

Development Review Committee

Staff Report

May 6, 2015



Case No:	15DEVPLAN1030
Request:	Revised Detailed District Development Plan and Binding Elements
Project Name:	Oxmoor Mazda
Location:	7913 Shelbyville Rd.
Owner:	7913 Shelbyville Road, LLC
Applicant:	7913 Shelbyville Road, LLC
Representative:	BTM Engineering, Inc.
Jurisdiction:	Lyndon
Council District:	18 – Marilyn Parker
Case Manager:	David B. Wagner – Planner II

REQUEST

- Revised Detailed District Development Plan
- Binding Elements

CASE SUMMARY/BACKGROUND/SITE CONTEXT

This request is to demolish a portion of the existing 8,609 SF dealership and expand the building to be 15,205 SF. The proposed reconstruction will take place mostly at the front of the building and will be 2 stories tall with a small 1 story addition at the rear of the building. The plan previously had a Waiver approved to allow a 5' LBA along Shelbyville Road. This revision provides the full 15' LBA required by the LDC.

Existing Zoning District: C-2, Commercial
 Proposed Zoning District: N/A
 Form District: Regional Center
 Existing Use: Auto Dealership
 Proposed Use: Auto Dealership
 Minimum Parking Spaces Required: 72
 Maximum Parking Spaces Allowed: 95
 Parking Spaces Proposed: 36 (remainder provided per shared parking agreement noted on the plan)

LAND USE/ZONING DISTRICT/FORM DISTRICT TABLE

	Land Use	Zoning	Form District
<i>Subject Property</i>			
Existing	Auto Dealership	C-2	RC
Proposed	Auto Dealership	N/A	N/A
<i>Surrounding Properties</i>			
North	Auto Dealership	C-2	RC
South	Bank, Retail	CN/C-1	RC
East	Parking, Auto Dealership	C-1/C-2	RC
West	Retail	C-1/C-2	RC

PREVIOUS CASES ON SITE

- 13DEVPLAN1002: Revised Detailed District Development Plan and Waiver for Oxmoor Mazda
- 11643: Rezoning from C-1 to C-2, CUP for off-street parking in R-5A zoning, and Detailed District Development Plan for auto dealership
- 9-21-93: Rezoning from C-1 to C-2 and Detailed District Development Plan for auto dealership
- Plat Book 53, Page 61: Farmer/Oxmoor Limited Partnership Minor Plat

INTERESTED PARTY COMMENTS

- Staff has not received any inquiries from interested parties.

APPLICABLE PLANS AND POLICIES

- Cornerstone 2020
- Land Development Code

STANDARD OF REVIEW AND STAFF ANALYSIS FOR RDDDP AND 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 proposal conserves as many natural resources as possible that currently exist on the site while still allowing the development.

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

STAFF: Safe and efficient vehicular and pedestrian transportation is provided by the sidewalks and vehicular access to the public road network through the entrances provided on the site.

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

STAFF: Open space is not required for this proposal.

- 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: MSD has approved the drainage facilities for the site.

- 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 existing commercial development in this area. The only change is the expansion of the building, mostly at the front of the site, which has existed for some time. There are small changes to the display area, parking, and ILA which all comply with the LDC

requirements. The plan is also incorporating the full 15' LBA along the street which is a 10' increase from what exists currently.

- 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: This development conforms to the intent of the Regional Center Form District and the Comprehensive Plan as it would continue the pattern of high intensity uses in a previously built commercial development. The existing landscaping along the south side of the site will be increased to the required width to help provide more screening and landscaping along the street. Adequate vehicular, pedestrian, and bicycle access is provided through the public right-of-way network and existing infrastructure will be utilized for this development. It lies along a Major Arterial level street and is a short distance from major retail centers. This proposal is appropriately located as there are two interstate highways that intersect in the vicinity and renovates an existing auto dealership building.

TECHNICAL REVIEW

- The proposal complies with the requirements of the LDC.
- MSD and Transportation Review have given preliminary approval for the plan.

STAFF CONCLUSIONS

Revised Detailed District Development Plan and Binding Elements

Staff analysis in the standard of review section of the staff report indicates the proposed RDDDP and Binding Elements are justified.

Based upon the information in the staff report, the testimony and evidence provided at the public meeting, the Development Review Committee must determine if the proposal meets the standards for granting a RDDDP and Binding Elements established in the Land Development Code.

Required Actions

- Based upon the information in the staff report, the testimony and evidence provided at the public meeting, the Development Review Committee must **RECOMMEND** the City of Lyndon **APPROVE** or **DENY** the Revised Detailed District Development Plan and Binding Elements listed in the staff report.

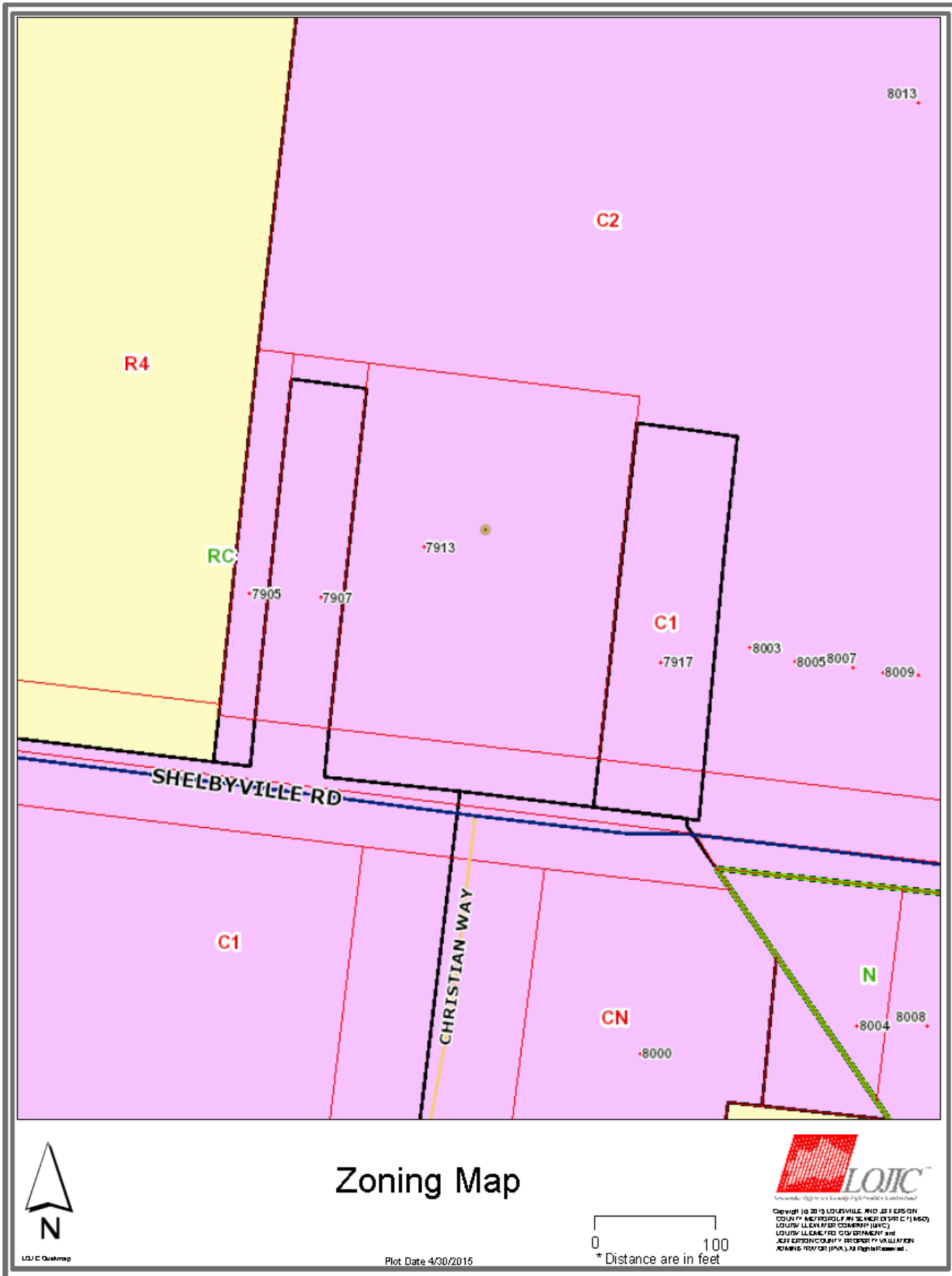
NOTIFICATION

Date	Purpose of Notice	Recipients
4/23/15	Meeting before DRC	1 st tier adjoining property owners Speakers at Planning Commission public hearing Subscribers to Council District 18 Notification of Development Proposals

ATTACHMENTS

1. Zoning Map
2. Aerial Photograph
3. Amendments to Existing Binding Elements

1. Zoning Map



2. Aerial Photograph



3. Amendments to Existing Binding Elements

1. The 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 Land Development Code. Any changes/additions/alterations of any binding element(s) shall be submitted to the Planning Commission or the Planning Commission's designee and to the City of Lyndon for review and approval; any changes/additions/alterations not so referred shall not be valid.
2. The development shall not exceed:
 - Area 1: 44,544 **15,205** square feet of gross floor area.
 - Area 2: 76,421 square feet of gross floor area.
3. No outdoor advertising signs, small freestanding signs, pennants, balloons, or banners shall be permitted on the site.
4. 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.
5. Before any permit including but not limited to building, parking lot, change of use, site disturbance is requested:
 - a. The development plan must receive full construction approval from Louisville Metro Department of Inspections, Permits and Licenses, Louisville Metro Public Works 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. A minor plat or legal instrument shall be recorded consolidating Area 1 property into one lot and Area 2 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.~~
 - e. c. The property owner/developer must obtain approval of a detailed plan for screening (buffering/landscaping) as described in Chapter 10 prior to requesting a building permit. Such plan shall be implemented prior to occupancy of the site and shall be maintained thereafter.
 - f. d. A reciprocal access and crossover easement agreement in a form acceptable to the Planning Commission legal counsel shall be created between the three lots (Areas 1,2, and 3) 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.
 - ~~g. e.~~ A Tree Preservation Plan in accordance with Chapter 10 of the LDC shall be reviewed and approved prior to obtaining approval for site disturbance.
 - h. f. A deed restriction in a form acceptable to the Planning Commission legal counsel shall be recorded acknowledging the location, site, ownership, and maintenance of the cemetery; transmittal of approved plans to the office responsible for permit issuance will occur only after receipt of said instrument.
6. 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 unless a revised detailed district

development plan is approved or an extension is granted by the Planning Commission and the City of Lyndon.

7. 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 and the City of Lyndon.
8. There shall be no outdoor music (live, piped, radio or amplified) or outdoor entertainment or outdoor PA system audible beyond the property line.
9. 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 these binding elements. 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.
10. No idling of trucks shall take place within 200 feet of residential property. No overnight idling of trucks shall be permitted on-site.
11. The site shall be developed in accordance with the woodland protection areas delineated on the site plan, tree preservation plan and related notes. Any modification of the woodland protection area requires notification of adjoining property owners and LD&T action.
12. The applicant shall provide deeds of restriction ensuring that WPAs will be permanently protected in a manner consistent with these binding elements and the approved plan. The form of the deed restrictions shall be approved by Planning Commission counsel. Deed Restrictions must be recorded prior to tree preservation approval. All plans setting out woodland protection areas must contain the following notes:
 - a. Woodland Protection Areas (WPAs) identified on this plan represent portions of the site on which all existing vegetation shall be permanently preserved. All clearing, grading, and fill activity in these areas must be in keeping with restrictions established at the time of development plan approval. No further clearing, grading, construction or other land disturbing activity shall take place within designated WPAs beyond pruning to improve the general health of the tree or to remove dead or declining trees that may pose a public health and safety threat. As trees are lost thru natural causes new trees shall be planted in order to maintain minimum tree canopy as specified in Chapter 10, Part 1 of the LDC and as shown on the approved Tree Canopy/Landscape Plan.
 - b. Dimension lines have been used on this plan to establish the general location of WPAs and represent the minimum boundary of the designated WPAs. The final boundary for each WPA shall be established in the field by the applicant, developer, or property owner to include canopy area of all trees at or within the dimension line.
13. At such time that Area 1, Area 2, or Area 3 are under different ownership, a legal instrument providing for the long-term use of the off-site parking spaces as shown on the approved general district development plan and in accordance with Section 9.1.5 Off-Site Parking, shall be submitted and approved by the Planning Commission legal counsel and recorded in the County Clerk's office. A copy of the recorded instrument shall be submitted to the Division of Planning and Design Services.

14. Parking lot and outdoor sales and display lights for Area 2 shall be turned off by 10pm.