

# Planning Commission

## Staff Report

January 19, 2017



<b>Case No:</b>	<b>16zone1019</b>
<b>Request:</b>	<b>Change in zoning from R-4 and PEC to OR-3 and C-2 on approximately 106.82 acres with a General District Development Plan</b>
<b>Project Name:</b>	<b>St. Joseph's Property</b>
<b>Location:</b>	<b>13508 Factory Lane and 2520 Terra Crossing Blvd.</b>
<b>Owner:</b>	<b>St. Joseph Catholic Orphanage Society; Jefferson Healthcare Old Henry Lane</b>
<b>Applicant:</b>	<b>JDG 1849 LLC.</b>
<b>Representative:</b>	<b>Mindel Scott and Assoc.; Bardenwerper Talbott and Roberts PLLC.</b>
<b>Jurisdiction:</b>	<b>Louisville Metro</b>
<b>Council District:</b>	<b>19- Julie Denton</b>
<b>Case Manager:</b>	<b>Julia Williams, RLA, AICP, Planning Supervisor</b>

### REQUEST

- Change in zoning from R-4 and PEC to OR-3 and C-2
- Variance from 5.3.1.C and 5.3.4.D.4 to permit the building heights not to exceed 53' in both the Neighborhood Form and Suburban Workplace Form
- General District Development Plan/Preliminary Subdivision Plan

### CASE SUMMARY/BACKGROUND/SITE CONTEXT

The proposal is for an 11 lot subdivision where multi-family, retail, vehicle sales, restaurant, a theater, and a grocery are the expected uses. The site is mainly flat with few trees. There are no environmental features of note. The proposal extends Bush Farm Road into a roundabout intersection with a Terra Crossing Blvd. extension into Factory Lane. The applicant is requesting a building height not to exceed 53' on the site. The NFD and transition zone between NFD and SWFD permits a minimum of 45' while the SWFD permits 50'.

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

	Land Use	Zoning	Form District
<b>Subject Property</b>			
<b>Existing</b>	Vacant	R-4, PEC	N/SW
<b>Proposed</b>	Mixed Use	OR-3, C-2	N/SW
<b>Surrounding Properties</b>			
<b>North</b>	Single Family Residential	R-4	N
<b>South</b>	Vacant	PEC	SW
<b>East</b>	Single Family Residential, Multi-Family Residential, vacant	R-4, R-6, PEC	N/SW
<b>West</b>	Single Family Residential, Multi-Family Residential, Office/Industrial	R-4, R-7, PEC	N/SW

## PREVIOUS CASES ON SITE

9-1-07- R-4 to PEC for an office development, approved in 2007.

## INTERESTED PARTY COMMENTS

None received.

## APPLICABLE PLANS AND POLICIES

Cornerstone 2020

Land Development Code

Old Henry Road Subarea Plan (2000)-

Planning Areas 1 and 2 apply to the site. The Plan recommends low to medium residential for the north side of the property and workplace for the south side of the site. This recommendation is consistent with the division of Neighborhood Form and Suburban Workplace Form that currently exists on the site. The Plan lists Guiding Principles with implementation recommendations, those recommendations are as follows as it relates to the site:

- **Guiding Principle No 2:** Concern for non-residential uses east of I-265, specifically “do not permit rezonings within the designated residential collar to a classification that would permit high-density residential or non-residential developments.” (The portion of the site located in the NFD represents the portion of the site in the “residential collar”)
- **Guiding Principle No 3:** Apply parkway standards for internal thoroughfares such as Factory Lane and Bush Farm Road. Also, extend Bush Farm Road/Aiken Road through its intersection with Old Henry Road to a connection with Factory Lane. This connection may occur as a "T" type intersection with the current alignment of Factory Lane, or Factory Lane could be realigned and re-constructed to intersect with Bush Farm/Aiken at Old Henry Road.
- **Guiding Principle No 4:** Concern with non-community level commercial drawing traffic regionally to the area from outside the Subarea, adding to traffic congestion and impacting air quality. There is a realization indicated in the plan that speaks to providing services to employees and possible low/medium density residential expansion but also to integrate commercial in the Subarea. Community scale commercial is specifically identified for near the I-265/LaGrange Road interchange. Require market support analysis and justification for rezoning proposals for shopping centers. Rezoning should not be recommended for approval without a substantial justification of need as demonstrated by the market analysis
- **Guiding Principle No 6:** Restrict additional commercial support uses to parcels inside the workplace areas.
- **Guiding Principle No 7:** Whether or not neighborhood serving commercial can locate on the east side of I-265 should be decided on the basis of design and commitment. The design part of this equation would address location, site and architectural design. The commitment part would address the ability of decision-makers to limit the area of commercial development. The provision of neighborhood commercial is a reasonable and supportable objective, if it can be located and designed to minimize impacts and fully integrate the uses with surrounding neighborhoods.
  - Direct medium density to locate in areas designated as “neighborhood center” (The locations for density on the subject site are not within an identified neighborhood center).
  - Non-residential land uses should be restricted to areas west of Bush Farm Road and its extension to Factory Lane.
  - Total retail square footage should be limited to 100,000 square feet.
  - Factory Lane should be heavily buffered with dense vegetation.
  - Consider density transfers to allow for high density to mix with lower density.
  - Neighborhood centers should discourage single retail uses with a building footprint greater than 50,000 SF, civic buildings should be included prominently in centers, and open space should be designed as squares, plazas, and greens.

- **Guiding Principle No 8:** The extension and realignment of Factory lane and Bush Farm Road would provide a boundary between low/medium residential and the more intense uses adjacent to I-265. A parkway type road would help define the character of the corridor. Workplace uses (technical and research parks and corporate business centers) should be limited to the area west of the Factory Lane/Bush Farm Road corridor. Architectural design standards should be established for the workplace that includes structures no taller than 4 stories adjacent to I-265. Pedestrian circulation throughout as well as lighting noise and parking should be addressed in design.

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

A Suburban Workplace is a form characterized by predominately industrial and office uses where the buildings are set back from the street in a landscaped setting. Suburban workplaces often contain a

single large-scale use or a cluster of uses within a master planned development. New larger proposed industrial uses are encouraged to apply for a planned development district.

In order to provide adequate transportation access in suburban workplaces connected roads, public transportation and pedestrian facilities should be encouraged. Walkways to workplace-serving uses are encouraged for workplace employees. Development within suburban workplace form districts may need significant buffering from abutting uses.

The OR-3 and C-2 zones proposed permit a mix of uses that could serve and expand the existing needs of the workplace district and employees. Transit is not available but the site has easy access by vehicles and bicycles. Sidewalks are being provided along the main roadways. Cross access will be provided as well as expansions of existing Terra Crossing and Bush Farm. The proposal will create a center where both OR-3 and C-2 permit a mix of uses and where the scale could be appropriate for adjacent neighborhoods. The proposal is for high intensity/density zoning that is not located on an arterial. Buffers are provided to address the impacts on adjacent lower density/intensity uses. The proposal will create a new center in both the NFD and SWFD where all construction will be new construction for a mix of uses. There are some high density developments adjacent to the site as well as could be found within the site as the zoning permits. The proposal extends two roadways (Bush Farm and Terra Crossing) to serve the site. The site is also adjacent to low and high density developments as well as workplace uses which indicate that new infrastructure will serve the site. The proposed zoning is similar to existing zoning near the site. The proposed zoning permits compatible uses that could reduce trips. Sidewalks are shown along the major roadways to support pedestrian activity.

Transit is not available to this proposed activity center.

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 DDP**

- 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 do 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 has 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 pertinent to the current proposal. Future multi-family development proposed on the subject site will be required to meet Land Development Code requirements.

- 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 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.

- 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 land uses permitted within both C-2 and OR-3 are compatible with the existing and future development of the area. Appropriate landscape buffering and screening will be provided to screen adjacent properties and roadways. Buildings and parking lots will meet all required setbacks.

- f. Conformance of the development plan with the Comprehensive Plan and Land Development Code.

STAFF: The development plan conforms to applicable guidelines and policies of the Comprehensive Plan and to requirements of the Land Development Code.

**STANDARD OF REVIEW AND STAFF ANALYSIS FOR VARIANCE from 5.3.1.C and  
5.3.4.D.4**

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

STAFF: The requested variance will not adversely affect public health safety or welfare since the buildings are located interior to the site and follow all required setbacks.

- (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 other multi-story buildings located in the vicinity.

- (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 the buildings are located interior to the site and follow all required setbacks.

- (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 zoning regulations since there are other multi-story buildings located in the vicinity.

**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 much of this proposal is located in the transition zone. The buildings will meet required setbacks.

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 reasonable use of the land since there are multi-story structures located in the vicinity and along the Gene Snyder corridor.

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

### TECHNICAL REVIEW

Agency review comments have been addressed.

### STAFF CONCLUSIONS

The development plan conforms to applicable guidelines and policies of the Comprehensive Plan and to requirements of the Land Development Code.

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
11/18/16	Hearing before LD&T	1 <sup>st</sup> and 2 <sup>nd</sup> tier adjoining property owners Subscribers of Council District 19 Notification of Development Proposals
1/5/17	Hearing before PC	1 <sup>st</sup> and 2 <sup>nd</sup> tier adjoining property owners Subscribers of Council District 19 Notification of Development Proposals
1/4/17	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
4. Proposed Binding Elements

1. **Zoning Map**



16zone1019

Plot Date 8/22/2016

0 800  
- Distances in feet



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 BEST PRACTICES FOR THE USE OF  
 ZONING MAPS AND REGULATIONS  
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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 will create a center where both OR-3 and C-2 permit a mix of uses and where the scale could be appropriate for adjacent neighborhoods.
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 for high intensity/density zoning that is not located on an arterial. Buffers are provided to address the impacts on adjacent lower density/intensity uses.
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 create a new center in both the NFD and SWFD where all construction will be new construction for a mix of uses.
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 are some high density developments adjacent to the site as well as could be found within the site as the zoning permits.
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 proposal extends two roadways (Bush Farm and Terra Crossing) to serve the site. The site is also adjacent to low and high density developments as well as workplace uses which indicate that new infrastructure will serve the site. The proposed zoning is similar to existing zoning near the site.
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 proposed zoning permits compatible uses that could reduce trips. Sidewalks are shown along the major roadways to support pedestrian activity.
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 proposed zoning permits mixed use buildings. Multi-story buildings are proposed as evidenced by the variance for building height.

#	Cornerstone 2020 Plan Element	Plan Element or Portion of Plan Element	Staff Finding	Staff Comments
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 proposal is a large development that will have central features and amenity areas.
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 site will include crossover access agreements between lots.
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.	✓	Utilities will be placed underground and can be shared throughout the development.
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.	✓	Transit is not available but the site has easy access by vehicles and bicycles. Sidewalks are being provided along the main roadways.
12	Community Form/Land Use Guideline 3: Compatibility	A.2: The proposed building materials increase the new development's compatibility.	✓	Building materials throughout the site will be consistent with each other.
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 not an expansion into a residential area since a portion of the site is designated in a workplace form.
14	Community Form/Land Use Guideline 3: Compatibility	A.5: The proposal mitigates any potential odor or emissions associated with the development.	✓	APCD did not indicate any issues with the proposal.
15	Community Form/Land Use Guideline 3: Compatibility	A.6: The proposal mitigates any adverse impacts of its associated traffic on nearby existing communities.	✓	Transportation Planning has not indicated any traffic issues.
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 meet LDC requirements.
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 for high intensity/density zoning that is not located near transit. The proposal itself is creating an activity center that expands an existing workplace center that has been created at Terra Crossing and the Old Henry area.

#	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.	✓	Buffers are provided between different zoning districts and along property perimeters.
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.	✓	Buffers are provided between different zoning districts and along property perimeters.
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 lots meet the setbacks of the form district. A height variance is being requested to allow the building heights to be increased by no more than 8' which is taller than other multi-family developments but due to setbacks is compatible.
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.	✓	Buffers are provided between different zoning districts and along property perimeters.
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.	✓	Buffers are provided between different zoning districts and along property perimeters.
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	Buildings are not proposed on the general plan at this time.
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.	✓	Signage will be reviewed to be in compliance with the LDC.

#	Cornerstone 2020 Plan Element	Plan Element or Portion of Plan Element	Staff Finding	Staff Comments
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 will be in compliance with the LDC.
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 will be in compliance with the LDC.
27	Community Form/Land Use Guideline 4: Open Space	A.5: The proposal integrates natural features into the pattern of development.	✓	There are no natural features evident on the property.
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.	✓	There are no natural features evident on the property.
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 site has no historic or cultural value.
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 in 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 zoning.
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 creating an activity center with commercial zoning proposed. The site is located around two collectors and 1 local level road. One of the collectors leads to Old Henry Road which is an arterial with a connection to the Gene Snyder Expressway.

#	Cornerstone 2020 Plan Element	Plan Element or Portion of Plan Element	Staff Finding	Staff Comments
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 zoning.
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 contribute to road improvements as necessary by Transportation Planning and KTC.
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.	✓	Transit is not available but the site has easy access by vehicles and bicycles. Sidewalks are being provided along the main roadways.
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.	✓	Cross access will be provided as well as expansions of existing Terra Crossing and Bush Farm.
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.	✓	Cross access will be provided as well as expansions of existing Terra Crossing and Bush Farm.
39	Mobility/Transportation Guideline 7: Circulation	A.10: The proposal includes adequate parking spaces to support the use.	✓	Parking will be provided in accordance with the LDC.
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.	✓	Cross access will be provided as well as expansions of existing Terra Crossing and Bush Farm.
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.	✓	Cross access will be provided as well as expansions of existing Terra Crossing and Bush Farm.

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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 to the site is from existing public roadways.
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.	✓	Cross access will be provided as well as expansions of existing Terra Crossing and Bush Farm.
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.	✓	Transit is not available but the site has easy access by vehicles and bicycles. Sidewalks are being provided along the main roadways.
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 no issues with the proposal.
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 no issues with the proposal.
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.	✓	There are no natural features evident on the property.
48	Community Facilities Guideline 14: Infrastructure	A.2: The proposal is located in an area served by existing utilities or planned for utilities.	✓	Proposed utilities will serve the site.
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.	✓	An adequate water supply is available to the site.

#	Cornerstone 2020 Plan Element	Plan Element or Portion of Plan Element	Staff Finding	Staff Comments
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 Health Department has no issues with the proposal.

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.	✓	Required setbacks are shown on the plan.
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 OR-3 and C-2 zones proposed permit a mix of uses that could serve and expand the existing needs of the workplace district and employees.
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.	✓	Transit is not available but the site has easy access by vehicles and bicycles. Sidewalks are being provided along the main roadways. Cross access will be provided as well as expansions of existing Terra Crossing and Bush Farm.
4	Community Form/Land Use Guideline 3: Compatibility	A.2: The proposed building materials increase the new development's compatibility.	✓	Building materials throughout the site will be consistent with each other.
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.	✓	The proposal is not an expansion into a residential area since a portion of the site is designated in a workplace form.
6	Community Form/Land Use Guideline 3: Compatibility	A.5: The proposal mitigates any potential odor or emissions associated with the development.	✓	APCD did not indicate any issues with the proposal.
7	Community Form/Land Use Guideline 3: Compatibility	A.6: The proposal mitigates any adverse impacts of its associated traffic on nearby existing communities.	✓	Transportation Planning has not indicated any traffic issues.
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 will meet LDC requirements.

#	Cornerstone 2020 Plan Element	Plan Element or Portion of Plan Element	Staff Finding	Staff Comments
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 proposal is for high intensity/density zoning that is not located near transit. The proposal itself is creating an activity center that expands an existing workplace center that has been created at Terra Crossing and the Old Henry area.
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.	✓	Buffers are provided between different zoning districts and along property perimeters.
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.	✓	Buffers are provided between different zoning districts and along property perimeters.
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.	✓	The lots meet the setbacks of the form district. A height variance is being requested to allow the building heights to be increased by no more than 8' which is taller than other multi-family developments but due to setbacks is compatible.
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.	✓	Buffers are provided between different zoning districts and along property perimeters.
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.	✓	Buffers are provided between different zoning districts and along property perimeters.
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	Buildings are not proposed on the general plan at this time.



#	Cornerstone 2020 Plan Element	Plan Element or Portion of Plan Element	Staff Finding	Staff Comments
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.	✓	Signage will be reviewed to be in compliance with 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.	✓	Open space will be in compliance with the LDC.
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.	✓	Open space will be in compliance with the LDC.
19	Community Form/Land Use Guideline 4: Open Space	A.5: The proposal integrates natural features into the pattern of development.	✓	There are no natural features evident on the property.
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.	✓	There are no natural features evident on the property.
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.	✓	The site has no historic or cultural value.
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.	✓	Soils are not an issue with the site.
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 OR-3 and C-2 zones proposed permit a mix of uses that could serve and expand the existing needs of the workplace district and employees.
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	The proposal is not located in a downtown.

#	Cornerstone 2020 Plan Element	Plan Element or Portion of Plan Element	Staff Finding	Staff Comments
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	The proposal is not for industrial zoning.
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 creating an activity center with commercial zoning proposed. The site is located around two collectors and 1 local level road. One of the collectors leads to Old Henry Road which is an arterial with a connection to the Gene Snyder Expressway.
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	The proposal is not for industrial zoning.
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.	✓	The proposal will contribute to road improvements as necessary by Transportation Planning and KTC.
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.	✓	Transit is not available but the site has easy access by vehicles and bicycles. Sidewalks are being provided along the main roadways.
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.	✓	Cross access will be provided as well as expansions of existing Terra Crossing and Bush Farm.
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.	✓	Cross access will be provided as well as expansions of existing Terra Crossing and Bush Farm.

#	Cornerstone 2020 Plan Element	Plan Element or Portion of Plan Element	Staff Finding	Staff Comments
32	Mobility/Transportation Guideline 7: Circulation	A.10: The proposal includes adequate parking spaces to support the use.	✓	Parking will be provided in accordance with the LDC.
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.	✓	Cross access will be provided as well as expansions of existing Terra Crossing and Bush Farm.
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.	✓	Cross access will be provided as well as expansions of existing Terra Crossing and Bush Farm.
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.	✓	Access to the site is from existing public roadways.
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.	✓	Cross access will be provided as well as expansions of existing Terra Crossing and Bush Farm.
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.	✓	Transit is not available but the site has easy access by vehicles and bicycles. Sidewalks are being provided along the main roadways.
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.	✓	MSD has no issues with the proposal.
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 has no issues with the proposal.

#	Cornerstone 2020 Plan Element	Plan Element or Portion of Plan Element	Staff Finding	Staff Comments
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.	✓	There are no natural features evident on the property.
41	Community Facilities Guideline 14: Infrastructure	A.2: The proposal is located in an area served by existing utilities or planned for utilities.	✓	Proposed utilities will serve the site.
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.	✓	An adequate water supply is available to the site.
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.	✓	The Health Department has no issues with the proposal.

#### 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. Prior to development (includes clearing and grading) of each site or phase of this project, the applicant, developer, or property owner shall obtain approval of a detailed district development plan in accordance with Chapter 11, Part 6. Each plan shall be in adequate detail and subject to additional binding elements.
3. The development shall be in accordance with the approved Preliminary Subdivision Plan. No further subdivision of the land into a greater number of lots than originally approved shall occur without approval of the Planning Commission.
4. No outdoor advertising signs, small freestanding signs, pennants, balloons, or banners shall be permitted on the site.
5. Construction fencing shall be erected when off-site trees or tree canopy exists within 3' of a common property line. Fencing shall be in place prior to any grading or construction to protect the existing root systems from compaction. The fencing shall enclose the entire area beneath the tree canopy and shall remain in place until all construction is completed. No parking, material storage or construction activities are permitted within the protected area.
6. Before any permit (including but not limited to building, parking lot, change of use, site disturbance) is requested:
  - a. The development plan must receive full construction approval from Develop Louisville, Louisville Metro Public Works and the Metropolitan Sewer District.

- b. The property owner/developer must obtain approval of a detailed plan for screening (buffering/landscaping) as described in Chapter 10 for each lot prior to requesting a building permit. Such plan shall be implemented prior to occupancy of the site and shall be maintained thereafter.
  - c. An 80' access and public utility easement will be dedicated with the first plat. All roads shall be dedicated and recorded to Public R/W on a major subdivision plat once 80% of the lots are developed.
  - d. A reciprocal access and crossover easement agreement in a form acceptable to the Planning Commission legal counsel shall be created between the adjoining property owners and recorded.
7. A certificate of occupancy must be received from the appropriate code enforcement department prior to occupancy of the structure or land for the proposed use. All binding elements requiring action and approval must be implemented prior to requesting issuance of the certificate of occupancy, unless specifically waived by the Planning Commission.
  8. There shall be no outdoor music (live, piped, radio or amplified) or outdoor entertainment or outdoor PA system audible beyond the property line
  9. 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.
  10. The property owner shall provide a cross over access easement to the property to the east (Jewish Hospital property) if it is developed for a nonresidential use. A copy of the signed easement agreement shall be provided to Planning Commission staff upon request.
  11. The materials and design of proposed structures shall be substantially the same as depicted in the exhibits as presented at the January 19, 2017 Planning Commission meeting.
  12. No idling of trucks between the site and adjacent residential uses. No overnight idling of trucks shall be permitted on-site.
  13. All street name signs shall be installed prior to requesting a certificate of occupancy for any structure. The address number shall be displayed on a structure prior to requesting a certificate of occupancy for that structure.
  14. A note shall be placed on the preliminary plan, construction plan and the record plat that states, "Construction fencing shall be erected prior to any grading or construction activities - preventing compaction of root systems of trees to be preserved. The fencing shall enclose the area beneath the dripline of the tree canopy and shall remain in place until all construction is completed. No parking, material storage, or construction activities shall be permitted within the fenced area."
  15. Threshold for road improvements detailed within shall be based on current ITE trip generation peak hour rates and calculated prior to construction approval for each site. Construction plans, bond and encroachment permit shall be required from the developer prior to construction plan approval of each site as the trip generation thresholds are met, and improvements shall be constructed and operational prior to issuance of Certificate of Occupancy for the site. A table containing approved sites and trips generated shall be maintained by Transportation Planning.

- a. Prior to issuance of a building permit for a site-generated 100th peak hour trip from the entire development, a stabilized road bed connecting Factory Lane and Old Henry Road shall be provided. Prior to the issuance of a certificate of occupancy (CO) for this site-generated 100th peak hour trip, the roadway connecting Factory Lane and Old Henry Road shall be completed.
  - b. Prior to the issuance of the building permit for the ~~150th~~ site-generated peak hour trip, construction plans for the dual right-turn lane from the I-265 northbound ramp to Old Henry Road shall be submitted to KYTC. The turn lane shall be operational before issuance of a C.O. related to this 150<sup>th</sup> site generated peak hour trip.
  - c. Prior to the issuance of a building permit for the site generating the 225<sup>th</sup> peak hour trip of the entire development, a traffic signal shall be present at the I-265 southbound at Old Henry Rd intersection. Traffic signal shall be operational prior to the issuance of Certificate of Occupancy.
  - d. Prior to the issuance of a building permit for the site generating the ~~500th~~ 500<sup>th</sup> peak hour trip of the entire development, a dual left turn lane and signalization shall be provided at the Old Henry and Terra Crossing intersection. Signal and left turn lanes shall be operational prior to the issuance of Certificate of Occupancy. Implementation of this binding element is conditioned on KTC approval.
16. A Uniform signage plan in compliance with LDC 5.12.1 shall be submitted with or prior to approval of the first Detailed District Development Plan of this GDDP”

# Land Development and Transportation Committee Staff Report

December 8, 2016



<b>Case No:</b>	<b>16zone1019</b>
<b>Request:</b>	<b>Change in zoning from R-4 and PEC to OR-3 and C-2 on approximately 106.82 acres with a General District Development Plan</b>
<b>Project Name:</b>	<b>St. Joseph's Property</b>
<b>Location:</b>	<b>13508 Factory Lane and 2520 Terra Crossing Blvd.</b>
<b>Owner:</b>	<b>St. Joseph Catholic Orphanage Society; Jefferson Healthcare Old Henry Lane</b>
<b>Applicant:</b>	<b>JDG 1849 LLC.</b>
<b>Representative:</b>	<b>Mindel Scott and Assoc.; Bardenwerper Talbott and Roberts PLLC.</b>
<b>Jurisdiction:</b>	<b>Louisville Metro</b>
<b>Council District:</b>	<b>19- Julie Denton</b>
<b>Case Manager:</b>	<b>Julia Williams, RLA (IN), AICP, Planning Supervisor</b>

### REQUEST

- Change in zoning from R-4 and PEC to OR-3 and C-2
- General District Development Plan/Preliminary Subdivision Plan

add waiver

### CASE SUMMARY/BACKGROUND/SITE CONTEXT

The proposal is for an 11 lot subdivision where multi-family, retail, vehicle sales, restaurant, a theater, and a grocery are the expected uses. The site is mainly flat with few trees. There are no environmental features of note. The proposal extends Bush Farm Road into a roundabout intersection with a Terra Crossing Blvd. extension into Factory Lane.

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

	Land Use	Zoning	Form District
<b>Subject Property</b>			
<b>Existing</b>	Vacant	R-4, PEC	N/SW
<b>Proposed</b>	Mixed Use	OR-3, C-2	N/SW
<b>Surrounding Properties</b>			
<b>North</b>	Single Family Residential	R-4	N
<b>South</b>	Vacant	PEC	SW
<b>East</b>	Single Family Residential, Multi-Family Residential, vacant	R-4, R-6, PEC	N/SW
<b>West</b>	Single Family Residential, Multi-Family Residential, Office/Industrial	R-4, R-7, PEC	N/SW

### PREVIOUS CASES ON SITE

9-1-07- R-4 to PEC for an office development, approved in 2007.

## INTERESTED PARTY COMMENTS

None received.

## APPLICABLE PLANS AND POLICIES

Cornerstone 2020

Land Development Code

Old Henry Road Subarea Plan (2000)-

Planning Areas 1 and 2 apply to the site. The Plan recommends low to medium residential for the north side of the property and workplace for the south side of the site. This recommendation is consistent with the division of Neighborhood Form and Suburban Workplace Form that currently exists on the site. The Plan lists Guiding Principles with implementation recommendations, those recommendations are as follows as it relates to the site:

- **Guiding Principle No 2:** Concern for non-residential uses east of I-265, specifically “do not permit rezonings within the designated residential collar to a classification that would permit high-density residential or non-residential developments.” (The portion of the site located in the NFD represents the portion of the site in the “residential collar”)
- **Guiding Principle No 3:** Apply parkway standards for internal thoroughfares such as Factory Lane and Bush Farm Road. Also, extend Bush Farm Road/Aiken Road through its intersection with Old Henry Road to a connection with Factory Lane. This connection may occur as a "T" type intersection with the current alignment of Factory Lane, or Factory Lane could be realigned and re- constructed to intersect with Bush Farm/Aiken at Old Henry Road.
- **Guiding Principle No 4:** Concern with non-community level commercial drawing traffic regionally to the area from outside the Subarea, adding to traffic congestion and impacting air quality. There is a realization indicated in the plan that speaks to providing services to employees and possible low/medium density residential expansion but also to integrate commercial in the Subarea. Community scale commercial is specifically identified for near the I-265/LaGrange Road interchange. Require market support analysis and justification for rezoning proposals for shopping centers. Rezoning should not be recommended for approval without a substantial justification of need as demonstrated by the market analysis
- **Guiding Principle No 6:** Restrict additional commercial support uses to parcels inside the workplace areas.
- **Guiding Principle No 7:** Whether or not neighborhood serving commercial can locate on the east side of I-265 should be decided on the basis of design and commitment. The design part of this equation would address location, site and architectural design. The commitment part would address the ability of decision-makers to limit the area of commercial development. The provision of neighborhood commercial is a reasonable and supportable objective, if it can be located and designed to minimize impacts and fully integrate the uses with surrounding neighborhoods.
  - Direct medium density to locate in areas designated as “neighborhood center” (The locations for density on the subject site are not within an identified neighborhood center).
  - Non-residential land uses should be restricted to areas west of Bush Farm Road and its extension to Factory Lane.
  - Total retail square footage should be limited to 100,000 square feet.
  - Factory Lane should be heavily buffered with dense vegetation.
  - Consider density transfers to allow for high density to mix with lower density.
  - Neighborhood centers should discourage single retail uses with a building footprint greater than 50,000 SF, civic buildings should be included prominently in centers, and open space should be designed as squares, plazas, and greens.
- **Guiding Principle No 8:** The extension and realignment of Factory lane and Bush Farm Road would provide a boundary between low/medium residential and the more intense uses adjacent to I-265. A parkway type road would help define the character of the corridor. Workplace uses (technical and research parks and corporate business centers) should be limited to the area west of the Factory Lane/Bush Farm Road corridor. Architectural design standards should be established for the workplace



that includes structures no taller than 4 stories adjacent to I-265. Pedestrian circulation throughout as well as lighting noise and parking should be addressed in design.

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

A Suburban Workplace is a form characterized by predominately industrial and office uses where the buildings are set back from the street in a landscaped setting. Suburban workplaces often contain a single large-scale use or a cluster of uses within a master planned development. New larger proposed industrial uses are encouraged to apply for a planned development district.

In order to provide adequate transportation access in suburban workplaces connected roads, public transportation and pedestrian facilities should be encouraged. Walkways to workplace-serving uses are

encouraged for workplace employees. Development within suburban workplace form districts may need significant buffering from abutting uses.

### TECHNICAL REVIEW

1. Lot 4C needs to show a 20' LBA on the C-2 portion of the site that is adjacent to OR-3. Lots 4C and 5 needs to show a 25'/35' LBA where it is adjacent to the existing R-4 and R-6 zoned lots.
2. The site requires compliance with 5.12.1 where a unified signage plan shall be created that sets consistent standards for the design, appearance and location of signs within the development.
3. Show all required easements on the plan for the sanitary sewers, storm lines and all through drainage on the plan.
4. Add note: If site has through drainage, an easement plat will be required prior to MSD granting construction plan approval.
5. Transportation Planning needs a signal warrant analysis for Old Henry Rd and Terra Crossing Blvd.
6. Add note: Upon development or redevelopment of adjacent properties, a unified access and circulation system shall be developed to eliminate preexisting curb cuts and provide for vehicular movement throughout adjacent sites as determined appropriate by the department of Public Works. A cross access agreement to run with the land and in the form acceptable to Planning Commission legal counsel shall be recorded prior to the time of construction approval for the adjacent properties to be developed.

### STAFF CONCLUSIONS

The proposal is ready for a public hearing date to be set.

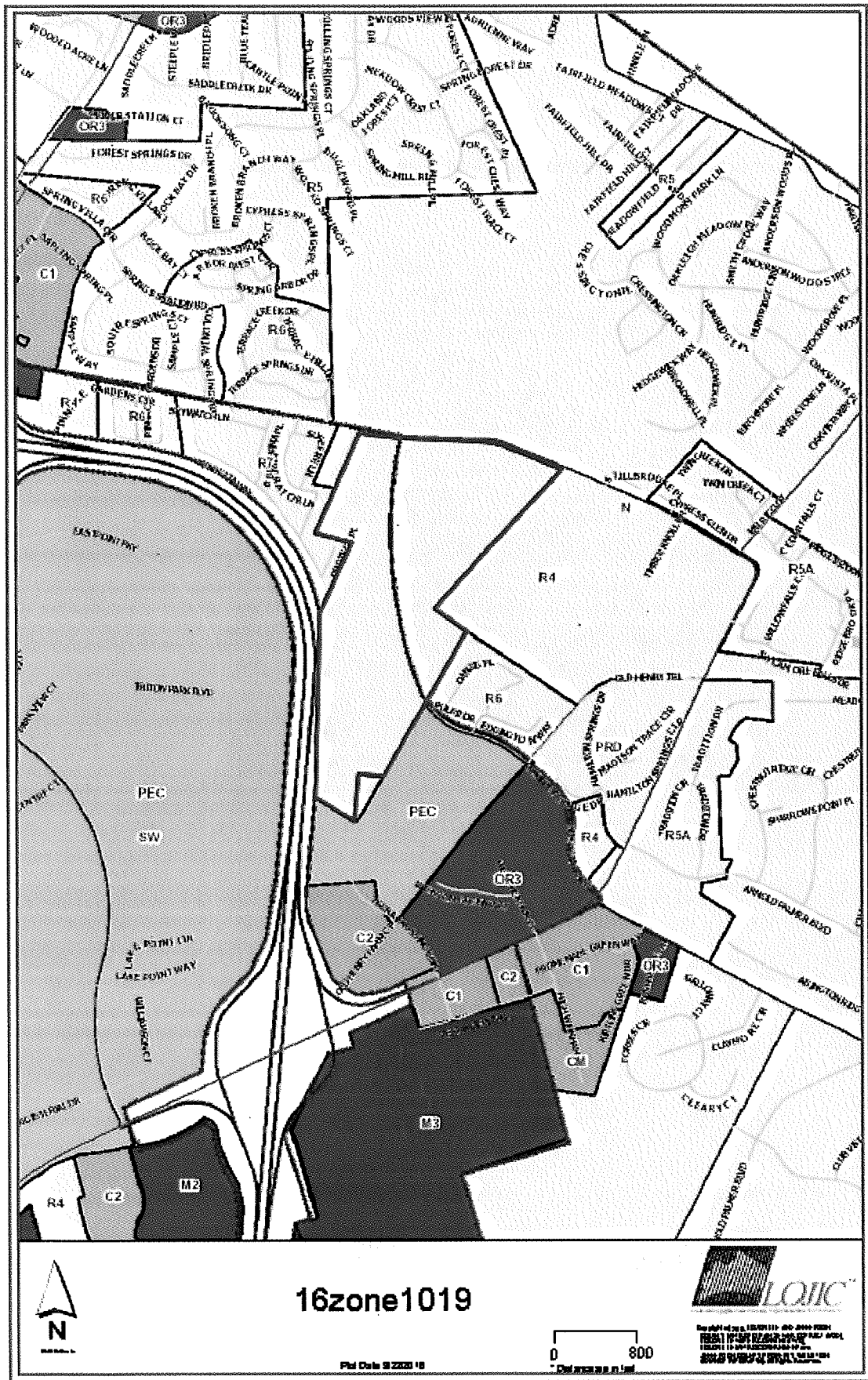
### NOTIFICATION

Date	Purpose of Notice	Recipients
11/18/16	Hearing before LD&T	1 <sup>st</sup> and 2 <sup>nd</sup> tier adjoining property owners Subscribers of Council District 19 Notification of Development Proposals
	Hearing before PC	1 <sup>st</sup> and 2 <sup>nd</sup> tier adjoining property owners Subscribers of Council District 19 Notification of Development Proposals
	Hearing before PC	Sign Posting on property
	Hearing before PC	Legal Advertisement in the Courier-Journal

### ATTACHMENTS

1. Zoning Map
2. Aerial Photograph
3. Proposed Binding Elements

1. Zoning Map



2. **Aerial Photograph**



### **3. 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. Prior to development (includes clearing and grading) of each site or phase of this project, the applicant, developer, or property owner shall obtain approval of a detailed district development plan in accordance with Chapter 11, Part 6. Each plan shall be in adequate detail and subject to additional binding elements.
3. The development shall be in accordance with the approved Preliminary Subdivision Plan. No further subdivision of the land into a greater number of lots than originally approved shall occur without approval of the Planning Commission.
4. No outdoor advertising signs, small freestanding signs, pennants, balloons, or banners shall be permitted on the site.
5. Construction fencing shall be erected when off-site trees or tree canopy exists within 3' of a common property line. Fencing shall be in place prior to any grading or construction to protect the existing root systems from compaction. The fencing shall enclose the entire area beneath the tree canopy and shall remain in place until all construction is completed. No parking, material storage or construction activities are permitted within the protected area.
6. Before any permit (including but not limited to building, parking lot, change of use, site disturbance) is requested:
  - a. The development plan must receive full construction approval from Develop Louisville, Louisville Metro Public Works and the Metropolitan Sewer District.
  - b. The property owner/developer must obtain approval of a detailed plan for screening (buffering/landscaping) as described in Chapter 10 for each lot prior to requesting a building permit. Such plan shall be implemented prior to occupancy of the site and shall be maintained thereafter.
  - c. A major subdivision plat creating the lots and roadways as shown on the approved district development plan shall be recorded prior to issuance of any building permits.
  - d. A reciprocal access and crossover easement agreement in a form acceptable to the Planning Commission legal counsel shall be created between the adjoining property owners and recorded.
7. A certificate of occupancy must be received from the appropriate code enforcement department prior to occupancy of the structure or land for the proposed use. All binding elements requiring action and approval must be implemented prior to requesting issuance of the certificate of occupancy, unless specifically waived by the Planning Commission.
8. There shall be no outdoor music (live, piped, radio or amplified) or outdoor entertainment or outdoor PA system audible beyond the property line
9. 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.

10. The property owner shall provide a cross over access easement to the property to the east (Jewish Hospital property) if it is developed for a nonresidential use. A copy of the signed easement agreement shall be provided to Planning Commission staff upon request.
11. The materials and design of proposed structures shall be substantially the same as depicted in the exhibits as presented at the \_\_\_\_\_ Planning Commission meeting.
12. No idling of trucks between the site and adjacent residential uses. No overnight idling of trucks shall be permitted on-site.
13. All street name signs shall be installed prior to requesting a certificate of occupancy for any structure. The address number shall be displayed on a structure prior to requesting a certificate of occupancy for that structure.
14. A note shall be placed on the preliminary plan, construction plan and the record plat that states, "Construction fencing shall be erected prior to any grading or construction activities - preventing compaction of root systems of trees to be preserved. The fencing shall enclose the area beneath the dripline of the tree canopy and shall remain in place until all construction is completed. No parking, material storage, or construction activities shall be permitted within the fenced area."