

Planning Commission

Staff Report

January 21, 2016



Case No:	15ZONE1017
Request:	Change in zoning from R-4 to C-2 on 2.5 acres with Variances, Parking Waiver, Land Development Code Waiver and Detailed District Development Plan
Project Name:	Gordon Motor Sports
Location:	Hurstbourne Parkway
Owner:	Vandenbrock Properties, LLC
Applicant:	Vandenbrock Properties, LLC
Representative:	Glenn Price
Jurisdiction:	Louisville Metro
Council District:	22 – Robin Engel
Case Manager:	Christopher Brown, Planner II

REQUEST

- Change in zoning from R-4 to C-2
- Variance #1: Variance from Chapter 5.3.1.C.5, Table 5.3.2 of the Land Development Code to allow the building to exceed the 80' maximum front yard setback
- Parking Waiver to reduce the minimum required amount of parking from 29 spaces to 9 spaces
- Detailed District Development plan

CASE SUMMARY/BACKGROUND/SITE CONTEXT

Existing Zoning District: R-4
Proposed Zoning District: C-2
Existing Form District: Neighborhood
Existing Use: Vacant
Proposed Use: Car Sales & Residential
Minimum Parking Spaces Required: 29
Maximum Parking Spaces Allowed: 48
Parking Spaces Proposed: 9
Plan Certain Docket #: None

The proposal is for a change in zoning from R-4 to C-2 to construct a 10,900 SF mixed use building on the vacant property currently located within the Neighborhood Form District. The vacant lot is located on the east side of Hurstbourne Parkway in an area of residential uses. The proposed use will consist of pre-owned vehicular sales with interior and outdoor display spaces and a second floor residential component. The business owner is proposed to reside within the second floor residential component of the project. The entirety of the surrounding area is R-4 single family residential within the Neighborhood Form District. The subject site is north of Bardstown Road and south of Watterson Trail. These two intersections are the locations where non-residential zoning has been located. Directly to the north of the site, a CUP was granted for an assisted living facility. To the south, the Down Syndrome of Louisville, Inc. building has been located on a residentially zoned property. The applicant is requesting a parking waiver to reduce the required number of parking spaces from 29 to 9. There are forty display spaces proposed on the site. A variance is being requested to allow the building to exceed the maximum setback along Hurstbourne Parkway.

LAND USE/ZONING DISTRICT/FORM DISTRICT TABLE

	Land Use	Zoning	Form District
Subject Property			
Existing	Vacant	R-4	N
Proposed	Car Sales/Residential	C-2	N
Surrounding Properties			
North	Assisted Living Facility	R-4 (CUP)	N
South	Down Syndrome of Louisville	R-4	N
East	Single Family Residential	R-4	N
West	Single Family Residential Vacant	R-4	N

PREVIOUS CASES ON SITE

No previous cases on the site.

INTERESTED PARTY COMMENTS

The adjacent property owner to the north has raised issues about lighting, noise, buffering along their property perimeter and the waiver requested to eliminate the berm. They have brought forth concerns that additional actions could be taken to make the proposed development more compatible to the area. The applicant has since responded to these concerns and eliminated the waiver request regarding the berm.

APPLICABLE PLANS AND POLICIES

Cornerstone 2020
Land Development Code

STANDARD OF REVIEW FOR REZONING

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

- The proposed form district/rezoning change complies with the applicable guidelines and policies Cornerstone 2020; **OR**
- The existing form district/zoning classification is inappropriate and the proposed classification is appropriate; **OR**
- There have been major changes of an economic, physical, or social nature within the area involved which were not anticipated in Cornerstone 2020 which have substantially altered the basic character of the area.

STAFF ANALYSIS FOR REZONING

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

The site is located in the Neighborhood Form District

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

The Neighborhood Form will contain diverse housing types in order to provide housing choices for differing ages and incomes. New neighborhoods are encouraged to incorporate these different housing

types within a neighborhood as long as the different types are designed to be compatible with nearby land uses. These types may include, but not be limited to large lot single family developments with cul-de-sacs, neo-traditional neighborhoods with short blocks or walkways in the middle of long blocks to connect with other streets, villages and zero-lot line neighborhoods with open space, and high density multi-family condominium-style or rental housing.

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

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

The proposal to rezone the subject site from R-4 to C-2 creates a higher intensity commercially zoned site along the major arterial corridor of Hurstbourne Parkway where this category of uses is appropriate. The Neighborhood form district encourages predominantly residential uses with a variety of density and contemplates office, commercial and civic uses that complement the surrounding residential. The proposal complements the surrounding residential uses and mitigates any potential adverse impacts with the provided buffering and location of the residential portion of the use toward the rear of the property adjacent to the single family residential uses in the area. It introduces a unique mix of commercial and residential on the site. The expansion of non-residential use in the area would be a beginning of a connection to the nodes of non-residential further to the north and south along the existing corridor.

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

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

STANDARD OF REVIEW AND STAFF ANALYSIS FOR DDDP

- 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: There does not appear to be any environmental constraints or historic resources on the subject site. Tree canopy requirements of the Land Development Code will be provided on the subject site.

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

STAFF: Provisions for safe and efficient vehicular and pedestrian transportation within and around the development and the community has been provided, and Metro Public Works and the Kentucky Transportation Cabinet have approved the preliminary development plan.

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

STAFF: There are no open space requirements with the current proposal.

- d. The provision of adequate drainage facilities on the subject site in order to prevent drainage problems from occurring on the subject site or within the community;

STAFF: The Metropolitan Sewer District has approved the preliminary development plan and will ensure the provisions of adequate drainage facilities on the subject site in order to prevent drainage problems from occurring on the subject site or within the community.

- e. The compatibility of the overall site design (location of buildings, parking lots, screening, landscaping) and land use or uses with the existing and projected future development of the area;

STAFF: The overall site design and land uses are compatible with the existing and future development of the area. Appropriate landscape buffering and screening will be provided to screen adjacent properties and roadways. Buildings and parking lots will follow a pattern of varying setbacks along the Hurstbourne Parkway corridor.

- f. Conformance of the development plan with the Comprehensive Plan and Land Development Code. Revised plan certain development plans shall be evaluated for conformance with the non-residential and mixed-use intent of the form districts and comprehensive plan.

STAFF: The development plan conforms to applicable guidelines and policies of the Comprehensive Plan and to requirements of the Land Development Code with the exception of the requested relief which meets the standards of review.

STANDARD OF REVIEW AND STAFF ANALYSIS FOR VARIANCES (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 since safe pedestrian access is provided from the public rights-of-way to the building entrance.

- (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 since there are varying setbacks that exist throughout the Hurstbourne Parkway corridor.

- (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 since safe pedestrian access is provided from the public rights-of-way to the building entrance and since safe vehicular maneuvering has been provided on the site.

- (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 regulation since the proposed development allows the residential portion of the structure to be placed in proximity to the adjacent residential uses while providing the non-residential uses on the site nearest Hurstbourne Parkway.

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 requested variance arises from special circumstances which do not generally apply to land in the general vicinity or the same zone since the proposal is a mixed residential and non-residential proposal. The additional setback being requested allows the outdoor display and circulation associated with the non-residential portion of the use to be located adjacent to Hurstbourne Parkway.

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 or create an unnecessary hardship on the applicant by requiring movement of the building toward Hurstbourne Parkway and interrupting proper vehicular circulation on the site.

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 since the lot existed at its shallow depth with surrounding residential prior to the current ownership.

STANDARD OF REVIEW AND STAFF ANALYSIS FOR PARKING WAIVER

- (a) The Parking Waiver is in compliance with the Comprehensive Plan; and

STAFF: Guideline 7 Policy 10 states that parking requirements should take into account the density and relative proximity of residences to businesses in the market area, the availability and use of alternative modes of transportation, and the character and pattern of the form district. Additional considerations including hours of operation and opportunities for shared parking may be factored on a site by site basis. On-site parking standards should reflect the availability of on-street and public parking. Parking standards should include the minimum and maximum number of spaces required based on the land use and pattern of development in the area. The subject site is located in a suburban area along a major arterial with a mix of uses requiring a lower level amount of parking. There is multi-modal access to the site from the street frontage in addition to the vehicular spaces being provided; therefore, the parking waiver is in compliance with the Comprehensive Plan.

- (b) The applicant made a good faith effort to provide as many parking spaces as possible on the site, on other property under the same ownership, or through joint use provisions; and

STAFF: The applicant has provided as many parking spaces in front of the structure as possible to afford space for display along the street frontage as well as parking within garage spaces for the second story residential use proposed within the structure.

- (c) The requested waiver is the smallest possible reduction of parking spaces that would accommodate the proposed use; and

STAFF: The requested waiver is the smallest possible reduction of parking spaces that would accommodate the proposed use for the automobile sales as well as the residential use on the site and the parking spaces to be provided are located directly adjacent to the office portion of the building.

- (d) Adjacent or nearby properties will not be adversely affected; and

STAFF: There are sufficient parking spaces on site available to accommodate the parking space demand created by the proposed uses on the subject site. For these reasons, and the reasons stated above, adjacent or nearby properties will not be adversely affected.

- (e) The requirements found in Table 9.1.2 do not accurately depict the parking needs of the proposed use and the requested reduction will accommodate the parking demand to be generated by the proposed use; and

STAFF: The parking space demand created by the proposed uses on the subject site, the requirements found in table 9.1.2 of the Land Development Code, which mandate the number of parking spaces required to be provided off-street, do not accurately depict the parking needs of the proposed use due to the unique nature of the mixed use being proposed with higher end automobile sales and second story residential. The requested reduction will accommodate the parking demand to be generated by the proposed use.

- (f) That there is a surplus of on-street or public spaces in the area that can accommodate the generated parking demand;

STAFF: There are sufficient parking spaces that will be available on site to meet the demand for the proposed uses. There are no on-street or public spaces in the area that can be used for the site and its related parking demand.

TECHNICAL REVIEW

The height variance was eliminated due to Table 5.3.2 of the Land Development Code that permits additional height up to 40' if the second story is occupied by a residential use. The proposed use and building is a mixed use structure with residential occupying the second story.

Table 5.3.2 Dimensional Standards: Non-Residential Uses

Maximum Building Footprint	Min. Front and Street Side Setback	Max. Front and Street Side Setback	Non-Res to Res Setback (No Loading) ¹	Non-Res to Res Setback (Loading) ²	Max. Building Height	Max Building Height: Residential Top Floor ³
5,000 sq ft	10 ft	80 ft.*	15'	25'	25 ft	35 ft.
5,001 to 30,000 sq ft	10 ft.	80 ft.*	30'	50'	30 ft.	40 ft.
30,001 to 80,000 sq ft	10 ft	150 ft.	50'	75'	35 ft	45 ft.
Footnote: Sustainable Permit Projects are subject to maximum height limits 10' greater than listed in this Table.						
¹ Width of buffer required in side or rear yard if adjacent to residential development and if no loading facilities (loading docks, vehicle storage or trash containers) on that side of the non-residential use.						
² Width of buffer required if loading facilities located on corresponding side of non-residential use.						
³ The maximum building height of mixed-use structures may be increased by 15 feet if residential uses occupy at a minimum the upper-most story						
[*] The maximum front and street side setback requirement for non-residential uses shall be 95 feet when the subject property is located on a parkway, as designated within Chapter 10 of this Land Development Code						

STAFF CONCLUSIONS

The proposal meets the guidelines of the Comprehensive Plan and requirements of the Land Development Code with the exception of the requested variance and waiver. The requested relief has met the standards of review as outlined in the staff analysis. Based upon the information in the staff report, the testimony and evidence provided at the public hearing, the Planning Commission must determine if the proposal is in conformance with the Comprehensive Plan; OR the existing form district/zoning classification is inappropriate and the proposed classification is appropriate; OR if there have been major changes of an economic, physical, or social nature within the area involved which were not anticipated in Cornerstone 2020 which have substantially altered the basic character of the area.

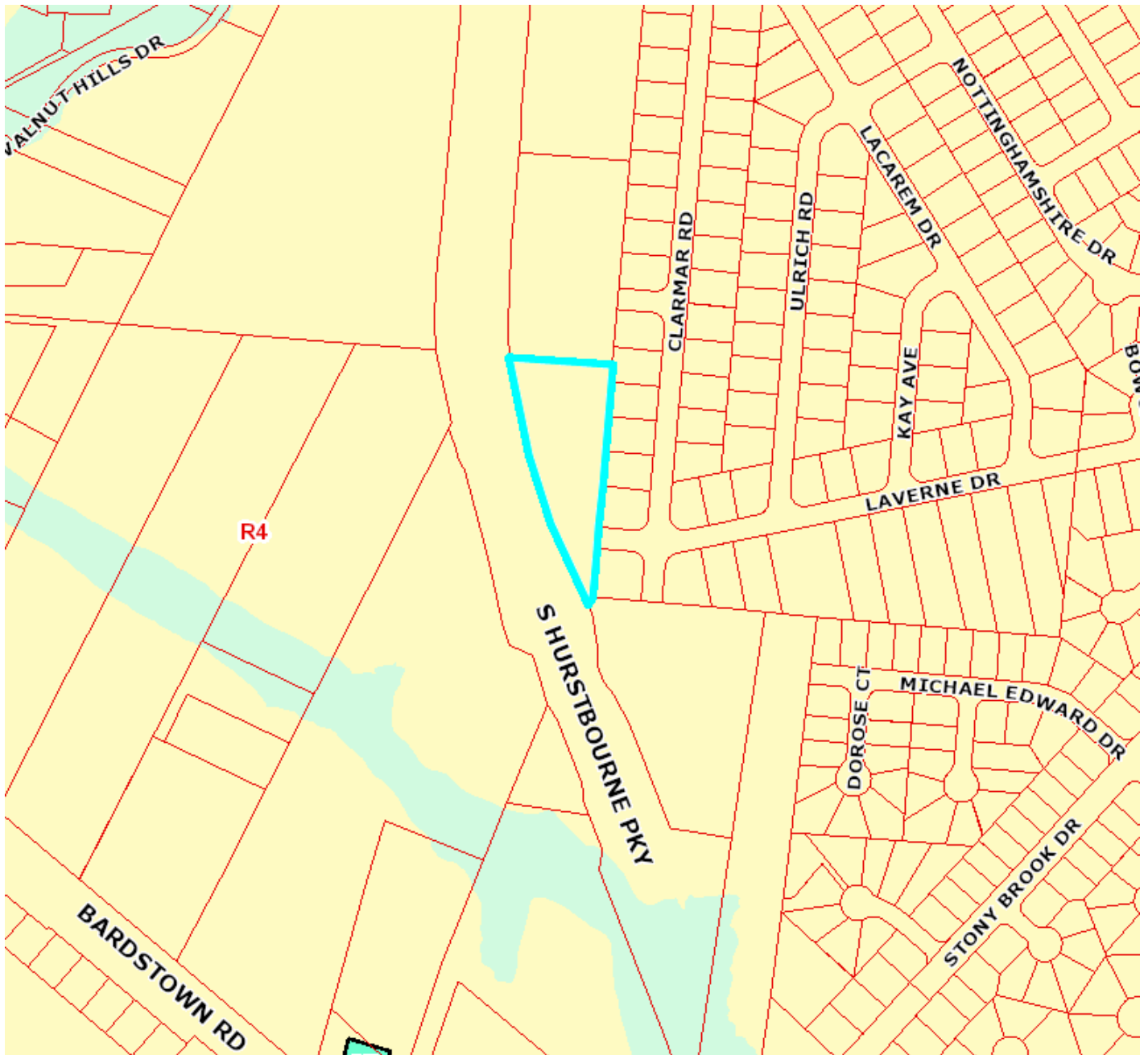
NOTIFICATION

Date	Purpose of Notice	Recipients
11/25/15	Hearing before LD&T	1 st and 2 nd tier adjoining property owners Speakers at Planning Commission public hearing Subscribers of Council District 22 Notification of Development Proposals
1/7/16	Hearing before PC	1 st and 2 nd tier adjoining property owners Speakers at Planning Commission public hearing Subscribers of Council District 22 Notification of Development Proposals
1/7/16	Hearing before PC	Sign Posting on property
1/14/16	Hearing before PC	Legal Advertisement in the Courier-Journal

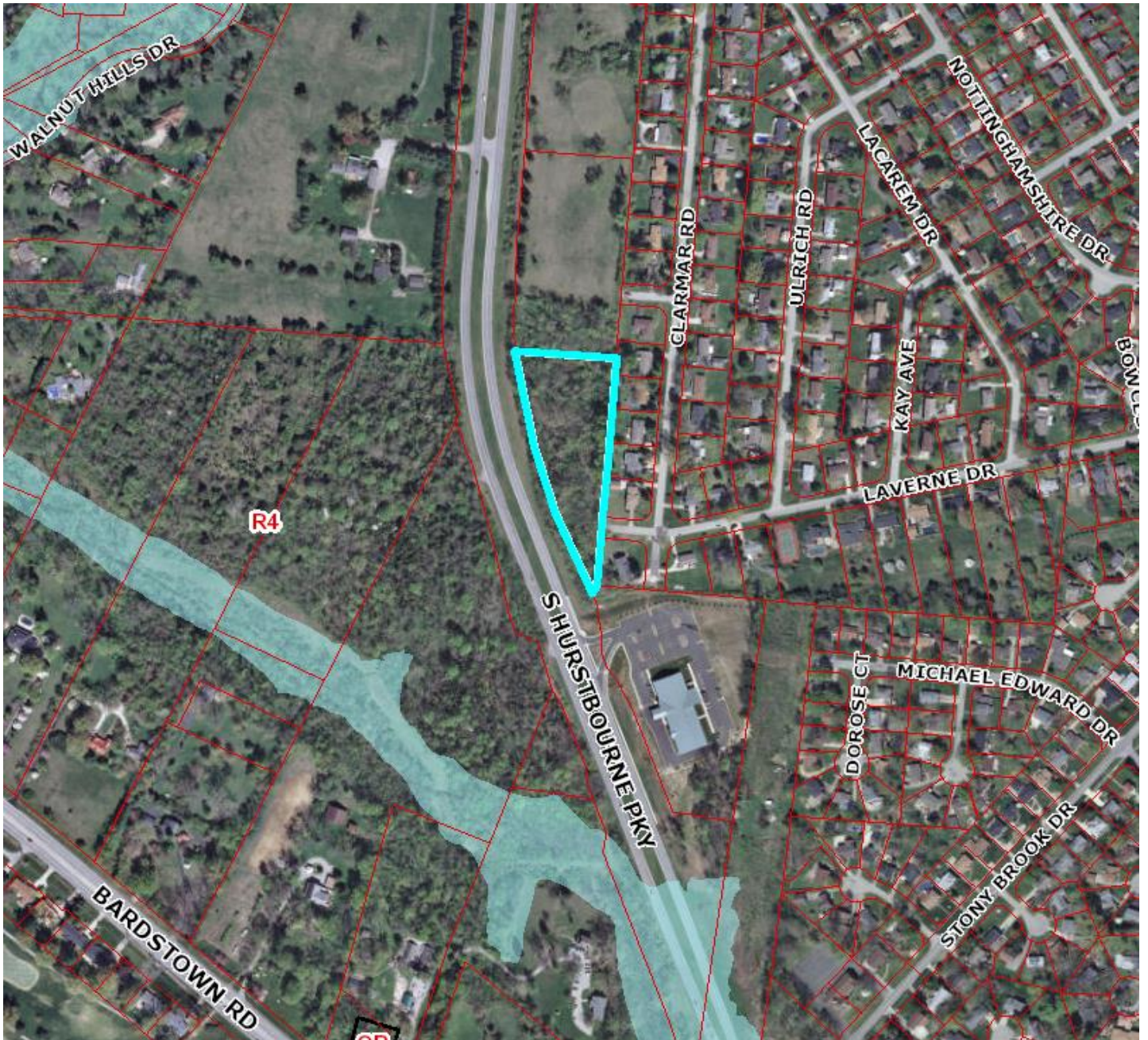
ATTACHMENTS

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

1. **Zoning Map**



2. Aerial Photograph



3. Cornerstone 2020 Staff Checklist

- + 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 proposal is near centers to the north and south along Hurstbourne Parkway with a mixture of non-residential and residential proposed on the property at a scale appropriate to the area.
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 proposal is located along a major arterial with no access to the nearby residential properties.
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 will include new construction to provide a mix of commercial and residential at an appropriate scale on the site.
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.	√	The site is located on a major arterial that not only supports the adjacent neighborhoods but also makes a regional connection. Hurstbourne Parkway has sufficient population to support the proposal.
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 development is compact and results in an efficient land use pattern and cost-effective infrastructure investment.
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.	NA	The proposal is not a center.

#	Cornerstone 2020 Plan Element	Plan Element or Portion of Plan Element	Staff Finding	Staff Comments
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 proposal incorporates residential use above the first floor display and office space.
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.	NA	The proposal is not a large development.
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.	NA	The adjacent uses are a lower intensity zoning district and would not support shared entrances or parking facilities.
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.	√	The proposal is designed to share utility hookups with adjacent developments, and utility lines are placed underground in common easements.
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 proposal supports access from its frontage by bicycle users and pedestrians with sidewalk construction and connections to the building. There is no transit route along the corridor.
12	Community Form/Land Use Guideline 3: Compatibility	A.2: The proposed building materials increase the new development's compatibility.	√	The building is proposed to look more residential in nature to increase its compatibility with adjacent residential uses.
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 is a mixed non-residential and residential use being introduced into the area with surrounding non-residential uses to the north and south. They are in lower intensity zoning classifications but contain both residential and non-residential elements. The proposal has been appropriately buffered, screened, etc. to mitigate its impact toward the residential along the rear property perimeter.
14	Community Form/Land Use Guideline 3: Compatibility	A.5: The proposal mitigates any potential odor or emissions associated with the development.	√	The proposal mitigates any potential odor or emissions associated with the development.

#	Cornerstone 2020 Plan Element	Plan Element or Portion of Plan Element	Staff Finding	Staff Comments
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 proposal mitigates any adverse impacts of its associated traffic on nearby existing communities.
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 follow the LDC regulations.
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 mixed intensity use located along a major corridor with activity centers nearby to the north and south.
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.	√	The proposal is a mixed non-residential and residential use being introduced into the area with surrounding non-residential uses to the north and south. They are in lower intensity zoning classifications but contain both residential and non-residential elements. The proposal has been appropriately buffered, screened, etc. to mitigate its impact toward the residential along the rear property perimeter.
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.	√	The proposal is a mixed non-residential and residential use being introduced into the area with surrounding non-residential uses to the north and south. They are in lower intensity zoning classifications but contain both residential and non-residential elements. The proposal has been appropriately buffered, screened, etc. to mitigate its impact toward the residential along the rear property perimeter.
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.	√	The proposed setback is compatible to the larger Hurstbourne Parkway corridor and its varying 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.	√	All parking areas are buffered and screened to minimize their impact.

#	Cornerstone 2020 Plan Element	Plan Element or Portion of Plan Element	Staff Finding	Staff Comments
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 proposal includes extensive buffering and berming along the street frontage to screen the use.
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 garage is proposed on the site.
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.	√	Proposed signage follows the form district and parkway pattern.
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.	√	Open space follows any LDC requirements.
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.	√	Open space follows any LDC requirements.
27	Community Form/Land Use Guideline 4: Open Space	A.5: The proposal integrates natural features into the pattern of development.	√	The proposal is incorporating existing tree canopy.
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.	√	The proposal is incorporating existing tree canopy.

#	Cornerstone 2020 Plan Element	Plan Element or Portion of Plan Element	Staff Finding	Staff Comments
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 is incorporating existing tree canopy.
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.	√	Soils are not an issue with the site.
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 proposal is not located within a 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.	NA	The proposal is not for industrial.
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 proposal is located along a major arterial with nearby activity centers to the north and south.
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.	NA	The proposal is not for industrial.

#	Cornerstone 2020 Plan Element	Plan Element or Portion of Plan Element	Staff Finding	Staff Comments
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.		The proposal will make the necessary improvements within the ROW.
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 proposal supports access from its frontage by bicycle users and pedestrians with sidewalk construction and connections to the building. There is no transit route 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.	NA	Cross access is not being provided and would not be appropriate due to the lower intensity zoning classification of the surrounding properties.
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.	NA	No dedication of ROW is required for the proposal.
39	Mobility/Transportation Guideline 7: Circulation	A.10: The proposal includes adequate parking spaces to support the use.	√	The proposal includes adequate parking spaces to support the use.
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.	NA	Cross access is not being provided and would not be appropriate due to the lower intensity zoning classification of the surrounding properties.
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.	√	No new roadways are being created.

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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 is maintained from the major arterial along the site frontage.
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.	√	No new roadways are being created.
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 proposal supports access from its frontage by bicycle users and pedestrians with sidewalk construction and connections to the building. There is no transit route along the corridor.
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.	√	MSD has given preliminary approval.
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.	√	APCD has given preliminary approval.
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.	√	The proposal is preserving tree canopy on site.
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 is located in an area served by existing utilities or planned for utilities.

#	Cornerstone 2020 Plan Element	Plan Element or Portion of Plan Element	Staff Finding	Staff Comments
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.	√	The proposal meets this guideline.
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.	√	The proposal has adequate means of sewage treatment and disposal to protect public health and to protect water quality in lakes and streams.

4. Proposed Binding Elements

1. The development shall be in accordance with the approved district development plan, all applicable sections of the Land Development Code (LDC) and agreed upon binding elements unless amended pursuant to the Land Development Code. Any changes/additions/alterations of any binding element(s) shall be submitted to the Planning Commission or the Planning Commission's designee for review and approval; any changes/additions/alterations not so referred shall not be valid.
2. The development shall not exceed 17,280 square feet of gross floor area.
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, alteration permit or demolition permit) is requested:
 - a. The development plan must receive full construction approval from Louisville Metro Department of Codes and Regulations Construction Permits and Transportation Planning Review and the Metropolitan Sewer District.
 - b. Encroachment permits must be obtained from the Kentucky Department of Transportation, Bureau of Highways.
 - c. The property owner/developer must obtain approval of a detailed plan for screening (buffering/landscaping) as described in Chapter 10 prior to requesting a building permit. Such plan shall be implemented prior to occupancy of the site and shall be maintained thereafter.
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. There shall be no outdoor music (live, piped, radio or amplified) **or** outdoor entertainment **or** outdoor PA system (**audible beyond the property line or permitted on the site**).
7. 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.

8. The materials and design of proposed structures shall be substantially the same as depicted in the rendering as presented at the January 21, 2016 Planning Commission public hearing.