

**Planning Commission
Staff Report**
June 29, 2017



Case No:	17ZONE1002
Project Name:	Juneau Drive
Location:	111 Juneau Drive
Owner(s):	Real Properties KKT, LLC
Applicant:	Real Properties KKT, LLC – Kenneth Towery
Representative(s):	Land Design and Development; Dinsmore & Shohl, LLP
Jurisdiction:	City of Middletown
Council District:	19 – Julie Denton
Case Manager:	Joel Dock, Planner II

REQUEST

- **Change in zoning** from R-5 to C-1
- **Detailed District Development Plan**

CASE SUMMARY/BACKGROUND/SITE CONTEXT

The applicant requests a change-in-zoning from R-5, single-family residential to C-1, Commercial on 1.4 acres in Eastern Jefferson County at the Southeastern corner of the intersection of Shelbyville Road and Juneau Drive, roughly one mile West of Interstate-265. Shelbyville Road is primarily a commercial corridor with pockets of office and residential neighborhood connections beginning as far east as the intersection of Frankfort and Mellwood Avenues. Commercial structures along this corridor include small shops, strip centers with interconnected parking, large “big-box” stores, and regional shopping centers. A 4,500 square foot bank with drive-thru is being proposed on the subject site. Access will be “right-in” only from Shelbyville Road and one additional access point is proposed from Juneau Drive.

LAND USE/ZONING DISTRICT/FORM DISTRICT TABLE

	Land Use	Zoning	Form District
<i>Subject Property</i>			
Existing	Single-Family	R-5	SMC
Proposed	Retail/Bank	C-1	SMC
<i>Surrounding Properties</i>			
North	Commercial	C-2	SMC
South	Single-Family	R-5	SMC
East	Commercial	C-1	SMC
West	Commercial	C-1	SMC

PREVIOUS CASES ON SITE

Staff found no previous cases on site.

INTERESTED PARTY COMMENTS

Staff has not received any interested party comments.

APPLICABLE PLANS AND POLICIES

Cornerstone 2020
Land Development Code

STANDARD OF REVIEW FOR REZONING

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

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

STAFF ANALYSIS FOR REZONING

The site is located in the Suburban Marketplace Corridor Form District

Suburban Marketplace Corridors: Suburban Marketplace Corridors are generally located along major roadways with well-defined beginning and ending points and established depths along the length of the corridor. The pattern of development is distinguished by a mixture of medium to high intensity uses. Accommodations for transit users, bicyclists and pedestrians are encouraged in an effort to attract a variety of users as well as to minimize automobile dependency and traffic congestion. Connectivity to nearby uses should be encouraged. Developers should be encouraged to design new commercial development in compact groups of buildings, which use the same curb cut, share parking, have a common freestanding sign identifying the uses and have a common buffering or streetscape plan with respect to any abutting uses of lower density or intensity. This form may include medium to high-density residential uses that are designed to be compatible with both the non-residential uses along the corridor and the lower density residential uses in adjacent form districts. Medium density residential uses may serve as a transition area from lower to higher density residential uses and should be encouraged in this form. Proposed new commercial uses are encouraged, to locate within the boundaries of existing corridors. Reuse of locations within existing corridors is preferred over expansion of a corridor. Proposals to expand defined corridors represent significant policy decisions. When considering proposals that result in an extension of suburban marketplace corridors, particular emphasis should be placed on: (a) use or reuse of land within existing corridors; (b) potential for disruption of established residential neighborhoods; and (c) compliance with the site and community design standards of the Land Development Code.

A checklist with a detailed analysis of the Guidelines and Policies of Cornerstone 2020 is attached to the end of this staff report. The checklist contains elements of the proposal that fulfill the goals and objectives of Cornerstone 2020, fail to meet those goals and objectives, or require more information. The Louisville Metro Planning Commission is charged with making a recommendation to the City of Middletown regarding the appropriateness of this zoning map amendment.

STANDARD OF REVIEW 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 subject site does not appear to contain any significant natural features. There are also no features of historical significance on the property.

- 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 as a sidewalk exists or is provided along each frontage and a safe pedestrian pathway from these sidewalks into the development has been provided. Sufficient access to the property is provided by a twenty foot wide drive lane serving all buildings and storage areas.

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

STAFF: Open space is not required for this application. Landscape buffer areas and tree preservation will be provided as required. No waivers have been requested.

- 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 use is compatible with the surrounding area as the area surrounding the development contains a mixture of commercial at a variety of sizes providing a variety of services. The proposal integrates well within the context of the commercial uses along the corridor, while also filling a gap between non-residential uses by converting underutilized residential land within the Suburban Marketplace Corridor 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 as demonstrated in the *Cornerstone 2020 Staff Review Checklist* for the change in zoning request contained in *Attachment 3* of the staff report.

TECHNICAL REVIEW

Preliminary approval has been received from Transportation Planning staff and the Metropolitan Sewer District.

The proposed application for a change in zoning from R-5 to C-1, supporting documentation, and detailed district development plan are in order.

STAFF CONCLUSIONS

The proposal is in conformance with the Comprehensive Plan as demonstrated in the *Cornerstone 2020 Staff Review Checklist* provided as *Attachment 3*. The proposed change-in-zoning request is appropriately located within the existing boundaries of the form district, putting to use an underutilized residential property along the Shelbyville Road commercial corridor. It integrates well within the context of the commercial uses along the corridor, while also filling a gap between non-residential uses by converting underutilized residential land within the Suburban marketplace Corridor form district. A bank is one of many potential C-1, Commercial zoning

district uses that could contribute a new service to a surrounding population which is sufficient to support those uses allowed within the district and as requested on the development plan. Sidewalks and safe pedestrian connection will be provided from public ways, through off-street parking facilities, to the primary customer entrance. A right-in only is being requested from Shelbyville Road, and Juneau Drive access would only allow for right-out only to Juneau Drive towards Shelbyville Road. Vehicular connection will be provided to an adjacent commercial establishment in the event of its redevelopment

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 approving a Detailed District Development Plan as established in the LDC.

REQUIRED ACTIONS

- **RECOMMEND** that the City of Middletown **APPROVE** or **DENY** the **Change-in-Zoning** from R-5, Single-family Residential to C-1, Commercial
- **APPROVED** or **DENY** the **Detailed District Development Plan**

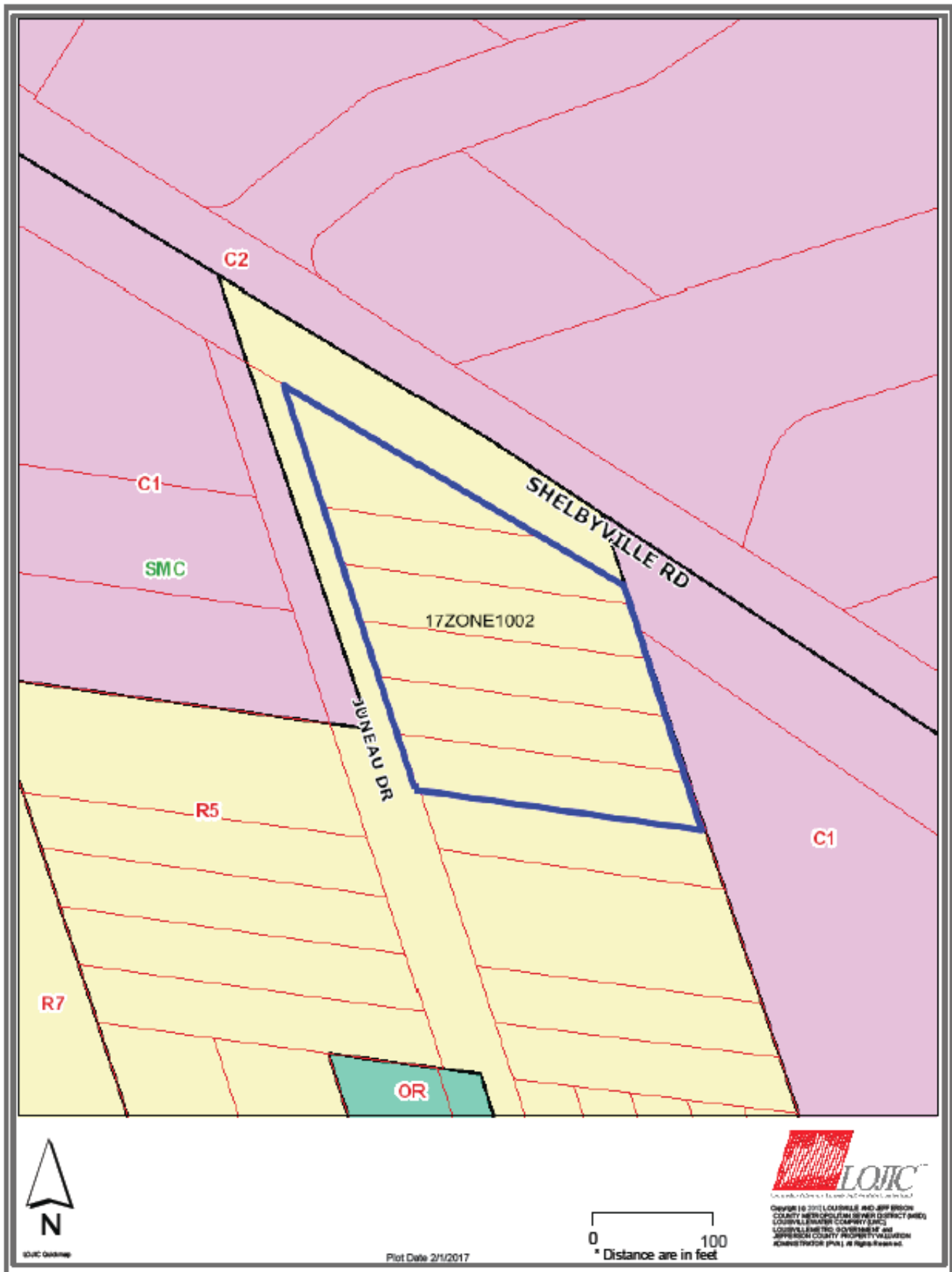
NOTIFICATION

Date	Purpose of Notice	Recipients
5/24/17	Hearing before LD&T on 6/8/17	1 st and 2 nd tier adjoining property owners Subscribers of Council District 19 Notification of Development Proposals
6/14/17	Hearing before PC	1 st and 2 nd tier adjoining property owners Subscribers of Council District 19 Notification of Development Proposals
6/14/17	Hearing before PC	Sign Posting on property
6/14/17	Hearing before PC	Legal Advertisement in the Courier-Journal

ATTACHMENTS

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

1. Zoning Map



2. Aerial Photograph



3. Cornerstone 2020 Staff Review Checklist

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

Suburban Marketplace Corridor: Non-Residential

#	Cornerstone 2020 Plan Element	Plan Element or Portion of Plan Element	Staff Finding	Staff Comments
1	Community Form/Land Use Guideline 1: Community Form	B.8: The proposal integrates into the existing pattern of development, which includes a mixture of medium- to high-density uses.	✓	The proposal integrates well within the context of the commercial uses along the corridor and fills the gap between uses along the corridor by converting underutilized land within the form district
2	Community Form/Land Use Guideline 1: Community Form	B.8: The proposal provides accommodations for transit users, pedestrians and bicyclists and provides connectivity to adjacent developments.	✓	Sidewalks and safe pedestrian connection has been provided from public ways, through off-street parking facilities, to the primary customer entrance.
3	Community Form/Land Use Guideline 1: Community Form	B.8: The proposal includes a compact group of buildings using the same curb cut, parking and signs, and that have a common buffering or streetscape plan with respect to any abutting lower density or intensity uses.	✓	Buffering along the scenic corridor is consistent with nearby development.
4	Community Form/Land Use Guideline 1: Community Form	B.8: The proposal is of a medium to high density designed to be compatible with both non-residential development in the corridor and adjacent low density residential development in other form districts.	✓	The proposal is compatible with surrounding non-residential development and poses minimal impact on a short residential cut-through street between an arterial and collector level roadway with commercial and office spaces at the North and South intersections.
5	Community Form/Land Use Guideline 1: Community Form	B.8: The proposal is located within the boundaries of the existing form district, and if the proposal is to expand an existing corridor, the justification for doing so addresses the use or reuse of land within the existing corridor, the potential for disruption of established residential neighborhoods, and compliance with the site and community design standards of the Land Development Code.	✓	The proposal is appropriately located within the existing boundaries of the form district and puts to use an underutilized residential property fronting along the commercial corridor.
6	Community Form/Land Use Guideline 2: Centers	A.1/7: The proposal, which will create a new center, is located in the Suburban Marketplace Corridor Form District, and includes new construction or the reuse of existing buildings to provide commercial, office and/or residential use.	✓	The proposal does not create a new center. It is located within an existing center/corridor of mixed commercial intensities. It will contribute a new commercial use providing a 1 st order good (banking) along the corridor.

#	Cornerstone 2020 Plan Element	Plan Element or Portion of Plan Element	Staff Finding	Staff Comments
7	Community Form/Land Use Guideline 2: Centers	A.3: The proposed retail commercial development is located in an area that has a sufficient population to support it.	✓	The proposal appears to be appropriately located within an area having an adequate supply of population surrounding the corridor to support and patronize the retail and banking services proposed. Based on population projection, this area/surrounding community may also show the largest amount of growth in population over the next twenty years.
8	Community Form/Land Use Guideline 2: Centers	A.4: The proposed development is compact and results in an efficient land use pattern and cost-effective infrastructure investment.	✓	The proposed development appears to utilize the land in more efficiently than previous uses on site while also providing required landscaping buffering.
9	Community Form/Land Use Guideline 2: Centers	A.5: The proposed center includes a mix of compatible land uses that will reduce trips, support the use of alternative forms of transportation and encourage vitality and sense of place.	✓	The proposal is served by public walks along a public transportation corridor. A TARC stop is available immediately fronting the subject site. The proposed commercial use revitalizes this space for commercial purposes.
10	Community Form/Land Use Guideline 2: Centers	A.6: The proposal incorporates residential and office uses above retail and/or includes other mixed-use, multi-story retail buildings.	✓	While the proposal is single-story with no associated residential component, it is adequately supported by immediately surrounding residential communities and fits the pattern of development along the corridor.
11	Community Form/Land Use Guideline 2: Centers	A.12: If the proposal is a large development in a center, it is designed to be compact and multi-purpose, and is oriented around a central feature such as a public square or plaza or landscape element.	NA	The proposal is relatively small.
12	Community Form/Land Use Guideline 2: Centers	A.13/15: The proposal shares entrance and parking facilities with adjacent uses to reduce curb cuts and surface parking, and locates parking to balance safety, traffic, transit, pedestrian, environmental and aesthetic concerns.	✓	Vehicular connection will be provided to adjacent commercial establishment to the East in the event of its redevelopment. An area of cross-access has been established on the development plan.
13	Community Form/Land Use Guideline 2: Centers	A.14: The proposal is designed to share utility hookups and service entrances with adjacent developments, and utility lines are placed underground in common easements.	✓	It would appear that sufficient utility service is available along the corridor
14	Community Form/Land Use Guideline 2: Centers	A.16: The proposal is designed to support easy access by bicycle, car and transit and by pedestrians and persons with disabilities.	✓	Sidewalks and safe pedestrian connection has been provided from public ways, through off-street parking facilities, to the primary customer entrance..
15	Community Form/Land Use Guideline 3: Compatibility	A.2: The proposed building materials increase the new development's compatibility.	✓	Consistent building materials and design have been utilized on all sides which is similar to adjacent uses along the corridor and respects the adjacent residential property

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16	Community Form/Land Use Guideline 3: Compatibility	A.4/5/6/7: The proposal does not constitute a non-residential expansion into an existing residential area, or demonstrates that despite such an expansion, impacts on existing residences (including traffic, parking, signs, lighting, noise, odor and stormwater) are appropriately mitigated.	✓	While the proposal is to rezone six residential parcels for commercial purposes, the current use of these parcels is incompatible with the primary uses along the corridor and the parcels are currently underutilized space along a commercial corridor to that does support nearby residential communities, transit users, or other passers-by. Landscape buffers abutting residential property to the South is being provided as required by Ch. 10 of the LDC
17	Community Form/Land Use Guideline 3: Compatibility	A.5: The proposal mitigates any potential odor or emissions associated with the development.	✓	Idling of vehicles is an inherent problem when drive-thru queuing is provided. To reduce carbon emissions for queued vehicles staff would encourage the applicant, developer, and its future tenant to commit to posting "idle free zone" signage in queuing lanes, similar to what is seen on school campuses throughout the community. APCD has no objections of the proposal. Landscape buffering and tree canopy will be provided to reduce the impact of emissions and odor on nearby property and public ways.
18	Community Form/Land Use Guideline 3: Compatibility	A.6: The proposal mitigates any adverse impacts of its associated traffic on nearby existing communities.	✓	Transportation Planning Staff has preliminarily approved the plan. There do not appear to be any immediate concerns related to negative traffic impacts. A right-in only is being requested from Shelbyville Road and Juneau Drive access would only allow for right-out only to Juneau Drive towards Shelbyville Road
19	Community Form/Land Use Guideline 3: Compatibility	A.8: The proposal mitigates adverse impacts of its lighting on nearby properties, and on the night sky.	✓	Lighting will not exceed what is necessary to provide for the safety and security of the subject site and its users.
20	Community Form/Land Use Guideline 3: Compatibility	A.11: If the proposal is a higher density or intensity use, it is located along a transit corridor AND in or near an activity center.	✓	The proposal is a higher intensity than previous use on the site and is located along a major arterial roadway with public transit access and a large number of commercial uses and types spanning East and West.
21	Community Form/Land Use Guideline 3: Compatibility	A.21: The proposal provides appropriate transitions between uses that are substantially different in scale and intensity or density of development such as landscaped buffer yards, vegetative berms, compatible building design and materials, height restrictions, or setback requirements.	✓	Landscaping is being provided as required by the LDC to abutting residential property to the rear

#	Cornerstone 2020 Plan Element	Plan Element or Portion of Plan Element	Staff Finding	Staff Comments
22	Community Form/Land Use Guideline 3: Compatibility	A.22: The proposal mitigates the impacts caused when incompatible developments unavoidably occur adjacent to one another by using buffers that are of varying designs such as landscaping, vegetative berms and/or walls, and that address those aspects of the development that have the potential to adversely impact existing area developments.	✓	The use is compatible with the surrounding area and is more appropriate than the previous use due to its location along a commercial corridor within the SMC form district.
23	Community Form/Land Use Guideline 3: Compatibility	A.23: Setbacks, lot dimensions and building heights are compatible with those of nearby developments that meet form district standards.	✓	The proposal exhibits a similar site design to nearby development along the corridor
24	Community Form/Land Use Guideline 3: Compatibility	A.24: Parking, loading and delivery areas located adjacent to residential areas are designed to minimize adverse impacts of lighting, noise and other potential impacts, and that these areas are located to avoid negatively impacting motorists, residents and pedestrians.	✓	Landscaping is being provided as required to minimize nuisances created by parking lots and abutting public roads and residential areas.
25	Community Form/Land Use Guideline 3: Compatibility	A.24: The proposal includes screening and buffering of parking and circulation areas adjacent to the street, and uses design features or landscaping to fill gaps created by surface parking lots. Parking areas and garage doors are oriented to the side or back of buildings rather than to the street.	✓	Landscaping is being provided as required to minimize nuisances created by parking lots and abutting public roads and residential areas.
26	Community Form/Land Use Guideline 3: Compatibility	A.25: Parking garages are integrated into their surroundings and provide an active, inviting street-level appearance.	NA	No parking structures are being proposed
27	Community Form/Land Use Guideline 3: Compatibility	A.28: Signs are compatible with the form district pattern and contribute to the visual quality of their surroundings.	✓	Signs will be columnar or monument style in compliance with Ch.8 of the LDC.
28	Community Form/Land Use Guideline 4: Open Space	A.2/3/7: The proposal provides open space that helps meet the needs of the community as a component of the development and provides for the continued maintenance of that open space.	✓	The proposal fills a gap in commercial space along the corridor and provides vegetative/open space areas in required landscape buffers.
29	Community Form/Land Use Guideline 4: Open Space	A.4: Open space design is consistent with the pattern of development in the Neighborhood Form District.	NA	Subject site is within the SMC form district

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30	Community Form/Land Use Guideline 4: Open Space	A.5: The proposal integrates natural features into the pattern of development.	✓	Scenic corridor buffer is being provided to enhance the aesthetic nature and intent of the scenic corridor.
31	Community Form/Land Use Guideline 5: Natural Areas and Scenic and Historic Resources	A.1: The proposal respects the natural features of the site through sensitive site design, avoids substantial changes to the topography and minimizes property damage and environmental degradation resulting from disturbance of natural systems.	✓	The site was previously developed for residential purposes and there does not appear to be any significant natural features on-site.
32	Community Form/Land Use Guideline 5: Natural Areas and Scenic and Historic Resources	A.2/4: The proposal includes the preservation, use or adaptive reuse of buildings, sites, districts and landscapes that are recognized as having historical or architectural value, and, if located within the impact area of these resources, is compatible in height, bulk, scale, architecture and placement.	✓	The proposal puts to use an underutilized and now incompatible residential space into productive commercial space for the continued vitality of the corridor.
33	Community Form/Land Use Guideline 5: Natural Areas and Scenic and Historic Resources	A.6: Encourage development to avoid wet or highly permeable soils, severe, steep or unstable slopes with the potential for severe erosion.	✓	There does not appear to be any concerns with these specific environmental constraints.
34	Marketplace Guideline 6: Economic Growth and Sustainability	A.3: Encourage redevelopment, reinvestment and rehabilitation in the downtown where it is consistent with the form district pattern.	NA	SMC form district.
35	Marketplace Guideline 6: Economic Growth and Sustainability	A.4: Encourage industries to locate in industrial subdivisions or adjacent to existing industry to take advantage of special infrastructure needs.	✓	The proposal is for a commercial use, but is located within a cluster of commercial uses.
36	Marketplace Guideline 6: Economic Growth and Sustainability	A.6: Locate retail commercial development in activity centers. Locate uses generating large amounts of traffic on a major arterial, at the intersection of two minor arterials or at locations with good access to a major arterial and where the proposed use will not adversely affect adjacent areas.	✓	The proposed commercial space is located at an intersection of commercial uses along a major arterial roadway.

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37	Marketplace Guideline 6: Economic Growth and Sustainability	A.8: Require industrial development with more than 100 employees to locate on or near an arterial street, preferably in close proximity to an expressway interchange. Require industrial development with less than 100 employees to locate on or near an arterial street.	NA	Proposal is for a commercial development
38	Mobility/Transportation Guideline 7: Circulation	A.1/2: The proposal will contribute its proportional share of the cost of roadway improvements and other services and public facilities made necessary by the development through physical improvements to these facilities, contribution of money, or other means.	✓	Transportation comments have been addressed. The developer is responsible for the cost of sidewalk and roadway improvements to provide safe ingress/egress for users.
39	Mobility/Transportation Guideline 7: Circulation	A.3/4: The proposal promotes mass transit, bicycle and pedestrian use and provides amenities to support these modes of transportation.	✓	Sidewalks and safe pedestrian connection has been provided from public ways, through off-street parking facilities, to the primary customer entrance.
40	Mobility/Transportation Guideline 7: Circulation	A.6: The proposal's transportation facilities are compatible with and support access to surrounding land uses, and contribute to the appropriate development of adjacent lands. The proposal includes at least one continuous roadway through the development, adequate street stubs, and relies on cul-de-sacs only as short side streets or where natural features limit development of "through" roads.	✓	The proposal has adequate transportation facilities in place to serve the development as it is located along a major arterial roadway with sidewalks and TARC route.
41	Mobility/Transportation Guideline 7: Circulation	A.9: The proposal includes the dedication of rights-of-way for street, transit corridors, bikeway and walkway facilities within or abutting the development.	✓	The proposal is dedicating ROW and will dedicate ROW as required by Public Works or KTC
42	Mobility/Transportation Guideline 7: Circulation	A.10: The proposal includes adequate parking spaces to support the use.	✓	Parking meets the minimum parking requirements of the district for the specified use.
43	Mobility/Transportation Guideline 7: Circulation	A.13/16: The proposal provides for joint and cross access through the development and to connect to adjacent development sites.	✓	Vehicular connection will be provided to adjacent commercial establishment to the East in the event of its redevelopment. An area of cross-access has been established on the development plan.
44	Mobility/Transportation Guideline 8: Transportation Facility Design	A.8: Adequate stub streets are provided for future roadway connections that support and contribute to appropriate development of adjacent land.	✓	Vehicular connection will be provided to adjacent commercial establishment to the East in the event of its redevelopment. An area of cross-access has been established on the development plan.

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45	Mobility/Transportation Guideline 8: Transportation Facility Design	A.9: Avoid access to development through areas of significantly lower intensity or density if such access would create a significant nuisance.	✓	Primary access to the site is through areas of similar intensity
46	Mobility/Transportation Guideline 8: Transportation Facility Design	A.11: The development provides for an appropriate functional hierarchy of streets and appropriate linkages between activity areas in and adjacent to the development site.	✓	Vehicular connection will be provided to adjacent commercial establishment to the East in the event of its redevelopment. An area of cross-access has been established on the development plan.
47	Mobility/Transportation Guideline 9: Bicycle, Pedestrian and Transit	A.1/2: The proposal provides, where appropriate, for the movement of pedestrians, bicyclists and transit users around and through the development, provides bicycle and pedestrian connections to adjacent developments and to transit stops, and is appropriately located for its density and intensity.	✓	The subject site is served by public walks along a public transportation corridor. Sidewalks and safe pedestrian connection has been provided from public ways, through off-street parking facilities, to the primary customer entrance. A TARC stop is available immediately fronting the subject site
48	Livability/Environment Guideline 10: Flooding and Stormwater	The proposal's drainage plans have been approved by MSD, and the proposal mitigates negative impacts to the floodplain and minimizes impervious area. Solid blueline streams are protected through a vegetative buffer, and drainage designs are capable of accommodating upstream runoff assuming a fully-developed watershed. If streambank restoration or preservation is necessary, the proposal uses best management practices.	✓	MSD has granted preliminary approval for the proposed development plan
49	Livability/Environment Guideline 12: Air Quality	The proposal has been reviewed by APCD and found to not have a negative impact on air quality.	✓	No objections were received from APCD
50	Livability/Environment Guideline 13: Landscape Character	A.3: The proposal includes additions and connections to a system of natural corridors that can provide habitat areas and allow for migration.	✓	The subject site does not contain natural corridors, nor can natural corridors be provided given its location along a high traffic roadway in the midst of commercial uses.
51	Community Facilities Guideline 14: Infrastructure	A.2: The proposal is located in an area served by existing utilities or planned for utilities.	✓	Shelbyville Road is build-out and would appear to have adequate utility service
52	Community Facilities Guideline 14: Infrastructure	A.3: The proposal has access to an adequate supply of potable water and water for fire-fighting purposes.	✓	LWC had no concerns with the proposal and adequate water supply is available

#	Cornerstone 2020 Plan Element	Plan Element or Portion of Plan Element	Staff Finding	Staff Comments
53	Community Facilities Guideline 14: Infrastructure	A.4: The proposal has adequate means of sewage treatment and disposal to protect public health and to protect water quality in lakes and streams.	✓	No objections were received

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 and to the City Middletown for review and approval; any changes/additions/alterations not so referred shall not be valid.
2. The development shall not exceed 4,500 square feet of gross floor area.
3. No outdoor advertising signs, small freestanding signs, pennants, balloons, or banners shall be permitted on the site.
4. 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.
5. Before any permit (including but not limited to building, parking lot, change of use, site disturbance) is requested:
 - a. The development plan must receive full construction approval from Develop Louisville, Louisville Metro Public Works and the Metropolitan Sewer District.
 - b. Encroachment permits must be obtained from the Kentucky Department of Transportation, Bureau of Highways.
 - c. A minor subdivision plat or legal instrument shall be recorded dedicating additional right-of-way to Shelbyville Road and Juneau Drive. A copy of the recorded instrument shall be submitted to the Division of Planning and Design Services prior to obtaining a building permit.
 - d. 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.
 - e. A minor plat or legal instrument shall be recorded consolidating the property into one lot. A copy of the recorded instrument shall be submitted to the Division of Planning and Design Services prior to obtaining a building permit.
 - f. A reciprocal access and crossover easement agreement in a form acceptable to the Planning Commission legal counsel shall be created between the adjoining property owner to the east and recorded. A copy of the recorded instrument shall be submitted to the Division of Planning and Design Services prior to obtaining a building permit.
6. 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.

7. There shall be no outdoor music (live, piped, radio or amplified) or outdoor entertainment or outdoor PA system audible beyond the property line.
8. The applicant, developer, or property owner shall provide copies of these binding elements to tenants, purchasers, contractors, subcontractors and other parties engaged in development of this site and shall advise them of the content of these binding elements. These binding elements shall run with the land and the owner of the property and occupant of the property shall at all times be responsible for compliance with these binding elements. At all times during development of the site, the applicant and developer, their heirs, successors; and assignees, contractors, subcontractors, and other parties engaged in development of the site, shall be responsible for compliance with these binding elements.
9. The materials and design of proposed structures shall be substantially the same as depicted in the rendering as presented at the 7/6/17 Planning Commission meeting.
10. No idling of trucks shall take place within 200 feet of residential development. No overnight idling of trucks shall be permitted on-site.