

## Change in Zoning Pre-Application Staff Report

TBD



<b>Case No:</b>	17ZONE1000
<b>Project Name:</b>	Marilla Warehouse
<b>Location:</b>	4819 Poplar level road
<b>Owner(s):</b>	M&C Rentals
<b>Applicant:</b>	M&C Rentals
<b>Representative(s):</b>	Land Design & Development, Inc.
<b>Project Area/Size:</b>	1.4 acres
<b>Existing Zoning District:</b>	R-4
<b>Existing Form District:</b>	SMC, Suburban Marketplace Corridor
<b>Jurisdiction:</b>	Louisville Metro
<b>Council District:</b>	10 – Pat Mulvihill
<b>Case Manager:</b>	Joel P. Dock, Planner I

### REQUEST

- **Change-in-Zoning** from R-4, Single-Family Residential to CM, Commercial-Manufacturing
- **Detailed District Development Plan**

### CASE SUMMARY/SITE CONTEXT

The applicant requests a change-in-zoning from R-4, single-family residential to CM, Commercial-Manufacturing on 1.4 acres in Central Louisville Metro along Poplar Level Road, roughly one and three-quarter miles South of Interstate-264 and one and one-half miles North of Fern Valley Road via Jefferson Boulevard. A total of 16,400 square feet of warehouse/storage space is proposed across four buildings. The corridor containing the subject site on Poplar Level Road is surrounded by a mixture of commercial and industrial uses. The intensity of these uses increases moving North towards Interstate-264, where heavy industrial uses occupy large tracts of land.

### LAND USE/ZONING DISTRICT/FORM DISTRICT TABLE

	Land Use	Zoning	Form District
<b>Subject Property</b>			
<b>Existing</b>	Single-Family	R-4	SMC
<b>Proposed</b>	Warehouse/Storage	CM	SMC
<b>Surrounding Properties</b>			
<b>North</b>	Commercial	C-1	SMC
<b>South</b>	Warehouse/Storage	CM	SMC
<b>East</b>	Religious Grounds	R-4	N
<b>West</b>	Industrial	M-2	SMC

### PREVIOUS CASES ON SITE

No associated cases were found by staff.

Contractor's Park  
Business Park  
For storage of  
material and  
small office

## APPLICABLE PLANS AND POLICIES

Cornerstone 2020  
Land Development Code

### STANDARD OF REVIEW FOR REZONINGS

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 of 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 PROPOSED REZONING

The 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 Suburban Marketplace Corridor Form District

Suburban Marketplace Corridors are generally located along major roadways with well-defined beginning and ending points and established depths along the length of the corridor. The pattern of development is distinguished by a mixture of medium to high intensity uses. Accommodations for transit users, bicyclists and pedestrians are encouraged in an effort to attract a variety of users as well as to minimize automobile dependency and traffic congestion. Connectivity to nearby uses should be encouraged. Developers should be encouraged to design new commercial development in compact groups of buildings, which use the same curb cut, share parking, have a common freestanding sign identifying the uses and have a common buffering or streetscape plan with respect to any abutting uses of lower density or intensity.

This form may include medium to high-density residential uses that are designed to be compatible with both the non-residential uses along the corridor and the lower density residential uses in adjacent form districts. Medium density residential uses may serve as a transition area from lower to higher density residential uses and should be encouraged in this form.

Proposed new commercial uses are encouraged, to locate within the boundaries of existing corridors. Reuse of locations within existing corridors is preferred over expansion of a corridor. Proposals to expand defined corridors represent significant policy decisions. When considering proposals that result in an extension of suburban marketplace corridors, particular emphasis should be placed on: (a) use or reuse of land within existing corridors; (b) potential for disruption of established residential neighborhoods; and (c) compliance with the site and community design standards of the Land Development Code.

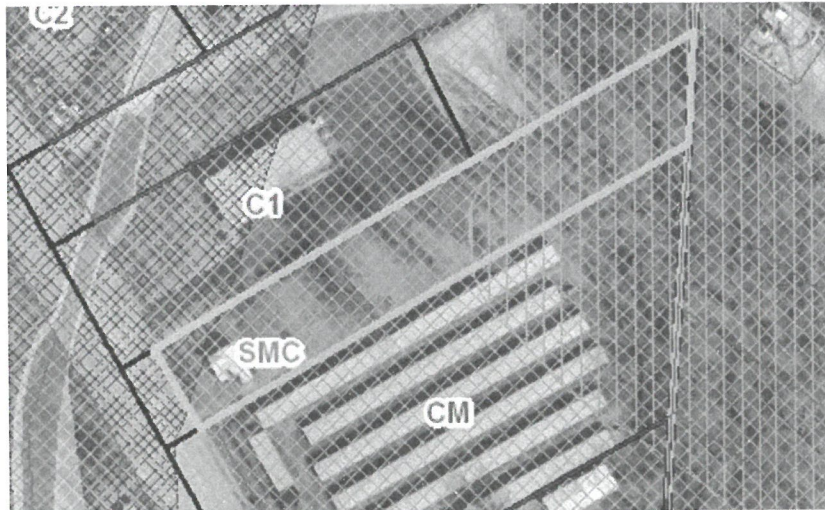
A checklist with a detailed analysis of the Guidelines and Policies of Cornerstone 2020 is attached to the end of this staff report. The checklist contains elements of the proposal that fulfill the goals and objectives of Cornerstone 2020, fail to meet those goals and objectives, or require more information. 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.



All agency comments should be addressed to demonstrate compliance with the Guidelines and Policies of Cornerstone 2020. Any additional material needed to satisfy these guidelines shall also be submitted for review.

**TECHNICAL REVIEW**

Environmental constraints may be present towards the rear of the property. LOJIC data reveals potential wetlands and hydric soils on the property, and the site-plan identifies “non-jurisdictional isolated wooded wetland.” A Protected Waterway buffer may be present at the front of the property as well. The applicant should work towards identifying these constraints and mitigating as appropriate or providing required buffers and preservation of these constraints.



*Potential Wetlands are hatched in Blue  
Hydric Soils are indicated with vertical, green line.  
Protected Waterway buffer heatched in blue.*

All agency comments will need to be addressed before the case proceeds to a public meeting. Sites rezoned after the middle of 1975 are subject to specific development provisions known as “Plan Certain.” These regulations require the owner/developer to agree to a specific development plan and development conditions as part of the rezoning process, known as binding elements. This plan and binding elements will run with the property and may limit what can be developed on the property.

**NOTIFICATION**

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

**ATTACHMENTS**

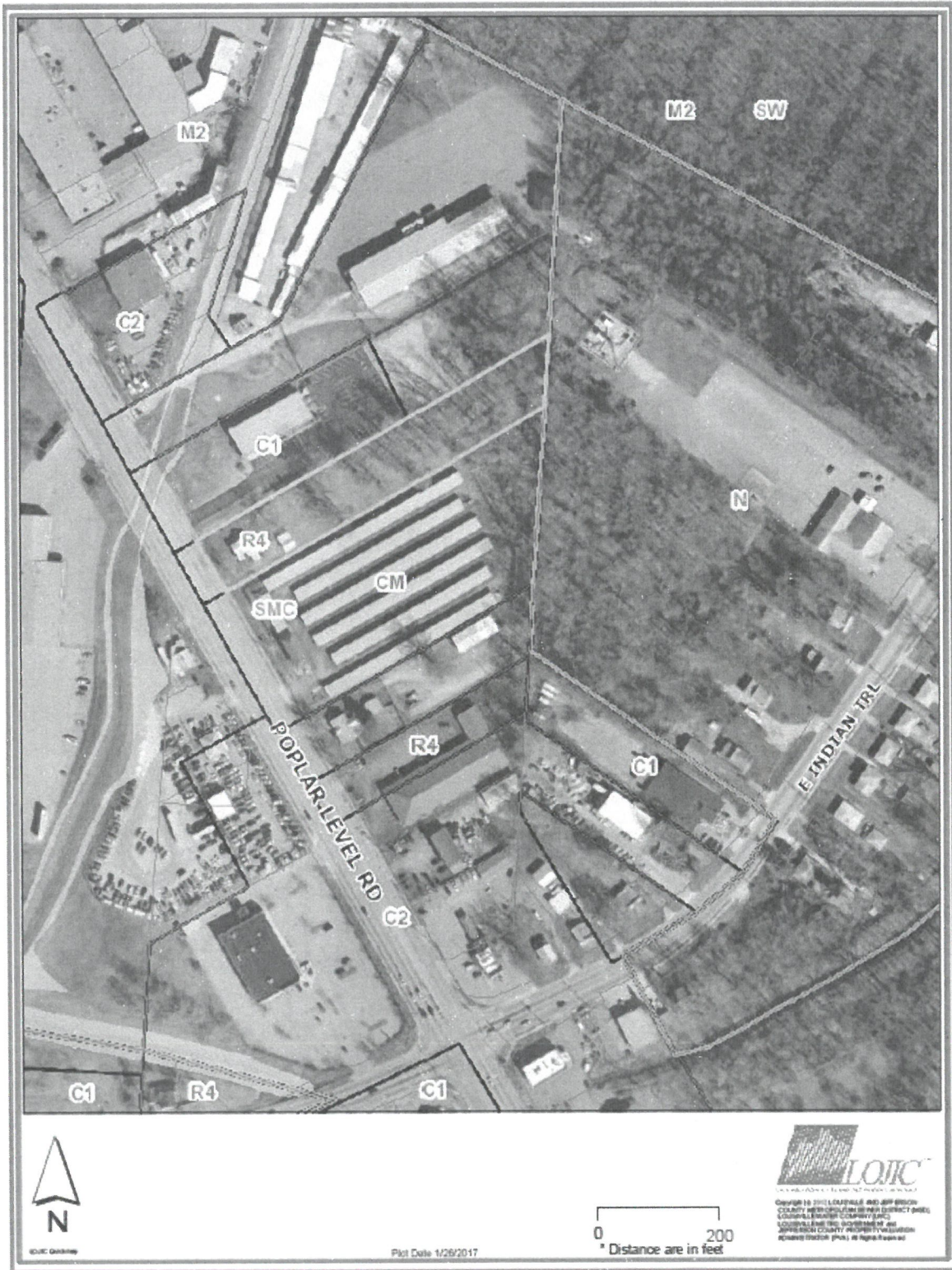
1. Zoning Map
2. Aerial Photograph
3. Cornerstone 2020 Staff Checklist

1. Zoning Map





2. Aerial Photograph



### 3. Cornerstone 2020 Staff Checklist

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

#### Suburban Marketplace Corridor: Non-Residential

#	Cornerstone 2020 Plan Element	Plan Element or Portion of Plan Element	Staff Finding	Staff Comments
1	Community Form/Land Use Guideline 1: Community Form	B.8: The proposal integrates into the existing pattern of development, which includes a mixture of medium- to high-density uses.	✓	The proposal is for warehouse/storage which is a low-intensity industrial/high-intensity commercial use and is proposed along a corridor with a wide range of intensities
2	Community Form/Land Use Guideline 1: Community Form	B.8: The proposal provides accommodations for transit users, pedestrians and bicyclists and provides connectivity to adjacent developments.	-	While this use is primarily auto-dependent, <b>pedestrian connection</b> will need to be made to the public sidewalk. Poplar Level road provides for TARC riding options.
3	Community Form/Land Use Guideline 1: Community Form	B.8: The proposal includes a compact group of buildings using the same curb cut, parking and signs, and that have a common buffering or streetscape plan with respect to any abutting lower density or intensity uses.	✓	Abutting development is built-out and the existing use is incompatible with the development of the area. New cuts will need to be made to accommodate the use. There does not appear to be a common landscaping or streetscaping pattern along the subject sites frontage as some buildings are setback deeper with green space and others contain VUA extending to the roadway.
4	Community Form/Land Use Guideline 1: Community Form	B.8: The proposal is of a medium to high density designed to be compatible with both non-residential development in the corridor and adjacent low density residential development in other form districts.	+/-	<b>Appropriate buffering</b> will need to be provided towards the rear of the property. Adjacent residential zoning towards the north is not used residential and does not appear to be used for residential purposes in the future. Elevations will need to be provided to determine compliance with façade standards facing the street and residential properties in the Neighborhood form district.
5	Community Form/Land Use Guideline 1: Community Form	B.8: The proposal is located within the boundaries of the existing form district, and if the proposal is to expand an existing corridor, the justification for doing so addresses the use or reuse of land within the existing corridor, the potential for disruption of established residential neighborhoods, and compliance with the site and community design standards of the Land Development Code.	✓	The proposal is within the boundaries of the existing form and is compatible with uses along the corridor.



#	Cornerstone 2020 Plan Element	Plan Element or Portion of Plan Element	Staff Finding	Staff Comments
6	Community Form/Land Use Guideline 2: Centers	A.1/7: The proposal, which will create a new center, is located in the Suburban Marketplace Corridor Form District, and includes new construction or the reuse of existing buildings to provide commercial, office and/or residential use.	✓	The proposal does not create a new center and is located within an existing activity center/along a corridor of commercial and industrial uses
7	Community Form/Land Use Guideline 2: Centers	A.3: The proposed retail commercial development is located in an area that has a sufficient population to support it.	NA	Not retail commercial
8	Community Form/Land Use Guideline 2: Centers	A.4: The proposed development is compact and results in an efficient land use pattern and cost-effective infrastructure investment.	+	The proposed development utilizes a piece of property that is currently incompatible with the surrounding area and occupies much of the land of this narrow parcel
9	Community Form/Land Use Guideline 2: Centers	A.5: The proposed center includes a mix of compatible land uses that will reduce trips, support the use of alternative forms of transportation and encourage vitality and sense of place.	✓	The proposal does not create a new center and is located within an existing activity center/along a corridor of commercial and industrial uses. The use is primarily auto-dependent, but is appropriately located so as not to detract viable space from less intense pedestrian friendly areas of retail/commercial
10	Community Form/Land Use Guideline 2: Centers	A.6: The proposal incorporates residential and office uses above retail and/or includes other mixed-use, multi-story retail buildings.	NA	Not retail commercial
11	Community Form/Land Use Guideline 2: Centers	A.12: If the proposal is a large development in a center, it is designed to be compact and multi-purpose, and is oriented around a central feature such as a public square or plaza or landscape element.	✓	Development is relatively small in comparison to surrounding uses, but fits within its surroundings.
12	Community Form/Land Use Guideline 2: Centers	A.13/15: The proposal shares entrance and parking facilities with adjacent uses to reduce curb cuts and surface parking, and locates parking to balance safety, traffic, transit, pedestrian, environmental and aesthetic concerns.	+/-	Adjacent uses re built out. Stub should be provided where appropriate or upon redevelopment of adjacent uses
13	Community Form/Land Use Guideline 2: Centers	A.14: The proposal is designed to share utility hookups and service entrances with adjacent developments, and utility lines are placed underground in common easements.	+/-	Easements shall be coordinated with appropriate agencies prior to hearings.
14	Community Form/Land Use Guideline 2: Centers	A.16: The proposal is designed to support easy access by bicycle, car and transit and by pedestrians and persons with disabilities.	-	While this use is primarily auto-dependent, pedestrian connection will need to be made to the public sidewalk. Poplar Level road provides for TARC riding options.

#	Cornerstone 2020 Plan Element	Plan Element or Portion of Plan Element	Staff Finding	Staff Comments
15	Community Form/Land Use Guideline 3: Compatibility	A.2: The proposed building materials increase the new development's compatibility.	-	Elevations required to be submitted
16	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, odor and stormwater) are appropriately mitigated.	✓	Expansion into a residential area is not being generated by this request. The proposal is for warehouse/storage which is a low-intensity industrial/high-intensity commercial use and is proposed along a corridor with a wide range of intensities.
17	Community Form/Land Use Guideline 3: Compatibility	A.5: The proposal mitigates any potential odor or emissions associated with the development.	+/-	Trucks should not be left to idle while unloading or loading. A binding element may be added to the plan.
18	Community Form/Land Use Guideline 3: Compatibility	A.6: The proposal mitigates any adverse impacts of its associated traffic on nearby existing communities.	✓	The proposed use is a low traffic demand use.
19	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 shall be sufficient to provide safety on the subject, but not project into residential properties towards the rear.
20	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 for warehouse/storage which is a low-intensity industrial/high-intensity commercial use and is proposed along a corridor with a wide range of intensities.
21	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.	+/-	Comments related to transition standards and abutting residentially zoned properties should be addressed. The abutting residential zones are not used for residential purposes (Church and vacant rear portion of commercial use). Overall the development is compatible.
22	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.	+/-	Comments related to transition standards and abutting residentially zoned properties should be addressed. The abutting residential zones are not used for residential purposes (Church and vacant rear portion of commercial use). Overall the development is compatible.
23	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.	✓	Setbacks are compatible with abutting development and varies along the corridor

Facade or Type C Buffer



#	Cornerstone 2020 Plan Element	Plan Element or Portion of Plan Element	Staff Finding	Staff Comments
24	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.	+/-	Comments related to transition standards and abutting residentially zoned properties should be addressed. The abutting residential zones are not used for residential purposes (Church and vacant rear portion of commercial use). Overall the development is compatible.
25	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.	+/-	VUA LBA will need to be provided.
26	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	No parking structures are proposed.
27	Community Form/Land Use Guideline 3: Compatibility	A.28: Signs are compatible with the form district pattern and contribute to the visual quality of their surroundings.	NA	No signs have been proposed. Signs should be in compliance with Ch. 8 of the LDC.
28	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.	+/-	Potential environmental constraints towards the rear will need to be maintained free from structures unless approved by appropriate agencies, see Technical Review.
29	Community Form/Land Use Guideline 4: Open Space	A.4: Open space design is consistent with the pattern of development in the Neighborhood Form District.	NA	SMC form district
30	Community Form/Land Use Guideline 4: Open Space	A.5: The proposal integrates natural features into the pattern of development.	+/-	Potential environmental constraints towards the rear will need to be maintained free from structures unless approved by appropriate agencies, see Technical Review.
31	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.	+/-	Potential environmental constraints towards the rear will need to be maintained free from structures unless approved by appropriate agencies, see Technical Review.

#	Cornerstone 2020 Plan Element	Plan Element or Portion of Plan Element	Staff Finding	Staff Comments
32	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.	✓	There are no recognized historic features on the site.
33	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 is with a potential wetlands and hydric soils which are used to identify jurisdictional wetlands. However, this lot is currently being used incompatibly with the surrounding area. The proposed use effectively locates similar intensity uses amongst each other.  Potential environmental constraints towards the rear will need to be maintained free from structures unless approved by appropriate agencies, see Technical Review.
34	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	SMC form district
35	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 proposal is for warehouse/storage which is a low-intensity industrial/high-intensity commercial use and is proposed along a corridor with a wide range of intensities. Access to interstates is readily available via Poplar level Road to Interstate-264
36	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.	✓	While the proposed use will be a low traffic demand use, access to interstates is readily available via Poplar level Road (arterial) to Interstate-264
37	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.	✓	Use will have less than 100 employees and is located on an arterial level roadway.



#	Cornerstone 2020 Plan Element	Plan Element or Portion of Plan Element	Staff Finding	Staff Comments
38	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.	+/-	Transportation Planning has requested the sidewalk fronting the site to be repaired and maintained by the developer/owner
39	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.	✓	While the use proposed is an auto-centric use, it is appropriately located along a major corridor of mixed medium- to high-density uses, specifically large industrial facilities including manufacturing and auto salvage. The specifics of the use require security from passers-by to ensure the safety of the public and storage of items.
40	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.	+/-	Transportation Planning has requested the sidewalk fronting the site to be repaired and maintained by the developer/owner. Otherwise, the use is appropriately located.
41	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.	✓	R/W is being dedicated as required.
42	Mobility/Transportation Guideline 7: Circulation	A.10: The proposal includes adequate parking spaces to support the use.	✓	Parking exceeding minimum requirements are being provided.
43	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.	+/-	Adjacent uses are built out. Stub should be provided where appropriate or upon redevelopment of adjacent uses
44	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.	✓	Development is in an area with built out transportation corridors and those existing meet the needs of the development and the area.
45	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.	✓	Surrounding uses along the corridor consist of a mixture of commercial and industrial establishments

#	Cornerstone 2020 Plan Element	Plan Element or Portion of Plan Element	Staff Finding	Staff Comments
46	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.	✓	Development is in an area with built out transportation corridors and those existing meet the needs of the development and the area.
47	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.	+/-	Pedestrian connection will need to be made to the public sidewalk.
48	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 comments should be addressed prior to hearings on the proposal.
49	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 no concerns with the project
50	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.	+/-	Potential environmental constraints towards the rear will need to be maintained free from structures unless approved by appropriate agencies, see Technical Review.
51	Community Facilities Guideline 14: Infrastructure	A.2: The proposal is located in an area served by existing utilities or planned for utilities.	✓	The surrounding area is serviced by utilities. Any additional utilities requested by agencies will be provided.
52	Community Facilities Guideline 14: Infrastructure	A.3: The proposal has access to an adequate supply of potable water and water for fire-fighting purposes.	✓	LWC has adequate water supply
53	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.	✓	Health did not express objections to the proposal