

# Planning Commission

## Staff Report

October 30, 2014



|                           |  |
|---------------------------|--|
| <b>Case No:</b>           | 14zone1009   |
| <b>Request:</b>           | <b>Change in Zoning from R-4 to C-2 with a waiver and variance</b> |
| <b>Project Name:</b>      | Thompson Brothers Plumbing   |
| <b>Location:</b>          | 436 Roberts Avenue   |
| <b>Owner(s):</b>          | Larry Thompson and Jacob Thompson                                  |
| <b>Applicant:</b>         | Larry Thompson and Jacob Thompson                                  |
| <b>Representative(s):</b> | Larry Thompson and Jacob Thompson                                  |
| <b>Jurisdiction:</b>      | Louisville Metro   |
| <b>Council District:</b>  | 13- Vicki Aubrey Welch   |
| <b>Case Manager:</b>      | <b>Julia Williams, AICP, Planner II</b>                            |

### REQUEST

- Change in zoning from R-4 to C-2
- Variance from 5.1.8.b to exceed the maximum setback
- Waiver from Chapter 10.2.4 to permit the encroachment of existing structures into the required 15' LBA
- District Development plan

### Variances

| Location           | Requirement | Request | Variance |
|--------------------|-------------|---------|----------|
| Front yard setback | 35'         | 94'     | 59'      |

### CASE SUMMARY/BACKGROUND/SITE CONTEXT

Existing Zoning District: R-4  
Proposed Zoning District: C-2  
Existing Form District: TN  
Existing Use: Contractor's Shop  
Proposed Use: Contractor's Shop  
Minimum Parking Spaces Required: 3  
Maximum Parking Spaces Allowed: 5  
Parking Spaces Proposed: 3

The proposal is for a change in zoning from R-4 to C-2 to allow an existing plumbing business to continue and expand their business on the site. The existing home on the site has been converted to an office. The plan indicates an existing 1,080 SF structure and a proposed 1,080 sf structure. Staff could not find the building permit for the existing structure. Recent aerials do not show the existing structure. Parking for the site is provided within the property. The site is located adjacent to residentially zoned property. The property to the west is currently awaiting a change in zoning from R-4 to M-2.

**LAND USE/ZONING DISTRICT/FORM DISTRICT TABLE**

|                               | <b>Land Use</b>         | <b>Zoning</b> | <b>Form District</b> |
|-------------------------------|-------------------------|---------------|----------------------|
| <b>Subject Property</b>       |                         |               |                      |
| <b>Existing</b>               | Plumbing Business       | R-4           | TN                   |
| <b>Proposed</b>               | Plumbing Business       | C-2           | TN                   |
| <b>Surrounding Properties</b> |                         |               |                      |
| <b>North</b>                  | Residential             | R-4           | TN                   |
| <b>South</b>                  | Residential             | R-4           | TN                   |
| <b>East</b>                   | Residential             | R-4           | TN                   |
| <b>West</b>                   | Vacant Drive-In Theatre | M-2           | SW                   |

**PREVIOUS CASES ON SITE**

305837-Building Permit for 630 sf pole barn  
 167108- 690 sf renovation of house  
 229642- Property Maintenance issue for exterior of the house and allowing a non-permitted use to exist on the residential property.

**INTERESTED PARTY COMMENTS**

None received.

**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**

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

The site is located in the Traditional Neighborhood Form District

The Traditional Neighborhood Form District is characterized by predominantly residential uses, by a grid pattern of streets with sidewalks and often including alleys. Residential lots are predominantly narrow and often deep, but the neighborhood may contain sections of larger estate lots, and also

sections of lots on which appropriately integrated higher density residential uses may be located. The higher density uses are encouraged to be located in centers or near parks and open spaces having sufficient carrying capacity. There is usually a significant range of housing opportunities, including multi-family dwellings.

Traditional neighborhoods often have and are encouraged to have a significant proportion of public open space such as parks or greenways, and may contain civic uses as well as appropriately located and integrated neighborhood centers with a mixture of mostly neighborhood-serving land uses such as offices, shops, restaurants and services. Although many existing traditional neighborhoods are fifty to one hundred twenty years old, it is hoped that the Traditional Neighborhood Form will be revitalized under the new Comprehensive Plan. Revitalization and reinforcement of the Traditional Neighborhood Form will require particular emphasis on (a) preservation and renovation of existing buildings in stable neighborhoods (if the building design is consistent with the predominant building design in those neighborhoods), (b) the preservation of the existing grid pattern of streets and alleys, (c) preservation of public open spaces.

Staff finds that the proposal will not change the existing pattern of streets. The proposal is located in an area between moderate industrial and high intensity commercial with some residential throughout. Some of the residential is vacant. C-2 permits the C-1 neighborhood serving uses as well as the more regional oriented C-2 uses.

The proposal does not change the public open space. The proposal is not for residential although it is permitted within the proposal zoning district. The proposal preserves the existing buildings on the site. There is a mix of building design in the area. The proposal will not create a new center but will be a part of an existing mixed use corridor. The proposal is for the continued use of existing and proposed buildings for commercial. The proposal is located in a mixed use area with commercial, industrial and residential located along Roberts Avenue. Because the site is located adjacent to many different and more intense zoning types that indicates there is sufficient population to support the use. The proposal is located in an area between moderate industrial and high intensity commercial with some residential throughout. Some of the residential is vacant. Due to the location between an industrial center and commercial center the infrastructure is available to support the use. Due to the adjacent properties being residentially zoned no shared utilities are proposed. The proposal supports access by all types of transportation. The building materials are consistent with the other building materials on the site and in the area. The proposal is a nonresidential expansion into an existing residential area that has non-residential uses at the entrance and terminus of Roberts Avenue. Many of the residential lots are vacant.

The landscape buffers are being reduced but the screening and planting requirements will still be met. The setbacks are not consistent with the traditional form. The preservation of the existing home on the site is in keeping with the residential/industrial nature of Roberts Avenue. The character of the roadway is mixed setbacks or residential looking structures with metal buildings in the rear. The proposal fits the character. Parking is located on site and interior to the site where it will not impact the adjacent residential. The parking areas will be screened from the adjacent residential.

The proposal is for one use. The proposal does not share facilities with the adjacent uses as they are residentially zoned. All parking is located on the site. The proposal is for high intensity zoning not located along a transit corridor but is located in between an industrial center and a commercial center.

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 DDP

- 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: There are no natural features evident on the site.

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

STAFF: Vehicles and pedestrians are provided for on the site. A sidewalk is being provided along the frontage with a sidewalk to the existing building.

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

STAFF: The open space provided on the site is in the form of the buffers provided as well as the front yard.

- 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: MSD has preliminarily approved the proposal.

- 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 site design is compatible with the adjacent residential and mixed use character of the area.

- f. Conformance of the development plan with the Comprehensive Plan and Land Development Code.

STAFF: The proposal complies with the guidelines of the Comprehensive Plan and requirements of the LDC.

## STANDARD OF REVIEW AND STAFF ANALYSIS FOR VARIANCE

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

STAFF: The variance will not affect the public as the proposed building is located at the rear of the property and will be used as a shop.

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

STAFF: The building being located behind the residential looking structure will maintain the residential/industrial character of the area.

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

STAFF: The variance will not affect the public as the building is located behind the office structure in the front of the site.

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

STAFF: The variance is not unreasonable as the structure acts as an accessory structure even though it is larger than the main office structure in the front 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: Metal storage structures are not generally located on residentially zoned lots and the proposal to build a new shop structure is only reflective of the existing storage structure.

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 would deprive the applicant of reasonable use of the land because the area is changing with a mix of non-residential uses occupying lots along the roadway. Industrial uses are already located in the vicinity.

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 applicant has had the plumbing business on the site for some time but wishes to expand, causing the site to have to comply with the current zoning regulations.

**STANDARD OF REVIEW AND STAFF ANALYSIS FOR WAIVER**

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

STAFF: The waivers will not affect adjacent property owners because the screening and buffering requirements will still be met in the buffers.

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

STAFF: The landscape buffers are being reduced but the screening and planting requirements will still be met making the site compatible with the surrounding properties.

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

STAFF: The waiver is the minimum to give relief to the applicant because much of the site is an existing condition due to the existing residential character of the lot but also with the existing contractors shop.

- (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 would deprive the applicant of reasonable use of the land because the area is changing with a mix of non-residential uses occupying lots along the roadway. Industrial uses are already located in the vicinity.

### **TECHNICAL REVIEW**

- All agency review comments have been addressed.

### **STAFF CONCLUSIONS**

The proposal will not change the existing pattern of streets. The proposal is located in an area between moderate industrial and high intensity commercial with some residential throughout. Some of the residential is vacant. C-2 permits the C-1 neighborhood serving uses as well as the more regional oriented C-2 uses. The proposal does not change the public open space. The proposal is not for residential although it is permitted within the proposal zoning district. The proposal preserves the existing buildings on the site. There is a mix of building design in the area. The proposal will not create a new center but will be a part of an existing mixed use corridor. The proposal is for the continued use of existing and proposed buildings for commercial. The proposal is located in a mixed use area with commercial, industrial and residential located along Roberts Avenue. Because the site is located adjacent to many different and more intense zoning types that indicates there is sufficient population to support the use. The proposal is located in an area between moderate industrial and high intensity commercial with some residential throughout. Some of the residential is vacant. Due to the location between an industrial center and commercial center the infrastructure is available to support the use. Due to the adjacent properties being residentially zoned no shared utilities are proposed. The proposal supports access by all types of transportation. The building materials are consistent with the other building materials on the site and in the area. The proposal is a nonresidential expansion into an existing residential area that has non-residential uses at the entrance and terminus of Roberts Avenue. Many of the residential lots are vacant.

The landscape buffers are being reduced but the screening and planting requirements will still be met. The setbacks are not consistent with the traditional form. The preservation of the existing home on the site is in keeping with the residential/industrial nature of Roberts Avenue. The character of the roadway is mixed setbacks or residential looking structures with metal buildings in the rear. The proposal fits the character. Parking is located on site and interior to the site where it will not impact the adjacent residential. The parking areas will be screened from the adjacent residential.

The proposal is for one use. The proposal does not share facilities with the adjacent uses as they are residentially zoned. All parking is located on the site. The proposal is for high intensity zoning not located along a transit corridor but is located in between an industrial center and a commercial center.

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.

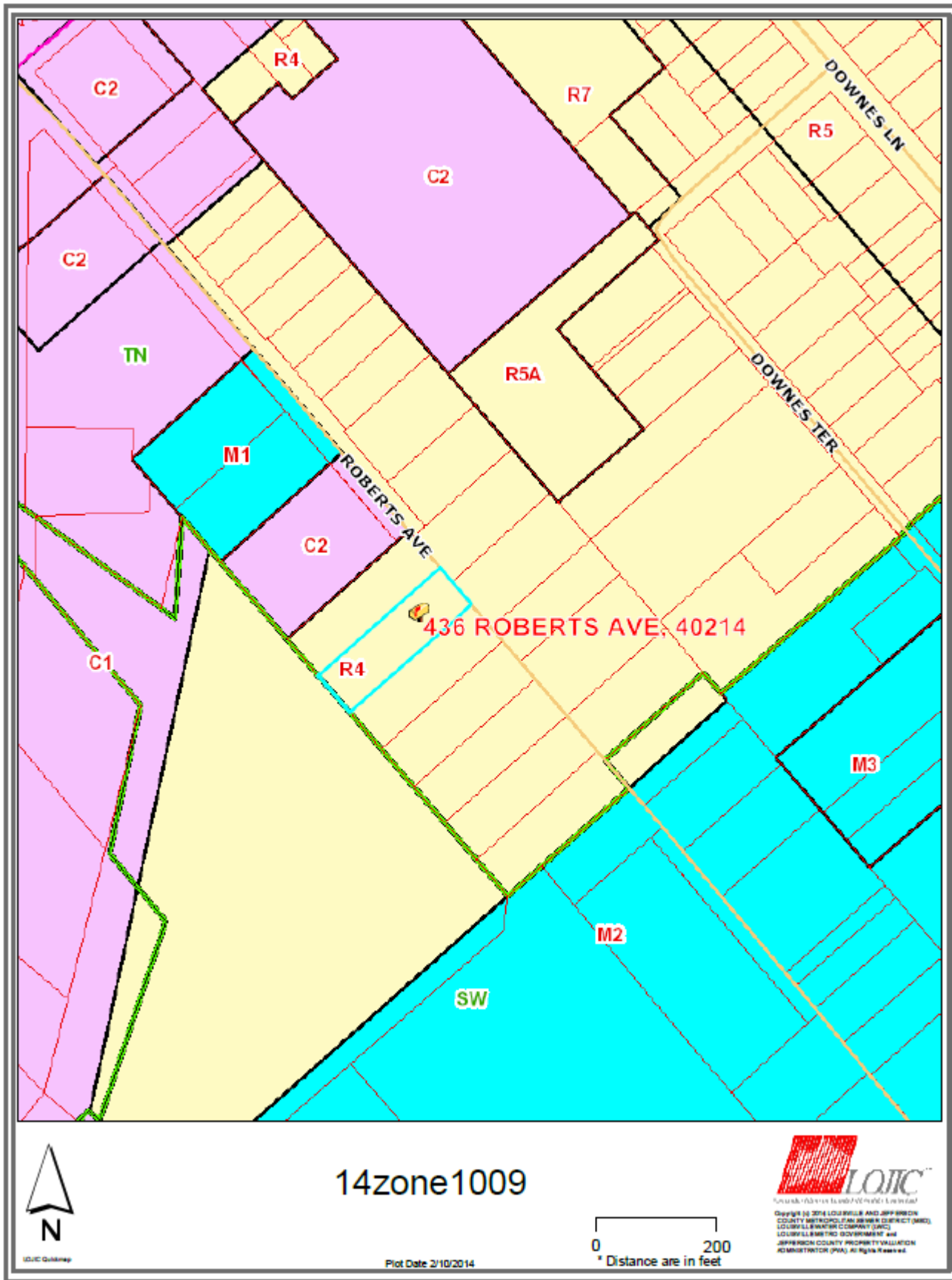
### **NOTIFICATION**

| Date     | Purpose of Notice              | Recipients   |
|----------|--------------------------------|--|
| 9/11/14  | Hearing before LD&T on 9/25/14 | 1 <sup>st</sup> and 2 <sup>nd</sup> tier adjoining property owners<br>Subscribers of Council District 13 Notification of Development Proposals |
| 10/16/14 | Hearing before PC 10/30/14     | 1 <sup>st</sup> and 2 <sup>nd</sup> tier adjoining property owners<br>Subscribers of Council District 13 Notification of Development Proposals |
| 10/15/14 | Hearing before PC              | Sign Posting on property   |
|          | Hearing before PC              | Legal Advertisement in the Courier-Journal   |

### ATTACHMENTS

1. Zoning Map
2. Aerial Photograph
3. Cornerstone 2020 Staff 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

| # | Cornerstone 2020 Guidelines & Policies   | Cornerstone 2020 Plan Element                       | Plan Element or Portion of Plan Element   | Staff Finding | Staff 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.2: The proposal preserves the existing grid pattern of streets, sidewalks and alleys.   | √             | The proposal will not change the existing pattern of streets.  |
| 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.2: The proposal introduces an appropriately-located neighborhood center including a mix of neighborhood-serving uses such as offices, shops and restaurants.  | √             | The proposal is located in an area between moderate industrial and high intensity commercial with some residential throughout. Some of the residential is vacant. C-2 permits the C-1 neighborhood serving uses as well as the more regional oriented C-2 uses.                              |
| 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 1: Community Form | B.2: The proposal preserves public open spaces, and if the proposal is a higher density use, is located in close proximity to such open space, a center or other public areas.  | √             | The proposal does not change the public open space. The proposal is not for residential although it is permitted within the proposal zoning district.  |
| 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 1: Community Form | B.2: The proposal preserves and renovates existing buildings if the building design of these structures is consistent with the predominate neighborhood building design.  | √             | The proposal preserves the existing buildings on the site. There is a mix of building design in the area.  |
| 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.1/7: The proposal, which will create a new center, is located in the Traditional Neighborhood Form District, and includes new construction or the reuse of existing buildings to provide commercial, office and/or residential use. | √             | The proposal will not create a new center but will be a part of an existing mixed use corridor. The proposal is for the continued use of existing and proposed buildings for commercial.   |
| 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.3: The proposed retail commercial development is located in an area that has a sufficient population to support it.   | √             | The proposal is located in a mixed use area with commercial, industrial and residential located along Roberts Avenue. Because the site is located adjacent to many different and more intense zoning types that indicates there is sufficient population to support the use.                 |
| 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.4: The proposed development is compact and results in an efficient land use pattern and cost-effective infrastructure investment.   | √             | The proposal is located in an area between moderate industrial and high intensity commercial with some residential throughout. Some of the residential is vacant. Due to the location between an industrial center and commercial center the infrastructure is available to support the 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.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.   | NA            | The proposal is not a center.  |
| 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.6: The proposal incorporates residential and office uses above retail and/or includes other mixed-use, multi-story retail buildings.  | -             | The proposal is for one use.   |

| #  | Cornerstone 2020 Guidelines & Policies   | Cornerstone 2020 Plan Element                      | Plan Element or Portion of Plan Element  | Staff Finding | Staff Comments  |
|----|--|--|--|---------------|---|
| 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.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.  |
| 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.13/15: The proposal shares entrance and parking facilities with adjacent uses to reduce curb cuts and surface parking, and locates parking to balance safety, traffic, transit, pedestrian, environmental and aesthetic concerns.  | -             | The proposal does not share facilities with the adjacent uses as they are residentially zoned. All parking is located on the site.  |
| 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 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.  | √             | Due to the adjacent properties being residentially zoned no shared utilities are proposed.  |
| 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 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 supports access by all types of transportation.  |
| 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.2: The proposed building materials increase the new development's compatibility.   | √             | The building materials are consistent with the other building materials on the site and in the area.  |
| 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.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 nonresidential expansion into an existing residential area that has non-residential uses at the entrance and terminus of Roberts Avenue. Many of the residential lots are vacant. |
| 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.5: The proposal mitigates any potential odor or emissions associated with the development.   | √             | APCD has approved the proposal.   |
| 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.6: The proposal mitigates any adverse impacts of its associated traffic on nearby existing communities.  | √             | Transportation Planning has no issues with the proposal.  |
| 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.8: The proposal mitigates adverse impacts of its lighting on nearby properties, and on the night sky.  | √             | Lighting will meet LDC requirements.  |
| 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.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 high intensity zoning not located along a transit corridor but is located in between an industrial center and a commercial center.  |

| #  | Cornerstone 2020 Guidelines & Policies   | Cornerstone 2020 Plan Element                      | Plan Element or Portion of Plan Element   | Staff Finding | Staff Comments   |
|----|--|--|---|---------------|--|
| 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.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 landscape buffers are being reduced but the screening and planting requirements will still be met.   |
| 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.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 landscape buffers are being reduced but the screening and planting requirements will still be met.   |
| 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.23: Setbacks, lot dimensions and building heights are compatible with those of nearby developments that meet form district standards.   | √             | The setbacks are not consistent with the traditional form. The preservation of the existing home on the site is in keeping with the residential/industrial nature of Roberts Avenue. The character of the roadway is mixed setbacks or residential looking structures with metal buildings in the rear. The proposal fits the character. |
| 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.24: Parking, loading and delivery areas located adjacent to residential areas are designed to minimize adverse impacts of lighting, noise and other potential impacts, and that these areas are located to avoid negatively impacting motorists, residents and pedestrians.   | √             | Parking is located on site and interior to the site where it will not impact the adjacent residential.   |
| 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.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 areas will be screened from the adjacent residential.  |
| 25 | 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            | A parking garage is not proposed.  |
| 26 | 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.   | √             | Signs will meet Chapter 8 Requirements.  |
| 27 | 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.   | √             | The open space provided on the site is in the form of the buffers provided as well as the front yard.  |

| #  | Cornerstone 2020 Guidelines & Policies                                   | Cornerstone 2020 Plan Element  | Plan Element or Portion of Plan Element  | Staff Finding | Staff Comments  |
|----|--|--|--|---------------|---|
| 28 | 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.  | √             | The open space provided on the site is in the form of the buffers provided as well as the front yard.   |
| 29 | 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.   | √             | There are not existing natural features evident on the site. The applicant is providing two rain gardens to add natural features to the site.   |
| 30 | 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.   | √             | There are not existing natural features evident on the site. The applicant is providing two rain gardens to add natural features to the site.   |
| 31 | 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 is not located on a site that has historical or cultural value.  |
| 31 | 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 with the site.   |
| 32 | Land Use and Transportation Connection Goal E1, Objectives E1.1 and E1.3 | Marketplace Guideline 6: Economic Growth and Sustainability                          | A.2: Ensure adequate access between employment centers and population centers.   | √             | Access to the site is from a public road which intersects a minor arterial.   |
| 33 | 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 in a downtown.  |
| 34 | 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 industrial.   |
| 35 | 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 good access to a major arterial and where the proposed use will not adversely affect adjacent areas.         | √             | The proposal is not located in an activity center but is located between an existing industrial center and commercial center. Roberts Avenue is a local level road with access to a minor arterial at Southside Drive and a collector at Strawberry Lane. |

| #  | Cornerstone 2020 Guidelines & Policies   | Cornerstone 2020 Plan Element                                       | Plan Element or Portion of Plan Element  | Staff Finding | Staff Comments   |
|----|--|---|--|---------------|--|
| 36 | 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 industrial.  |
| 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.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.  | √             | No roadway improvements are necessary.   |
| 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.3/4: The proposal promotes mass transit, bicycle and pedestrian use and provides amenities to support these modes of transportation.   | -             | The proposal promotes vehicle use and bicycle. Sidewalks are required by the LDC. TARC also does not serve Roberts Avenue.   |
| 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.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 uses existing Roberts Avenue for access. The adjacent properties are zoned residential where it would not be appropriate to have access to those lots. Roberts Avenue dead ends at the railroad.  |
| 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.9: The proposal includes the dedication of rights-of-way for street, transit corridors, bikeway and walkway facilities within or abutting the development.   | √             | Dedication of right of way is not necessary.   |
| 41 | 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 being provided.  |
| 42 | 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.  | √             | Joint and cross access is not being provided because the adjacent properties are residential.  |
| 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.8: Adequate stub streets are provided for future roadway connections that support and contribute to appropriate development of adjacent land.  | NA            | A new roadway is not proposed.   |
| 44 | 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 development is through an existing commercial activity center and then through an area that is single family residential. At the dead end of the road is moderate industrial zoning. A commercial use in this area would not be any more of a nuisance than the existing industrial uses and associated traffic that those businesses bring. |

| #  | Cornerstone 2020 Guidelines & Policies   | Cornerstone 2020 Plan Element  | Plan Element or Portion of Plan Element   | Staff Finding | Staff Comments   |
|----|--|--|---|---------------|--|
| 45 | 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            | The proposal is not creating any new roadways.   |
| 43 | 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.   | √             | Bicyclists will use the roadway as other vehicles do. A sidewalk along the frontage is being provided. |
| 44 | 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.   |
| 45 | 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.  |
| 44 | 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 addition of rain gardens and the rear buffer provide a natural corridor for wildlife in the area.  |
| 46 | 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.  | √             | Existing utilities serve the site.   |
| 47 | 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.   | √             | An adequate water supply exists for the site.  |
| 48 | 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.   | √             | The health department has no issues with 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. The residential character of the existing 1-story frame office structure shall be maintained. Changes to the following items shall not be made without prior approval of the Planning Commission's designee:
  - a) roof line
  - b) building material
  - c) porch
  - d) windows
3. The development shall not exceed 2,936 square feet of gross floor area.
4. No outdoor advertising signs, small freestanding signs, pennants, balloons, or banners shall be permitted on the site.
5. Construction fencing shall be erected when off-site trees or tree canopy exists within 3' of a common property line. Fencing shall be in place prior to any grading or construction to protect the existing root systems from compaction. The fencing shall enclose the entire area beneath the tree canopy and shall remain in place until all construction is completed. No parking, material storage or construction activities are permitted within the protected area.
6. 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 Inspections, Permits and Licenses, Louisville Metro Public Works and the Metropolitan Sewer District.
  - b. 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.
  - c. A Tree Preservation Plan in accordance with Chapter 10 of the LDC shall be reviewed and approved prior to obtaining approval for site disturbance.
7. A certificate of occupancy must be received from the appropriate code enforcement department prior to occupancy of the structure or land for the proposed use. All binding elements requiring action and approval must be implemented prior to requesting issuance of the certificate of occupancy, unless specifically waived by the Planning Commission.
8. There shall be no outdoor music (live, piped, radio or amplified) or outdoor entertainment or outdoor PA system permitted on the site.
9. 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.
10. The materials and design of proposed structures shall be substantially the same as depicted in the rendering as presented at the October 30, 2014 Planning Commission meeting.
11. No idling of trucks shall take place within 200 feet of single-family residences. No overnight idling of trucks shall be permitted on-site.