

# Change in Zoning Pre-Application Staff Report

TBD



<b>Case No:</b>	17ZONE1039
<b>Project Name:</b>	Crossroads IGA
<b>Location:</b>	6101 Fegenbush Lane
<b>Owner(s):</b>	Byron Pendleton
<b>Applicant:</b>	JR Food Stores, Inc
<b>Representative(s):</b>	Bardenwerper, Talbott & Roberts, PLLC
<b>Project Area/Size:</b>	3.86 acres
<b>Jurisdiction:</b>	Louisville Metro
<b>Council District:</b>	2 – Barbara Shanklin
<b>Case Manager:</b>	Joel P. Dock, Planner II

## REQUEST(S)

- **Change-in-Zoning** from R-4, Single-Family Residential to C-1, Commercial
- **Detailed District Development Plan**

## CASE SUMMARY

A change in zoning request is being made to allow for a convenience grocery store with drive-through restaurant and gasoline pump islands with canopy. The site is at the intersection of arterial roadways having non-residential zoning districts on three of the opposite corners; Haier Appliance Park occupies the Northwest corner. The site is bounded at its Southeast by a perennial blue-line stream which is a protected waterway. Residential neighborhoods stretch from the subject property to the Outer Loop along Fegenbush Lane.

## STAFF FINDING

The subject site is appropriately located at the intersection of arterial level roadways with non-residential zoning districts and/or uses on all opposite corners. It is also located adjacent to an employment and commercial activity center. The subject site may not necessarily attract new traffic, but instead provide goods and services to the employees in the area, as well as to nearby residential neighborhoods to the South. The suburban workplace form district is supportive of this type of ancillary industrial use.

A neighborhood meeting should be held no more than 90 days prior to the formal application.

## TECHNICAL REVIEW

The protected waterway buffer shall be measured from the 'top-of-bank' of the stream. This is defined as the point on a stream bank at which the presence and action of surface water is so continuous as to leave a distinctive mark such as erosion, destruction or prevention of terrestrial vegetation, predominance of aquatic vegetation, or other easily recognizable characteristics.

Historic preservation staff provided the following comments:

*The demolition of the 1951 [home/structure] could have an adverse effect on a site potentially eligible for the National Register. Guideline #5 under Community Form/Land Use (Table #3) in the Cornerstone 2020 Comprehensive Plan stresses the protection of historic resources. Historic Preservation staff recommends adaptive re-use of the structure instead of demolition.*

*Any historic resources that are approved for demolition shall be documented by the developer by preparing an Individual Historic Resource Survey Form (available from the Kentucky Heritage Council, the State Preservation Office) which includes photographs of all elevations and significant architectural features. A list of qualified preservation professionals can be provided to the developer by Urban Design/Historic Preservation Staff. The documentation must occur prior to the issuance of a demolition permit or ground disturbance at the site. The documentation shall be submitted to Urban Design/Historic Preservation Staff upon completion.*

### **INTERESTED PARTY COMMENTS**

No comments have been received at this time.

### **STANDARD OF REVIEW FOR REZONING**

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 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 CHANGE IN ZONING**

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 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.

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.

**NOTIFICATION**

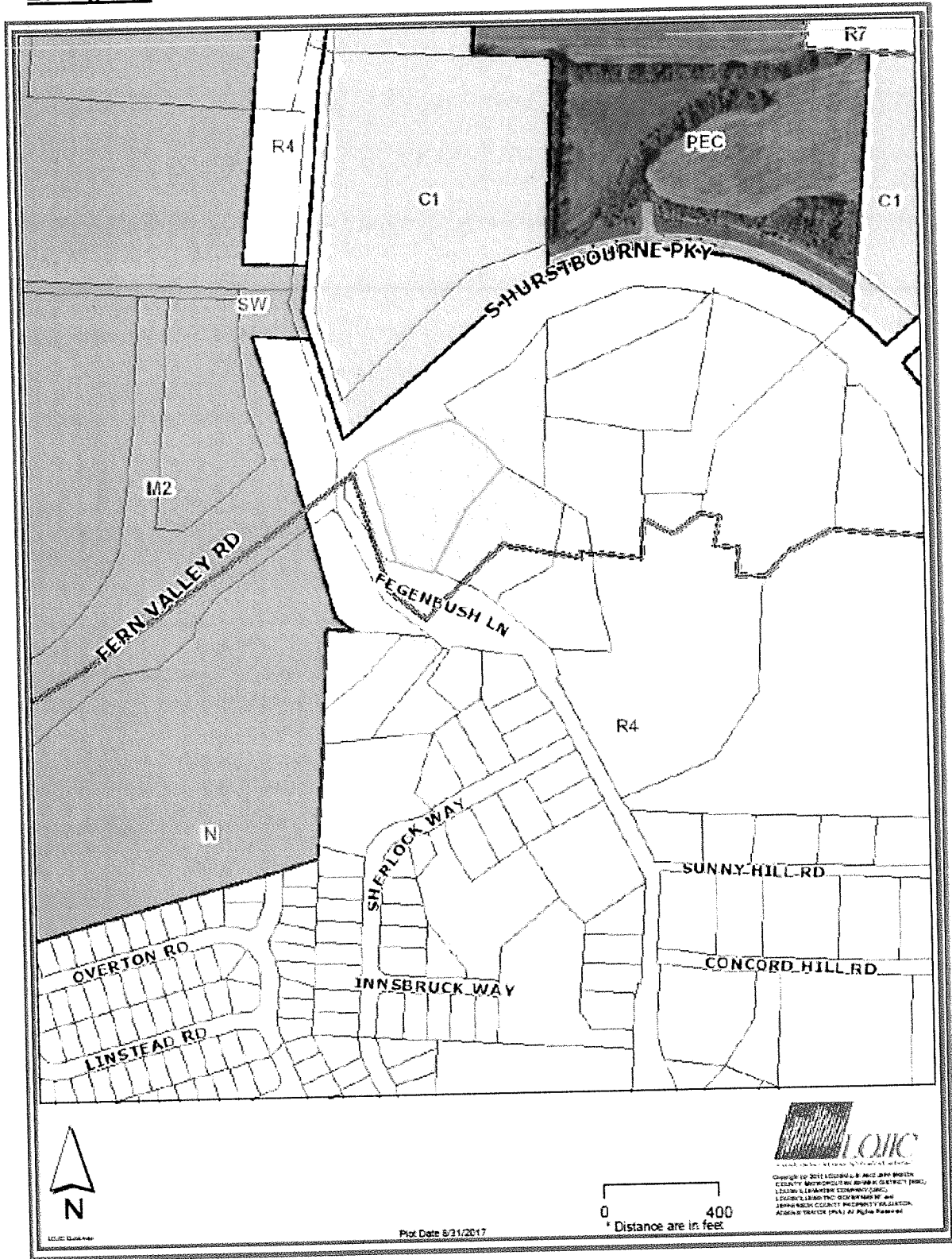
The table below indicates the notification procedures required for zoning map amendments:

Date	Purpose of Notice	Recipients
	Hearing before LD&T	1 <sup>st</sup> and 2 <sup>nd</sup> tier adjoining property owners Speakers at Planning Commission public hearing Registered Neighborhood Groups in Council District 1
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	Hearing before PC	Sign Posting on property
	Hearing before PC	Legal Advertisement in the Courier-Journal

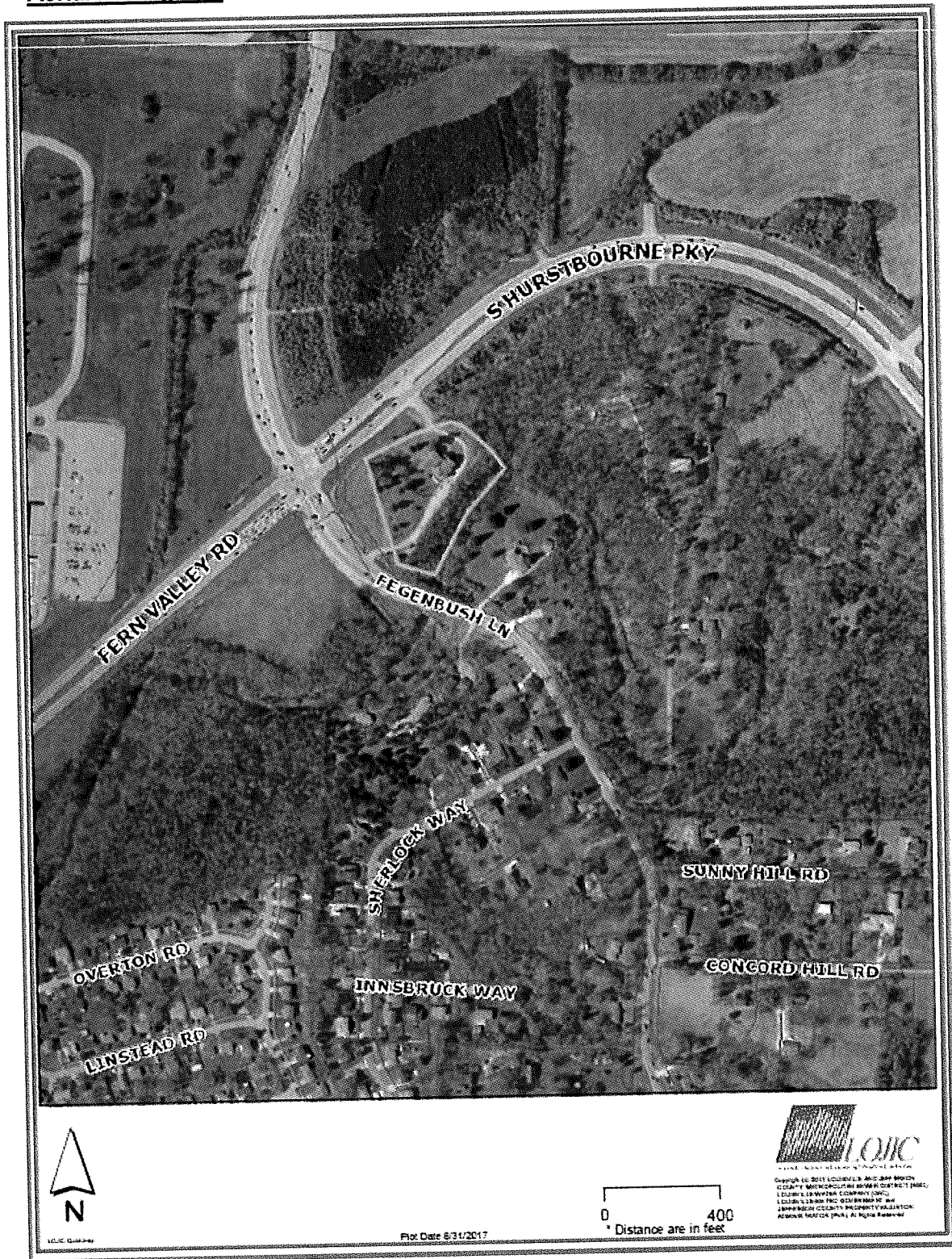
**ATTACHMENTS**

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 Workplace: 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.10: The proposal integrates into the pattern of development, which features buildings set back from the street in a landscaped setting.	✓	The building and parking areas are setback significantly from the street allowing for landscaped areas to meet and/or exceed planting standards
2	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 subject site is opposite three corners of non-residential zoning districts; one containing Haier Appliance Park, another containing land zoned for commercial or employment uses, and the other zoned for industrial uses but may contain environmentally sensitive features. An activity center of build out employment and commercial uses is located three-tenths of one mile East along Fern Valley Road.
3	Community Form/Land Use Guideline 1: Community Form	B.10: The proposal incorporates connected roads, encourages access to public transportation, and provides for pedestrians.	+/-	Sidewalks and pedestrian connections are required
4	Community Form/Land Use Guideline 3: Compatibility	A.2: The proposed building materials increase the new development's compatibility.	+/-	Elevations will be required
5	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.	✓	While the site is currently zoned for single-family residential use, it is located in a suburban workplace form district which is characterized by predominately industrial and office uses. A service station and grocery will allow for good and services to be provided to both employees and residents of the area.
6	Community Form/Land Use Guideline 3: Compatibility	A.5: The proposal mitigates any potential odor or emissions associated with the development.	✓	As with any service station, emissions will be present, but it would not appear that the proposal contains a large amount of gasoline pumps and its primary service will be grocery and food services.

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7	Community Form/Land Use Guideline 3: Compatibility	A.6: The proposal mitigates any adverse impacts of its associated traffic on nearby existing communities.	✓	The site is appropriately located at the intersection of arterial roadways within close proximity to employment facilities. It would not appear that the site alone would attract new users/traffic, but rather attract those already in the area for employment.
8	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 what is necessary to provide safety and security
9	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 site is appropriately located at the intersection of arterial roadways within close proximity to employment facilities
10	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.	✓	A protected waterway provides additional buffering to single family residential properties to the South. The residential lots to the sites immediate East is vacant and located in the SW form district intended for non-residential uses.
11	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.	✓	Space is sufficient to provided landscaping to mitigate any adverse impacts. The site is appropriately located in the SW form district and future uses are intended to be non-residential
12	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, lot dimensions and building heights appear to compatible with non-residential uses within the area
13	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.	✓	Parking areas are located on the street side of the building away from residential areas, except for two small areas which are buffered by a protected waterway and a detention basin

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14	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.	✓	Parking areas will be screened as the site has sufficient space to appropriately landscape impervious areas
15	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 garages are proposed
16	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.	+/-	Signs shall be in compliance with Ch. 8 of the LDC
17	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.	✓	The site contains multiple areas of green or vegetative space included in the protected waterway buffer areas and along the frontage
18	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	SW form district
19	Community Form/Land Use Guideline 4: Open Space	A.5: The proposal integrates natural features into the pattern of development.	+/-	Trees along the frontage should be preserved and vegetation within the waterway buffer should be left undisturbed
20	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 contains a protected waterway. This waterway requires a 100' buffer measured from the top of the stream bank. No impervious surfaces in excess of 100 sq ft may be located within this area. The applicant should work to maintain, preserve, and/or replant any vegetation in this area to improve the overall quality of this sensitive feature.
21	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.	+/-	Preservation staff has recommended the adaptive reuse of the existing residential structure on site.



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22	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.	+/-	Development should occur outside of 100 year flood elevation
23	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 use will provide services and goods to the existing employment in the area, as well residents to the South
24	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	Not Downtown
25	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.	NA	Not an industrial use
26	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 proposal is at the intersection of arterial roadways, adjacent to an employment center
27	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.	NA	Not an industrial use
28	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.	+/-	Roadway improvements required by DPW should be made

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29	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.	+/-	Sidewalks and pedestrian facilities are required
30	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.	✓	Access road from Hurstbourne provides access to abutting property
31	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.	+/-	Sidewalks and pedestrian facilities are required
32	Mobility/Transportation Guideline 7: Circulation	A.10: The proposal includes adequate parking spaces to support the use.	✓	Parking is sufficient to serve the development
33	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.	✓	Access road from Hurstbourne provides access to abutting property
34	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.	✓	Access road from Hurstbourne provides access to abutting property
35	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.	✓	Subject site is adjacent to non-residential zoning districts with the exception of the Southeast boundary which is separated by a protected waterway. Traffic would not appear to be generated by this use alone, but rather generated by uses currently present in the area.
36	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.	✓	Access road from Hurstbourne provides access to abutting property

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37	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.	+/-	Sidewalks and pedestrian facilities are required
38	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.	+/-	All MSD comments should be addressed prior to setting a public hearing
39	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 provided the following comment:  Please add the following note to the plan: Mitigation measures for dust control shall be in place during construction to prevent fugitive particulate emissions from reaching existing roads and neighboring properties.
40	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 protected waterway provides for a corridor and natural habitat area
41	Community Facilities Guideline 14: Infrastructure	A.2: The proposal is located in an area served by existing utilities or planned for utilities.	+/-	Utilities shall be coordinated by the applicant
42	Community Facilities Guideline 14: Infrastructure	A.3: The proposal has access to an adequate supply of potable water and water for fire-fighting purposes.	✓	Highview Fire department and LWC have no objections to the proposal

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43	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.	+/-	<p>Health Department provided the following comments:</p> <p>Proposed building must connect to its own sanitary sewer PSC with a minimum six inch sanitary sewer.</p> <p>* Owner must provide documentation of connect to sanitary sewer, PSC, with a minimum six inch sanitary sewer.</p> <p>* All construction and sales trailers must be permitted by the Department of Public Health and Wellness in accordance with chapter 115 of Louisville Jefferson County Metro Ordinances.</p> <p>* Mosquito control in accordance with chapter 96 of Louisville Jefferson Count Metro Ordinances.</p> <p>All food service establishments must be in accordance with 902 KAR 45:005</p>