

# Planning Commission Staff Report

November 1, 2018



<b>Case No:</b>	18ZONE1058
<b>Project Name:</b>	Chamberlain Lane Mini-Storage
<b>Location:</b>	2801 Chamberlain Lane & 3014 N. Winchester acres Road
<b>Owner(s):</b>	Johannes Appelboom & Huong Pham
<b>Applicant:</b>	Hagan Properties, Inc.
<b>Representative(s):</b>	Wyatt, Tarrant, & Combs, LLP – Jon Baker
<b>Jurisdiction:</b>	Louisville Metro
<b>Council District:</b>	17 – Glen Stuckel
<b>Case Manager:</b>	Joel P. Dock, AICP, Planner II

## REQUEST(S)

- **Change-in-Zoning** from R-4, Single-family Residential to CM, Commercial-Manufacturing
- **Variance** from Land Development Code, section 5.3.4.D.3.a to reduce the 25' street side yard setback to 10' along Winchester Acres Road
- **Waivers:**
  1. **Waiver** of Land Development Code, section 5.5.4.B.1 to reduce 50' LBA along north property line as shown on the development plan
  2. **Waiver** of Land Development Code, section 5.8.1.B to not provide sidewalk along Chamberlain Lane
  3. **Waiver** of Land Development Code, section 5.9.2.A.1.b.i to not provide pedestrian connection from right-of-way
- **Detailed District Development Plan**

## CASE SUMMARY

A 155,000 square foot mini-storage facility is proposed adjacent to the Ford Kentucky Truck Plant along Chamberlain lane. The subject site is roughly one-half mile from La Grange Road which provides access to Interstate-265. Primary access to the site is provided from Winchester Acres Road, a local private roadway. The site adjoins single family residential property to the north and east. The subject site and the residentially zoned land located west of Collins Lane surrounding the subject site are within the Suburban Workplace Form.

## STAFF FINDING

The proposed zoning district and use are appropriate within the existing boundaries of the form district and the zoning district conforms to the intent of the Comprehensive Plan as the proposal is an industrial use and integrates itself into the industrial and employment activities that dominate the surrounding area. The development plan, setback variance, and sidewalk and pedestrian connectivity waiver do not appear to be adequately justified based on the standard of review contained in staff's analysis. The workplace form calls for buildings to be set back in a landscaped setting and a public sidewalk is needed to provide connectivity between employment and activity centers in this developing area.

## **STANDARD OF REVIEW FOR ZONING DISTRICT CHANGES**

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

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

## **STAFF ANALYSIS FOR CHANGE IN ZONING**

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

### The site is located in the Suburban Workplace Form District

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 proposal integrates into the pattern of development as the immediate vicinity contains a mixture of industrial and commercial activities of varying intensities. Industrial or employment centers dominate much of the nearby land. It does not constitute a non-residential expansion into an existing residential area as the surrounding area is largely non-residential and the existing pocket of residential wherein the site is located is wholly encompassed by industrial, commercial and office uses and located within the Suburban Workplace form district. The proposed district allows for a variety of commercial and industrial development and is located along a collector level roadway with immediate service to an arterial and the interstate, as well as being located adjacent to the Ford truck Plant and a number of other similar uses within activity center.

Renderings provided indicated that the proposal is consistent with surrounding industrial and employment center development. Setbacks, lot dimensions and building heights will be compatible with those of nearby development that meet form district standards as they develop in the area. The proposal provides appropriate transitions between uses that are substantially different in scale and intensity or density of development as landscape screening will be provided as required adjacent to an existing low-density residential property. The buffering provided will be compatible for future non-residential development.

The proposal will not 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. It does not promote mass transit, bicycle and pedestrian use or provide, where appropriate, for the movement of these users. Public sidewalks are

needed to continue and facilitate future connectivity between users in the area. While the current sidewalk network is sporadic from La Grange Road, a network is presently developing and future sidewalk construction will be required of multiple adjacent properties as they redevelop in accordance with the thresholds of the form district. The network is developing and the proposed user is responsible for a portion of this network.

### **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 sight lines for pedestrians and motorists are not impacted and the setback reduction is located along a private roadway which has future potential for similar industrial or employment activities.

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

STAFF: The requested variance will alter the future potential character of the general vicinity as the setback is inconsistent with the intent of the form district which calls for predominately industrial and office uses where the buildings are set back from the street in a landscaped setting. The proposed setback sets the future development pattern along the roadway which would ordinarily require a 25' setback.

- (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.

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

STAFF: The requested variance will allow an unreasonable circumvention of the zoning regulations as the setback can reasonably be provided as the site is currently vacant and does not contain any significant site constraints.

### **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 does not arise from special circumstances which do not generally apply to land in the general vicinity or the same zone as the setback is required of all development in the Suburban Workplace form and the proposed setback does not meet the intent of the form district.

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 not create an unnecessary hardship on the applicant as the setback can be provided with a slight reduction in the total building area.

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 WAIVER (1)**

Waiver to reduce 50' LBA

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

STAFF: The waiver will not adversely affect adjacent property owners as all planting and screening will be provided as required and the buffer is consistent with future non-residential development within the form.

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

STAFF: Guideline 3, Policy 9 of Cornerstone 2020 calls for the protection of the character of residential areas, roadway corridors and public spaces from visual intrusions and mitigate when appropriate. Guideline 13, Policy 4 calls for ensuring appropriate landscape design standards for different land uses within urbanized, suburban, and rural areas. The subject site and all surrounding development is located in the workplace form and the buffer proposed is consistent with future non-residential development. Further, all required screening is provided.

- (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 are not representative of future development of the area as intended within the form.

- (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 create an unnecessary hardship on the applicant as existing conditions are not representative of future development of the area as intended within the form.

**STANDARD OF REVIEW AND STAFF ANALYSIS FOR WAIVER (2)**

Waiver to not provide sidewalk

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

STAFF: The waiver will adversely affect adjacent property owners as public sidewalks are needed to continue and facilitate future connectivity between users in the area.

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

STAFF: Guideline 1, Policy 9 calls for proposals to incorporate connected roads, encourages access to public transportation, and provides for pedestrians. Guideline 7 calls for proposals to proposal will contribute their 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. It also calls for proposals to promote mass transit, bicycle and pedestrian use and provides amenities to support these modes of transportation. The proposal is not in conformance with the comprehensive plan as public sidewalks are needed to continue and facilitate future connectivity between users in the area. While the current sidewalk network is sporadic from La Grange Road, a network is presently developing and future sidewalk construction will be required of multiple adjacent properties as they redevelop in accordance with the thresholds of the form district. This network is developing and the proposed user is responsible for a portion of this network.

- (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 not the minimum necessary to afford relief to the applicant as there are no apparent site constraints that prevent construction.

- (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 not create an unnecessary hardship on the applicant as sidewalks are necessary to continue pedestrian connectivity to serve employment centers and there are no site constraints that prevent construction.

### **STANDARD OF REVIEW AND STAFF ANALYSIS FOR WAIVER (3)**

Waiver to not provide pedestrian connection

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

STAFF: The waiver will not adversely affect adjacent property owners as the connectivity is required of the user of the subject site only.

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

STAFF: Guideline 1, Policy 9 calls for proposals to incorporate connected roads, encourages access to public transportation, and provides for pedestrians. Guideline 7 calls for proposals to proposal will contribute their 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. It also calls for proposals to promote mass transit, bicycle and pedestrian use and provides amenities to support these modes of transportation. A minimal distance of connection would be required

upon the construction of a public sidewalk. Connectivity is needed to promote multi-modal transit for employees within the activity center.

- (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 not the minimum necessary to afford relief to the applicant as minimal distance of connection would be required upon the construction of a public sidewalk.

- (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 not create an unnecessary hardship on the applicant as a minimal distance of connectivity is needed to connect to a public sidewalk.

#### **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. Detention is provided to handle run-off and through drainage during storm events and the minimum tree canopy will be provided.

- 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 have not been provided as public sidewalks are needed continue and facilitate future connectivity between users in the area. While the current sidewalk network is sporadic from La Grange Road, a network is presently developing and future sidewalk construction will be required of multiple adjacent properties as they redevelop in accordance with the thresholds of the form district. The proposed user is responsible for a portion of the sidewalk network in the area.

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

STAFF: The proposal provides open space in a detention area to handle run-off and through drainage.

- 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 proposed use and development is compatible with the form district, except that the setback along N. Winchester Acres is inconsistent with the form.

- 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 does not fully conform to the Comprehensive Plan as the proposed setback is not consistent with the intent of the form district which calls for buildings to be set back from the street in a landscaped setting. As the first non-residential use in this pocket of the form district the decreased setback would establish a pattern that is not consistent with the requirement of the form. Additionally, the proposed development plan does not contribute its proportional share of the cost of roadway improvements and other services and public facilities made necessary by the development through physical improvements. It does promote mass transit, bicycle and pedestrian use or provide, where appropriate, for the movement of these users. Public sidewalks are needed to provide connectivity within the employment center and the applicant is responsible for a portion of the sidewalk network.

## **REQUIRED ACTIONS**

- **RECOMMEND** to the Louisville Metro Council that the change in zoning from R-4, Single-family Residential to CM, Commercial-Manufacturing on property described in the attached legal description be **APPROVED** or **DENIED**
- **APPROVE** or **DENY** the **Variance** from Land Development Code, section 5.3.4.D.3.a to reduce the 25' street side yard setback to 10' along Winchester Acres Road
- **APPROVE** or **DENY** the requested **Waivers**:
  1. **Waiver** of Land Development Code, section 5.5.4.B.1 to reduce 50' LBA along north property line as shown on the development plan
  2. **Waiver** of Land Development Code, section 5.8.1.B to not provide sidewalk along Chamberlain Lane
  3. **Waiver** of Land Development Code, section 5.9.2.A.1.b.i to not provide pedestrian connection from right-of-way
- **APPROVE** or **DENY** the **Detailed District Development Plan**

**NOTIFICATION**

<b>Date</b>	<b>Purpose of Notice</b>	<b>Recipients</b>
9/27/18	Hearing before LD&T	1 <sup>st</sup> and 2 <sup>nd</sup> tier adjoining property owners Registered Neighborhood Groups in Council District 17
10/17/18	Hearing before Planning Commission	1 <sup>st</sup> and 2 <sup>nd</sup> tier adjoining property owners Registered Neighborhood Groups in Council District 17
10/12/18	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. Proposed Binding Elements



1. **Zoning Map**



2. Aerial Photograph



### 3. Cornerstone 2020 Staff Checklist

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

#### Suburban Workplace: 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.10: The proposal integrates into the pattern of development, which features buildings set back from the street in a landscaped setting.	✓	The proposal integrates into the pattern of development as the immediate vicinity contains a mixture of industrial and commercial activities of varying intensities. Industrial or employment centers dominate much of the nearby land.
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 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 as the general vicinity contains a variety of industrial or employment centers. The proposed use may serve nearby residences or non-residential users.
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.	-	Public sidewalks are needed to continue and facilitate future connectivity between users in the area. While the current sidewalk network is sporadic from La Grange Road, a network is presently developing and future sidewalk construction will be required of multiple adjacent properties as they redevelop in accordance with the thresholds of the form district.
4	Community Form/Land Use Guideline 3: Compatibility	A.2: The proposed building materials increase the new development's compatibility.	✓	Renderings provided indicated that the proposal is consistent with surrounding industrial and employment center development
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 does not constitute a non-residential expansion into an existing residential area as the surrounding area is largely non-residential and the existing pocket of residential wherein the site is located is wholly encompassed by industrial, commercial and office uses and located within the Suburban Workplace form district.

#	Cornerstone 2020 Plan Element	Plan Element or Portion of Plan Element	Staff Finding	Staff Analysis
6	Community Form/Land Use Guideline 3: Compatibility	A.5: The proposal mitigates any potential odor or emissions associated with the development.	✓	The proposal mitigates any potential odor or emissions associated with the development as uses permitted by the proposed district will not produce odors that would not ordinarily be expected by industrial development in the area.
7	Community Form/Land Use Guideline 3: Compatibility	A.6: The proposal mitigates any adverse impacts of its associated traffic on nearby existing communities.	✓	The proposed use generates limited traffic. The site is located along a collector with immediate service to an arterial and the interstate. The roadway network supports a wide variety of uses permitted by the district.
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 be complaint with LDC 4.1.3
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 proposed use is located in an activity center consisting of a range of low intensity office uses and higher intensity manufacturing uses. It is within the SW form district.
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.	✓	The proposal provides appropriate transitions between uses that are substantially different in scale and intensity or density of development as landscape screening will be provided as required adjacent to an existing low-density residential property. The buffering provided will be compatible for future non-residential development.
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.	✓	The proposal mitigates the impacts caused when incompatible developments unavoidably occur adjacent to one another as landscape screening will be provided as required adjacent to an existing low-density residential property. The buffering provided will be compatible for future non-residential development
12	Community Form/Land Use Guideline 3: Compatibility	A.23: Setbacks, lot dimensions and building heights are compatible with those of nearby developments that meet form district standards.	-	Setbacks are inconsistent with the intent of the form which calls for buildings to be setback from the roadway in a landscaped setting.

#	Cornerstone 2020 Plan Element	Plan Element or Portion of Plan Element	Staff Finding	Staff Analysis
13	Community Form/Land Use Guideline 3: Compatibility	A.24: Parking, loading and delivery areas located adjacent to residential areas are designed to minimize adverse impacts of lighting, noise and other potential impacts, and that these areas are located to avoid negatively impacting motorists, residents and pedestrians.	✓	Parking area locations are consistent with the pattern of development in the area and do not infringe of residential properties.
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.	✓	The proposal includes screening and buffering of parking and circulation areas adjacent to the street as a landscape buffer immediately adjacent to the parking area is provided.
15	Community Form/Land Use Guideline 3: Compatibility	A.25: Parking garages are integrated into their surroundings and provide an active, inviting street-level appearance.	NA	No parking structures have been proposed.
16	Community Form/Land Use Guideline 3: Compatibility	A.28: Signs are compatible with the form district pattern and contribute to the visual quality of their surroundings.	✓	Signage will be complaint with Chapter 8 of the LDC.
17	Community Form/Land Use Guideline 4: Open Space	A.2/3/7: The proposal provides open space that helps meet the needs of the community as a component of the development and provides for the continued maintenance of that open space.	✓	Open space is not required for the proposal and is not needed to help meets the needs of the larger community. Detention areas are provided to manage run-off and through drainage during rain events.
18	Community Form/Land Use Guideline 4: Open Space	A.4: Open space design is consistent with the pattern of development in the Neighborhood Form District.	NA	SW form
19	Community Form/Land Use Guideline 4: Open Space	A.5: The proposal integrates natural features into the pattern of development.	✓	The proposal will provide the required tree canopy per Chapter 10 of the LDC.
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.	✓	Detention areas are provided to manage run-off and through drainage during rain events.

#	Cornerstone 2020 Plan Element	Plan Element or Portion of Plan Element	Staff Finding	Staff Analysis
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 proposal does not contain any features of historical significance.
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.	✓	The development site does not appear to contain wet or highly permeable soils, or contain significant portions of erodible soils. No steep slopes are present. Detention areas are provided to manage run-off and through drainage during rain events.
23	Marketplace Guideline 6: Economic Growth and Sustainability	A.1: Limit land uses in workplace districts to those land uses necessary to meet the needs of the industrial subdivision or workplace district and their employees.	✓	The proposed use will serve a wide range of users. The district is able to provide supportive services consistent with an industrial or employment district.
24	Marketplace Guideline 6: Economic Growth and Sustainability	A.3: Encourage redevelopment, reinvestment and rehabilitation in the downtown where it is consistent with the form district pattern.	NA	Not downtown
25	Marketplace Guideline 6: Economic Growth and Sustainability	A.4: Encourage industries to locate in industrial subdivisions or adjacent to existing industry to take advantage of special infrastructure needs.	✓	The proposed district is consistent with the industrial and employment district in the area with respect to land use and the ability to provide supportive services.
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 proposed use is a limited traffic generator. The proposed district is located along a collector with immediate service to an arterial and the interstate.
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.	✓	The proposed district allows for industrial development with no limit on the number of employees. It is located along a collector level roadway with immediate service to an arterial and the interstate, as well as being located adjacent to Ford truck Plant and a number of other similar uses within activity center.

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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 not 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 as sidewalks are needed to continue and facilitate future connectivity between users in the area. The network is developing and the proposed user is responsible for a portion of this network.
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.	-	The proposal does not promote mass transit, bicycle and pedestrian use as sidewalks are needed to continue and facilitate future connectivity between users in the area.
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.	-	The proposal's transportation facilities are not compatible with or support access to surrounding land uses, and do not contribute to the appropriate development of adjacent lands as sidewalks are needed to provide for future connectivity for pedestrians and transit users employed at nearby centers.
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.	✓	No additional right-of-way has been requested.
32	Mobility/Transportation Guideline 7: Circulation	A.10: The proposal includes adequate parking spaces to support the use.	✓	The proposal includes adequate parking spaces to support the use.
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.	✓	Upon future development of the area for non-residential uses Winchester Acres Road appears to provide internal connectivity to adjacent development without entering collector or arterial roadways.
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.	✓	No stub roadways are needed to facilitate this or adjacent development as N. Winchester will provide for appropriate connectivity.
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 development site is from areas of similar intensity from a collector roadway with arterial and interstate access within close proximity.

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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.	✓	The development provides for an appropriate functional hierarchy of streets and appropriate linkages between activity areas in and adjacent to the development site as Chamberlain Lane provides access to the interstate and nearby industrial uses.
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.	-	The proposal does not provide, where appropriate, for the movement of pedestrians, bicyclists and transit users around and through the development as sidewalks are not provided and they are needed provide for appropriate connectivity between users of commercial and industrial activity in the area.
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.	✓	The proposal's drainage plans have been approved by MSD
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.	✓	The proposal has been reviewed by APCD and found to not have a negative impact on air quality
40	Livability/Environment Guideline 13: Landscape Character	A.3: The proposal includes additions and connections to a system of natural corridors that can provide habitat areas and allow for migration.	✓	The development site does not appear to contain any natural corridors that can provide habitat areas and allow for migration.
41	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.
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.	✓	The proposal will have access to an adequate supply of potable water and water for fire-fighting purposes.
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 proposal has adequate means of sewage treatment and disposal to protect public health and to protect water quality in lakes and streams.



#### **4. Proposed Binding Elements**

1. The development shall be in accordance with the approved district development plan, all applicable sections of the Land Development Code (LDC) and agreed upon binding elements unless amended pursuant to the Land Development Code. Any changes/additions/alterations of any binding element(s) shall be submitted to the Planning Commission or the Planning Commission's designee for review and approval; any changes/additions/alterations not so referred shall not be valid.
2. 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.
3. Before any permit (including but not limited to building, parking lot, change of use, site disturbance, or alteration permit) is requested:
  - a. The development plan must receive full construction approval from Louisville Metro Department of Inspections, Permits and Licenses, Louisville Metro Public Works and the Metropolitan Sewer District.
  - b. Encroachment permits must be obtained from the Kentucky Department of Transportation, Bureau of Highways.
  - c. The property owner/developer must obtain approval of a detailed plan for screening (buffering/landscaping) as described in Chapter 10 prior to requesting a building permit. Such plan shall be implemented prior to occupancy of the site and shall be maintained thereafter.
  - d. An appropriate legal instrument shall be recorded consolidating the property as shown on the development plan. A copy of the recorded instrument shall be submitted to the Division of Planning and Design Services.
4. 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.
5. 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.
6. A four-board fence with intermittent trees shall be provided along N. Winchester Acres and shall be substantially the same as presented at the public hearing on November 1, 2018.