

Planning Commission Staff Report

April 20, 2017



Case No:	17ZONE1000
Project Name:	Marilla Warehouse
Location:	4819 Poplar level road
Owner(s):	M&C Rentals
Applicant:	M&C Rentals
Representative(s):	Land Design & Development, Inc.
Project Area/Size:	1.4 acres
Existing Zoning District:	R-4
Existing Form District:	SMC, Suburban Marketplace Corridor
Jurisdiction:	Louisville Metro
Council District:	10 – Pat Mulvihill
Case Manager:	Joel P. Dock, Planner II

REQUEST

- **Change-in-Zoning** from R-4, Single-Family Residential to CM, Commercial-Manufacturing
- **Conditional Use Permit** for Contractor's Yard, Land Development Code (LDC) 4.2.51
- **Waiver** of LDC, section 10.2.4.A to reduce the thirty-five foot landscape buffer area along the Northwestern property line abutting an R-4 zoning district
- **Variance** from LDC, section 5.3.2.C.2.B to encroach upon the twenty-five foot setback required for non-residential uses abutting residential zoning districts
- **Detailed District Development Plan**

CASE SUMMARY/SITE CONTEXT

The applicant requests a change-in-zoning from R-4, single-family residential to CM, Commercial-Manufacturing for a contractor's business park on 1.4 acres in Central Louisville Metro along Poplar Level Road; roughly one and three-quarter miles South of Interstate-264 and one and one-half miles North of Fern Valley Road via Jefferson Boulevard. The Poplar Level Road corridor contains a mixture of commercial and industrial uses of varying intensities. The intensity of these uses increases moving North towards Interstate-264, where heavy industrial uses occupy large tracts of land. A total of 16,400 square feet of indoor warehouse/storage space is proposed across four buildings. A conditional use permit is also being requested to allow for outdoor storage of equipment and material within the internal courtyards. Relief from subsection 'A' of the conditional use permit standards contained in LDC, section 4.2.51 has been requested to allow for outdoor storage to take place within the two-hundred foot transition zone (Neighborhood to Suburban marketplace Corridor form). Outdoor storage areas will be secured from the public and screened from view of public streets and adjacent residentially zoned property.

A waiver and variance have been requested to allow for the proposed structures and associated facilities to be located within the required landscape buffer area and setback along the Northwest property line abutting a single-family zoning district. While the zoning district is R-4, the property is currently vacant and it does not appear that it will be used for residential purposes in the future as the site abuts commercial and industrial uses within the Suburban Marketplace Corridor form district. A landscape buffer area of ten feet is proposed with a six foot wood privacy fence.

LAND USE/ZONING DISTRICT/FORM DISTRICT TABLE

	Land Use	Zoning	Form District
Subject Property			
Existing	Single-Family	R-4	SMC
Proposed	Warehouse/Storage	CM	SMC
Surrounding Properties			
North	Commercial	C-1/R-4	SMC
South	Warehouse/Storage	CM	SMC
East	Religious Grounds	R-4	N
West	Industrial	M-2	SMC

PREVIOUS CASES ON SITE

No associated or previous cases were found by staff.

APPLICABLE PLANS AND POLICIES

Cornerstone 2020
Land Development Code

STANDARD OF REVIEW FOR REZONINGS

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 of 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 PROPOSED REZONING

The site is located in the Suburban Marketplace Corridor Form District

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 Louisville Metro Council regarding the appropriateness of this zoning map amendment.

STANDARD OF REVIEW FOR CONDITIONAL USE PERMIT

Contractor's Yard, Land Development Code, section 4.2.51

1. Is the proposal consistent with the applicable policies of the Comprehensive Plan?

STAFF: The proposal is consistent with applicable policies of the Comprehensive Plan as demonstrated in the Cornerstone 2020 Staff Review Checklist contained in *Attachment 3* of the staff report.

2. Is the proposal compatible with surrounding land uses and the general character of the area including such factors as height, bulk, scale, intensity, traffic, noise, odor, drainage, dust, lighting and appearance?

STAFF: The proposal is consistent with surrounding land uses and the general character of the area as the property is located in an area of mixed commercial and industrial uses that intensifies gradually moving North along Poplar level Road from the subject site.

3. Are necessary on-site and off-site public facilities such as transportation, sanitation, water, sewer, drainage, emergency services, education and recreation adequate to serve the proposed use?

STAFF: Preliminary approvals have been received by the Metropolitan Sewer District and Transportation Planning. No objections from agency reviewers have been expressed.

4. Does the proposal comply with the specific standards required to obtain the requested Conditional Use Permit?

Storage Yard and Contractor's Yard may be allowed in the C-2, M-1 and C-M Districts upon the granting of a Conditional Use Permit and compliance with the listed requirements, except that a C.U.P. shall not be permitted within the Traditional Neighborhood and Traditional Marketplace Corridor Form Districts.

- A. Outdoor storage areas prohibited within form district transition zone. **(Relief requested)**
- B. Stacked materials and equipment shall not exceed a height of five feet.
- C. Outdoor storage areas shall be screened from adjacent streets and properties.
- D. Storage of combustible materials shall conform to the requirements of NFPA Pamphlet 30 (information on NFPA pamphlet 30 may be obtained from local fire department).

STAFF: The proposal complies with the standards contained in LDC 4.2.51, with the exception of the item 'A' from which relief is being requested. The rear two-hundred feet of the subject site is located within a form district transition zone. The properties to the rear are used for religious grounds and not

single-family residential uses. Outdoor storage will be confined in courtyards, secured from the public, and screened from view of residentially zoned properties by a proposed 5,600 square foot structure, gate and fencing, as well as a six foot privacy fence along the Northwest Boundary. Outdoor storage appears to be appropriately mitigated by the features contained on the proposed development plan.

STANDARD OF REVIEW AND STAFF ANALYSIS FOR WAIVER
Section 10.2.4.A to reduce the thirty-five foot landscape buffer area

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

STAFF: The waiver will not adversely affect adjacent property owners as the waiver is being requested as a result of the existing zoning district of the abutting property. The use of the property is not single-family residential and would not appear to be developed for single-family residential uses in the future. Appropriate screening is provided, however, in the form of a six foot privacy fence and a ten foot LBA is also provided.

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

STAFF: Guideline 3, Policy 9 of Cornerstone 2020 calls for the protection of the character of residential areas, roadway corridors and public spaces from visual intrusions and mitigate when appropriate. Guideline 13, Policy 4 calls for ensuring appropriate landscape design standards for different land uses within urbanized, suburban, and rural areas. The abutting property is not used residentially and is surrounded by industrial development. The use proposed appears to appropriately address any possible visual intrusions of outdoor storage onto the residentially zoned property and mitigates by providing a six foot privacy fence and a ten foot LBA

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

STAFF: The extent of the waiver of the regulation is the minimum necessary to afford relief to the applicant as the site is constrained by its width and a thirty-five LBA would significantly reduce the usable space of the lot.

- (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 as the narrow width of the lot constrains the usable space of the lot and mitigation has been provided to prevent visual intrusions of the use onto the residential property which is not currently used for residential purposes and it would not appear that it will be used residentially in the future.

STANDARD OF REVIEW AND STAFF ANALYSIS FOR VARIANCE
Section 5.3.2.C.2.B to encroach upon the twenty-five foot setback

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

STAFF: The requested variance will not adversely affect public health safety or welfare as the variance is being requested as a result of the existing zoning district of the abutting property. The use of the property is not single-family residential and would not appear to be developed for single-family residential uses in the future. Appropriate screening is provided, however, in the form of a six foot

privacy fence and a ten foot LBA is also provided. The encroachment does not impact the accessibility of the lot in the event of an emergency.

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

STAFF: The requested variance will not alter the essential character of the general vicinity as the area is primarily mixed commercial and industrial uses. The width of the lot constrains the usable space of the lot and the proposed development is consistent with the pattern of development along the Poplar level road corridor.

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

STAFF: The requested variance will not cause a hazard or nuisance to the public as the abutting property, while zoned residentially, is not being used for residential purposes and would not appear to be used for residentially purposes in the future. The encroachment does not restrict the movement of people within the community and provides for the safe movement of people within the development.

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

STAFF: The requested variance will not allow an unreasonable circumvention of zoning regulations as the setback is required when abutting residential zoning district, but would not otherwise be required if the property was zoned for non-residential uses. The property is not used residentially.

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 as the property abutting the site triggering the need for the setback variance is not compatible with the zoning and use of surrounding properties.

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

STAFF: The strict application of the provisions of the regulation would deprive the applicant of reasonable use of the land as the usable area of the lot would be constrained as the result of incompatible zoning on the abutting property.

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.

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: Natural features on the site have been appropriately addressed. The non-jurisdictional wetland to the rear of the property is being preserved and the Metropolitan Sewer District has given preliminary approval for the development. The buffer of a protected waterway towards the frontage of the property

does not impact development on the property as it would only impact a small corner of the Northwest frontage. There are 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 will be provided along the frontage and pedestrian connection from this sidewalk 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. A detention basin along the frontage allows for an open area between the roadway and the parking area. A thirty-five foot LBA is provided at the rear of the 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 surrounding area as the area surrounding the development contains a mixture of commercial and industrial uses at a variety of sizes providing a variety of services.

- 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

Elevations submitted do not meet the guidance of LDC 5.6.1.B.1:

“There shall be no blank walls facing public streets. Such facades shall employ the use of windows, columns, pilasters, piers, variation of material, entrances, storefront windows, and other animating features along no less than 60 percent of their length”

The SMC form district allows for transparent doorways and entry areas that allow a view into the building or one tree to be planted within 15 feet of the building, for each 50 feet of façade length that equals or exceeds the height of the building at maturity. Staff will work with the applicant to bring the elevations into compliance. A binding element has been included requiring staff approval of the elevations prior to final transmittal.

The proposed application for change in zoning from R-4 to CM with a conditional use permit for contractor's yard, variance, and waiver; supporting documentation; and detailed district development plan are in order, with the exception of the façade design facing Poplar Level Road. A binding element has been included requiring staff approval of the elevations prior to final transmittal Preliminary approval has been received from the Metropolitan Sewer District and Transportation Planning.

STAFF CONCLUSIONS

The proposal is in conformance with the Comprehensive Plan as demonstrated in the Cornerstone 2020 Staff Review Checklist provided as *Attachment 3*. An underutilized parcel that is currently incompatible with adjacent uses and the corridor is being developed for a contractor's business park which is a low-intensity industrial/high-intensity commercial use. It is appropriately located along a major transportation corridor of mixed medium- to high-density uses, including large manufacturing, trucking, and auto salvage facilities. Abutting residential zones are not used for residential purposes (religious grounds and vacant). Transitions have been provided to prevent visual intrusions of the use onto these residentially zoned properties and the public road. All storage will be secured and screened from view of the public and abutting users. There does not appear to be a common landscaping or streetscape pattern along the East side of the corridor as some buildings are setback deeper with green space and others contain VUA extending to the roadway. Overall the development is compatible with surrounding uses and consistent with the intent of the form district.

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 Conditional use Permit, Variance, Waiver, and District Development Plan as established in the LDC.

REQUIRED ACTIONS

- **RECOMMEND** that the Louisville Metro Council **APPROVE** or **DENY** the **Change-in-Zoning** from R-4, Single-family Residential to CM, Commercial-Manufacturing
- **APPROVED** or **DENY** the **Conditional Use Permit** for storage yard and contractor's yard, LDC 4.2.51
- **APPROVED** or **DENY** the **Waiver** of LDC, section 10.2.4.A to reduce the thirty-five foot landscape buffer area along the Northwestern property line abutting an R-4 zoning district
- **APPROVED** or **DENY** the **Variance** from LDC, section 5.3.2.C.2.B to encroach upon the twenty-five foot setback required for non-residential uses abutting residential zoning districts
- **APPROVED** or **DENY** the **Detailed District Development Plan**

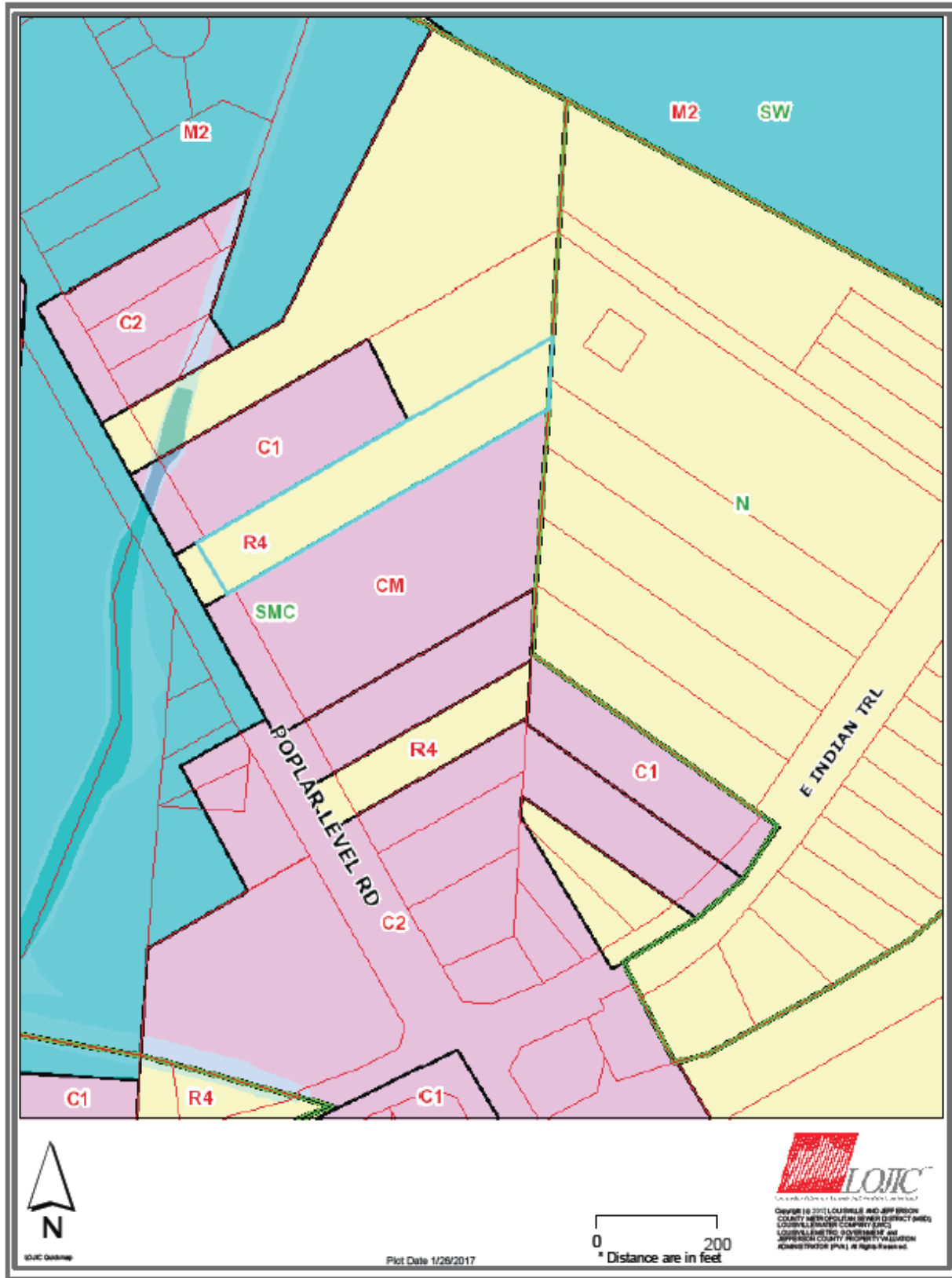
NOTIFICATION

Date	Purpose of Notice	Recipients
3/31/17	Hearing before LD&T	1 st and 2 nd tier adjoining property owners Subscribers of Council District 10 Notification of Development Proposals
4/5/17	Hearing before PC	1 st and 2 nd tier adjoining property owners Subscribers of Council District 10 Notification of Development Proposals
4/5/17	Hearing before PC	Sign Posting on property
4/12/17	Hearing before PC	Legal Advertisement in the Courier-Journal

ATTACHMENTS

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

1. **Zoning Map**



2. Aerial Photograph



3. Cornerstone 2020 Staff Checklist

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

Suburban 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 is for warehouse/storage which is a low-intensity industrial/high-intensity commercial use and is proposed along a corridor with a wide range of intensities
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.	✓	A sidewalk is proposed along the frontage and pedestrian connections have been made to serve the development. Poplar Level road provides for TARC riding options.
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.	✓	Abutting development is built-out and the existing use is incompatible with the development of the area. New cuts will need to be made to accommodate the use. There does not appear to be a common landscaping or streetscaping pattern along the subject sites frontage as some buildings are setback deeper with green space and others contain VUA extending to the roadway.
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 corridor is primarily commercial and industrial development. The proposal is consistent with development within the area. Residential form district to the rear has been appropriately buffered.
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 within the boundaries of the existing form and is compatible with uses along the corridor.

#	Cornerstone 2020 Plan Element	Plan Element or Portion of Plan Element	Staff Finding	Staff Comments
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 and is located within an existing activity center/along a corridor of commercial and industrial uses
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	Not retail commercial
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 utilizes a piece of property that is currently incompatible with the surrounding area and occupies much of the land of this narrow parcel
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 does not create a new center and is located within an existing activity center/along a corridor of commercial and industrial uses. The use is primarily auto-dependent, but is appropriately located so as not to detract viable space from less intense pedestrian friendly areas of retail/commercial
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.	NA	Not retail commercial
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.	✓	Development is relatively small in comparison to surrounding uses, but fits within its surroundings.
12	Community Form/Land Use Guideline 2: Centers	A.13/15: The proposal shares entrance and parking facilities with adjacent uses to reduce curb cuts and surface parking, and locates parking to balance safety, traffic, transit, pedestrian, environmental and aesthetic concerns.	✓	The project has provided for future connection to the abutting site to the North in the event that property is redeveloped. Parking has been provided in a location that protects the public from material and equipment to be stored on site.
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.	✓	Utilities have been provided as required by agencies reviewers. Any additional easements that may be needed upon construction of the subject site will be provided.
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.	✓	A sidewalk is proposed along the frontage and pedestrian connections have been made to serve the development. Poplar Level road provides for TARC riding options.

#	Cornerstone 2020 Plan Element	Plan Element or Portion of Plan Element	Staff Finding	Staff Comments
15	Community Form/Land Use Guideline 3: Compatibility	A.2: The proposed building materials increase the new development's compatibility.	+/-	Elevations will be submitted to staff and staff will work with the applicant to provide elevations that are in compliance with all applicable regulations. A binding element has been proposed to ensure proper façade design
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.	✓	Expansion into a residential area is not being generated by this request. The proposal is for warehouse/storage which is a low-intensity industrial/high-intensity commercial use and is proposed along a corridor with a wide range of intensities.
17	Community Form/Land Use Guideline 3: Compatibility	A.5: The proposal mitigates any potential odor or emissions associated with the development.	✓	APCD did not express objections to the proposal. Binding Elements stipulate that trucks shall not be left to idle.
18	Community Form/Land Use Guideline 3: Compatibility	A.6: The proposal mitigates any adverse impacts of its associated traffic on nearby existing communities.	✓	The proposed use is a low traffic demand use.
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 shall be sufficient to provide safety on the subject, but not project into residential properties towards the rear.
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 for warehouse/storage which is a low-intensity industrial/high-intensity commercial use and is proposed along a corridor with a wide range of intensities.
21	Community Form/Land Use Guideline 3: Compatibility	A.21: The proposal provides appropriate transitions between uses that are substantially different in scale and intensity or density of development such as landscaped buffer yards, vegetative berms, compatible building design and materials, height restrictions, or setback requirements.	✓	The abutting residential zones are not used for residential purposes (Church and vacant rear portion of commercial use). Overall the development is compatible. Transitions have been provided to prevent visual intrusions of the use onto residentially used or zoned properties. All storage will be screened from view of the public.
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 abutting residential zones are not used for residential purposes (Church and vacant rear portion of commercial use). Overall the development is compatible. Transitions have been provided to prevent visual intrusions of the use onto residentially used or zoned properties. All storage will be screened from view of the public.

#	Cornerstone 2020 Plan Element	Plan Element or Portion of Plan Element	Staff Finding	Staff Comments
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.	✓	Setbacks are compatible with abutting development and varies 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.	✓	The abutting residential zones are not used for residential purposes (Church and vacant rear portion of commercial use). Overall the development is compatible. Transitions have been provided to prevent visual intrusions of the use onto residentially used or zoned properties. All storage will be screened from view of the public.
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.	✓	VUA LBA has been provided to screen parking area from the street.
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 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.	NA	No signs have been proposed. Signs should be 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.	NA	Open space not required by this application. A detention basin breaks the roadway from the parking area and a 35' LBA provide an open area in anon-jurisdictional wetland
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	SMC form district
30	Community Form/Land Use Guideline 4: Open Space	A.5: The proposal integrates natural features into the pattern of development.	✓	A 35' LBA provides an open area in a non-jurisdictional wetland.

#	Cornerstone 2020 Plan Element	Plan Element or Portion of Plan Element	Staff Finding	Staff Comments
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.	✓	Natural features on the site have been appropriately addressed. The non-jurisdictional wetland to the rear of the property is being preserved and the Metropolitan Sewer District has given preliminary approval for the development. The buffer of a protected waterway towards the frontage of the property does not impact development on the property as it would only impact a small corner of the Northwest frontage.
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.	✓	There are no recognized historic features on the site.
33	Community Form/Land Use Guideline 5: Natural Areas and Scenic and Historic Resources	A.6: Encourage development to avoid wet or highly permeable soils, severe, steep or unstable slopes with the potential for severe erosion.	✓	The non-jurisdictional wetland to the rear of the property is being preserved and the Metropolitan Sewer District has given preliminary approval for the development. The buffer of a protected waterway towards the frontage of the property does not impact development on the property as it would only impact a small corner of the Northwest frontage
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 warehouse/storage which is a low-intensity industrial/high-intensity commercial use and is proposed along a corridor with a wide range of intensities. Access to interstates is readily available via Poplar level Road to Interstate-264
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.	✓	While the proposed use will be a low traffic demand use, access to interstates is readily available via Poplar level Road (arterial) to Interstate-264

#	Cornerstone 2020 Plan Element	Plan Element or Portion of Plan Element	Staff Finding	Staff Comments
37	Marketplace Guideline 6: Economic Growth and Sustainability	A.8: Require industrial development with more than 100 employees to locate on or near an arterial street, preferably in close proximity to an expressway interchange. Require industrial development with less than 100 employees to locate on or near an arterial street.	✓	Use will have less than 100 employees and is located on an arterial level roadway.
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.	✓	A proposed 5' sidewalk replaces the sidewalk currently is disrepair.
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.	✓	While the use proposed is an auto-centric use, it is appropriately located along a major corridor of mixed medium- to high-density uses, specifically large industrial facilities including manufacturing and auto salvage. The specifics of the use require security from passers-by to ensure the safety of the public and storage of items.
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.	✓	A proposed 5' sidewalk replaces the sidewalk currently is disrepair.
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.	✓	R/W is being dedicated as required.
42	Mobility/Transportation Guideline 7: Circulation	A.10: The proposal includes adequate parking spaces to support the use.	✓	Parking exceeding minimum requirements are being provided.
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.	✓	Future connection to the abutting site to the North has been provided in the event that property is redeveloped
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.	✓	Development is in an area with built out transportation corridors and those existing meet the needs of the development and the area.

#	Cornerstone 2020 Plan Element	Plan Element or Portion of Plan Element	Staff Finding	Staff Comments
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.	✓	Surrounding uses along the corridor consist of a mixture of commercial and industrial establishments
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.	✓	Development is in an area with built out transportation corridors and those existing meet the needs of the development and the area.
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.	✓	A sidewalk is proposed along the frontage and pedestrian connections have been made to serve the development. Poplar Level road provides for TARC riding options.
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 comments have been addressed and preliminary approval has been received.
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.	✓	APCD has no concerns with the project
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 site does not impact natural areas or systems.
51	Community Facilities Guideline 14: Infrastructure	A.2: The proposal is located in an area served by existing utilities or planned for utilities.	✓	The surrounding area is serviced by utilities. Any additional utilities requested by agencies will be provided.
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 has adequate water supply

#	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.	✓	Health and Wellness did not express objections to the proposal

4. Proposed binding Elements

1. The development shall be in accordance with the approved district development plan, all applicable sections of the Land Development Code (LDC) and agreed upon binding elements unless amended pursuant to the Land Development Code. Any changes/additions/alterations of any binding element(s) shall be submitted to the Planning Commission or the Planning Commission’s designee for review and approval; any changes/additions/alterations not so referred shall not be valid.
2. No outdoor advertising signs, small freestanding signs, pennants, balloons, or banners shall be permitted on the site.
3. Construction fencing shall be erected when off-site trees or tree canopy exists within 3’ of a common property line. Fencing shall be in place prior to any grading or construction to protect the existing root systems from compaction. The fencing shall enclose the entire area beneath the tree canopy and shall remain in place until all construction is completed. No parking, material storage or construction activities are permitted within the protected area.
4. 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 receive full construction approval from Louisville Metro Department of Codes and Regulations Construction Permits and Transportation Planning Review and the Metropolitan Sewer District.
 - b. Encroachment permits must be obtained from the Kentucky Department of Transportation, Bureau of Highways for any work within the state right-of-way.
 - c. The property owner/developer must obtain approval of a detailed plan for screening (buffering/landscaping) as described in Chapter 10 prior to requesting a building permit. Such plan shall be implemented prior to occupancy of the site and shall be maintained thereafter
 - d. A Tree Preservation Plan in accordance with Chapter 10 of the LDC shall be reviewed and approved prior to obtaining approval for site disturbance.
5. A certificate of occupancy must be received from the appropriate code enforcement department prior to occupancy of the structure or land for the proposed use. All binding elements requiring action and approval must be implemented prior to requesting issuance of the certificate of occupancy, unless specifically waived by the Planning Commission.
6. No overnight idling or idling of trucks while loading or unloading equipment shall be permitted on-site.
7. Elevations in compliance with applicable sections of the LDC shall be submitted to Planning and Design Services staff for review and approval prior to final transmittal of the plan.