

Land Development & Transportation Committee

Staff Report

January 12, 2017



Case No.	16DEVPLAN1203
Project Name	BMW of Louisville
Location	2200 Blankenbaker Parkway and 2400 Shining Water Drive
Owner(s)	TT of Lex Louisville Property LLC
Applicant	BMW of Louisville
Representative	Bardenwerper Talbott & Roberts PLLC
Project Area	9.65 acres
Jurisdiction	Jeffersontown
Council District	20 – Stuart Benson
Case Manager	Beth Jones, AICP, Planner II

REQUEST

- Revised District Development Plan
 - Waiver 1: To omit the 3 foot berm required within a Parkway Buffer (LDC 10.3.5.A.1)
 - Waiver 2: To permit utility easements to encroach more than 50% into a required landscape buffer (LDC 10.2.4.B)

CASE SUMMARY / BACKGROUND / SITE CONTEXT

The applicant is requesting approval of a development plan for two adjoining parcels for use as an auto dealership. Both are currently zoned C-2 and located within a Suburban Workplace form district, and both are undeveloped at this time.

The 5.10 acre parcel at 2200 Blankenbaker Parkway (Tract 1) will be the site of the two-story dealership and 42-bay service building. The 4.55 acre parcel at 2400 Shining Water Drive (Tract 2) will be developed with a two-story parking structure to be used for storing vehicle inventory.

Development for Tract 1 will include 34 customer parking spaces, 151 spaces to serve the service area operations and 56 spaces for display of vehicle for sale. Tract 2 will be developed with a two-story parking structure with 344 spaces for storage of vehicles for sale.

Pending approval of a zone change request for Tract 3 currently in process (16ZONE1066), Tracts 1, 2, and 3 will be consolidated under C-2 zoning in the Suburban Workplace form district.

Waiver 1: Tract 1 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; this same waiver has been requested for Tract 3, which is also located along the parkway.

Waiver 2: A utility easement located along the western boundary of Tract 1 encroaches into the required landscape buffer.

LAND USE / ZONING DISTRICT / FORM DISTRICT

	Land Use	Zoning	Form District
Subject Property			
Existing	Undeveloped	C-2	Suburban Workplace
Proposed	Auto dealership		
Surrounding Properties			
North	Auto services	C-M	Suburban Workplace
	Undeveloped	PEC	
South	Commercial Office	C-2	
	Auto dealership		
East	Undeveloped	PEC	
West	Industrial Warehouse	C-M	
	Undeveloped	PEC	

ADDITIONAL CASES ON SITE

- Case 9-52-97: Residential development plan which includes binding elements attached to Tract 1 (2200 Blankenbaker Parkway), which is to be consolidated with Tract 2 and Tract 3 upon resolution of this case 16DEVPLAN1203 and related case 16ZONE1066.
- Case 16ZONE1066: Case running concurrently for zone change request and development plan for Tract 3, which is to be consolidated with subject Tracts 1 and 2.

INTERESTED PARTY COMMENTS

No comments have been received.

APPLICABLE PLANS AND POLICIES

Cornerstone 2020
 Louisville Metro Land Development Code
 City of Jeffersontown Land Development Code

**STANDARD OF REVIEW AND STAFF ANALYSIS FOR RDDDP and
 AMENDMENT TO BINDING ELEMENTS**

- 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: The site does not include these characteristics.

- b. The provisions for safe and efficient vehicular and pedestrian transportation both within the development and the community;

STAFF: The proposal includes connection to two existing minor arterials and adjoining properties and includes pedestrian facilities as required.

- c. The provision of sufficient open space (scenic and recreational) to meet the needs of the proposed development;

STAFF: Open space is not required; the proposal meets or exceeds all requirements for landscaping with the exception of the requested waiver.

- 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 received preliminary approval from MSD.

- e. The compatibility of the overall site design (location of buildings, parking lots, screening, landscaping) and land use or uses with the existing and projected future development of the area;

STAFF: The proposal is compatible with adjacent development.

- f. Conformance of the development plan with the Comprehensive Plan and Land Development Code.

STAFF: The proposal complies with the requirements of the Comprehensive Plan and the Land Development Codes of Louisville Metro and the City of Jeffersontown.

STANDARD OF REVIEW AND STAFF ANALYSIS FOR WAIVER 1: Required Landscape Berm

- (a) The waiver will not adversely affect adjacent property owners; and

STAFF: Adjacent properties are developed for similar uses. There is no residentially zoned property adjacent to the site.

- (b) The waiver will not violate specific guidelines of Cornerstone 2020; and

STAFF: The waiver is in compliance with Cornerstone 2020.

- (c) The extent of the waiver of the regulation is the minimum necessary to afford relief to the applicant; and

STAFF: The applicant is asking only for a waiver of the berm requirement.

- (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 applicant is meeting or exceeding all other landscaping requirements for the site.

STANDARD OF REVIEW AND STAFF ANALYSIS FOR WAIVER 2:

Utility Encroachment Into Landscape Buffer

- (a) The waiver will not adversely affect adjacent property owners; and

STAFF: The waiver will only affect adjacent sites proposed for or already developed for similar uses.

- (b) The waiver will not violate specific guidelines of Cornerstone 2020; and

STAFF: The waiver does not violate Cornerstone 2020 guidelines.

- (c) The extent of the waiver of the regulation is the minimum necessary to afford relief to the applicant; and

STAFF: The waiver is require only for a portion of an existing utility line.

- (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 applicant is meeting or exceeding all other landscaping requirements for the site.

TECHNICAL REVIEW

The proposal has received preliminary approval from PDS, MSD, DPW and other applicable agencies.

STAFF CONCLUSIONS

Staff recommends approval of the development plan and requested waivers based on existing conditions on the site and on surrounding parcels. Staff also recommends approval of the required amendment to the Binding Elements currently associated with the site (Attachments 3 and 4). The plan must further be approved by the City of Jeffersontown before work may begin.

Based upon information in the staff report and testimony and evidence provided at the public hearing, the Land Development & Transportation Committee must recommend to the City of Jeffersontown approval, approval with conditions or denial of the development plan and waivers.

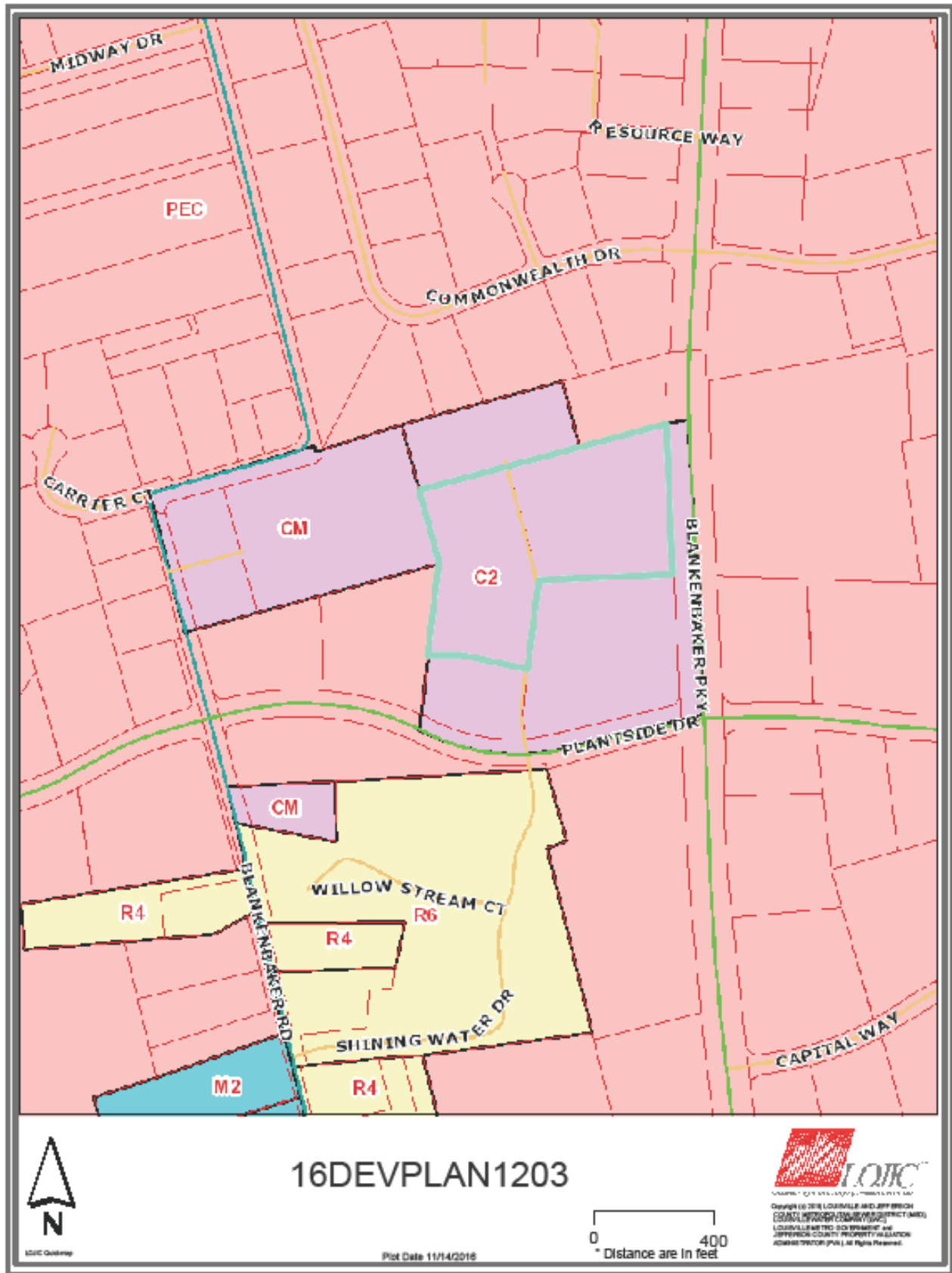
NOTIFICATION

Date	Purpose of Notice	Recipients
10/3/16	Neighborhood Meeting	1st and 2nd tier adjoining property owners Registered Neighborhood Groups, Council District 20
12/28/16	Hearing before LD&T	1st and 2nd tier adjoining property owners Registered Neighborhood Groups, Council District 20

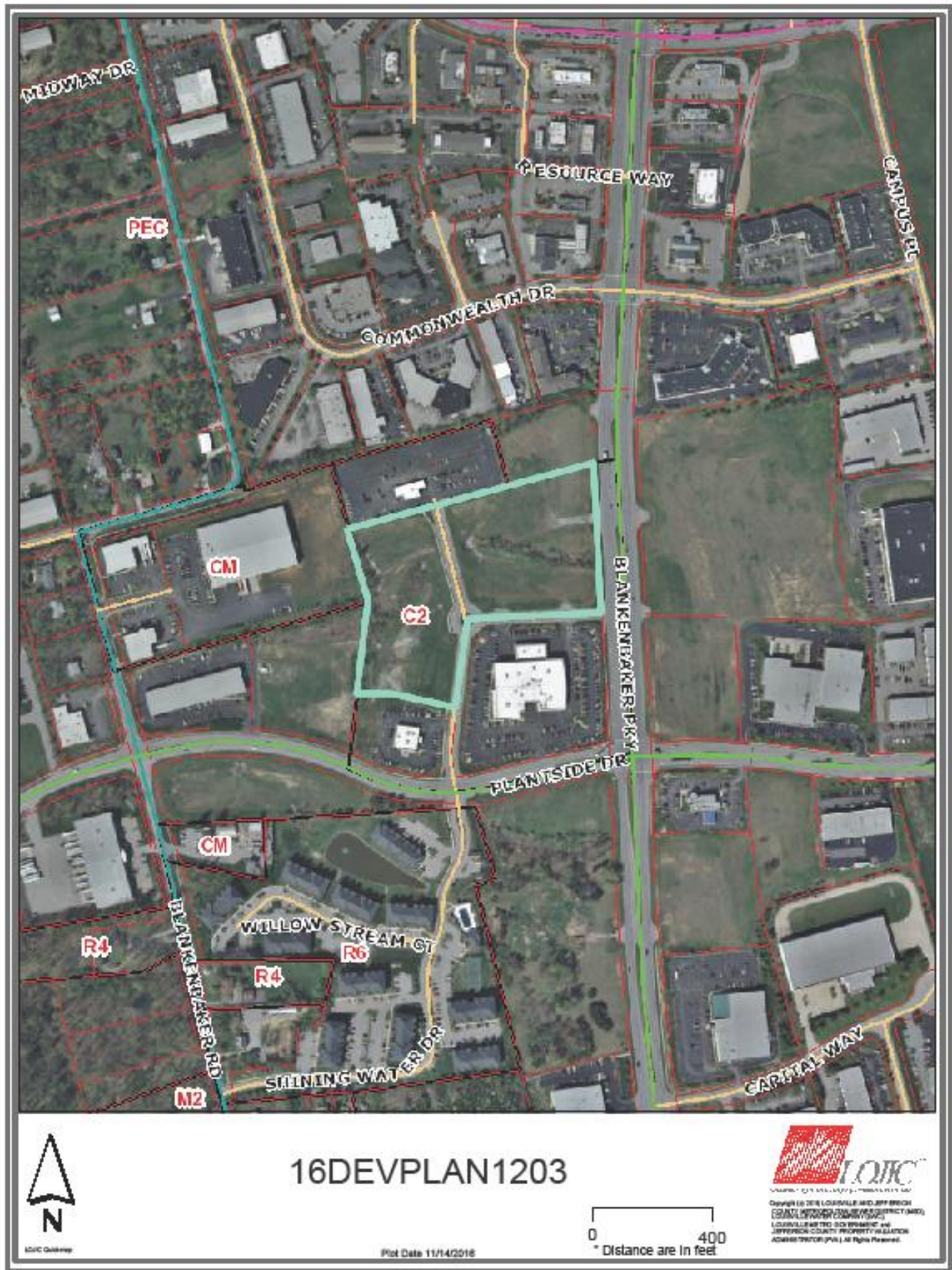
ATTACHMENTS

1. Zoning Map
2. Aerial Photograph
3. Existing Binding Elements (Tract 1)
4. Proposed Binding Elements (Tracts 1 and 2)

1. Zoning Map



2. Aerial Photograph



3. Existing Binding Elements (Tract 1)

- ~~1. The development shall be in accordance with the approved district development plan and agreed-upon binding elements unless amended pursuant to the Zoning District Regulations. No further development shall occur without prior approval from the Planning Commission except for land uses permitted in the established zoning district.~~
- ~~2. The development shall not exceed 591,487 square feet of gross floor area.~~
- ~~3. Signs shall be in accordance with LDC Chapter 8 or as presented at the public hearing. Two freestanding signs shall be located adjacent to the entrances of the site with dimensions of 60 square feet in area and 6 feet in height along Blankenbaker Parkway and 100 square feet in area and 10 in height along Plantside Drive.~~
- ~~4. No outdoor advertising signs (billboards), small freestanding (temporary) signs, pennants or banners shall be permitted on the site.~~
- ~~5. At the time a building permit is requested, the applicant shall submit a certification statement to the permit-issuing agency from an engineer or other qualified professional stating that the lighting of the proposed development is in compliance with LDC 4.1.3 and shall be maintained thereafter. No building permits shall be issued before submittal of such certification statement.~~
6. 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.
7. 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.
8. 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.
9. 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.

10. 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.

~~11. The property owner/developer shall provide copies of these binding elements to tenants, contractors and other parties engaged in development of this project and shall inform them of their content. Further, the property owner/developer shall require contractors to similarly notify all sub-contractors whose duties relate to the binding elements and ensure their compliance with them.~~

~~12. There shall be no outdoor music (live, piped, radio or amplified), outdoor entertainment or outdoor PA system audible beyond the property line permitted on the site.~~

~~13. The materials and design of the proposed structures shall be substantially the same as depicted in the rendering as presented at the March 7, 2007 DRC meeting.~~

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. The development shall not exceed 72,248 square feet.
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.