

Land Development & Transportation Committee

Staff Report

October 26, 2017



Case No:	17DEVPLAN1092
Project Name:	Mercedes Benz of Louisville
Location:	2520 Terra Crossing Blvd
Owner(s):	Jefferson Healthcare Old Henry, LLC
Applicant:	Tafel Motors, Inc
Representative(s):	Wyatt, Tarrant & Combs, LLP
Project Area/Size:	11.34 acres
Jurisdiction:	Louisville Metro
Council District:	19 – Julie Denton
Case Manager:	Laura Mattingly, AICP, Planner II

REQUEST(S)

- **Revised Detailed District Development Plan**
- **Waiver** of 10.2.10 to allow the pedestrian easement to encroach into the required 15' Vehicle Use Area Landscape Buffer along Terra Crossing Blvd.

CASE SUMMARY

This proposal is for a 68,164 square foot auto dealership, a 2-level parking garage with 283 spaces and a vehicle storage lot with 377 spaces. The site is currently vacant and consists of two parcels located just east of I-265 and north of Old Henry Road in eastern Louisville Metro.

Previous Cases

- 17MINORPLAT1074: A minor subdivision plat to create Lot 1 shown on the development plan. Approved 7/5/17.
- 16ZONE1019: Change in zoning from R-4 and PEC to C-2 and OR-3 on 106.82 acres. Approved January 19, 2017.

STAFF FINDING

The revised detailed district development plan appears to meet the standard of review based on staff analysis in the staff report. With the exception of the requested waiver, which appears adequately justified, the proposal meets the requirements of the Land Development Code.

TECHNICAL REVIEW

- Preliminary approvals have been received from Transportation and MSD staff.
- The applicant will be placing the sidewalk for Lot 1 in a pedestrian easement along the Terra Crossing frontage in order to fulfill the public sidewalk requirement.
- The sidewalk along the frontage of the parcel containing the detention basin is shown as existing, as it is proposed to be provided as part of the Terra Crossing Blvd extension.
- Interior Landscape Areas are not labeled with square footage on plan. Applicant will need to show that the ILAs meet the minimum 290 square feet at the Landscape Review stage.

INTERESTED PARTY COMMENTS

Staff has not received any interested party comments.

STANDARD OF REVIEW AND STAFF ANALYSIS FOR WAIVER of Section 10.2.10 to allow a pedestrian easement to encroach into the required 15' Vehicle Use Area Landscape Buffer along Terra Crossing Blvd.

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

STAFF: The waiver will not adversely affect adjacent property owners as landscaping will be provided in the right-of-way and screening will be provided in the remaining 5 foot of buffer area which will meet the intent of the Vehicle Use Area buffer.

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

STAFF: The waiver will not violate Guideline 3, Compatibility, of Cornerstone 2020, which calls for the protection of roadway corridors and public areas from visual intrusions, for mitigation of parking areas so as not to negatively impact nearby residents and pedestrians, and for screening and buffering of parking areas adjacent to streets. The waiver will not violate Guideline 13, Landscape Character, which calls for the protection of parkways through standards for buffers, landscape treatment, lighting and signs. The purpose of vehicle use area landscape buffer areas is to improve the appearance of vehicular use areas and property abutting public rights-of way. These guidelines are not violated, as landscaping will be provided in the remaining 5 feet of buffer and the right-of-way along Terra Crossing Blvd, meeting the intent of Cornerstone 2020.

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

STAFF: The extent of the waiver of the regulation is the minimum necessary to afford relief to the applicant as the location of utilities prevent landscaping to be provided in the 15' buffer area.

- (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 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 as the utility easements along Terra Crossing Blvd prevent landscaping from being provided. The 15' buffer with plantings provided between the property line and the parking would require the removal of parking and vehicle maneuvering area due to the increased area needed for utilities.

STANDARD OF REVIEW AND STAFF ANALYSIS FOR DISTRICT DEVELOPMENT PLAN

- 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 appear to contain any steep slopes, hydric soils, or historic resources and contains very little vegetation. It appears there are two small streams on site where the detention basins will be located. One on the south side will not be impacted. The applicant has applied for a USACE permit for the stream on the north side and will provide mitigation for any negative impacts. Tree canopy requirements are also being met.

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

STAFF: Provisions for safe and efficient vehicular and pedestrian transportation within and around the development and the community have been provided as access and parking facilities are provided. Pedestrian connections to public sidewalks have been provided to the main entrance of the auto dealership.

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

STAFF: An outdoor amenity area has been included on the plan for the office area of the development.

- 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 Metropolitan Sewer District has approved the preliminary development plan and will ensure the provisions of adequate drainage facilities on the subject site in order to prevent drainage problems from occurring on the subject site or within the community.

- 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 overall site design and land uses are compatible with the future development in the area, as this area is undeveloped and this proposal is part of a re-zoning that proposed a mix of multi-family and commercial, including auto sales.

- f. Conformance of the development plan with the Comprehensive Plan and Land Development Code. Revised plan certain development plans shall be evaluated for conformance with the non-residential and mixed-use intent of the form districts and comprehensive plan.

STAFF: The development plan generally conforms to applicable guidelines and policies of the Comprehensive Plan and to requirements of the Land Development Code.

REQUIRED ACTIONS

- **APPROVE or DENY** the **Detailed District Development Plan** and proposed binding elements
- **APPROVE or DENY** the **Waiver** of Section 10.2.4

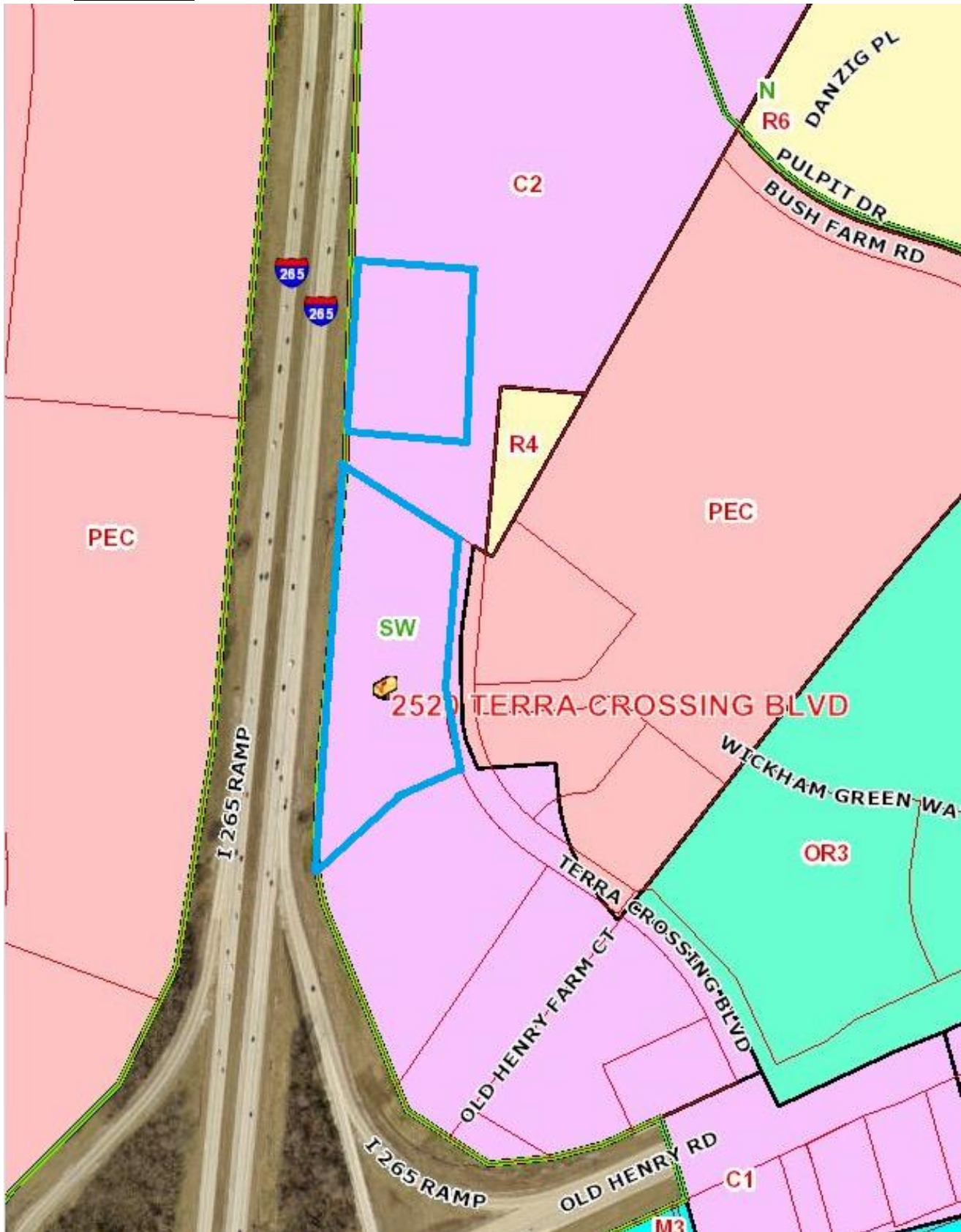
NOTIFICATION

Date	Purpose of Notice	Recipients
10/12/17	Hearing before DRC	1 st tier adjoining property owners Registered Neighborhood Groups in Council District 19

ATTACHMENTS

1. Zoning Map
2. Aerial Photograph
3. Proposed Binding Elements

1. Zoning Map



2. Aerial Photograph



4. Proposed Binding Elements

All binding elements from the approved General Development Plan (16ZONE1019) are applicable to this site, in addition to the following:

1. Development shall be in accordance with the approved district development plan, all applicable sections of the Land Development Code (LDC) and agreed-upon binding elements unless amended pursuant to the LDC. Any changes/additions/alterations of any binding element(s) shall be submitted to the Planning Commission or its designee for review and approval; any changes/additions/alterations not so referred shall not be valid.
2. No outdoor advertising signs, small freestanding signs, pennants, balloons, or banners shall be permitted on the site.
3. Construction fencing shall be erected when off-site trees or tree canopy exists within 3' of a common property line. Fencing shall be in place prior to any grading or construction to protect the existing 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.
4. Before any permit (including but not limited to building, parking lot, change of use, site disturbance, alteration permit or demolition permit) is requested:
 - a. The development plan must receive full construction approval from Develop Louisville and the Metropolitan Sewer District.
 - b. Encroachment permits must be obtained from the Kentucky Department of Transportation, Bureau of Highways.
 - c. A minor subdivision plat shall be recorded creating the lot lines as shown on the development plan. A copy of the recorded instrument shall be submitted to the Division of Planning and Design Services; transmittal of approved plans to the office responsible for permit issuance will occur only after receipt of said instrument.
 - d. The property owner/developer must obtain approval of a detailed plan for screening, buffering and/or landscaping as described in LDC Chapter 10, which shall be implemented prior to occupancy of the site and maintained thereafter.
 - e. An approved Tree Preservation Plan in accordance with LDC Chapter 10 is required prior to obtaining approval for site disturbance activities.
 - f. A reciprocal access and crossover easement agreement in a form acceptable to the Planning Commission legal counsel shall be created between the adjoining property owners and recorded. A copy of the recorded instrument shall be submitted to the Division of Planning and Design Services; transmittal of approved plans to the office responsible for permit issuance will occur only after receipt of said instrument.
5. A certificate of occupancy must be received from the appropriate code enforcement department 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.
6. The applicant, developer, or property owner shall provide copies of these binding elements to tenants, purchasers, contractors, subcontractors and other parties engaged in development of this site and shall advise them of the content of these binding elements. These binding elements shall run with the land, and the owner of the property and occupant of the property shall at all times be

responsible for compliance with them. At all times during development of the site, the applicant and developer, their heirs and successors as well as assignees, contractors, subcontractors, and other parties engaged in development of the site shall be responsible for compliance with these binding elements.

8. The materials and design of proposed structures shall be substantially the same as depicted in the rendering as presented at the October 26, 2017 meeting.