contribution of money, or other means.	✓	Proposal includes required necessary public facility improvements.
29	A.3/4: The proposal promotes mass transit, bicycle and pedestrian use and provides amenities to support these modes of transportation.	✓	Proposal includes multi-modal transportation support.
30	A.6: The proposal's transportation facilities are compatible with and support access to surrounding land uses, and contribute to the appropriate development of adjacent lands. The proposal includes at least one continuous roadway through the development, adequate street stubs, and relies on cul-de-sacs only as short side streets or where natural features limit development of "through" roads.	✓	Proposal provides adequate transportation facilities interior to the site.
31	A.9: The proposal includes the dedication of rights-of-way for street, transit corridors, bikeway and walkway facilities within or abutting the development.	✓	Proposal includes all necessary right-of-ways.
32	A.10: The proposal includes adequate parking spaces to support the use.	✓	Proposal includes adequate parking.

#	Plan Element or Portion of Plan Element	Staff Finding	Staff Comments
33	A.13/16: The proposal provides for joint and cross access through the development and to connect to adjacent development sites.	✓	Proposal provides adequate transportation facilities interior to the site and connects to existing public streets.
Mobility/Transportation Guideline 8: Transportation Facility Design			
34	A.8: Adequate stub streets are provided for future roadway connections that support and contribute to appropriate development of adjacent land.	NA	Connections are not required due to existing development on adjacent properties.
35	A.9: Avoid access to development through areas of significantly lower intensity or density if such access would create a significant nuisance.	✓	Proposal is not accessed through such areas.
36	A.11: The development provides for an appropriate functional hierarchy of streets and appropriate linkages between activity areas in and adjacent to the development site.	✓	Proposal provides adequate transportation facilities interior to the site.
Mobility/Transportation Guideline 9: Bicycle, Pedestrian and Transit			
37	A.1/2: The proposal provides, where appropriate, for the movement of pedestrians, bicyclists and transit users around and through the development, provides bicycle and pedestrian connections to adjacent developments and to transit stops, and is appropriately located for its density and intensity.	✓	Proposal includes multi-modal transportation support.
Livability/Environment Guideline 10: Flooding and Stormwater			
38	The proposal's drainage plans have been approved by MSD, and the proposal mitigates negative impacts to the floodplain and minimizes impervious area. Solid blue line streams are protected through a vegetative buffer, and drainage designs are capable of accommodating upstream runoff assuming a fully-developed watershed. If streambank restoration or preservation is necessary, the proposal uses best management practices.	✓	Proposal has been approved by MSD.
Livability/Environment Guideline 12: Air Quality			
39	The proposal has been reviewed by APCD and found to not have a negative impact on air quality.	✓	Proposal has been approved by APCD.
Livability/Environment Guideline 13: Landscape Character			
40	A.3: The proposal includes additions and connections to a system of natural corridors that can provide habitat areas and allow for migration.	NA	These conditions do not exist on the site.
Community Facilities Guideline 14: Infrastructure			
41	A.2: The proposal is located in an area served by existing utilities or planned for utilities.	✓	All necessary utilities are existing.
42	A.3: The proposal has access to an adequate supply of potable water and water for fire-fighting purposes.	✓	Water service is existing.
43	A.4: The proposal has adequate means of sewage treatment and disposal to protect public health and to protect water quality in lakes and streams.	✓	Sewer service is existing.

4. Proposed Binding Elements

1. The site shall be maintained in accordance with all applicable sections of the Louisville Metro and the City of Jeffersontown Land Development Codes (LDC) and agreed-upon binding elements unless amended pursuant to the LDC.
2. Amendment of any binding element(s) shall be submitted to the Planning Commission or its designee for review and approval; any amendments not so referred shall not be valid.
3. Notice of a request to amend these binding elements shall be provided in accordance with Planning Commission policies and procedures. The Planning Commission may require a public hearing on any such request.
4. Development on the site shall be consistent with the development plan presented at the Planning Commission public hearing on February 2, 2017.
5. Permanent signs on the site shall comply with all requirements of Louisville Metro and City of Jeffersontown Land Development Codes. No outdoor advertising signs, small freestanding signs, pennants, balloons or banners shall be permitted.
6. There shall be no outdoor music from any source, outdoor entertainment or outdoor PA system usage permitted on the site.
7. All lighting shall comply with the requirements of Louisville Metro LDC 4.1.3. and the City of Jeffersontown Land Development Code.
8. Construction fencing shall be erected at the edge of the area of development prior to any grading or construction to protect existing tree stands and their root systems from compaction. The fencing shall enclose the entire area beneath the tree canopy and shall remain in place until all construction is completed. No parking, material storage or construction activities are permitted within the protected area.
9. The applicant shall submit a plan for approval by the Planning Commission staff landscape architect showing trees/tree masses to be preserved prior to beginning any construction procedure including clearing, grading or demolition. Any modification of the tree preservation plan requested by the applicant may be approved by the Planning Commission staff landscape architect if the changes are in keeping with the intent of the approved tree preservation plan. The plan shall exhibit the following information:
 - a. proposed site plan showing buildings, edges of pavement, property/lot lines, easements, existing topography, and other significant site features; LOJIC topographic information is acceptable.
 - b. preliminary drainage considerations, including retention/detention areas, ditches/large swales.
 - c. location of all existing trees/tree masses existing on the site as shown by aerial photo or LOJIC maps.
 - d. location of construction fencing for each tree/tree mass designated to be preserved.
10. Before any permit (including but not limited to building, parking lot, change of use or alteration) is requested:
 - a. the development plan must receive full construction approval from Louisville Metro Public Works and the Metropolitan Sewer District.

- b. encroachment permits must be obtained from the Kentucky Transportation Cabinet.
 - c. the property owner/developer must obtain approval of a detailed plan for screening, buffering and/or landscaping as required by the Louisville Metro and City of Jeffersontown LDCs. Such plan shall be implemented prior to occupancy of the site and shall be maintained thereafter.
 - d. a minor plat or legal instrument shall be recorded consolidating the property into one lot. A copy of the recorded instrument shall be submitted to the Division of Planning and Design Services; transmittal of the approved plans to the office responsible for permit issuance will occur only after receipt of said instrument.
11. If a building permit 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 until a revised district development plan is approved or an extension is granted by the Planning Commission.
12. 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 requiring action and approval must be implemented prior to requesting issuance of the certificate of occupancy unless specifically waived by the Planning Commission.
13. The applicant, developer or property owner shall provide a copy of these binding elements to tenants, purchasers, contractors, subcontractors and other parties engaged in development and/or use of this site and shall advise all parties of their content. At all times during development of the site, the applicant and developer, their heirs, successors and assignees, contractors, subcontractors and other parties engaged in development of the site shall be responsible for compliance with these binding elements. These binding elements shall run with the land and the owner(s) and occupant(s) of the property shall at all times be responsible for compliance with them.