

Planning Commission Staff Report

December 4th, 2014



Case No:	14ZONE1036
Request:	Change in Zoning from R-4 to OR-3; Setback variance; Landscape waiver
Project Name:	La Grange Road Office
Location:	12610 La Grange Road
Owner:	Starz Properties LLC
Applicant:	Hagan Properties Inc.
Representative:	Bill Bardenwerper Kevin Young
Jurisdiction:	Louisville
Council District:	17 – Glen Stuckel
Case Manager:	Christopher Brown, Planner II

REQUEST

- Change in zoning from R-4 to OR-3
- Variance #1: Variance from Chapter 5.3.1.C.5 of the Land Development Code to allow the proposed structure to exceed the 80' maximum setback along Reamers Road and La Grange Road
- Waiver #1: Waiver from Chapter 5.9.2.b.i of the Land Development Code to not provide a direct pedestrian connection from to the building from La Grange Road
- Waiver #2: Landscape Waiver from Chapter 10.2.12.B of the Land Development Code to allow the required interior landscape areas to exceed the 120' maximum distance
- Detailed District Development plan

Variations

Location	Requirement	Request	Variance
Reamers Road	80'	124'	44'
La Grange Road	80'	120'	40'

CASE SUMMARY/BACKGROUND/SITE CONTEXT

Existing Zoning District: OR-3 & R-4, Office/Residential and Single Family Residential
 Proposed Zoning District: OR-3, Office/Residential
 Existing Form District: N, Neighborhood
 Existing Use: Vacant Office
 Proposed Use: Office
 Minimum Parking Spaces Required: 34
 Maximum Parking Spaces Allowed: 60
 Parking Spaces Proposed: 42
 Plan Certain Docket #: 9-09-94

The subject property is located at the northeast corner of Reamers Road and La Grange Road. The site was re-zoned in 1994 to OR-3 in which the historic home on the site was used as an office. The applicant is requesting the change in zoning from R-4 to OR-3 for the balance of the site to construct a new office building and accessory garage structure. The site is surrounded on all sides by right of way and adjacent to that is all R-4 zoning. The site is located in a single family residential neighborhood with the only nearby non-residential

use being the water tower site to the north. A Jefferson County historic house is located on the site. The Altwood National Register District is located to the west along the CSX railroad ROW. The site is heavily treed with mature trees along the La Grange Road street frontage.

The applicant is proposing to construct an 8,000 SF, one story office building on the existing OR-3 portion of the property. The building is proposed to be setback 44' and 40' beyond the 80' maximum setback to allow the mature tree canopy to be preserved along the La Grange Road frontage. The applicant is also requesting to not provide a pedestrian connection from La Grange Road due to the tree canopy and setback of the building. Pedestrian connectivity will be provided from Reamers Road. To reduce their impact on the existing tree canopy as well, the interior landscaping areas will exceed the 120' maximum distance rule to utilize existing tree canopy. The R-4 portion of the property that is proposed to be rezoned will contain portions of the access to the site from Reamers Road as well as a proposed 5,400 SF barn structure to store equipment associated with the office use. The detention basins serving the property as well as required landscape buffering will be provided on this portion of the property.

LAND USE/ZONING DISTRICT/FORM DISTRICT TABLE

	Land Use	Zoning	Form District
Subject Property			
Existing	Vacant/Office	OR-3/R-4	N
Proposed	Office	OR-3	N
Surrounding Properties			
North	Water Tower	R-4	Neighborhood
South	Single Family Residential	R-4	Neighborhood
East	Single Family Residential	R-4	Neighborhood
West	Single Family Residential	PD	Neighborhood

PREVIOUS CASES ON SITE

9-9-94: The Planning Commission approved a rezoning in 1994 from R-4 to OR-3 for a portion of the site along La Grange Road after reducing the size of the rezoning from the entire site to just the front portion of the site where the historic structure exists.

INTERESTED PARTY COMMENTS

None received.

APPLICABLE PLANS AND POLICIES

Cornerstone 2020
Land Development Code

STANDARD OF REVIEW FOR REZONING AND FORM DISTRICT CHANGES

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

- The proposed form district/rezoning change complies with the applicable guidelines and policies Cornerstone 2020; **OR**
- The existing form district/zoning classification is inappropriate and the proposed classification is appropriate; **OR**

3. There have been major changes of an economic, physical, or social nature within the area involved which were not anticipated in Cornerstone 2020 which have substantially altered the basic character of the area.

STAFF ANALYSIS FOR REZONING AND FORM DISTRICT CHANGES

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

The site is located in the Neighborhood Form District

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

The Neighborhood Form will contain diverse housing types in order to provide housing choice for differing ages and incomes. New neighborhoods are encouraged to incorporate these different housing types within a neighborhood as long as the different types are designed to be compatible with nearby land uses. These types may include, but not be limited to large lot single family developments with cul-de-sacs, neo-traditional neighborhoods with short blocks or walkways in the middle of long blocks to connect with other streets, villages and zero lot line neighborhoods with open space, and high density multi-family condominium-style or rental housing.

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

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

The proposal to rezone the balance of the subject site from R-4, Single Family Residential, to OR-3, Office/Residential, will allow the creation of an office building on the pre-plan certain OR-3 site at the intersection of La Grange Road and Reamers Road. The existing Neighborhood form district encourages predominantly residential uses with a variety of density and contemplates office, commercial and civic uses that complement the surrounding residential.

The applicant has demonstrated that the proposed OR-3 zoning district will comply with **Guideline 1, Community Form** since the proposal is for OR-3 which allows a mix of office and residential uses. A single office use is proposed. The site is an existing mix of office and residential zoning with an expansion of the office zoning being proposed along Reamers Road. The main structure will be located within the area of the existing structures amongst the mature tree canopy and at one story which is an appropriate scale for the surrounding residential. It has proper location along a minor arterial with access to a secondary collector road. While the proposal isn't a mix of uses that is generally contemplated within the form district, it is an appropriate neighborhood serving use and allows mixed use.

The applicant has demonstrated that the proposed OR-3 zoning district will comply with **Guideline 3, Compatibility** with the appropriate transitions and buffering being provided adjacent to surrounding street frontages. The buildings follow the varying setback pattern within the vicinity of the site. The parking is

minimized and located to preserve tree canopy on the site while providing the required amount of screening and buffering as well as interior landscaping.

The proposal does not potentially comply with the historic resources and natural areas guidelines of the Comprehensive Plan under **Guideline 5, Natural Areas and Scenic and Historic Resources** since additional information is needed on the previously required conservation easement and how this has been addressed with the current proposal. The current proposal preserves a significant amount of tree canopy and maintains open space along La Grange Road but does not address the conservation easement issue. The proposal also calls for the demolition of a structure that is recognized as having historic value. There is no proposed adaptive reuse or incorporation of the structure into the proposal.

The proposal complies with the guidelines of the Comprehensive Plan under **Guideline 6, Economic Growth and Sustainability** since it is located in an area of with connectivity to the Gene Snyder Freeway along the La Grange Road minor arterial corridor.

The proposal provides for appropriate multi-modal transportation facilities following the Comprehensive Plan under **Guidelines 7 and 8, Circulation and Transportation Facility Design** with pedestrian connectivity from Reamers Road, adequate parking within the development as well as bicycle parking provided to support the proposed uses. Right of way is being dedicated along Reamers Road. Access to the site is from Reamers Road, a secondary collector, to allow the mature tree canopy to be preserved along La Grange Road.

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

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

STANDARD OF REVIEW AND STAFF ANALYSIS FOR VARIANCES

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

STAFF: The requested variance will not adversely affect the public health, safety or welfare since it allows the preservation of the mature tree canopy along the property frontage.

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

STAFF: The requested variance will not alter the essential character of the general vicinity since it follows a varying setback pattern for structures along the applicable roadways.

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

STAFF: The requested variance will not cause a hazard or nuisance to the public since the mature tree canopy will be able to be preserved and maintained along the street frontage to lessen the impact of the building on the surrounding residential areas.

- (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 since it follows the varying setback pattern along surrounding roadways while accommodating the landscaping needs of the site.

ADDITIONAL CONSIDERATIONS:

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

STAFF: The requested variance arises from special circumstances which do not generally apply to land in the general vicinity or the same zone due to the mature tree canopy on the site being maintained with the proposed use.

2. The strict application of the provisions of the regulation would deprive the applicant of the reasonable use of the land or create an unnecessary hardship on the applicant.

STAFF: The strict application of the provisions of the regulation would deprive the applicant of the reasonable use of the land or create an unnecessary hardship on the applicant by requiring the tree removal to place the building closer to both street frontages at the corner intersection.

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

STAFF: The circumstances are not the result of actions of the applicant taken subsequent to the adoption of the zoning regulation from which relief is sought since the tree canopy being preserved existed prior to the current proposal.

**STANDARD OF REVIEW AND STAFF ANALYSIS FOR WAIVERS
(Internal Pedestrian Connection)**

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

STAFF: The waiver will not adversely affect adjacent property owners since internal connectivity for the site will be provided from the Reamers Road sidewalk that connects to the sidewalk along La Grange Road.

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

STAFF: The waiver will not violate specific guidelines of Cornerstone 2020 since multi-modal access to the site will be provided in the most reasonable means along the street frontages for this property.

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

STAFF: The extent of the waiver of the regulation is the minimum necessary to afford relief to the applicant since a connection will be created along Reamers Road.

- (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 and would create an unnecessary hardship on the applicant since the pedestrian connection can be provided in a more accessible manner along Reamers Road without issues regarding the tree canopy.

**STANDARD OF REVIEW AND STAFF ANALYSIS FOR WAIVERS
(Exceed 120' ILA Requirement)**

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

STAFF: The waiver will not adversely affect adjacent property owners since the required amount of interior landscaping will be provided on site.

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

STAFF: Guideline 13, Policy 5 calls for standards to ensure the creation and/or preservation of tree canopy as a valuable community resource. The purpose of interior landscape areas is to break up large impervious areas and allow for a greater distribution of tree canopy coverage. The waiver will not violate specific guidelines of Cornerstone 2020 since the required amount of interior landscaping will be provided on site.

- (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 since the location of the interior landscaping allows the preservation of trees on the site.

- (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 or would create an unnecessary hardship on the applicant by requiring relocation of the landscaping islands into areas that would have a greater negative impact to the existing tree canopy on the site. .

STANDARD OF REVIEW AND STAFF ANALYSIS FOR DEVELOPMENT PLAN and AMENDMENT TO BINDING ELEMENTS

- 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: Tree canopy requirements of the Land Development Code will be provided on the subject site through the preservation of mature tree canopy. The applicant needs to further address the existing historic resources on the site as well as the referenced conversation easement from the previous rezoning and existing binding elements.

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

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

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

STAFF: The open spaces requirements of the site are met with the landscaping being provided on site.

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

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

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

STAFF: The overall site design and land uses are compatible with the existing and future development of the area. Appropriate landscape buffering and screening will be provided to screen adjacent properties and roadways. The building will follow the varying setback pattern of the area with a building at scale with the form district.

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

STAFF: The development plan conforms to applicable guidelines and policies of the Comprehensive Plan with the exceptions to Guidelines 5 regarding historic resources and natural areas. The proposed development will affect an identified historic site, the Ruby House. The existing binding elements also referenced a conservation easement. Both issues need to be addressed by the applicant. All other aspects of the development plan conform to the guidelines of Cornerstone 2020 and the Land Development Code with the requested relief meeting their corresponding standards of review.

TECHNICAL REVIEW

- Driveway radius from Reamers Road was redlined on the plan by Transportation Planning.

STAFF CONCLUSIONS

The proposal meets the intent of the guidelines of the Comprehensive Plan in regards to the zoning with exception of the natural areas and historic resource issues needing to be addressed by the applicant. The zoning change would be an appropriate expansion of the existing zoning district at the intersection of La Grange Road and Reamers Road. It meets the requirements of the Land Development Code with the exception of the requested relief. The variance has been properly mitigated and the standards of review have been met as proposed for the waivers. Based upon the information in the staff report, the testimony and evidence provided at the public hearing, the Planning Commission must determine if the proposal is in conformance with the Comprehensive Plan; OR the existing form district/zoning classification is inappropriate and the proposed classification is appropriate; OR if there have been major changes of an economic, physical, or social nature within the area involved which were not anticipated in Cornerstone 2020 which have substantially altered the basic character of the area. Based upon the information in the staff report, the testimony and evidence provided at the public hearing, the Planning Commission must also determine if the proposal meets the standards for granting a Detailed District Development Plan with Variance and Land Development Code Waivers as established in the Land Development Code.

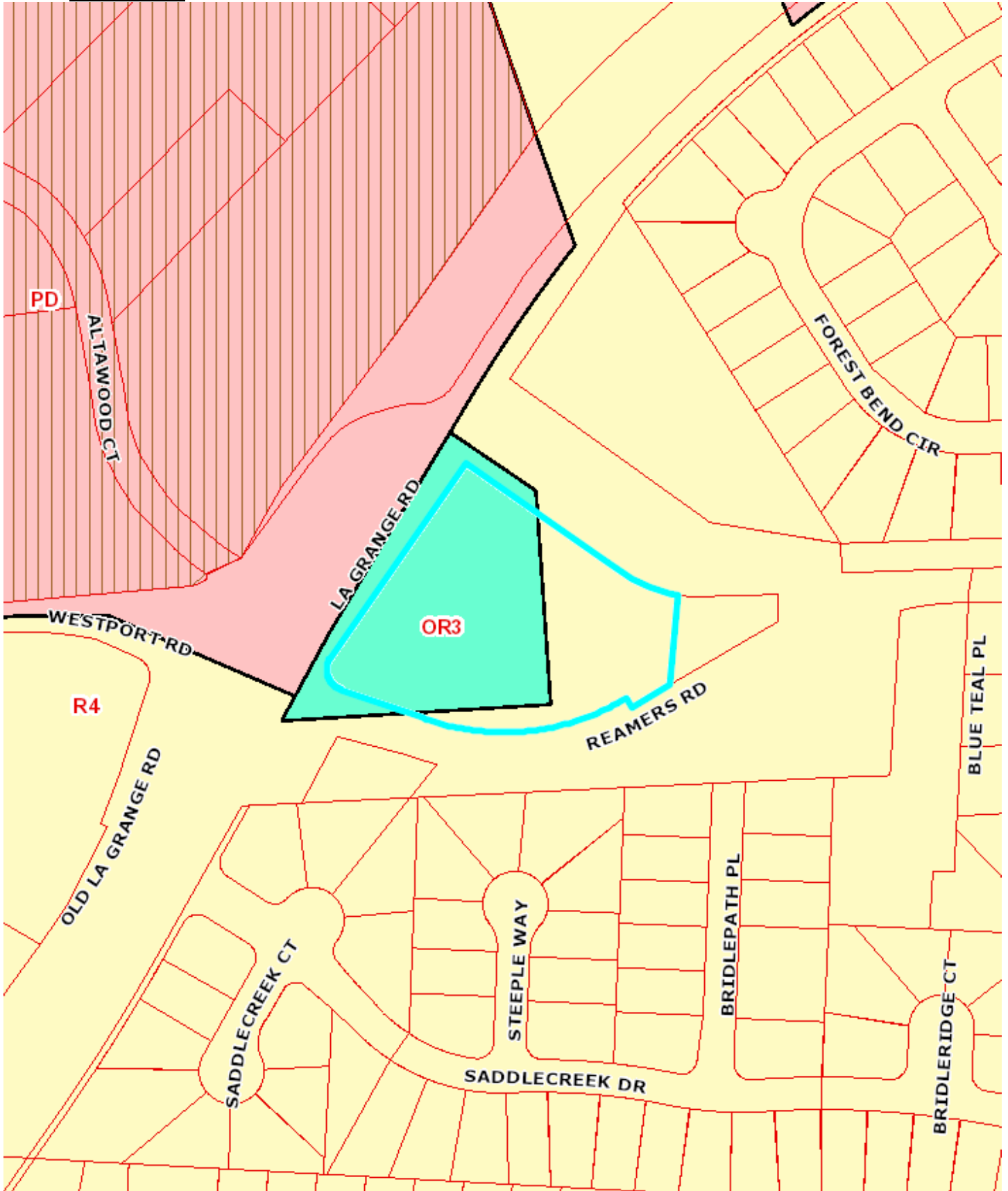
NOTIFICATION

Date	Purpose of Notice	Recipients
11/30/14	Hearing before LD&T	1 st and 2 nd tier adjoining property owners Speakers at Planning Commission public hearing Subscribers of Council District 17 Notification of Development Proposals
11/19/14	Hearing before PC / BOZA	1 st and 2 nd tier adjoining property owners Speakers at Planning Commission public hearing Subscribers of Council District 17 Notification of Development Proposals
11/19/14	Hearing before PC / BOZA	Sign Posting on property
11/26/14	Hearing before PC / BOZA	Legal Advertisement in the Courier-Journal

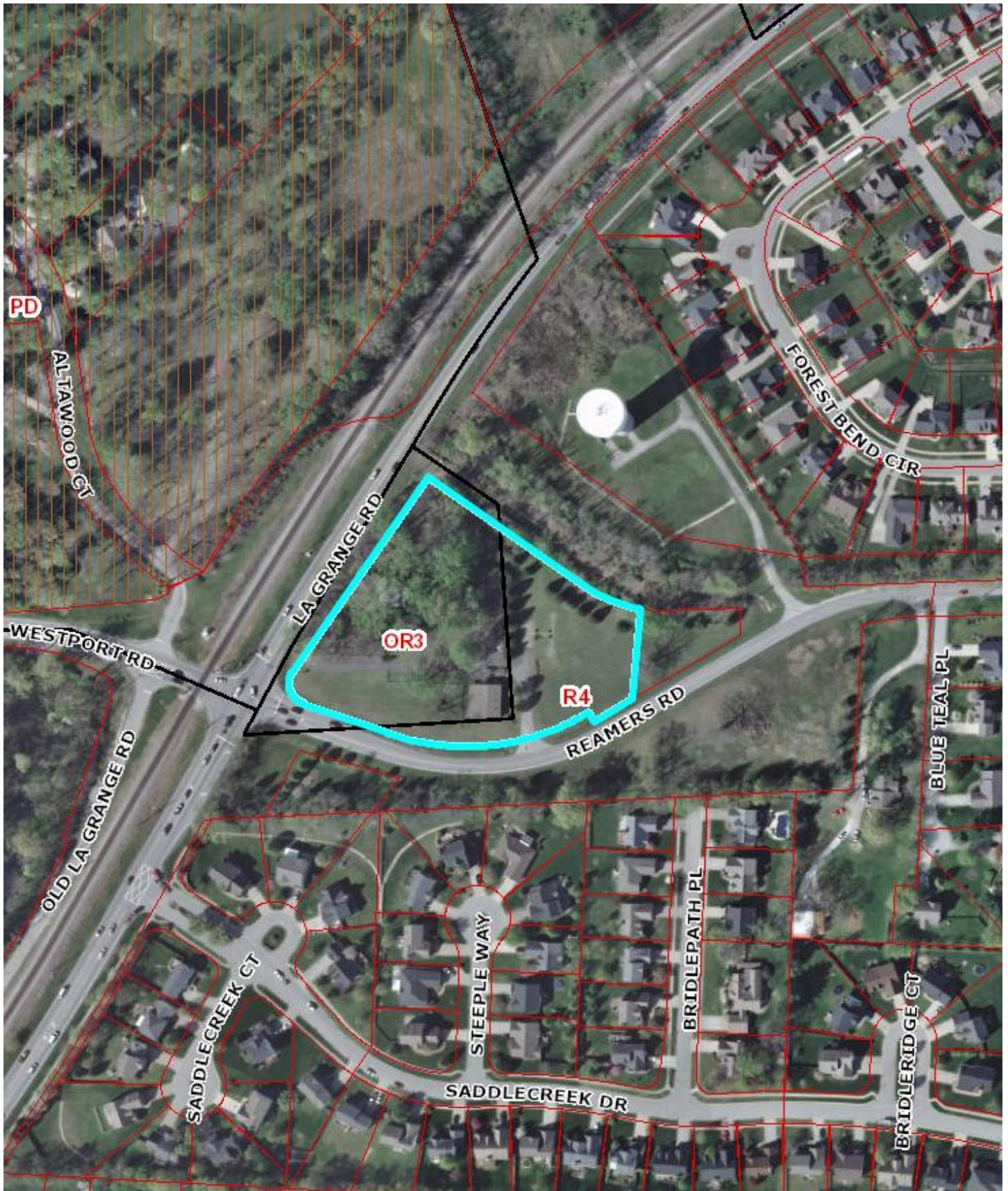
ATTACHMENTS

1. Zoning Map
2. Aerial Photograph
3. Cornerstone 2020 Staff Checklist
4. Existing Binding Elements
5. 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

#	Cornerstone 2020 Guidelines & Policies	Cornerstone 2020 Plan Element	Plan Element or Portion of Plan Element	Final Finding	Final Comments
1	Form Districts Goals C1-C4, Objectives C1.1-1.2, C2.1-2.7, C3.1-3.7, C4.1.-4.7	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 for OR-3 which allows a mix of office and residential uses. A single office use is proposed. The site is an existing mix of office and residential with an expansion of the office zoning being proposed along Reamers Road. The main structure will be located within the area of the existing structures amongst the mature tree canopy and at one story which is an appropriate scale for the surrounding residential.
2	Form Districts Goals C1-C4, Objectives C1.1-1.2, C2.1-2.7, C3.1-3.7, C4.1.-4.7	Community Form/Land Use Guideline 1: Community Form	B.3: If the proposal is high intensity, it is located on a major or minor arterial or an area with limited impact on low to moderate intensity residential uses.	√	The proposal is located along a minor arterial.
3	Form Districts Goals C1-C4, Objectives C1.1-1.2, C2.1-2.7, C3.1-3.7, C4.1.-4.7	Community Form/Land Use Guideline 2: Centers	A.1/7: The proposal, which will create a new center, is located in the Neighborhood Form District, and includes new construction or the reuse of existing buildings to provide commercial, office and/or residential use.	√	The proposal will create a new office center use on the site with new construction.
4	Form Districts Goals C1-C4, Objectives C1.1-1.2, C2.1-2.7, C3.1-3.7, C4.1.-4.7	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.	NA	The proposal is not for retail commercial development.
5	Form Districts Goals C1-C4, Objectives C1.1-1.2, C2.1-2.7, C3.1-3.7, C4.1.-4.7	Community Form/Land Use Guideline 2: Centers	A.4: The proposed development is compact and results in an efficient land use pattern and cost-effective infrastructure investment.	√	The proposal is compacted and laid out on the site to preserve tree canopy and make it an efficient use of the land.
6	Form Districts Goals C1-C4, Objectives C1.1-1.2, C2.1-2.7, C3.1-3.7, C4.1.-4.7	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 will serve as a neighborhood level and compatible office use with multiple modes of transportation through the use of the sidewalk connectivity provided along both street frontages and the location of an existing transit route along the intersection of La Grange and Reamers Roads.
7	Form Districts Goals C1-C4, Objectives C1.1-1.2, C2.1-2.7, C3.1-3.7, C4.1.-4.7	Community Form/Land Use Guideline 2: Centers	A.6: The proposal incorporates residential and office uses above retail and/or includes other mixed-use, multi-story retail buildings.	-	The proposal is not for mixed use.
8	Form Districts Goals C1-C4, Objectives C1.1-1.2, C2.1-2.7, C3.1-3.7, C4.1.-4.7	Community Form/Land Use Guideline 2: Centers	A.12: If the proposal is a large development in a center, it is designed to be compact and multi-purpose, and is oriented around a central feature such as a public square or plaza or landscape element.	NA	The proposal is not a large development.

#	Cornerstone 2020 Guidelines & Policies	Cornerstone 2020 Plan Element	Plan Element or Portion of Plan Element	Final Finding	Final Comments
9	Form Districts Goals C1-C4, Objectives C1.1-1.2, C2.1-2.7, C3.1-3.7, C4.1.-4.7	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.	+/-	An additional curb cut is proposed to be added on Reamers Road. Pedestrian accessibility and connection to an express transit line that serves the Westport Road and La Grange Road intersection will be provided from Reamers Road. There is no shared entry or parking facilities.
10	Form Districts Goals C1-C4, Objectives C1.1-1.2, C2.1-2.7, C3.1-3.7, C4.1.-4.7	Community Form/Land Use Guideline 2: Centers	A.14: The proposal is designed to share utility hookups and service entrances with adjacent developments, and utility lines are placed underground in common easements.	√	The proposal is designed to share utility hookups.
11	Form Districts Goals C1-C4, Objectives C1.1-1.2, C2.1-2.7, C3.1-3.7, C4.1.-4.7	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 with existing transit in the area and full pedestrian connectivity along Reamers Road.
12	Form Districts Goals C1-C4, Objectives C1.1-1.2, C2.1-2.7, C3.1-3.7, C4.1.-4.7	Community Form/Land Use Guideline 3: Compatibility	A.2: The proposed building materials increase the new development's compatibility.	√	The one story building and the increased use of glass create a building that is of interest at a pedestrian level and a scale that is compatible to the adjacent neighborhoods.
13	Form Districts Goals C1-C4, Objectives C1.1-1.2, C2.1-2.7, C3.1-3.7, C4.1.-4.7	Community Form/Land Use Guideline 3: Compatibility	A.4/5/6/7: The proposal does not constitute a non-residential expansion into an existing residential area, or demonstrates that despite such an expansion, impacts on existing residences (including traffic, parking, signs, lighting, noise, odor and stormwater) are appropriately mitigated.	√	The proposal is a non-residential expansion into an existing residential area as the site is expanding the non-residential zoning further into an existing residential neighborhood and is demolishing the residential character of the site. Impacts on the adjacent residential area are being mitigated through the use of landscape buffering and preserving mature tree canopy on the site.
14	Form Districts Goals C1-C4, Objectives C1.1-1.2, C2.1-2.7, C3.1-3.7, C4.1.-4.7	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.
15	Form Districts Goals C1-C4, Objectives C1.1-1.2, C2.1-2.7, C3.1-3.7, C4.1.-4.7	Community Form/Land Use Guideline 3: Compatibility	A.6: The proposal mitigates any adverse impacts of its associated traffic on nearby existing communities.	√	The proposal mitigates any adverse impacts of its associated traffic on nearby existing communities.
16	Form Districts Goals C1-C4, Objectives C1.1-1.2, C2.1-2.7, C3.1-3.7, C4.1.-4.7	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 comply with the LDC.

#	Cornerstone 2020 Guidelines & Policies	Cornerstone 2020 Plan Element	Plan Element or Portion of Plan Element	Final Finding	Final Comments
17	Form Districts Goals C1-C4, Objectives C1.1-1.2, C2.1-2.7, C3.1-3.7, C4.1.-4.7	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 an expansion of the existing zoning at the intersection of La Grange Road and Reamers Road. It is located along an express transit route on a minor arterial with access from a secondary collector roadway.
18	Form Districts Goals C1-C4, Objectives C1.1-1.2, C2.1-2.7, C3.1-3.7, C4.1.-4.7	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 maintains a one story height to make the structures compatible to the neighborhood and provides buffering along all street frontages and property boundaries. The preservation of existing tree canopy maintains the appearance of the site from the street frontage.
19	Form Districts Goals C1-C4, Objectives C1.1-1.2, C2.1-2.7, C3.1-3.7, C4.1.-4.7	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 maintains a one story height to make the structures compatible to the neighborhood and provides buffering along all street frontages and property boundaries. The preservation of existing tree canopy maintains the appearance of the site from the street frontage.
20	Form Districts Goals C1-C4, Objectives C1.1-1.2, C2.1-2.7, C3.1-3.7, C4.1.-4.7	Community Form/Land Use Guideline 3: Compatibility	A.23: Setbacks, lot dimensions and building heights are compatible with those of nearby developments that meet form district standards.	√	The proposed setback is compatible with varying setbacks located throughout the area.
21	Form Districts Goals C1-C4, Objectives C1.1-1.2, C2.1-2.7, C3.1-3.7, C4.1.-4.7	Community Form/Land Use Guideline 3: Compatibility	A.24: Parking, loading and delivery areas located adjacent to residential areas are designed to minimize adverse impacts of lighting, noise and other potential impacts, and that these areas are located to avoid negatively impacting motorists, residents and pedestrians.	√	The parking is located to preserve tree canopy with proper screening along the adjacent street frontage.
22	Form Districts Goals C1-C4, Objectives C1.1-1.2, C2.1-2.7, C3.1-3.7, C4.1.-4.7	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 parking is minimized and located to preserve tree canopy on the site while providing the required amount of screening and buffering as well as interior landscaping.
23	Form Districts Goals C1-C4, Objectives C1.1-1.2, C2.1-2.7, C3.1-3.7, C4.1.-4.7	Community Form/Land Use Guideline 3: Compatibility	A.25: Parking garages are integrated into their surroundings and provide an active, inviting street-level appearance.	NA	No parking garage is proposed on the site.

#	Cornerstone 2020 Guidelines & Policies	Cornerstone 2020 Plan Element	Plan Element or Portion of Plan Element	Final Finding	Final Comments
24	Form Districts Goals C1-C4, Objectives C1.1-1.2, C2.1-2.7, C3.1-3.7, C4.1.-4.7	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.	√	The proposed signage meets the form district standards.
25	Livability Goals H3 and H5, all related objectives	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.	+/-	Additional information is needed on the previously required conservation easement and how this addressed with the current proposal. Open space is provided along La Grange Road in the areas of tree preservation.
26	Livability Goals H3 and H5, all related objectives	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.	+/-	Additional information is needed on the previously required conservation easement and how this addressed with the current proposal. Open space is provided along La Grange Road in the areas of tree preservation.
27	Livability Goals H3 and H5, all related objectives	Community Form/Land Use Guideline 4: Open Space	A.5: The proposal integrates natural features into the pattern of development.	√	The proposal integrates a large amount of existing mature tree canopy into the proposed use on the site.
28	Livability Goals H3 and H5, all related objectives	Community Form/Land Use Guideline 5: Natural Areas and Scenic and Historic Resources	A.1: The proposal respects the natural features of the site through sensitive site design, avoids substantial changes to the topography and minimizes property damage and environmental degradation resulting from disturbance of natural systems.	√	The proposal integrates a large amount of existing mature tree canopy into the proposed use on the site.
29	Livability Goals H3 and H5, all related objectives	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 calls for the demolition of a structure that is recognized as having historic value. There is no proposed adaptive reuse or incorporation of the structure into the proposal.
30	Livability Goals H3 and H5, all related objectives	Community Form/Land Use Guideline 5: Natural Areas and Scenic and Historic Resources	A.6: Encourage development to avoid wet or highly permeable soils, severe, steep or unstable slopes with the potential for severe erosion.	√	Soils are not an issue for the sight.
31	People, Jobs and Housing Goal K4, Objective K4.1	Marketplace Guideline 6: Economic Growth and Sustainability	A.3: Encourage redevelopment, reinvestment and rehabilitation in the downtown where it is consistent with the form district pattern.	NA	The proposal is not located within downtown.
32	Marketplace Strategy Goal A1, Objectives A1.3, A1.4, A1.5	Marketplace Guideline 6: Economic Growth and Sustainability	A.4: Encourage industries to locate in industrial subdivisions or adjacent to existing industry to take advantage of special infrastructure needs.	NA	The proposal is not for an industrial development.
33	Land Use and Transportation Connection Goal E1, Objectives E1.1 and E1.3	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	NA	The proposal is not a retail commercial development.

#	Cornerstone 2020 Guidelines & Policies	Cornerstone 2020 Plan Element	Plan Element or Portion of Plan Element	Final Finding	Final Comments
			good access to a major arterial and where the proposed use will not adversely affect adjacent areas.		
34	Land Use and Transportation Connection Goal E1, Objectives E1.1 and E1.3	Marketplace Guideline 6: Economic Growth and Sustainability	A.8: Require industrial development with more than 100 employees to locate on or near an arterial street, preferably in close proximity to an expressway interchange. Require industrial development with less than 100 employees to locate on or near an arterial street.	NA	The proposal is not for an industrial development.
35	Mobility Goals A1-A6, B1, C1, D1, E1, E2, F1, G1, H1-H4, I1-I7, all related Objectives	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 is dedicating right of way along Reamers Road and providing sidewalks as required within the right of way along both street frontages.
36	Mobility Goals A1-A6, B1, C1, D1, E1, E2, F1, G1, H1-H4, I1-I7, all related Objectives	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.
37	Mobility Goals A1-A6, B1, C1, D1, E1, E2, F1, G1, H1-H4, I1-I7, all related Objectives	Mobility/Transportation Guideline 7: Circulation	A.6: The proposal's transportation facilities are compatible with and support access to surrounding land uses, and contribute to the appropriate development of adjacent lands. The proposal includes at least one continuous roadway through the development, adequate street stubs, and relies on cul-de-sacs only as short side streets or where natural features limit development of "through" roads.	NA	The proposal does not include street stubs or through roadways since it is a non-residential use surrounded by roadways and residentially zoned property.
38	Mobility Goals A1-A6, B1, C1, D1, E1, E2, F1, G1, H1-H4, I1-I7, all related Objectives	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.	√	The proposal includes the dedication of right of way and creation of pedestrian connectivity.
39	Mobility Goals A1-A6, B1, C1, D1, E1, E2, F1, G1, H1-H4, I1-I7, all related Objectives	Mobility/Transportation Guideline 7: Circulation	A.10: The proposal includes adequate parking spaces to support the use.	√	Adequate parking is proposed for the use.

#	Cornerstone 2020 Guidelines & Policies	Cornerstone 2020 Plan Element	Plan Element or Portion of Plan Element	Final Finding	Final Comments
40	Mobility Goals A1-A6, B1, C1, D1, E1, E2, F1, G1, H1-H4, I1-I7, all related Objectives	Mobility/Transportation Guideline 7: Circulation	A.13/16: The proposal provides for joint and cross access through the development and to connect to adjacent development sites.	NA	Joint and cross access are not required.
41	Mobility Goals A1-A6, B1, C1, D1, E1, E2, F1, G1, H1-H4, I1-I7, all related Objectives	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.	√	The site is surrounded by ROW. Stub streets are not necessary.
42	Mobility Goals A1-A6, B1, C1, D1, E1, E2, F1, G1, H1-H4, I1-I7, all related Objectives	Mobility/Transportation Guideline 8: Transportation Facility Design	A.9: Avoid access to development through areas of significantly lower intensity or density if such access would create a significant nuisance.	√	Access to the site is from Reamers Road, a secondary collector, to allow the mature tree canopy to be preserved along La Grange Road.
43	Mobility Goals A1-A6, B1, C1, D1, E1, E2, F1, G1, H1-H4, I1-I7, all related Objectives	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.	NA	No linkages are required.
44	Mobility Goals A1-A6, B1, C1, D1, E1, E2, F1, G1, H1-H4, I1-I7, all related Objectives	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.
45	Livability, Goals B1, B2, B3, B4, Objectives B1.1-1.8, B2.1-2.7, B3.1-3.4, B4.1-4.3	Livability/Environment Guideline 10: Flooding and Stormwater	The proposal's drainage plans have been approved by MSD, and the proposal mitigates negative impacts to the floodplain and minimizes impervious area. Solid blue line streams are protected through a vegetative buffer, and drainage designs are capable of accommodating upstream runoff assuming a fully-developed watershed. If streambank restoration or preservation is necessary, the proposal uses best management practices.	√	MSD has preliminarily approved the proposal.
46	Livability Goals C1, C2, C3, C4, all related Objectives	Livability/Environment Guideline 12: Air Quality	The proposal has been reviewed by APCD and found to not have a negative impact on air quality.	√	APCD has approved the proposal.

#	Cornerstone 2020 Guidelines & Policies	Cornerstone 2020 Plan Element	Plan Element or Portion of Plan Element	Final Finding	Final Comments
47	Livability, Goals F1 and F2, all related objectives	Livability/Environment Guideline 13: Landscape Character	A.3: The proposal includes additions and connections to a system of natural corridors that can provide habitat areas and allow for migration.	√	The proposal preserves significant amounts of the existing tree canopy and natural habitat on the site.
48	Quality of Life Goal J1, Objectives J1.1-1.2	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.
49	Quality of Life Goal J1, Objectives J1.1-1.2	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 adequate water supply.
50	Livability Goal B1, Objective B1.3	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.	√	MSD has preliminarily approved the proposal.

4. Existing Binding Elements

1. The development shall be in accordance with the approved district development plan, land use and agreed upon binding elements unless amended pursuant to the Zoning District Regulations. No further development shall occur without prior approval from the Planning Commission.
2. The residential character of the structure, including landscaping, shall be maintained. Exterior additions or alterations or demolition of structures shall not be made without prior approval of the Planning Commission's Land Development and Transportation Committee.
3. At least 60 days prior to demolition of any structures, the property owner shall notify the Jefferson County Department of Historic Preservation and Archives and allow the agency to photograph the structures and site, and undertake archaeological reconnaissance.
4. There shall be no medical offices or other uses requiring a parking ratio greater than one space per 400 square feet of floor area unless parking can meet the requirement of the proposed use.
5. The development shall not exceed 4,876 square feet of gross floor area.
6. There shall be no vehicular access to Reamers Lane.
7. Upon the widening of LaGrange Road, the owner shall provide sidewalks in the LaGrange Road right-of-way in accordance with standards acceptable to the Jefferson County Department of Public Works and Transportation.
8. No freestanding sign shall be permitted on the property.

9. No outdoor advertising signs (billboards), small freestanding (temporary) signs, pennants or banners shall be permitted on the site.
10. There shall be no outdoor storage on the site.
11. Outdoor lighting shall be directed down and away from surrounding residential properties.
12. Prior to issuance of a certificate of occupancy the Applicant shall enter into a Conservation Easement ("C.E.") in favor of the Louisville & Jefferson County Planning Commission ("Planning Commission) or its designee pursuant to KRS 382.800 through 382.860 applicable to the entire property owned by Applicant on September 1, 1994, including the area zoned OR-3 and the area remaining zoned single-family residential, altogether being 8.6 acres, more or less ("the property"), which C.E. shall be subject to the following:
- The purpose of the C.E. shall include retaining and protecting the natural and open space values of the property to the standards set for by the Planning Commission in order to assure the protection, proper care and maintenance of the existing vegetation on the property, which shall occur at the cost of Applicant;
 - The C.E. shall be recordable and in a form satisfactory to the General Counsel of the Planning Commission.
 - The C.E. shall be of unlimited duration except in the event a record subdivision plat for residential use on the property is approved by the Planning Commission; in such case the C.E. shall abate only to the extent of the area of the approved residential subdivision plat.
 - No requirement for protection or maintenance shall impose an affirmative obligation on the part of the Planning Commission; the obligation of protection, proper care and maintenance shall belong to Applicant, his successors, heirs and assigns.
 - The C.E. shall not prohibit Applicant from using his astronomical telescope and related equipment on the property in order to observe the universe.
13. The applicant shall submit a plan for approval by the Planning Commission staff's landscape architect showing trees measuring 12" DBH located within the area of site disturbance or potentially affected by construction of the proposed drive and parking lot prior to beginning any construction procedure (i.e. clearing, grading, demolition). The plan shall indicate trees to be preserved. Adjustments to the tree preservation plan which are requested by the applicant may be approved by the Planning Commission staff's landscape architect if the revisions are in keeping with the intent of the approved tree preservation plan. The plan shall exhibit the following information:
- Proposed site plan (showing buildings, edges of pavement, property/lot lines, easements, existing topography, and other significant site features (LOJIC topographic information is acceptable).
 - Preliminary drainage considerations (retention/detention, ditches/large swales, etc.).
 - Location of all existing trees 12" DBH or greater within or affected by construction of the drive and parking lot, as shown by aerial photo or LOJIC maps.
 - Location of construction fencing for each tree/tree mass designated to be preserved.
14. Before a building or alteration permit and/or a certificate of occupancy is requested:
- The development plan must be re-approved by the Jefferson County Department of Public Works and Transportation and the Metropolitan Sewer District.
 - A minor subdivision plat shall be recorded dedicating additional right-of-way to Reamers Lane to provide a total of 30 feet from the centerline. A copy of the recorded instrument shall be submitted to the Planning Commission.
 - Encroachment permits must be obtained from the Kentucky Department of Transportation, Bureau of Highways.
 - The property owner/developer must obtain approval of a detailed plan for screening (buffering/landscaping) as described in Article 12. Such plan shall be implemented prior to requesting a certificate of occupancy and maintained thereafter.

15. If a certificate of occupancy is not issued within one year of the date of approval of the plan or rezoning, whichever is later, the property shall not be used in any manner unless a revised district development plan is approved or an extension is granted by the Planning Commission.

16. A certificate of occupancy must be received from the appropriate code enforcement office 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. Proposed Binding Elements

1. ~~The development shall be in accordance with the approved district development plan, land use and agreed upon binding elements unless amended pursuant to the Zoning District Regulations. No further development shall occur without prior approval from the Planning Commission.~~ **The development shall be in accordance with the approved district development plan, all applicable sections of the Land Development Code (LDC) and agreed upon binding elements unless amended pursuant to the Land Development Code. Any changes/additions/alterations of any binding element(s) shall be submitted to the Planning Commission or the Planning Commission's designee for review and approval; any changes/additions/alterations not so referred shall not be valid.**

2. ~~The residential character of the structure, including landscaping, shall be maintained. Exterior additions or alterations or demolition of structures shall not be made without prior approval of the Planning Commission's Land Development and Transportation Committee.~~

4. ~~There shall be no medical offices or other uses requiring a parking ratio greater than one space per 400 square feet of floor area unless parking can meet the requirement of the proposed use.~~

5. The development shall not exceed ~~4,876~~ **17,500** square feet of gross floor area.

6. ~~There shall be no vehicular access to Reamers Lane.~~

8. ~~No freestanding sign shall be permitted on the property.~~

14. ~~Before a building or alteration permit and/or a certificate of occupancy is requested~~ **Before any permit (including but not limited to building, parking lot, change of use, site disturbance, alteration permit or demolition permit) is requested:**

a. ~~The development plan must be re-approved by the Jefferson County Department of Public Works and Transportation and the Metropolitan Sewer District.~~ **The development plan must receive full construction approval from Louisville Metro Department of Develop Louisville Construction Permit Review and Transportation Planning Review and the Metropolitan Sewer District.**

b. A minor subdivision plat shall be recorded dedicating additional right-of-way to Reamers Lane to provide a total of 30 feet from the centerline. A copy of the recorded instrument shall be submitted to the Planning Commission.

c. Encroachment permits must be obtained from the Kentucky Department of Transportation, Bureau of Highways.

d. The property owner/developer must obtain approval of a detailed plan for screening (buffering/landscaping) as described in ~~Article 12~~ **Chapter 10**. Such plan shall be implemented prior to requesting a certificate of occupancy and maintained thereafter.

15. If a certificate of occupancy is not issued within ~~one~~ **two** years of the date of approval of the plan or rezoning, whichever is later, the property shall not be used in any manner unless a revised district development plan is approved or an extension is granted by the Planning Commission.

17. **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.

18. The materials and design of proposed structures shall be substantially the same as depicted in the rendering as presented at the December 4th, 2014 Planning Commission meeting.

19. 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.