

**Planning Commission
Staff Report**
January 18, 2018



Case No:	16ZONE1080
Project Name:	Fort Locks Self-Storage
Location:	7650 Dixie Highway
Owner(s):	Valley Station Towne Center
Applicant:	Fort Locks Self-Storage, Inc.
Representative(s):	Wyatt, Tarrant, & Combs LLP – Jon Baker
Jurisdiction:	Louisville Metro
Council District:	25 – David Yates
Case Manager:	Joel P. Dock, Planner II

REQUEST(S)

- **Change-in-Zoning** from R-4, Single-Family Residential to C-2, Commercial
- **Conditional Use Permit** for mini-warehouse, Land Development Code (LDC), section 4.2.35
- **Variance** from LDC, section 5.3.1.C.5 for pavement to encroach upon the 50' non-residential to residential setback
- **Detailed District Development Plan**

CASE SUMMARY

A change-in-zoning from R-4, single-family residential to C-2, commercial with a Conditional Use Permit for mini-warehouse is being requested to expand in an existing mini-warehouse facility with frontage along Dixie Highway. The expansion would occur on a vacant parcel resting between existing single family residential properties. The expanded storage area would include two mini-warehouse structures and two covered areas for accessory recreational vehicle storage. Relief is being requested from items "C" and "G" of the conditional use permit standards outlined in LDC 4.2.35 to allow for this outdoor storage and allow the structure covering this storage space to exceed the maximum 15 foot height limitation. No access to local roads serving residential properties is proposed. All access will be through the existing facility from Dixie Highway. The existing facility is zoned M-2, Industrial and is surrounded by the same.

STAFF FINDING

The proposed rezoning and conditional use permit comply with the applicable guidelines and policies of Cornerstone 2020 and generally comply with the Land Development Code. The variance and detailed district development also appear to be adequately justified based on the standard of review and staff analysis.

The proposed district expands an existing mini-warehouse facility located in the M-2, Industrial zoning district. The existing facility is along a corridor of mixed commercial and industrial uses. The subject site is currently vacant. It would not appear that the site could be conveniently developed for single-family residential use under its current zoning and multi-family residential use at this location may add unwanted traffic and congestion upon the local roads. The proposal expands into a residential area; any incompatibility between the proposed use and the abutting single family residential districts has

been mitigated through the full application of landscape buffers and tree canopy, along with a prohibition on access to local roads. Setbacks, lot dimensions and building heights appear to be compatible with surrounding development. Entrances and parking facilities are provided by the existing mini-warehouse facility fronting Dixie Highway.

TECHNICAL REVIEW

- MSD and Transportation Planning have provided preliminary approvals for the project.

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 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 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 choice 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 proposed zoning district is connected at the rear to an existing mini-warehouse facility located in the M-2, Industrial zoning district along a corridor of mixed commercial and industrial uses. The proposed zoning district is a high intensity commercial district and is located to share access and parking through sites having frontage along a major arterial roadway; thus, reducing curb cuts and surface parking. Access to local roads will be restricted by binding elements placed upon the development plan.

The proposed site improvements result in an efficient use of land as the proposed use is a low generator of traffic both pedestrian and vehicular, as well as being a non-essential neighborhood use. It does not occupy viable street frontage for future commercial uses providing neighborhood or regional goods and services. The shape of the lot and land area does not appear to allow for the convenient development of the land for single-family residential uses or allow them to be appropriately incorporated into the existing neighborhoods to the North and South. Setbacks, lot dimensions and building heights are compatible with those of nearby developments that meet form district standards. The site immediately abuts the Suburban Marketplace corridor which provides for relaxed standards for setbacks. The proposed land use is located in the Neighborhood form district and generally complies with land development code regulations pertaining to setbacks. The full application of landscape buffers and tree canopy is being provided to mitigate any incompatibility between the proposed land use and abutting residential uses.

The proposal constitutes a non-residential expansion into a residential area. Despite such an expansion the specific land use proposed does not generate large amounts of traffic and any traffic would be restricted to access the proposed land use via Dixie Highway and the existing access points. Future commercial development of the site would be restricted by binding elements to only the existing access via Dixie Highway; thus, parking, traffic, or signage would not expand or appear in these residential areas. Landscape buffering as required for commercial districts abutting residential uses or districts is being complied with in full and provides an appropriate transition between possible incompatible developments. Further, the use of the land for single-family purposes may not be a convenient method of development given the shape and size of the lot and multi-family development may add unwanted traffic and congestion.

STANDARD OF REVIEW AND STAFF ANALYSIS FOR CONDITIONAL USE PERMIT

1. Is the proposal consistent with the applicable policies of the Comprehensive Plan?

STAFF: The proposed conditional use permit for mini-warehouse is consistent with applicable policies of the Comprehensive Plan as proposed site improvements result in an efficient use of land and generally produce low volumes of traffic. Setbacks, lot dimensions and building heights are compatible with those of nearby developments that meet form district standards. The proposed use is located to share access and parking through sites having frontage along a major arterial roadway; thus, reducing curb cuts and surface parking. Access to local roads will

be restricted. The full application of landscape buffers and tree canopy is being provided to mitigate any incompatibility between the proposed land use and abutting residential uses.

2. Is the proposal compatible with surrounding land uses and the general character of the area including such factors as height, bulk, scale, intensity, traffic, noise, odor, drainage, dust, lighting, appearance, etc?

STAFF: Setbacks, lot dimensions and building heights are compatible with those of nearby developments that meet form district standards. The proposal generally meets from district standards.

3. Are necessary public facilities (both on-site and off-site), such as transportation, sanitation, water, sewer, drainage, emergency services, education, recreation, etc. adequate to serve the proposed use?

STAFF: Necessary public facilities will be provided to accommodate the land use.

4. Does the proposal comply with the following specific standards required to obtain the conditional use permit requested?

Mini-warehouses may be allowed in the C-2 District where the premises abut on a roadway classified as a collector or major or minor arterial as designated in the Comprehensive Plan for all of Jefferson County, Kentucky, upon the granting of a Conditional Use Permit and compliance with the listed requirements.

A. The property shall be landscaped so as to blend in with the surrounding area and shall be screened and buffered from adjacent uses of a non-industrial nature.

B. No building, structure or pavement shall be located closer than 30 feet to side property lines or property lines abutting residential areas. This area is reserved as a landscape buffer area.

C. No outside storage shall be allowed on the property.

D. No storage of toxic or hazardous materials shall be allowed on the property.

E. There shall be no retail or wholesale sales or distributing activities on site.

G. No structure on the site shall be taller than one story and shall not exceed 15 feet in height (except for one freestanding sign as allowed in H below).

H. Signs - Only one freestanding sign shall be allowed and shall conform to limits established for the form district in which the sign is located.

STAFF: The requested conditional use permit is a component of a larger mini-warehouse facility that abuts a major arterial roadway. This major arterial provides direct, primary access to the expanded portion subject to the conditional use permit. No access to abutting local roads will be permitted per binding elements. The subject property provides all required landscape buffers and complies with the required thirty foot setback. No new signage is proposed.

Relief is being requested to allow for the ancillary outdoor storage (item 'C') of accessory recreational vehicles under a canopy that exceeds fifteen feet in height (item 'G'). To properly store and secure these types of vehicles a greater height is necessary. No heavy trucks or equipment will be stored on the premises and the plan indicates that the storage will primarily be for Boats and RVs. The storage is accessory to the primary use on-site and its impact is limited. Sufficient landscaping and screening is being provided to mitigate relief from these items.

STANDARD OF REVIEW AND STAFF ANALYSIS FOR VARIANCE(S)

Section 5.3.1.C.5 for pavement to encroach upon the 50' non-residential to residential setback

- (a) The requested variance will not adversely affect the public health, safety or welfare.

STAFF: The requested variance will not adversely affect the public health, safety or welfare as the full application of landscape buffering, screening, and tree canopy is being provided, along with the required thirty foot conditional use permit setback which aid in mitigating any impacts upon surrounding properties.

- (b) The requested variance will not alter the essential character of the general vicinity.

STAFF: The requested variance will not alter the essential character of the general vicinity as Setbacks, lot dimensions and building heights are compatible with those of nearby developments that meet form district standards.

- (c) The requested variance will not cause a hazard or nuisance to the public.

STAFF: The requested variance will not cause a hazard or nuisance to the public as the pavement encroaching upon the setback is not used for parking and vehicular movement upon this pavement will be limited by the use which generally generates low volumes of traffic. Additionally, the full application of landscape buffering, screening, and tree canopy is being provided to mitigate impacts upon neighbors.

- (d) The requested variance will not allow an unreasonable circumvention of the zoning regulations.

STAFF: The requested variance will not allow an unreasonable circumvention of the zoning regulations as all other requirements are being met and the site complies with applicable guidelines and policies of the Comprehensive Plan.

ADDITIONAL CONSIDERATIONS:

1. The requested variance arises from special circumstances which do not generally apply to land in the general vicinity or the same zone.

STAFF: The variance does not arise from special circumstances which do not generally apply to land in the general vicinity or the same zone.

2. The strict application of the provisions of the regulation would deprive the applicant of the reasonable use of the land or 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 as the remainder of the subject site is being developed in compliance with Land Development Code regulations pertaining to setbacks, buffering, and tree canopy.

3. The circumstances are the result of actions of the applicant taken subsequent to the adoption of the zoning regulation from which relief is sought.

STAFF: The circumstances are not the result of actions of the applicant taken subsequent to the adoption of the zoning regulation from which relief is sought.

STANDARD OF REVIEW FOR DETAILED DISTRICT DEVELOPMENT PLAN

- a. The conservation of natural resources on the property proposed for development, including: trees and other living vegetation, steep slopes, water courses, flood plains, soils, air quality, scenic views, and historic sites;

STAFF: The site contains potential wetlands. MSD will oversee water runoff and erosion that could result from the inappropriate development of the subject site resulting in environmental degradation. Drainage and the appropriate development upon these lands will be approved in consultation and upon further review by MSD during the construction review phase of development.

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

STAFF: The proposed development plan does not detract from the safe and efficient movement of both pedestrians and vehicles. The proposed development is located to share access and parking through sites having frontage along a major arterial roadway; thus, reducing curb cuts and surface parking. Access to local roads will be restricted by binding elements placed upon the development plan.

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

STAFF: The provision of sufficient open space (scenic and recreational) to meet the needs of the proposed development is being provided as all landscaping and tree canopy is being provided in full.

- 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: Setbacks, lot dimensions and building heights are compatible with those of nearby developments that meet form district standards. The proposal generally meets form district standards. The use is generally compatible with surrounding uses as the site connects with an M-2, industrial zone serving the existing mini-warehouse facility. The corridor contains a mixture of commercial and industrial uses.

- 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 for mini-warehouse is consistent with applicable policies of the Comprehensive Plan as proposed site improvements result in an efficient use of land and generally produce low volumes of traffic. Setbacks, lot dimensions and building heights are compatible with those of nearby developments that meet form district standards. The proposed use is located to share access and parking through sites having frontage along a major arterial roadway; thus, reducing curb cuts and surface parking. Access to local roads will be restricted. The full application of landscape buffers and tree canopy is being provided to mitigate any incompatibility between the proposed land use and abutting residential uses.

REQUIRED ACTIONS

- **RECOMMEND** to the Louisville Metro Council that the change in zoning from R-4, Single-Family Residential to C-2, Commercial on property described in the attached legal description be **APPROVED** or **DENIED**
- **APPROVE** or **DENY** the **Conditional Use Permit** for mini-warehouse, Land Development Code, section 4.2.35 with relief from items 'C' and 'G'
- **APPROVE** or **DENY** the **Variance** from LDC, section 5.3.1.C.5 for pavement to encroach upon the 50' non-residential to residential setback
- **APPROVE** or **DENY** the **Detailed District Development Plan**

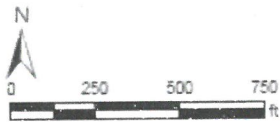
NOTIFICATION

Date	Purpose of Notice	Recipients
11/30/17	Hearing before LD&T	1 st and 2 nd tier adjoining property owners Speakers at Planning Commission public hearing Registered Neighborhood Groups in Council District 25
12/29/17	Hearing before Planning Commission	1 st and 2 nd tier adjoining property owners Speakers at Planning Commission public hearing Registered Neighborhood Groups in Council District 25
1/3/18	Hearing before PC	Sign Posting on property
1/3/18	Hearing before PC	Legal Advertisement in the Courier-Journal

ATTACHMENTS

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

1. **Zoning Map**



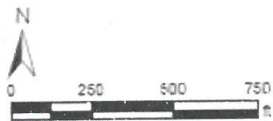
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2. Aerial Photograph



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3. Cornerstone 2020 Staff Checklist

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

Neighborhood: 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.3: The proposal is a neighborhood center with a mixture of uses such as offices, retail shops, restaurants and services at a scale that is appropriate for nearby neighborhoods.	✓	The proposed zoning district is located to the rear of a non-residential corridor and incorporates itself into that corridor through an expansion of an existing use and access. The corridor consists of a mixture of uses of varying intensities.
2	Community Form/Land Use Guideline 1: Community Form	B.3: If the proposal is high intensity, it is located on a major or minor arterial or an area with limited impact on low to moderate intensity residential uses.	✓	The proposed zoning district is a high intensity commercial district and is located to share access through sites having frontage along a major arterial roadway. The site fronting along the roadway through which access is shared is zoned M-2, Industrial. Access to local roads will be restricted by binding elements placed upon the development plan.
3	Community Form/Land Use Guideline 2: Centers	A.1/7: The proposal, which will create a new center, is located in the Neighborhood Form District, and includes new construction or the reuse of existing buildings to provide commercial, office and/or residential use.	✓	The proposal is located in the NFD, but does not create a new center as it is incorporated into an existing non-residential corridor. It includes the construction of new buildings that appear to be consistent with the existing use along the frontage of Dixie Highway.
4	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.	✓	There is sufficient residential population in the area and population generated by the corridor to support expanded commercial uses.
5	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 site improvements result in an efficient use of land as the proposed use is a low generator of traffic both pedestrian and vehicular, as well as being a non-essential neighborhood use. It does not occupy viable street frontage for future commercial uses providing neighborhood or regional goods and services. Further, the shape of the lot and land area does not appear to allow for the convenient development of the land for single-family residential uses or allow them to be appropriately incorporated into the existing neighborhoods to the North and South.

#	Cornerstone 2020 Plan Element	Plan Element or Portion of Plan Element	Staff Finding	Staff Comments
6	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 expands an existing use in a zoning district that is consistent with surrounding uses and districts along the corridor. The proposed land use does not detract from existing facilities or occupy space along the corridor that would detract from the use of alternative forms of transportation, vitality, or sense of place along the corridor.
7	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.	✓	The C-2 commercial district would allow for a wide variety of commercial uses that might include residential and office uses above retail and/or includes other mixed-use, multi-story retail buildings. The use proposed, however, may be the most appropriate use for the site with respect to adverse impacts of traffic caused by multi-family development upon local roads.
8	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.	✓	The proposed land use is designed to be compact while leaving required open space and meeting the needs for tree canopy.
9	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.	✓	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. The mini-storage facility is accessed through existing infrastructure along the Dixie Highway.
10	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.	✓	There would not appear to be an issue with connecting to existing utilities and infrastructure in the area.
11	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.	✓	The proposed use is easily accessible for its primary form of transportation, the automobile. Due to existing development along Dixie Highway and restricted access to local roads per binding elements access to the proposed zoning district and land use is limited to the availability of transportation modes and accessibility along Dixie Highway.
12	Community Form/Land Use Guideline 3: Compatibility	A.2: The proposed building materials increase the new development's compatibility.	✓	The proposed buildings materials are consistent with a mini-warehouse design and do not necessarily detract from the new development's compatibility.

#	Cornerstone 2020 Plan Element	Plan Element or Portion of Plan Element	Staff Finding	Staff Comments
13	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.	✓	The proposal constitutes a non-residential expansion into a residential area. Despite such an expansion the specific land use proposed does not generate large amounts of traffic and any traffic would be restricted to access the proposed land use via Dixie Highway and the existing access points. Future commercial development of the site would be restricted by binding elements to only the existing access via Dixie Highway; thus, parking, traffic, or signage would not expand or appear in these residential areas. Landscape buffering as required for commercial districts abutting residential uses or districts is being complied with in full and provides an appropriate transition between possible incompatible developments. Further, the use of the land for single-family purposes may not be a convenient method of development given the shape and size of the lot and multi-family development may add unwanted traffic and congestion.
14	Community Form/Land Use Guideline 3: Compatibility	A.5: The proposal mitigates any potential odor or emissions associated with the development.	✓	The proposed land use does not often generate adverse odors or emissions. Measure have been taken in the form of binding elements to ensure that no idling of trucks will take place within 200 feet of single-family residences and no overnight idling of trucks will be permitted on-site.
15	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 land use does not generate excessive levels of traffic that would significantly impact the surrounding community. Redevelopment of the proposed commercial district for any other use would be restricted from access the site from local roads without requesting to do so before the Planning Commission.
16	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 be no more than is necessary to provide for the safety and security of the premises.
17	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 and is located with primary access from a major arterial roadway.

#	Cornerstone 2020 Plan Element	Plan Element or Portion of Plan Element	Staff Finding	Staff Comments
18	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.	✓	Landscape buffering as required for commercial districts abutting residential uses or districts is being complied with in full and provides an appropriate transition between potentially incompatible developments.
19	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.	✓	Any incompatibility between the proposed use and the abutting single family residences has been mitigated through the full application of landscape buffers, tree canopy, and restricted access for local roads.
20	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 are compatible with those of nearby developments that meet form district standards. The site immediately abuts the Suburban Marketplace corridor which provides for relaxed standards for setbacks. The proposed land use is located in the Neighborhood form district and generally complies with land development code regulations pertaining to setbacks.
21	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.	✓	The proposed development does not propose any new parking or loading areas adjacent to residential uses or districts. The subject site is screened from residential properties with an eight foot privacy fence.
22	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 proposed development does not propose any new parking or loading areas adjacent to residential uses or districts. The subject site is screened from residential properties with an eight foot privacy fence.
23	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 structure proposed

#	Cornerstone 2020 Plan Element	Plan Element or Portion of Plan Element	Staff Finding	Staff Comments
24	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.	✓	Any new signage shall be compatible with Ch.8 of the Land Development Code
25	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.	✓	Tree canopy and landscape areas as required by the Land Development Code are being provided.
26	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.	✓	Tree canopy and landscape areas as required by the Land Development Code are being provided.
27	Community Form/Land Use Guideline 4: Open Space	A.5: The proposal integrates natural features into the pattern of development.	✓	There do not appear to be any significant natural features to be incorporated into the plan.
28	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.	✓	MSD will oversee water runoff and erosion that could result from the inappropriate development of the subject site resulting in environmental degradation.
29	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.	✓	The proposal puts to use a piece of property that is currently underused and vacant.
30	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 contains potential wetlands. Drainage and the appropriate development upon these lands will be approved in consultation and upon further review by MSD during the construction review phase of development.
31	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 subject site is not downtown.
32	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 a commercial district with a conditional use permit for a light industrial use and is located to the rear of an industrial zoning district and utilizes existing infrastructure for integration of the new district and land use.

#	Cornerstone 2020 Plan Element	Plan Element or Portion of Plan Element	Staff Finding	Staff Comments
33	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 land use generates low volumes of traffic and is located with access to a major arterial. Access to local roads is to be restricted by binding elements.
34	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 light industrial use is located with access to an arterial street.
35	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.	✓	No roadway improvements are required for the proposed development. Future redevelopment may require improvements.
36	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 proposed use does not interfere with the promotion of mass transit, bicycle, and pedestrian movement along the corridor.
37	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 proposed expansion to the existing use appropriately uses access through existing non-residential lands instead of through areas that would generate nuisances.
38	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.	✓	No right-of-way is needed for the proposed use.
39	Mobility/Transportation Guideline 7: Circulation	A.10: The proposal includes adequate parking spaces to support the use.	✓	Parking is sufficient to accommodate the use.

#	Cornerstone 2020 Plan Element	Plan Element or Portion of Plan Element	Staff Finding	Staff Comments
40	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 site is provided access through adjacent lands where appropriate.
41	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.	✓	While access from local roads and connection of these local roads which stub into the property is not being provided, the connection of these roads may only occur in instances of single-family development which may not be supported by the shape and size of the lot. Further, the connection of these roads for the proposed development would be inappropriate.
42	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 local roads with stub connections to the property is being restricted per binding element to eliminate access to development through areas of significantly lower intensity or density as such access would create a significant nuisance.
43	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.
44	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 proposed expansion does not warrant any new improvements to provide for the movement of pedestrians, bicyclists and transit users around and through the development. It does not detract from this movement either.
45	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.	✓	The proposal's drainage plans have been approved by MSD, and the proposal mitigates negative impacts to the floodplain and minimizes the impact of impervious area.

#	Cornerstone 2020 Plan Element	Plan Element or Portion of Plan Element	Staff Finding	Staff Comments
46	Livability/Environment Guideline 12: Air Quality	The proposal has been reviewed by APCD and found to not have a negative impact on air quality.	✓	The proposal has been reviewed by APCD and found to not have a negative impact on air quality.
47	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.	✓	No natural corridors are present that warrant additions and connections to a system of providing habitat areas or allow for migration.
48	Community Facilities Guideline 14: Infrastructure	A.2: The proposal is located in an area served by existing utilities or planned for utilities.	✓	The proposal would appear to be located in an area served by existing utilities or planned for utilities.
49	Community Facilities Guideline 14: Infrastructure	A.3: The proposal has access to an adequate supply of potable water and water for fire-fighting purposes.	✓	No objections to the proposal have been received by the LWC.
50	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.	✓	Adequate means of sewage treatment and disposal to protect public health and to protect water quality in lakes and streams will be provided as required.

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. No outdoor advertising signs, small freestanding signs, pennants, balloons, or banners shall be permitted on the site.
3. Construction fencing shall be erected when off-site trees or tree canopy exists within 3' of a common property line. Fencing shall be in place prior to any grading or construction to protect the existing root systems from compaction. The fencing shall enclose the entire area beneath the tree canopy and shall remain in place until all construction is completed. No parking, material storage or construction activities are permitted within the protected area.
4. Before any permit (including but not limited to building, parking lot, change of use, site disturbance) 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 Land Development Code, 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 Tree Preservation Plan in accordance with Chapter 10 of the LDC shall be reviewed and approved prior to obtaining approval for site disturbance.
 - e. A legal instrument shall be recorded consolidating the property as shown on the approved development plan. A copy of the recorded instrument shall be submitted to the Division of Planning and Design Services
 - f. Army Corps of Engineers approval required for any encroachments into federally regulated wetlands
5. A certificate of occupancy must be received from the appropriate code enforcement department prior to occupancy of the structure or land for the proposed use. All binding elements requiring action and approval must be implemented prior to requesting issuance of the certificate of occupancy, unless specifically waived by the Planning Commission
 6. The applicant, developer, or property owner shall provide copies of these binding elements to tenants, purchasers, contractors, subcontractors and other parties engaged in development of this site and shall advise them of the content of these binding elements. These binding elements shall run with the land and the owner of the property and occupant of the property shall at all times be responsible for compliance with 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.
 7. No idling of trucks shall take place within 200 feet of single-family residences. No overnight idling of trucks shall be permitted on-site.
 8. The storage of "heavy-trucks" shall be prohibited. Accessory recreation vehicles (Boats and RVs) are specifically authorized as an accessory use with no limitation on their length.
 9. No access from Stuart, Elnora, Russell, or Virginia Avenues and Greenwood Manor Road shall be permitted without notification to property owners along these ways and approval by the Planning Commission or designee.