

Planning Commission Staff Report

January 10, 2019



Case No:	17ZONE1067
Project Name:	Scheller's Fitness & Cycling
Location:	8319 & 8323 Preston Highway
Owner(s):	George Cogan Properties, LLC; GJS Real Estate, LLC
Applicant:	Scheller's Fitness & Cycling
Representative(s):	Cardinal Planning & Design, Inc. – Kathy Matheny
Jurisdiction:	Louisville Metro
Council District:	24 – Madonna Flood
Case Manager:	Joel P. Dock, AICP, Planner II

REQUEST(S)

- **Change-in-Form** from Neighborhood to Suburban Marketplace Corridor
- **Change-in-Zoning** from R-4, Single-Family Residential to C-1, Commercial & CM, Commercial-Manufacturing
- **Waiver** of Land Development Code (LDC), section 10.2.4 for building and vehicle use area encroachments as shown on the development plan
- **Variance** from LDC, section 5.3.2 to reduce non-residential to residential setback from 25' to 10' as shown on the development plan
- **Revised Detailed District Development Plan**

CASE SUMMARY

An existing retail and warehousing operation is requesting a change in zoning to facilitate additional warehouse space. The proposed 7,500 sq. ft. warehouse is located on a vacant portion of property containing parking facilities in an R-4 zoning district for an adjacent user. This adjacent user is also requesting that this parking area be rezoned to be consistent with the remainder of their commercial property fronting Preston Highway. A form district change is also requested at the rear of the existing warehouse and retail site in order to be consistent with the existing form district boundaries of the proposed warehouse.

STAFF FINDING

The proposed change in form conforms to the Guidelines and Policies of Cornerstone 2020. The proposed form district change: (a) allows for the reuse of an existing site and agglomeration of facilities to serve retail operations along the corridor and throughout the community; (b) does not create disruption of adjacent residential uses as no changes are proposed in the area of form change which increase the intensity of the existing uses; and (c) the proposal generally complies with the standards of the LDC or appropriate relief has been requested.

Additionally, the proposed change in zoning conforms to the Guidelines and Policies of Cornerstone 2020. The rezoning integrates into the existing pattern of development, includes a compact group of buildings, and allows for the reasonable use of vacant land immediately adjacent to existing

warehouse, retail, and other non-residential operations. It allows for the existing parking to be rezoned consistently with the uses it serves.

The waiver, variance, and revised plan appear to be adequately justified based on staff's analysis contained in the Standard of Review.

TECHNICAL REVIEW

- Landscape waivers from LDC, section 10.2.4 have been requested in three areas of the development site:
 1. Existing parking areas on portion requested for rezoning from R-4 to C-1 in the area of the north property line
 2. Proposed warehouse building in the area of the north property line
 3. Vehicle use area along east property line in the area of newly proposed parking spaces for warehouse
- The existing retail and warehousing operations are subject to Plan Certain docket 8740. The requests of case 17ZONE1067 serve as a joint rezoning/revised detailed district development. The binding elements of docket 8470 will be updated and amended by this application.
- A conditional use permit (CUP) was issued for the existing parking lot in the R-4 zoning district at 8319 Preston Highway, docket B-182-93. In considering the rezoning request on this property, the Planning Commission should consider the abandonment of this CUP as it will no longer be necessary within the requested C-1 zoning district. Existing Conditions have been included as *Attachment 4*. In considering zoning or form district map amendments, the Planning Commission assumes the authority of the Board of Zoning Adjustment to hear and decide matters related to conditional use permits or variances.

STANDARD OF REVIEW FOR REZONING/FORM DISTRICT CHANGE

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

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

STAFF ANALYSIS FOR CHANGE IN FORM

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

Portions of the development site are 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 proposal is not a neighborhood center. Rather the proposal and existing use integrate into the existing pattern of development along the corridor which contains multiple activity nodes and non-residential uses spanning the corridor from the urban core to the area of the subject property. The use does not provide neighborhood services consistent with the intent of the neighborhood form district. The current and proposed use provides employment, warehouse, and manufacturing opportunities to serve retail operations on-site and throughout the community. The intensity of the existing zoning district contained within the form is not consistent with the expected intensity of uses encouraged within the current form and the form is inconsistent with the remainder of the site and commercial corridor.

The existing zoning district contained within this form is high intensity and located along a major arterial roadway. Properties fronting the arterial roadway are located within the SMC form district. The existing use in conjunction with a form district change to be consistent with the corridor will have no greater impact on residences as transition standards, buffering, and tree canopy obligations are provided for the proposed form district to protect residential uses of varying densities.

The proposed Suburban Marketplace Corridor calls for the reuse of locations within existing corridors over expansion of a corridor. Proposals to expand defined corridors represent significant policy decisions. When considering proposals that result in an extension of suburban marketplace corridors, particular emphasis should be placed on: (a) use or reuse of land within existing corridors; (b) potential for disruption of established residential neighborhoods; and (c) compliance with the site and community design standards of the Land Development Code. The proposed change in form does not allow for the expansion of the intensity of uses along the corridor as the use of the property is not proposed to be changed within the area of the form change. The proposed form district change: (a) allows for the reuse of an existing site and agglomeration of facilities to serve retail operations along the corridor and throughout the community; (b) does not create disruption of adjacent residential uses as no changes

are proposed in the area of form change which increase the intensity of the existing uses; and (c) the proposal generally complies with the standards of the LDC and appropriate relief has been requested.

STAFF ANALYSIS FOR CHANGE IN ZONING

The Following is a summary of staff's analysis of the proposed rezoning against the Guidelines and Policies of Cornerstone 2020:

The Suburban Marketplace Corridor Form District is proposed and existing on the development site

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

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

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

The proposal integrates into the existing pattern of development as the abutting site is an existing retail and warehouse complex and the subject site will be incorporated into those uses. The proposal includes a compact group of buildings using the same curb cut, parking and signs, and that have a common buffering or streetscape plan with respect to any abutting lower density or intensity uses as the Northern boundary of impervious surfaces is consistent with abutting structures and parking facilities to the West that abut a lower intensity use and the buffering along the rear is consistent with exiting widths of the complex. No new signage is proposed and curb cuts are present.

The proposal adds to an existing mix of compatible land uses that will reduce trips as the proposal would not appear to generate new or greatly increased trip as is supportive to the existing complex of uses. The expansion of the existing commercial district allows for the use of land that is currently not viable for commercial purposes because of its zoning and not practical for residential purposes because of its location along a commercial corridor and lack of quality access. It also allows for the parking lot to be consistent with zoning districts of adjacent and proposed districts.

The proposal is a medium to higher intensity, is located along a major arterial roadway with public transit access, and located along a commercial corridor.

The proposal provides appropriate transitions between uses that are substantially different in scale and intensity or density of development as landscape transitions have been provided to low density development and an existing fence and required planting material will be provided between the site and multiple family residential zoning districts.

STANDARD OF REVIEW AND STAFF ANALYSIS FOR WAIVER

- (a) The waiver will not adversely affect adjacent property owners; and

STAFF: The waiver will not adversely affect adjacent property owners as all planting material and screening will be provided as required.

- (b) The waiver will not violate specific guidelines of Cornerstone 2020; and

STAFF: The waiver will not violate specific guidelines of Cornerstone 2020 as Guideline 3, Policy 21 calls for 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. Guideline 3, Policy 22 calls for mitigation of 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 proposed encroachments are a result of the limited area of development and existing conditions. All planting material and screening will be provided as required.

- (c) The extent of the waiver of the regulation is the minimum necessary to afford relief to the applicant; and

STAFF: The extent of the waiver of the regulation is the minimum necessary to afford relief to the applicant as existing conditions and the limited area available for development at this location prevent full compliance.

- (d) Either:
 - (i) The applicant has incorporated other design measures that exceed the minimums of the district and compensate for non-compliance with the requirements to be waived (net beneficial effect); OR
 - (ii) The strict application of the provisions of the regulation would deprive the applicant of the reasonable use of the land or would create an unnecessary hardship on the applicant.

STAFF: The strict application of the provisions of the regulation would deprive the applicant of the reasonable use of the land as existing conditions and limited area available for development prevent full compliance with the regulation. All planting and screening material will be provided.

STANDARD OF REVIEW AND STAFF ANALYSIS FOR VARIANCE

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

STAFF: The requested variance will not adversely affect the public health, safety or welfare as pedestrian and vehicular mobility are not impacted and the warehouse is secured from the public on all sides.

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

STAFF: The requested variance will not alter the essential character of the general vicinity as the existing structures and parking facilities along this same property line are located in closer proximity to the property line than the proposed structure.

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

STAFF: The requested variance will not cause a hazard or nuisance to the public as sight lines for the movement of pedestrians and motorists are not impacted and no projection creating a hazard are proposed.

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

STAFF: The requested variance will not allow an unreasonable circumvention of the zoning regulations as the variance will allow for the reasonable use of a vacant parcel for incorporation into an existing operation.

ADDITIONAL CONSIDERATIONS:

1. The requested variance does not arise 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 as the land area is limited in size which significantly impacts the use of the land for incorporation with adjacent uses.

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 create an unnecessary hardship on the applicant as no hazards or adverse impacts on adjacent properties are created.

3. 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.

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 as no development has occurred.

STANDARD OF REVIEW AND STAFF ANALYSIS FOR DETAILED DISTRICT DEVELOPMENT PLAN

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

STAFF: The 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 will be provided. The proposed development site does not appear to have any significant natural or historic features.

- 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 are provided as all accommodations required of the developer to support movement of pedestrians and vehicles will be provided. The proposal warehouse is secured from the public and the parking lot serves existing uses.

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

STAFF: Open space is not required or necessary for the proposed development as it is located along a commercial corridor and provides supportive uses to adjacent facilities.

- 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 development is compatible with existing and projected development of the area as the proposal provides appropriate transitions between uses that are substantially different in scale and intensity or density of development as landscape transitions have been provided to low density development and an existing fence and required planting material will be provided between the site and multiple family residential zoning districts

- 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 proposed development plan conforms to the Comprehensive Plan as the proposal integrates into the existing pattern of development as the abutting site is an existing retail and warehouse complex and the subject site will be incorporated into those uses. The proposal includes a compact group of buildings using the same curb cut, parking and signs, and that

have a common buffering. The proposal adds to an existing mix of compatible land uses that will reduce trips as the proposal would not appear to generate new or greatly increased trip as is supportive to the existing complex of uses. The proposal is a medium to higher intensity, is located along a major arterial roadway with public transit access, and locater along a commercial corridor.

REQUIRED ACTIONS

- **RECOMMEND** to the Louisville Metro Council that the change in form from Neighborhood to Suburban Marketplace Corridor on property described in the attached legal description be **APPROVED** or **DENIED**
- **RECOMMEND** to the Louisville Metro Council that the change in zoning from R-4, Single-Family Residential to C-1, Commercial & CM, Commercial-Manufacturing on property described in the attached legal description be **APPROVED** or **DENIED**
- **APPROVE** or **DENY** the **Waiver** of Land Development Code (LDC), section 10.2.4 for building and vehicle use area encroachments as shown on the development plan
- **APPROVE** or **DENY** the **Variance** from LDC, section 5.3.2 to reduce non-residential to residential setback from 25’ to 10’ as shown on the development plan
- **APPROVE** or **DENY** the **Revised Detailed District Development Plan** subject to the removal of existing binding elements and conditions of approval in case B-182-93, and adoption of proposed binding elements

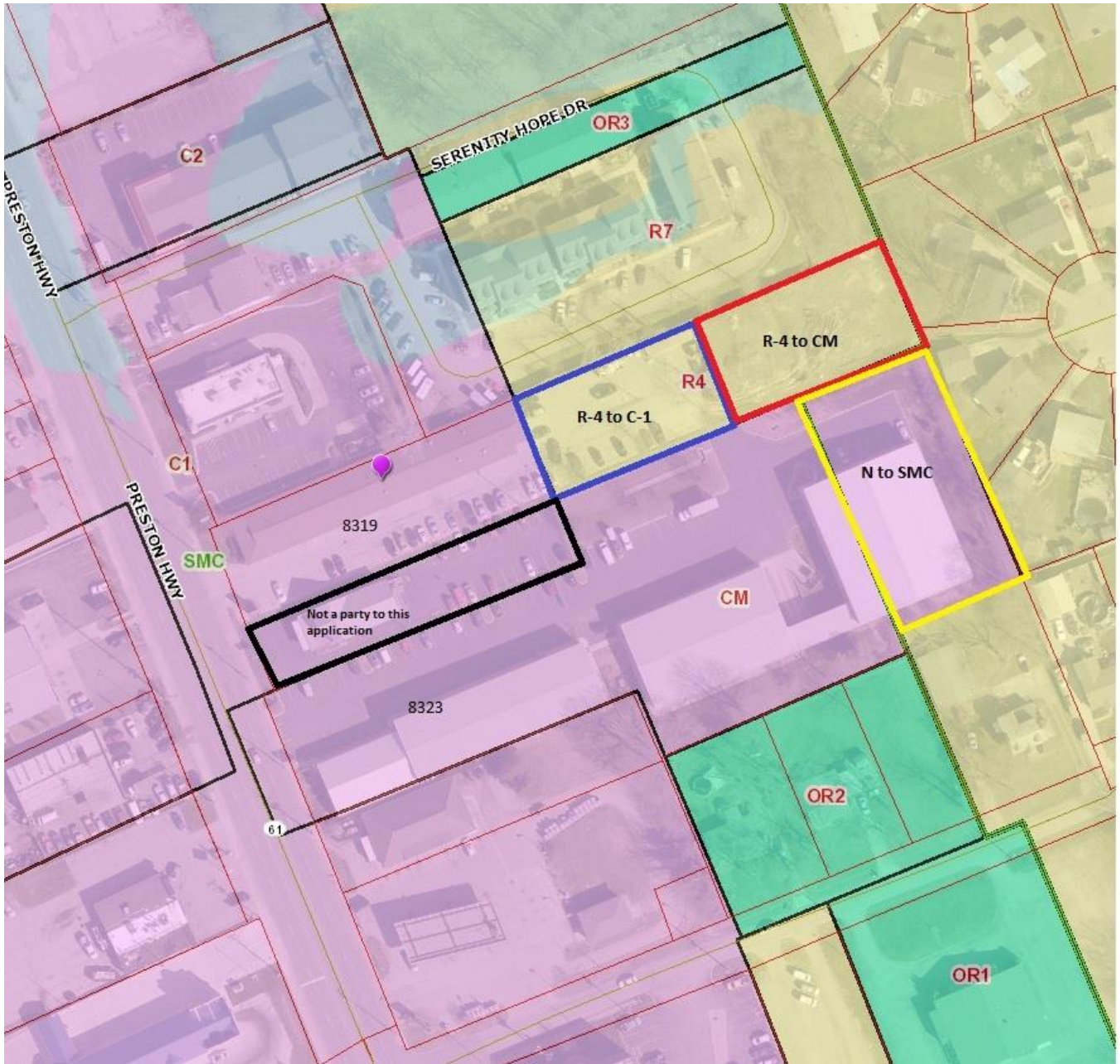
NOTIFICATION

Date	Purpose of Notice	Recipients
11/30/18	Hearing before LD&T	1 st and 2 nd tier adjoining property owners Registered Neighborhood Groups in Council District 24
12/22/18	Hearing before Planning Commission	1 st and 2 nd tier adjoining property owners Registered Neighborhood Groups in Council District 24
	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 Analysis
4. Existing Binding Elements (8740)
5. Existing Conditions of Approval (B-182-93)
6. Proposed Binding Elements (17ZONE1067)

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 Analysis
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 not a neighborhood center. Rather the proposal and existing use integrate into the existing pattern of development along the corridor which contains multiple activity nodes and non-residential uses spanning the corridor from the urban core to the area of the subject property. The use does not provide neighborhood services consistent with the intent of the neighborhood form district. The current and proposed use provides employment, warehouse, and manufacturing opportunities to serve retail operations on-site and throughout the community. The intensity of the existing zoning district contained within the form is not consistent with the expected intensity of uses encouraged within the current form and the form is inconsistent with the remainder of the site and commercial corridor.
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 existing zoning district contained within this form is high intensity and located along a major arterial roadway. Properties fronting the arterial roadway are located within the SMC form district. The existing use in conjunction with a form district change to be consistent with the corridor will have no greater impact on residences as transition standards, buffering, and tree canopy obligations are provided for the proposed form district to protect residential uses of varying densities.

Suburban Marketplace Corridor: Non-Residential

#	Cornerstone 2020 Plan Element	Plan Element or Portion of Plan Element	Staff Finding	Staff Comments
1	Community Form/Land Use Guideline 1: Community Form	B.8: The proposal integrates into the existing pattern of development, which includes a mixture of medium- to high-density uses.	✓	The proposal integrates into the existing pattern of development as the abutting site is an existing retail and warehouse complex and the subject site will be incorporated into those uses.
2	Community Form/Land Use Guideline 1: Community Form	B.8: The proposal provides accommodations for transit users, pedestrians and bicyclists and provides connectivity to adjacent developments.	✓	The retail operation on-site provides accommodations for transit users, pedestrians and bicyclists and public walks are available to connect to adjacent development along the corridor. The parking lot currently serves non-residential uses which are connected to the corridor.
3	Community Form/Land Use Guideline 1: Community Form	B.8: The proposal includes a compact group of buildings using the same curb cut, parking and signs, and that have a common buffering or streetscape plan with respect to any abutting lower density or intensity uses.	✓	The proposal includes a compact group of buildings using the same curb cut, parking and signs, and that have a common buffering or streetscape plan with respect to any abutting lower density or intensity uses as the Northern boundary of impervious surfaces is consistent with abutting structures and parking facilities to the West that abut a lower intensity use and the buffering along the rear is consistent with exiting widths of the complex. No new signage is proposed and curb cuts are present.
4	Community Form/Land Use Guideline 1: Community Form	B.8: The proposal is of a medium to high density designed to be compatible with both non-residential development in the corridor and adjacent low density residential development in other form districts.	✓	The proposal is of a medium to high density consistent with uses present on the development site. Landscape transitions have been provided to low density development and an existing fence and required planting material will be provided between the site and multiple family residential zoning districts.
5	Community Form/Land Use Guideline 1: Community Form	B.8: The proposal is located within the boundaries of the existing form district, and if the proposal is to expand an existing corridor, the justification for doing so addresses the use or reuse of land within the existing corridor, the potential for disruption of established residential neighborhoods, and compliance with the site and community design standards of the Land Development Code.	✓	The proposal is located within the boundaries of the existing form district.
6	Community Form/Land Use Guideline 2: Centers	A.1/7: The proposal, which will create a new center, is located in the Suburban Marketplace Corridor Form District, and includes new construction or the reuse of existing buildings to provide commercial, office and/or residential use.	✓	The proposal does not create a new center. It slightly expands an existing complex along a commercial corridor and provides consistency in zoning districts for the parking lot serving existing commercial uses.

#	Cornerstone 2020 Plan Element	Plan Element or Portion of Plan Element	Staff Finding	Staff Comments
7	Community Form/Land Use Guideline 2: Centers	A.3: The proposed retail commercial development is located in an area that has a sufficient population to support it.	✓	The proposal does not entail a retail commercial component. Rather it provides a supportive use for existing retail components on-site and elsewhere. Having a sufficient population is not critical for the proposed use, but there is certainly sufficient population in the area to support of wide variety of commercial uses permitted within the district.
8	Community Form/Land Use Guideline 2: Centers	A.4: The proposed development is compact and results in an efficient land use pattern and cost-effective infrastructure investment.	✓	The proposed development is compact and results in an efficient land use pattern and cost-effective infrastructure investment as the commercial district is being expanded to incorporate supportive uses utilizing existing access and parking facilities.
9	Community Form/Land Use Guideline 2: Centers	A.5: The proposed center includes a mix of compatible land uses that will reduce trips, support the use of alternative forms of transportation and encourage vitality and sense of place.	✓	The proposal adds to an existing mix of compatible land uses that will reduce trips as the proposal would not appear to generate new or greatly increased trip as is supportive to the existing complex of uses. The expansion of the existing commercial district allows for the use of land that is currently not viable for commercial purposes because of its zoning and not practical for residential purposes because of its location along a commercial corridor and lack of quality access. It also allows for the parking lot to be consistent with zoning districts of adjacent and proposed districts.
10	Community Form/Land Use Guideline 2: Centers	A.6: The proposal incorporates residential and office uses above retail and/or includes other mixed-use, multi-story retail buildings.	✓	The proposal incorporates into an existing complex of other mixed-uses.
11	Community Form/Land Use Guideline 2: Centers	A.12: If the proposal is a large development in a center, it is designed to be compact and multi-purpose, and is oriented around a central feature such as a public square or plaza or landscape element.	✓	The proposal is not a large development in a center. Rather it is an expansion to an existing complex and designed to be compact and multi-purpose.
12	Community Form/Land Use Guideline 2: Centers	A.13/15: The proposal shares entrance and parking facilities with adjacent uses to reduce curb cuts and surface parking, and locates parking to balance safety, traffic, transit, pedestrian, environmental and aesthetic concerns.	✓	The proposal 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 warehouse will be secured from the public, while the parking lot will continue providing an existing accessory function.

#	Cornerstone 2020 Plan Element	Plan Element or Portion of Plan Element	Staff Finding	Staff Comments
13	Community Form/Land Use Guideline 2: Centers	A.14: The proposal is designed to share utility hookups and service entrances with adjacent developments, and utility lines are placed underground in common easements.	✓	It would appear that the proposal is designed to share utility hookups and service entrances with adjacent developments
14	Community Form/Land Use Guideline 2: Centers	A.16: The proposal is designed to support easy access by bicycle, car and transit and by pedestrians and persons with disabilities.	✓	The proposal is designed to support easy access by bicycle, car and transit and by pedestrians and persons with disabilities.
15	Community Form/Land Use Guideline 3: Compatibility	A.2: The proposed building materials increase the new development's compatibility.	✓	Proposed structures will not impact public ways and appropriate landscape transitions will be provided.
16	Community Form/Land Use Guideline 3: Compatibility	A.4/5/6/7: The proposal does not constitute a non-residential expansion into an existing residential area, or demonstrates that despite such an expansion, impacts on existing residences (including traffic, parking, signs, lighting, noise, odor and stormwater) are appropriately mitigated.	✓	The proposal does not constitute a non-residential expansion into an existing residential area as the area of the rezoning is within the Suburban Marketplace Corridor, a non-residential form district, and located along and incorporated into a commercial corridor.
17	Community Form/Land Use Guideline 3: Compatibility	A.5: The proposal mitigates any potential odor or emissions associated with the development.	✓	It would not appear that any adverse impacts in the form of odor or emissions would be created.
18	Community Form/Land Use Guideline 3: Compatibility	A.6: The proposal mitigates any adverse impacts of its associated traffic on nearby existing communities.	✓	The slight expansion to the commercial district would not appear to significantly increase demand for vehicular or truck traffic.
19	Community Form/Land Use Guideline 3: Compatibility	A.8: The proposal mitigates adverse impacts of its lighting on nearby properties, and on the night sky.	✓	Lighting will be in compliance with LDC 4.1.3.
20	Community Form/Land Use Guideline 3: Compatibility	A.11: If the proposal is a higher density or intensity use, it is located along a transit corridor AND in or near an activity center.	✓	The proposal is a medium to higher intensity, is located along a major arterial roadway with public transit access, and located along a commercial corridor.
21	Community Form/Land Use Guideline 3: Compatibility	A.21: The proposal provides appropriate transitions between uses that are substantially different in scale and intensity or density of development such as landscaped buffer yards, vegetative berms, compatible building design and materials, height restrictions, or setback requirements.	✓	The proposal provides appropriate transitions between uses that are substantially different in scale and intensity or density of development as landscape transitions have been provided to low density development and an existing fence and required planting material will be provided between the site and multiple family residential zoning districts

#	Cornerstone 2020 Plan Element	Plan Element or Portion of Plan Element	Staff Finding	Staff Comments
22	Community Form/Land Use Guideline 3: Compatibility	A.22: The proposal mitigates the impacts caused when incompatible developments unavoidably occur adjacent to one another by using buffers that are of varying designs such as landscaping, vegetative berms and/or walls, and that address those aspects of the development that have the potential to adversely impact existing area developments.	✓	The proposal mitigates the impacts caused when incompatible developments unavoidably occur adjacent to one another as as landscape transitions have been provided to low density development and an existing fence and required planting material will be provided between the site and multiple family residential zoning districts
23	Community Form/Land Use Guideline 3: Compatibility	A.23: Setbacks, lot dimensions and building heights are compatible with those of nearby developments that meet form district standards.	✓	The proposal exhibits a similar site design to nearby development along the corridor and with those existing facilities within the complex.
24	Community Form/Land Use Guideline 3: Compatibility	A.24: Parking, loading and delivery areas located adjacent to residential areas are designed to minimize adverse impacts of lighting, noise and other potential impacts, and that these areas are located to avoid negatively impacting motorists, residents and pedestrians.	✓	A solid fence is being provided and one is also present to minimize adverse impacts of lighting, noise and other potential impacts adjacent to residential properties.
25	Community Form/Land Use Guideline 3: Compatibility	A.24: The proposal includes screening and buffering of parking and circulation areas adjacent to the street, and uses design features or landscaping to fill gaps created by surface parking lots. Parking areas and garage doors are oriented to the side or back of buildings rather than to the street.	✓	The proposed rezoning does not impact the existing street frontage as it is located away from the roadway and to the rear of existing facilities.
26	Community Form/Land Use Guideline 3: Compatibility	A.25: Parking garages are integrated into their surroundings and provide an active, inviting street-level appearance.	NA	No parking structures are being proposed
27	Community Form/Land Use Guideline 3: Compatibility	A.28: Signs are compatible with the form district pattern and contribute to the visual quality of their surroundings.	✓	No new signage is proposed.
28	Community Form/Land Use Guideline 4: Open Space	A.2/3/7: The proposal provides open space that helps meet the needs of the community as a component of the development and provides for the continued maintenance of that open space.	✓	Open space as a component of the development is not necessary or required for the proposed use given its situation within an existing complex and along a commercial corridor.

#	Cornerstone 2020 Plan Element	Plan Element or Portion of Plan Element	Staff Finding	Staff Comments
29	Community Form/Land Use Guideline 4: Open Space	A.4: Open space design is consistent with the pattern of development in the Neighborhood Form District.	NA	The subject site is within the SMC form district
30	Community Form/Land Use Guideline 4: Open Space	A.5: The proposal integrates natural features into the pattern of development.	✓	There do not appear to be any significant natural features that require incorporation into the development.
31	Community Form/Land Use Guideline 5: Natural Areas and Scenic and Historic Resources	A.1: The proposal respects the natural features of the site through sensitive site design, avoids substantial changes to the topography and minimizes property damage and environmental degradation resulting from disturbance of natural systems.	✓	The site does contain sensitive natural features.
32	Community Form/Land Use Guideline 5: Natural Areas and Scenic and Historic Resources	A.2/4: The proposal includes the preservation, use or adaptive reuse of buildings, sites, districts and landscapes that are recognized as having historical or architectural value, and, if located within the impact area of these resources, is compatible in height, bulk, scale, architecture and placement.	✓	The proposal does not include the preservation, use or adaptive reuse of buildings, sites, districts and landscapes that are recognized as having historical or architectural value as the expansion to the commercial district and proposed building are located adjacent to an existing complex of uses across multiple buildings and does not impact those buildings or their operation.
33	Community Form/Land Use Guideline 5: Natural Areas and Scenic and Historic Resources	A.6: Encourage development to avoid wet or highly permeable soils, severe, steep or unstable slopes with the potential for severe erosion.	✓	The site does contain potential wetlands/hydric soils.
34	Marketplace Guideline 6: Economic Growth and Sustainability	A.3: Encourage redevelopment, reinvestment and rehabilitation in the downtown where it is consistent with the form district pattern.	NA	The subject site is not located downtown
35	Marketplace Guideline 6: Economic Growth and Sustainability	A.4: Encourage industries to locate in industrial subdivisions or adjacent to existing industry to take advantage of special infrastructure needs.	✓	The proposed warehouse is located in a cluster adjacent to existing warehouses and retail uses.
36	Marketplace Guideline 6: Economic Growth and Sustainability	A.6: Locate retail commercial development in activity centers. Locate uses generating large amounts of traffic on a major arterial, at the intersection of two minor arterials or at locations with good access to a major arterial and where the proposed use will not adversely affect adjacent areas.	✓	The proposed rezoning is not expressly for retail commercial purposed but the district itself is appropriately located along an arterial roadway and commercial corridor. Existing uses within the complex are both retail and industrial.

#	Cornerstone 2020 Plan Element	Plan Element or Portion of Plan Element	Staff Finding	Staff Comments
37	Marketplace Guideline 6: Economic Growth and Sustainability	A.8: Require industrial development with more than 100 employees to locate on or near an arterial street, preferably in close proximity to an expressway interchange. Require industrial development with less than 100 employees to locate on or near an arterial street.	NA	The proposed commercial district is appropriately located within proximity to both Interstate-65 and 265.
38	Mobility/Transportation Guideline 7: Circulation	A.1/2: The proposal will contribute its proportional share of the cost of roadway improvements and other services and public facilities made necessary by the development through physical improvements to these facilities, contribution of money, or other means.	✓	The proposal will contribute its proportional share of the cost of roadway improvements and other services and public facilities made necessary by the development through physical improvements to these facilities, contribution of money, or other means. No improvements were indicated as being necessary.
39	Mobility/Transportation Guideline 7: Circulation	A.3/4: The proposal promotes mass transit, bicycle and pedestrian use and provides amenities to support these modes of transportation.	✓	The proposal promotes mass transit, bicycle and pedestrian use and provides amenities to support these modes of transportation. Where retail or service operations are provided connectivity is available, otherwise the warehouse components are secured from the public.
40	Mobility/Transportation Guideline 7: Circulation	A.6: The proposal's transportation facilities are compatible with and support access to surrounding land uses, and contribute to the appropriate development of adjacent lands. The proposal includes at least one continuous roadway through the development, adequate street stubs, and relies on cul-de-sacs only as short side streets or where natural features limit development of "through" roads.	✓	The proposal has adequate transportation facilities in place to serve the development as it is located along a major arterial roadway with sidewalks and TARC route (18 and 45X).
41	Mobility/Transportation Guideline 7: Circulation	A.9: The proposal includes the dedication of rights-of-way for street, transit corridors, bikeway and walkway facilities within or abutting the development.	✓	Additional right-of-way was not necessary.
42	Mobility/Transportation Guideline 7: Circulation	A.10: The proposal includes adequate parking spaces to support the use.	✓	Parking is sufficient to support the use.
43	Mobility/Transportation Guideline 7: Circulation	A.13/16: The proposal provides for joint and cross access through the development and to connect to adjacent development sites.	✓	The proposal does not impact cross connectivity as the majority of the site is secured from the public and the existing parking serves an existing use.

#	Cornerstone 2020 Plan Element	Plan Element or Portion of Plan Element	Staff Finding	Staff Comments
44	Mobility/Transportation Guideline 8: Transportation Facility Design	A.8: Adequate stub streets are provided for future roadway connections that support and contribute to appropriate development of adjacent land.	✓	No stub roadways are needed as the warehouse operation is secured from the public
45	Mobility/Transportation Guideline 8: Transportation Facility Design	A.9: Avoid access to development through areas of significantly lower intensity or density if such access would create a significant nuisance.	✓	Primary access to the site is through areas of similar intensity
46	Mobility/Transportation Guideline 8: Transportation Facility Design	A.11: The development provides for an appropriate functional hierarchy of streets and appropriate linkages between activity areas in and adjacent to the development site.	✓	The street network (existing or future) is not impacted by the proposal.
47	Mobility/Transportation Guideline 9: Bicycle, Pedestrian and Transit	A.1/2: The proposal provides, where appropriate, for the movement of pedestrians, bicyclists and transit users around and through the development, provides bicycle and pedestrian connections to adjacent developments and to transit stops, and is appropriately located for its density and intensity.	✓	The proposal provides, where appropriate, for the movement of pedestrians, bicyclists and transit users around and through the development. There are no significant changes impacting connectivity.
48	Livability/Environment Guideline 10: Flooding and Stormwater	The proposal's drainage plans have been approved by MSD, and the proposal mitigates negative impacts to the floodplain and minimizes impervious area. Solid blueline streams are protected through a vegetative buffer, and drainage designs are capable of accommodating upstream runoff assuming a fully-developed watershed. If streambank restoration or preservation is necessary, the proposal uses best management practices.	✓	The proposal's drainage plans have been approved by MSD,
49	Livability/Environment Guideline 12: Air Quality	The proposal has been reviewed by APCD and found to not have a negative impact on air quality.	✓	The proposal has been reviewed by APCD and found to not have a negative impact on air quality
50	Livability/Environment Guideline 13: Landscape Character	A.3: The proposal includes additions and connections to a system of natural corridors that can provide habitat areas and allow for migration.	✓	The subject site does not contain natural corridors, nor can natural corridors be provided given its location along a high traffic roadway in the midst of commercial uses.

#	Cornerstone 2020 Plan Element	Plan Element or Portion of Plan Element	Staff Finding	Staff Comments
51	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
52	Community Facilities Guideline 14: Infrastructure	A.3: The proposal has access to an adequate supply of potable water and water for fire-fighting purposes.	✓	The proposal has access to an adequate supply of potable water and water for fire-fighting purposes.
53	Community Facilities Guideline 14: Infrastructure	A.4: The proposal has adequate means of sewage treatment and disposal to protect public health and to protect water quality in lakes and streams.	✓	The proposal has adequate means of sewage treatment and disposal to protect public health and to protect water quality in lakes and streams.

4. Existing Binding Elements (8740)

1. The development shall be in accordance with the approved district development plan and binding elements unless amended pursuant to the Land Development Code. Modifications to the binding element(s) shall be submitted to the Planning Commission or its designee for review and approval; any modifications not so referred shall not be valid.
2. The square footage of the development shall not exceed 12,032 square foot for retail use and 21,394 square foot of warehouse space.
3. Signs shall be in accordance with Chapter 8 of the LDC.
4. No outdoor advertising signs, small freestanding signs, pennants, balloons, streamers 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. Prior to issuance of a permit (including but not limited to building, parking lot, change of use, site disturbance, alteration permit or demolition permit):
 - a. The development plan must receive full construction approval from Louisville Metro Department of Inspections, Permits and Licenses, Louisville Metro Public Works and the Metropolitan Sewer District.
 - b. The property owner/developer shall obtain approval of a detailed plan for screening (buffering/landscaping) as described in Chapter 10. Such plan shall be implemented prior to occupancy of the site and shall be maintained thereafter.
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. 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.
9. The materials and design of proposed structures shall be substantially the same as depicted in the rendering as presented at the November 15, 2007 meeting.
10. At the time a building permit is requested, the applicant shall submit a certification statement to the permit issuing agency, from an engineer, or other qualified professional stating that the lighting of the proposed development is in compliance with Chapter 4 Part 1.3 of the land

development code and shall be maintained thereafter. No building permits shall be issued unless such certification statement is submitted. Lighting shall be maintained on the property in accordance with Chapter 4 Part 1.3 of the land development code. Lighting shall be maintained on the property in accordance with Chapter 4 Part 1.3 of the land development code.

11. The address number shall be displayed on a structure prior to requesting a certificate of occupancy for that structure.

5. Existing Conditions of Approval

1. The site shall be developed in strict compliance with the approved development plan. No further development shall occur on site without prior review and approval by the Board.
2. The site shall be landscaped in accordance with the requirements of Article 12 of the zoning district regulations.
3. Existing vegetation shall be preserved behind the parking lot. Any additional development shall be approved by the board.
4. This parking lot shall be used only by employees or visitors to the office building at 8319 Preston Highway
5. The conditional use permit shall be “exercised” as described in KRS 100.237 within one year of the board’s vote on this case. If the conditional use permit is not so exercised, the site shall not be used for an off-street parking lot without further review and approval by the Board.

6. Proposed Binding Elements (17ZONE1067)

1. The development shall be in accordance with the approved district development plan, all applicable sections of the Land Development Code (LDC) and agreed upon binding elements unless amended pursuant to the Land Development Code. Any changes/additions/alterations of any binding element(s) shall be submitted to the Planning Commission or the Planning Commission’s designee for review and approval; any changes/additions/alterations not so referred shall not be valid.
2. No outdoor advertising signs, small freestanding signs, pennants, balloons, streamers or banners shall be permitted on the site.
3. Construction fencing shall be erected when off-site trees or tree canopy exists within 3’ of a common property line. Fencing shall be in place prior to any grading or construction to protect the existing root systems from compaction. The fencing shall enclose the entire area beneath the tree canopy and shall remain in place until all construction is completed. No parking, material storage or construction activities are permitted within the protected area.
4. Prior to issuance of a permit (including but not limited to building, parking lot, change of use, site disturbance, alteration permit or demolition permit):
 - 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. The property owner/developer shall obtain approval of a detailed plan for screening (buffering/landscaping) as described in Chapter 10. Such plan shall be implemented prior to occupancy of the site and shall be maintained thereafter.
 - c. A minor plat shall be recorded creating the lots as shown on the approved development plan.
5. A certificate of occupancy must be received from the appropriate code enforcement department prior to occupancy of the structure or land for the proposed use. All binding elements requiring action and approval must be implemented prior to requesting issuance of the certificate of occupancy, unless specifically waived by the Planning Commission.
 6. The applicant, developer, or property owner shall provide copies of these binding elements to tenants, purchasers, contractors, subcontractors and other parties engaged in development of this site and shall advise them of the content of these binding elements. These binding elements shall run with the land and the owner of the property and occupant of the property shall at all times be responsible for compliance with these binding elements. At all times during development of the site, the applicant and developer, their heirs, successors; and assignees, contractors, subcontractors, and other parties engaged in development of the site, shall be responsible for compliance with these binding elements.
 7. The materials and design of proposed structures shall be substantially the same as depicted in the rendering as presented at the November 15, 2007 & January 10, 2019 public hearings.