

# Planning Commission Staff Report

June 19, 2014



<b>Case No:</b>	13ZONE1021
<b>Request:</b>	Change in Form District from Neighborhood to Suburban Workplace and change in Zoning from R-4 to M-2; Sidewalk Waiver, Landscape Waiver and a Detailed District Development Plan
<b>Project Name:</b>	Riverport Phase 5
<b>Location:</b>	1364 & 14045 Dixie Highway, 6501-6502, 6504, 6506, 6508, 6512 Lewis Lane
<b>Owner(s):</b>	Station Development LLC
<b>Applicant:</b>	Station Development LLC
<b>Representative(s):</b>	Ashley Bartley, QK4
<b>Project Area/Size:</b>	162.124 acres
<b>Jurisdiction:</b>	Louisville Metro
<b>Council District:</b>	14 – Cindi Fowler
<b>Case Manager:</b>	Christopher Brown, Planner II

## REQUEST

- Change in form district from Neighborhood to Suburban Workplace
- Change in zoning from R-4, Single Family Residential, and M-2, Industrial, to EZ-1, Enterprise Zone
- Sidewalk Waiver from Chapter 5.8.1 of the Land Development Code to provide sidewalks on only one side of the ROW
- Landscape Waiver from Chapter 10.2.4.B of the Land Development Code to allow landscape buffers to overlap easements by more than 50%
- Detailed District Development Plan

## CASE SUMMARY/BACKGROUND/SITE CONTEXT

Existing Zoning District: R-4 (Single Family Residential) & M-2 (Industrial)

Proposed Zoning District: EZ-1 (Enterprise Zone)

Existing Form District: Neighborhood

Proposed Form District: Suburban Workplace

Existing Use: Vacant

Proposed Use: Warehouse

Parking Spaces Proposed: 1,046

The subject site has existed as a mix of single family residential for agricultural uses under the R-4 zoning district for Lots 1, 2 and 4. Lot 3 exists as a mix of R-4 and M-2 with the M-2 portion of the property utilized for automotive repair and heavy equipment storage. Lot 1 is known as a part of the EV Thompson Subdivision of the H-1 Craycraft Farm. The subject site currently exists as 13 lots over 162.14 acres with structures located on 7 of the 13 properties and the local road Lewis Lane connecting from Dixie Highway through the southern portion of the site. The eastern portion of Lewis Lane on the subject site would need to be closed as part of the current proposal.

The current proposal will allow for 2.64 million SF of warehouse use to be located on the subject site. The proposal is located in an area of mix use. The majority of the uses within the vicinity are high intensity commercial or industrial to the south, east and west. To the north, there is a significant amount of single family residential within the Neighborhood Form District. There is existing rail lines separating the subject sites from

Dixie Highway located to the west. The applicant is proposing to close several of the railroad crossings. The area is a mix of Neighborhood, Suburban Marketplace and Suburban Workplace form districts. To the south, the large Kosmos Cement Company heavy industrial use is within the Suburban Workplace form district. The Dixie Highway corridor is a mix of commercial and industrial uses within the Suburban Marketplace Corridor. The areas of single family residential surrounding the site to the north and east are within the Neighborhood Form District.

**LAND USE/ZONING DISTRICT/FORM DISTRICT TABLE**

	Land Use	Zoning	Form District
<b>Subject Property</b>			
<b>Existing</b>	Vacant	R-4 M-2	Neighborhood
<b>Proposed</b>	Warehouse	EZ-1	Suburban Workplace
<b>Surrounding Properties</b>			
<b>North</b>	Single Family Residential Vacant Ohio Valley Sanitation	R-4	Neighborhood
<b>South</b>	Kosmos Cement Company	R-4 M-3	Neighborhood Suburban Workplace
<b>East</b>	Single Family Residential Vacant Liberty Tire Recycling of Ohio	R-4 M-2	Neighborhood
<b>West</b>	Vacant Single Family Residential Package Liquor Automobile Repair Shop Scrap Metal Facility A-1 Sanitation Services Gas Station Contractor's Shop Bar	R-4 C-1 C-2 M-2	Neighborhood Suburban Marketplace

**PREVIOUS CASES ON SITE**

Plat Book 01, Page Number 178

Original subdivision from 1908 known as EV Thompson Subdivision of the H-1 Craycraft Farm. Located on Lot 1 of the proposed development associated with the rezoning request.

**APPLICABLE PLANS AND POLICIES**

Cornerstone 2020  
Land Development Code

**STANDARD OF REVIEW FOR REZONING AND FORM DISTRICT CHANGES**

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

- The proposed form district/rezoning change complies with the applicable guidelines and policies Cornerstone 2020; OR
- The existing form district/zoning classification is inappropriate and the proposed classification is appropriate; OR
- 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 AND FORM DISTRICT CHANGE REQUEST

Following is a summary of staff's analysis of the proposed rezoning against the Guidelines and Policies of Cornerstone 2020.

### The site is located in the Neighborhood Form District

The Neighborhood Form is characterized by predominantly residential uses that vary from low to high density and that blend compatibly into the existing landscape and neighborhood areas. High-density uses will be limited in scope to minor or major arterials and to areas that have limited impact on the low to moderate density residential areas.

The Neighborhood Form will contain diverse housing types in order to provide housing choices for differing ages and incomes. New neighborhoods are encouraged to incorporate these different housing types within a neighborhood as long as the different types are designed to be compatible with nearby land uses. These types may include, but not be limited to large lot single family developments with cul-de-sacs, neo-traditional neighborhoods with short blocks or walkways in the middle of long blocks to connect with other streets, villages and zero-lot line neighborhoods with open space, and high density multi-family condominium-style or rental housing.

The Neighborhood Form may contain open space and, at appropriate locations, civic uses and neighborhood centers with a mixture of uses such as offices, retail shops, restaurants and services. These neighborhood centers should be at a scale that is appropriate for nearby neighborhoods. The Neighborhood Form should provide for accessibility and connectivity between adjacent uses and neighborhoods by automobile, pedestrian, bicycles and transit.

Neighborhood streets may be either curvilinear, rectilinear or in a grid pattern and should be designed to invite human interaction. Streets are connected and easily accessible to each other, using design elements such as short blocks or bike/walkways in the middle of long blocks to connect with other streets. Examples of design elements that encourage this interaction include narrow street widths, street trees, sidewalks, shaded seating/gathering areas and bus stops. Placement of utilities should permit the planting of shade trees along both sides of the streets.

### The site is proposed to be located in the Suburban Workplace Form District

A Suburban Workplace is a form 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 a 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 need significant buffering from abutting uses.

The proposal to rezone the subject site from R-4, Single Family Residential, and M-2, Industrial, to EZ-1, Enterprise Zone would create an industrial subdivision in an area of mixed high intensity uses along portions of the Dixie Highway corridor. The existing Neighborhood form district encourages predominantly residential uses with a variety of density and contemplates office, commercial and civic uses that complement the surrounding residential. The proposed cluster of large scale industrial warehouse uses is inappropriate for this form district and follows the concepts of the Suburban Workplace found to the south the of the site for other heavy industrial uses. The Suburban Workplace form district contemplates the location of single large-scale use or a cluster of uses within a master planned development of predominantly industrial and associated office uses.

The applicant has demonstrated that the proposed EZ-1 zoning district will comply with **Guideline 1, Community Form** since the proposal will integrate into the pattern of larger industrial developments to the south of the site. It incorporates access to the public ROW, transit and pedestrian use with connections to the mix of industrial warehouse and associated office space throughout the planned development site.

The applicant has demonstrated that the proposed EZ-1 zoning district will comply with **Guideline 3, Compatibility** with the appropriate transitions and buffering being provided adjacent to existing single family zoned and used properties within the vicinity. The buildings follow the setback pattern and design of the form district. The proposal is also located along a major transit route with access to the highway system from Dixie Highway to Gene Snyder Freeway.

The proposal complies with the natural areas guidelines of the Comprehensive Plan under **Guideline 5, Natural Areas and Scenic and Historic Resources**. The property has a Type B stream buffer, areas of hydric soils and a 100 year floodplain. Along the western portion of the property perimeter, there is an approximate location of a cemetery identified that will be buffered with access granted to it. The applicant has completed applications with the Army Corps of Engineers and the Kentucky Division of Water to ensure proper mitigation in regards to the stream and soil issues on portions of the subject site.

The proposal complies with the guidelines of the Comprehensive Plan under **Guideline 6, Economic Growth and Sustainability** by creating an expansion of an existing industrial subdivision concept in an area near similar types of industrial uses along the riverfront to the west. The proposal creates an industrial subdivision with a large number of employees that is located with access to the major arterial corridor of Dixie Highway which leads to the north to the Gene Snyder Freeway. This access will help prevent adverse impacts to adjacent areas.

The proposal provides for appropriate multi-modal transportation facilities following the Comprehensive Plan under **Guidelines 7 and 8, Circulation and Transportation Facility Design** with the exception of a completed pedestrian network. Sidewalks are proposed on only one side of the roadway and not both to better serve proposed Lots 1, 3 & 4. The Suburban Workplace form district encourages pedestrian and public transit connections with walkways throughout developments to serve the workplace employees. The sidewalk network connects to the main ROW along Dixie and the transit route that serves this portion of Dixie Highway.

All other agency comments should be addressed to demonstrate compliance with the remaining Guidelines and Policies of Cornerstone 2020.

A checklist is attached to the end of this staff report with a more detailed analysis. The Louisville Metro Planning Commission is charged with making a recommendation to the Louisville Metro Council regarding the appropriateness of this zoning map amendment. The Louisville Metro Council has zoning authority over the property in question.

#### **STANDARD OF REVIEW AND STAFF ANALYSIS FOR WAIVERS (Sidewalks)**

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

STAFF: The waiver will not adversely affect adjacent property owners since completed sidewalks will be provided along the Dixie Highway frontage that can be accessed and used by adjacent property owners.

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

STAFF: Guideline 7, Policy 1 states that developments should be evaluated for their impact on the street and roadway system and to ensure that those who propose new developments bear or

reasonably share in the costs of the public facilities and services made necessary by development. Guideline 9, Policy 1 states that new development should provide, where appropriate, for the movement of pedestrians, bicyclists and transit users with sidewalks along the streets of all developments where appropriate. The waiver will violate specific guidelines of Cornerstone 2020 by not providing a completed sidewalk network that more fully serves Lots 1, 3 & 4 with access to sidewalks on both sides of the roadway. The sidewalks would allow better access between lots as well as access to Dixie Highway from these three lots that are not proposed to have sidewalks provided along their frontage.

- (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 not the minimum necessary to afford relief to the applicant since the sidewalks can be constructed on both sides of the ROW to better connect the industrial development.

- (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 since the sidewalks would complete the pedestrian network for the development and there are no constructability issues that exist within the ROW.

#### **STANDARD OF REVIEW AND STAFF ANALYSIS FOR WAIVERS (Utility Easement Overlap)**

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

STAFF: The waiver will not adversely affect adjacent property owners since all buffering with planting and screening material will be provided along the property perimeter.

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

STAFF: Guideline 3, policy 9 calls for the protection of the character of residential areas, roadway corridors and public spaces from visual intrusions and mitigate when appropriate. Guideline 3, policies 21 and 22 calls for appropriate transitions between uses that are substantially different in scale and intensity or density, and to mitigate the impact caused when incompatible developments occur adjacent to one another through the use of landscaped buffer yards, vegetative berms and setback requirements to address issues such as outdoor lighting, lights from automobiles, illuminated signs, loud noise, odors, smoke, automobile exhaust or other noxious smells, dust and dirt, litter, junk, outdoor storage, and visual nuisances. Guideline 3, policy 24 states that parking, loading and delivery areas located adjacent to residential areas should be designed to minimize the impacts from noise, lights and other potential impacts, and that parking and circulation areas adjacent to streets should be screened or buffered. Guideline 13, policy 4 calls for ensuring appropriate landscape design standards for different land uses within urbanized, suburban, and rural areas. The intent of landscape buffer areas is to create suitable transitions where varying forms of development adjoin, to minimize the negative impacts resulting from adjoining incompatible land uses, to decrease storm water runoff volumes and velocities associated with impervious surfaces, and to filter air borne and water borne pollutants. The waiver will not violate specific guidelines of Cornerstone 2020 since the intent of all buffering will be met as shown on the proposed development plan with appropriate transitions between the use and adjacent residential areas.

- (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 to provide the required buffering as well as the needed utility easements to serve the development.

- (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 by not allowing the needed overlap of the required utility easements and the extensive buffering required from the residential areas.

### **STANDARD OF REVIEW AND STAFF ANALYSIS FOR DDDP 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 conservation of natural resources on the property proposed for development will be met through the mitigation methods as specified within the environmental report and application with the US Army Corps of Engineers and the Kentucky Division of Water.

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

STAFF: The provisions for safe and efficient vehicular and pedestrian transportation both within the development and the community are met with the exception of a lack of a completed sidewalk network along the street frontage for Lots 1, 3 & 4. The sidewalk would create better pedestrian connections throughout the industrial development as well as a completed connection to the Dixie Highway ROW.

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

STAFF: Open space is provided on the site to meet the needs 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 existing and future development of the area. Appropriate landscape buffering and screening will be provided to screen adjacent properties and roadways. Buildings and parking lots will meet all required setbacks.

- 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 conforms to applicable guidelines and policies of the Comprehensive Plan and to requirements of the Land Development Code with the exception of the requested sidewalk waiver which does not follow the guidelines of Cornerstone 2020.

### TECHNICAL REVIEW

There are no technical review issues that need to be addressed.

### STAFF CONCLUSIONS

The proposal meets the guidelines of the Comprehensive Plan and requirements of the Land Development Code with the exception of the requested waivers. The landscape waiver meets the standard of review and staff analysis. The sidewalk waiver request to not provide sidewalks along one side of the ROW does not meet the standard of review and staff analysis. It does not create a completed pedestrian connection for Lots 1, 3 & 4.

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.

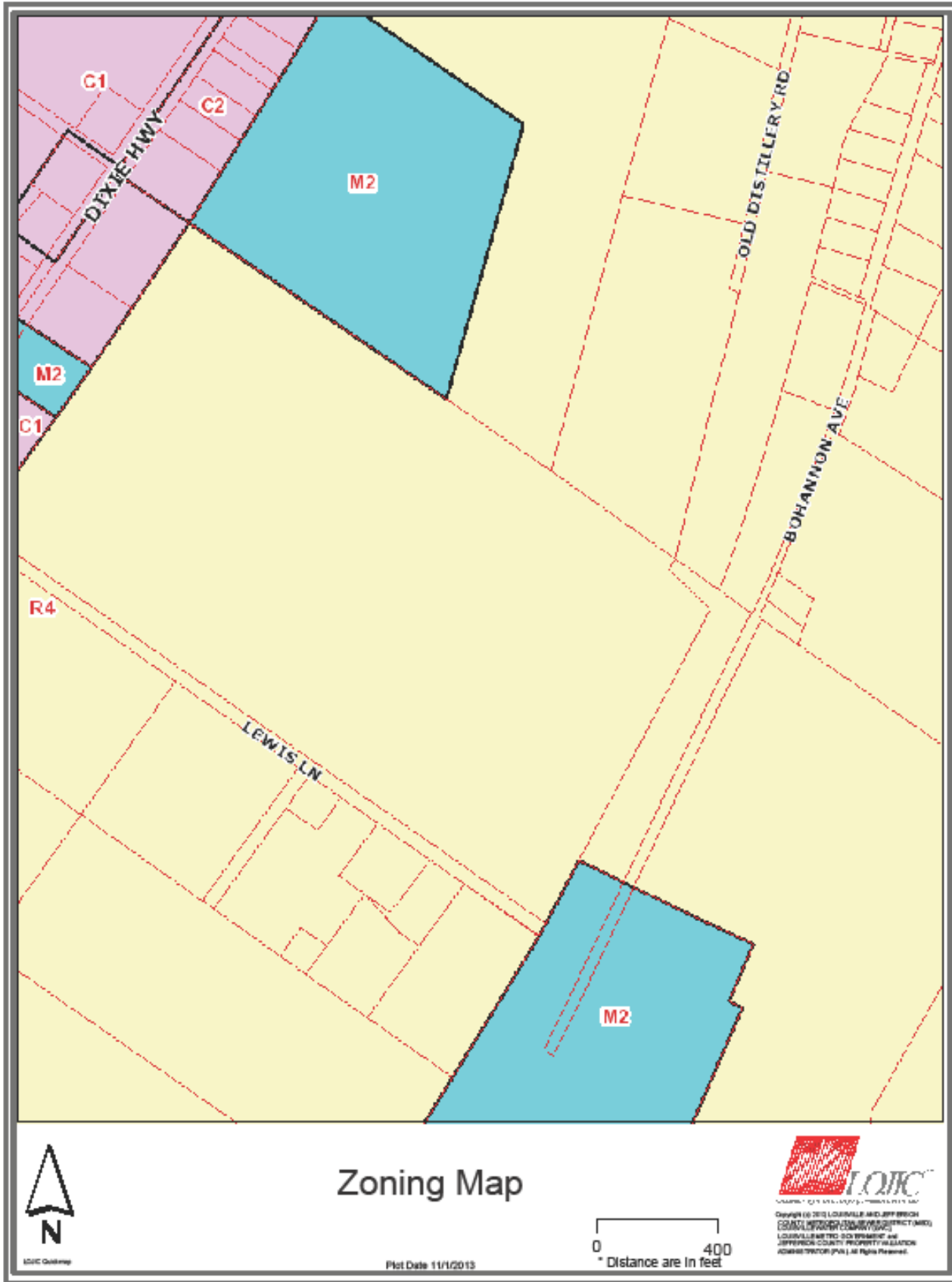
### NOTIFICATION

Date	Purpose of Notice	Recipients
4/10/14	Hearing before LD&T	1 <sup>st</sup> and 2 <sup>nd</sup> tier adjoining property owners Subscribers of Council District 14 Notification of Development Proposals
6/4/14	Hearing before PC	1 <sup>st</sup> and 2 <sup>nd</sup> tier adjoining property owners Subscribers of Council District 14 Notification of Development Proposals
6/4/14	Hearing before PC	Sign Posting on property
6/12/14	Hearing before PC	Legal Advertisement in the Courier-Journal

### ATTACHMENTS

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

1. Zoning Map





2. Aerial Photograph



### 3. Cornerstone 2020 Staff Checklist

#### Rezoning from R-4 & M-2 to EZ-1

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

#	Cornerstone 2020 Guidelines & Policies	Cornerstone 2020 Plan Element	Plan Element or Portion of Plan Element	Final Finding	Final Comments
1	Form District Goals G1, G2, G3, G4, Objectives G1.1, G2.1-2.5, G3.1-3.3, G4.1-4.4	Community Form/Land Use Guideline 1: Community Form	B.10: The proposal integrates into the pattern of development, which features buildings set back from the street in a landscaped setting.	√	The proposal integrates into the pattern of development along this portion of the Dixie Highway corridor with extended setbacks and all required landscaping.
2	Form District Goals G1, G2, G3, G4, Objectives G1.1, G2.1-2.5, G3.1-3.3, G4.1-4.4	Community Form/Land Use Guideline 1: Community Form	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.	√	The proposal integrates into the planned industrial development with a cluster of warehouse uses over 4 lots.
3	Form District Goals G1, G2, G3, G4, Objectives G1.1, G2.1-2.5, G3.1-3.3, G4.1-4.4	Community Form/Land Use Guideline 1: Community Form	B.10: The proposal incorporates connected roads, encourages access to public transportation, and provides for pedestrians.	-	The proposal has a through public road, Lewis Lane that connects to the main Dixie Highway corridor. Transit facilities will be provided along Dixie Highway. Sidewalks will connect along one side of the street frontage within the development leaving an incomplete pedestrian network.
4	Form District Goals G1, G2, G3, G4, Objectives G1.1, G2.1-2.5, G3.1-3.3, G4.1-4.4	Community Form/Land Use Guideline 3: Compatibility	A.2: The proposed building materials increase the new development's compatibility.	√	The development follows the building design requirements of the Land Development Code.
5	Form District Goals G1, G2, G3, G4, Objectives G1.1, G2.1-2.5, G3.1-3.3, G4.1-4.4	Community Form/Land Use Guideline 3: Compatibility	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, and odor and storm water) are appropriately mitigated.	√	The proposal is an expansion of an industrial, non-residential use into an area of mixed non-residential uses to the west, east and south. It does not constitute a non-residential expansion into an existing residential area. To the north there is an area of residential subdivision but extensive buffering will exist to mitigate the impact and a northern portion of the subject is currently zoned for industrial uses.

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6	Form District Goals G1, G2, G3, G4, Objectives G1.1, G2.1-2.5, G3.1-3.3, G4.1-4.4	Community Form/Land Use Guideline 3: Compatibility	A.5: The proposal mitigates any potential odor or emissions associated with the development.	√	All mitigation measures required will be followed to mitigate any emissions and potential odor issues with the development.
7	Form District Goals G1, G2, G3, G4, Objectives G1.1, G2.1-2.5, G3.1-3.3, G4.1-4.4	Community Form/Land Use Guideline 3: Compatibility	A.6: The proposal mitigates any adverse impacts of its associated traffic on nearby existing communities.	√	The proposal will mitigate any of its adverse impacts on nearby communities associated with the site's traffic.
8	Form District Goals G1, G2, G3, G4, Objectives G1.1, G2.1-2.5, G3.1-3.3, G4.1-4.4	Community Form/Land Use Guideline 3: Compatibility	A.8: The proposal mitigates adverse impacts of its lighting on nearby properties, and on the night sky.	√	Lighting will meet LDC requirements.
9	Form District Goals G1, G2, G3, G4, Objectives G1.1, G2.1-2.5, G3.1-3.3, G4.1-4.4	Community Form/Land Use Guideline 3: Compatibility	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.	√	The proposal is a higher intensity use located along a major transit route on Dixie Highway and in an area of heavy industrial activity to the west, south and east.
10	Form District Goals G1, G2, G3, G4, Objectives G1.1, G2.1-2.5, G3.1-3.3, G4.1-4.4	Community Form/Land Use Guideline 3: Compatibility	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.	√	All appropriate transitions and mitigation will be provided on the site with landscape buffer yards.
11	Form District Goals G1, G2, G3, G4, Objectives G1.1, G2.1-2.5, G3.1-3.3, G4.1-4.4	Community Form/Land Use Guideline 3: Compatibility	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.	√	All appropriate transitions and mitigation will be provided on the site with landscape buffer yards.
12	Form District Goals G1, G2, G3, G4, Objectives G1.1, G2.1-2.5, G3.1-3.3, G4.1-4.4	Community Form/Land Use Guideline 3: Compatibility	A.23: Setbacks, lot dimensions and building heights are compatible with those of nearby developments that meet form district standards.	√	The setbacks, lot dimensions and building heights follow the form district standards.
13	Form District Goals G1, G2, G3, G4, Objectives G1.1, G2.1-2.5, G3.1-3.3, G4.1-4.4	Community Form/Land Use Guideline 3: Compatibility	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.	√	Any parking, loading and delivery areas located near residents are designed to minimize their impacts with extensive buffer yards as mitigation.
14	Form District Goals G1, G2, G3, G4, Objectives G1.1, G2.1-2.5, G3.1-3.3, G4.1-4.4	Community Form/Land Use Guideline 3: Compatibility	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.	√	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.
15	Form District Goals G1, G2, G3, G4, Objectives G1.1, G2.1-2.5, G3.1-3.3, G4.1-4.4	Community Form/Land Use Guideline 3: Compatibility	A.25: Parking garages are integrated into their surroundings and provide an active, inviting street-level appearance.	NA	A parking garage is not proposed.

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16	Form District Goals G1, G2, G3, G4, Objectives G1.1, G2.1-2.5, G3.1-3.3, G4.1-4.4	Community Form/Land Use Guideline 3: Compatibility	A.28: Signs are compatible w ith the form district pattern and contribute to the visual quality of their surroundings.	√	Signs will follow the Land Development Code.
17	Livability Goals H3 and H5, all related objectives	Community Form/Land Use Guideline 4: Open Space	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 not required.
18	Livability Goals H3 and H5, all related objectives	Community Form/Land Use Guideline 4: Open Space	A.4: Open space design is consistent w ith the pattern of development in the Neighborhood Form District.	NA	Open space not required.
19	Livability Goals H3 and H5, all related objectives	Community Form/Land Use Guideline 4: Open Space	A.5: The proposal integrates natural features into the pattern of development.	√	The site has several natural features that such as type B stream, hydric soils, ponds and large existing tree canopy areas that w ill be mitigated and integrated through methods identified by the US Army Corps of Engineers and KY Division of Water.
20	Livability Goals H3 and H5, all related objectives	Community Form/Land Use Guideline 5: Natural Areas and Scenic and Historic Resources	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.	√	The site has several natural features that such as type B stream, hydric soils, ponds and large existing tree canopy areas that w ill be mitigated and integrated through methods identified by the US Army Corps of Engineers and KY Division of Water.

#	Cornerstone 2020 Guidelines & Policies	Cornerstone 2020 Plan Element	Plan Element or Portion of Plan Element	Final Finding	Final Comments
21	Livability Goals H3 and H5, all related objectives	Community Form/Land Use Guideline 5: Natural Areas and Scenic and Historic Resources	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.	NA	No historic structures exist on the site.
22	Livability Goals H3 and H5, all related objectives	Community Form/Land Use Guideline 5: Natural Areas and Scenic and Historic Resources	A.6: Encourage development to avoid wet or highly permeable soils, severe, steep or unstable slopes with the potential for severe erosion.	√	The site has several natural features that such as type B stream, hydric soils, ponds and large existing tree canopy areas that will be mitigated and integrated through methods identified by the US Army Corps of Engineers and KY Division of Water.
23	People, Jobs and Housing Goal K4, Objective K4.1	Marketplace Guideline 6: Economic Growth and Sustainability	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.	√	The proposed land uses are expansion of industry similar to existing industrial subdivisions to the west and south. To the west, there are large areas of existing industrial subdivisions along the riverfront.
24	People, Jobs and Housing Goal K4, Objective K4.1	Marketplace Guideline 6: Economic Growth and Sustainability	A.3: Encourage redevelopment, reinvestment and rehabilitation in the downtown where it is consistent with the form district pattern.	NA	The proposal is not located in a downtown.
25	Marketplace Strategy Goal A1, Objectives A1.3, A1.4, A1.5	Marketplace Guideline 6: Economic Growth and Sustainability	A.4: Encourage industries to locate in industrial subdivisions or adjacent to existing industry to take advantage of special infrastructure needs.	√	The proposed land uses are expansion of industry similar to existing industrial subdivisions to the west and south. To the west, there are large areas of existing industrial subdivisions along the riverfront.
26	Land Use and Transportation Connection Goal E1, Objectives E1.1 and E1.3	Marketplace Guideline 6: Economic Growth and Sustainability	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.	√	The proposed use could generate large amounts of traffic and it is located with access to the major arterial corridor of Dixie Highway which leads to the north to the Gene Snyder Freeway. This access will help prevent adverse impacts to adjacent areas.
27	Land Use and Transportation Connection Goal E1, Objectives E1.1 and E1.3	Marketplace Guideline 6: Economic Growth and Sustainability	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.	√	The proposed industrial development is located near an arterial with close proximity access to the Gene Snyder Freeway. The number of potential employees is unknown at this time but projected to be more than 100.

#	Cornerstone 2020 Guidelines & Policies	Cornerstone 2020 Plan Element	Plan Element or Portion of Plan Element	Final Finding	Final Comments
28	Mobility Goals A1-A6, B1, C1, D1, E1, E2, F1, G1, H1-H4, I1-I7, all related Objectives	Mobility/Transportation Guideline 7: Circulation	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.	√	Metro Transportation Planning and the Metropolitan Sewer District have approved the preliminary development plan. The proposal provides appropriate contributions or improvements to the public right-of-way.
29	Mobility Goals A1-A6, B1, C1, D1, E1, E2, F1, G1, H1-H4, I1-I7, all related Objectives	Mobility/Transportation Guideline 7: Circulation	A.3/4: The proposal promotes mass transit, bicycle and pedestrian use and provides amenities to support these modes of transportation.	-	The proposal provides transit related facilities along Dixie Highway and a pedestrian network along one side of the road frontage throughout the development. Lot 1, 3 and 4 do not have the pedestrian facilities provided to promote complete multi-modal use.
30	Mobility Goals A1-A6, B1, C1, D1, E1, E2, F1, G1, H1-H4, I1-I7, all related Objectives	Mobility/Transportation Guideline 7: Circulation	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.	√	The development has a continuous roadway through the site and appropriate access to frontage on Dixie Highway.
31	Mobility Goals A1-A6, B1, C1, D1, E1, E2, F1, G1, H1-H4, I1-I7, all related Objectives	Mobility/Transportation Guideline 7: Circulation	A.9: The proposal includes the dedication of rights-of-way for street, transit corridors, bikeway and walkway facilities within or abutting the development.	√	Metro Public Works and the Metropolitan Sewer District have approved the preliminary development plan. The proposal provides appropriate contributions or improvements to the public right-of-way.
32	Mobility Goals A1-A6, B1, C1, D1, E1, E2, F1, G1, H1-H4, I1-I7, all related Objectives	Mobility/Transportation Guideline 7: Circulation	A.10: The proposal includes adequate parking spaces to support the use.	√	The proposal includes adequate parking spaces to support the use.
33	Mobility Goals A1-A6, B1, C1, D1, E1, E2, F1, G1, H1-H4, I1-I7, all related Objectives	Mobility/Transportation Guideline 7: Circulation	A.13/16: The proposal provides for joint and cross access through the development and to connect to adjacent development sites.	√	The proposal does not provide cross access between lots since it is not required within the Suburban Workplace Form District but creates appropriate linkages and connections to the roadway that runs throughout the development.

#	Cornerstone 2020 Guidelines & Policies	Cornerstone 2020 Plan Element	Plan Element or Portion of Plan Element	Final Finding	Final Comments
34	Mobility Goals A1-A6, B1, C1, D1, E1, E2, F1, G1, H1-H4, I1-I7, all related Objectives	Mobility/Transportation Guideline 8: Transportation Facility Design	A.8: Adequate stub streets are provided for future roadway connections that support and contribute to appropriate development of adjacent land.	NA	Street stubs are not required for the proposal.
35	Mobility Goals A1-A6, B1, C1, D1, E1, E2, F1, G1, H1-H4, I1-I7, all related Objectives	Mobility/Transportation Guideline 8: Transportation Facility Design	A.9: Avoid access to development through areas of significantly lower intensity or density if such access would create a significant nuisance.	√	Access to the development is through public rights of way.
36	Mobility Goals A1-A6, B1, C1, D1, E1, E2, F1, G1, H1-H4, I1-I7, all related Objectives	Mobility/Transportation Guideline 8: Transportation Facility Design	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.	√	The development provides for an appropriate functional hierarchy of streets and appropriate linkages between activity areas in and adjacent to the development site.
37	Mobility Goals A1-A6, B1, C1, D1, E1, E2, F1, G1, H1-H4, I1-I7, all related Objectives	Mobility/Transportation Guideline 9: Bicycle, Pedestrian and Transit	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.	-	The proposal provides transit related facilities along Dixie Highway and a pedestrian network along one side of the road frontage throughout the development. Lot 1, 3 and 4 do not have the pedestrian facilities provided to promote complete multi-modal use.
38	Livability, Goals B1, B2, B3, B4, Objectives B1.1-1.8, B2.1-2.7, B3.1-3.4, B4.1-4.3	Livability/Environment Guideline 10: Flooding and Stormwater	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.	√	MSD has given preliminary approval to the development plan.
39	Livability Goals C1, C2, C3, C4, all related Objectives	Livability/Environment Guideline 12: Air Quality	The proposal has been reviewed by APCD and found to not have a negative impact on air quality.	√	APCD has reviewed and approved the proposal.

#	Cornerstone 2020 Guidelines & Policies	Cornerstone 2020 Plan Element	Plan Element or Portion of Plan Element	Final Finding	Final Comments
40	Livability, Goals F1 and F2, all related objectives	Livability/Environment Guideline 13: Landscape Character	A.3: The proposal includes additions and connections to a system of natural corridors that can provide habitat areas and allow for migration.	√	The applicant will follow guidelines from the US Army Corps of Engineers and KY Division of Water in regards to the natural areas and features of the site.
41	Quality of Life Goal J1, Objectives J1.1-1.2	Community Facilities Guideline 14: Infrastructure	A.2: The proposal is located in an area served by existing utilities or planned for utilities.	√	Existing utilities serve the site.
42	Quality of Life Goal J1, Objectives J1.1-1.2	Community Facilities Guideline 14: Infrastructure	A.3: The proposal has access to an adequate supply of potable water and water for fire-fighting purposes.	√	The proposal has access to an adequate supply of potable water and water for fire-fighting purposes.
43	Quality of Life Goal J1, Objectives J1.1-1.2	Community Facilities Guideline 14: Infrastructure	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.	√	The proposal has adequate means of sewage treatment and disposal to protect public health and to protect water quality in lakes and streams.

#### 4. Proposed 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 for review and approval; any changes/additions/alterations not so referred shall not be valid.
2. The development shall not exceed 2,555,000 square feet of gross floor area.
3. Signs shall be in accordance with Chapter 8 of the Land Development Code.
4. No outdoor advertising signs, small freestanding signs, pennants, balloons, or banners shall be permitted on the site.
5. 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.
6. Before any permit (including but not limited to building, parking lot, change of use, site disturbance, alteration permit or demolition permit) (NOTE: to be used for sites within an historic preservation district) 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. 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.
  - 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.
  - e. A road closure approval for the required portions of Lewis Lane shall be approved prior to requesting a building permit.
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.
  8. 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.
  9. The façade elevations shall be in accordance with applicable form district standards and shall be approved by PDS staff prior to construction permit approval.
  10. No idling of trucks shall take place within 200 feet of single-family residences.
  11. 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 Chapter 4 Part 1.3 of the land development code and shall be maintained thereafter. No building permits shall be issued unless such certification statement is submitted. Lighting shall be maintained on the property in accordance with Chapter 4 Part 1.3 of the land development code.