

**Planning Commission
Staff Report**

September 18, 2014



Case No:	14ZONE1021
Request:	Change in Zoning from R-4, Single Family Residential and C-1, Commercial to C-1, Commercial, Detailed District Development Plan and Binding Elements, Variances, and Waivers
Project Name:	Thomas Car Wash
Location:	6511 Preston Hwy.
Owner:	PNC Bank National Association
Applicant:	Eli and Alex Thomas
Representative:	Wyatt, Tarrant & Combs, LLP Land Design & Development, Inc.
Jurisdiction:	Louisville Metro
Council District:	2 – Barbara Shanklin
Case Manager:	David B. Wagner – Planner II

REQUEST

- Change in Zoning from R-4 and C-1 to C-1 to allow a Car Wash
- Variance of Land Development Code (LDC) Section 5.3.2.C.2.b to allow the required 25' side yard setback to be 0' along the adjacent property zoned R-4
- Waiver #1 of LDC Section 10.2.4 to waive the required 25' Landscape Buffer Area (LBA) along the adjacent property zoned R-4
- Waiver #2 of LDC Section 5.9.2 to waive the required pedestrian connection from the building to Fern Valley Road
- Detailed District Development Plan
- Binding Elements

CASE SUMMARY/BACKGROUND/SITE CONTEXT

The subject site sits close to the northeast corner of Preston Highway and Fern Valley Road. It is a flag lot that has frontage on both streets with the building facing Preston Highway. The site is surrounded by a college, offices, and commercial uses including a gas station, car sales, and an auto service business. The site is within an activity center at the intersection of two major arterial level roads.

On the site is an existing one story vacant bank with a detached drive-through service facility. There are two curb cuts for access from Preston Highway and one point of access from Fern Valley Road. The applicant proposes a 6,000 SF car wash on the site with one conveyor unit. Employees will be on site to supervise the facility. Although the surrounding sites are commercial in use, there are a few remaining R-4 zoned properties which cause the need for the Variance and Waiver for this proposal.

Existing Zoning District: R-4, Single Family Residential and C-1, Commercial
Proposed Zoning District: C-1, Commercial
Form District: Suburban Marketplace Corridor
Existing Use: Vacant Bank
Proposed Use: Car Wash
Minimum Parking Spaces Required: 29
Maximum Parking Spaces Allowed: 38

LAND USE/ZONING DISTRICT/FORM DISTRICT TABLE

	Land Use	Zoning	Form District
Subject Property			
Existing	Vacant Bank	R-4/C-1	SMC
Proposed	Car Wash	C-1	SMC
Surrounding Properties			
North	Auto Sales	C-2	SMC
South	Gas Station/Retail	R-4/C-1/C-2	SMC
East	Office/College	C-2	SMC
West	Office/Auto Service/Vacant	C-1	SMC

PREVIOUS CASES ON SITE

- Plat Book 4, Page 59: Wiggington Estate Subdivision

INTERESTED PARTY COMMENTS

- Staff has not received any inquiries from interested parties.

APPLICABLE PLANS AND POLICIES

Cornerstone 2020
Land Development Code

STANDARD OF REVIEW FOR REZONING AND FORM DISTRICT CHANGES

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

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 AND FORM DISTRICT CHANGES

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

The site is located in the 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.

Compliance with **Guideline 1 (Community Form)**, **Guideline 2 (Centers)** and **Guideline 3 (Compatibility)** has been found for this proposal. The proposal site lies at the corner of two major arterial level roads in the heart of an existing activity center and has frontage on both streets while facing Preston Highway. Surrounding development is entirely commercial with multiple abutting properties being zoned C-2. The existing bank on the site was a non-conforming use and this proposal brings the zoning of the lot to be in compliance with the commercial use. There is a transit route along Preston Highway and existing sidewalks which allow for access to the site by all modes of transportation. The existing access points will continue to be utilized and the applicant has described the location of potential future connections to adjoining lots if they are ever re-developed. Required landscaping and setbacks along the remaining R-4 zone common boundary will need waivers and variances, yet these portions of R-4 zoning are on lots that also have commercial zoning and commercial uses which would not require relief from the LDC if not for the R-4 portions. The site lies within the current boundary of the Suburban Marketplace Form District and will utilize existing infrastructure for access and utilities.

The proposal complies with **Guideline 4 (Open Space)** as there are no open space requirements for this proposal and there are no natural features to integrate into the development.

There are no natural areas or habitats to integrate on this site nor are there any historic landmarks. Therefore, the proposal complies with **Guideline 5 (Natural Areas and Scenic and Historic Resources)**.

The proposal complies with **Guideline 7 (Circulation)**, **Guideline 8 (Transportation Facility Design)**, and **Guideline 9 (Bicycle, Pedestrian and Transit)**. The applicant has provided adequate parking for the use, there is an appropriate amount of right-of-way dedicated, and proper cross connections with adjoining properties will be provided. The site does provide easy access by all forms of transportation and the existing street grid pattern will not be affected.

The proposal complies with **Guideline 10 (Flooding and Stormwater)**, **Guideline 12 (Air Quality)**, and **Guideline 14 (Infrastructure)** as MSD, the Louisville Water Company, and the Air Pollution Control District has approved the proposal and other utilities have not expressed any concerns.

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 VARIANCE
of LDC Section 5.3.2.C.2.b to allow the required 25' side yard
setback to be 0' along the adjacent property zoned R-4**

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

STAFF: The proposed redevelopment requires a 25' yard adjacent to the R-4 Single-Family Residential zoned portions of the adjacent properties to the south. Neither of these properties are used residentially, meaning a reduction in the required yard will not adversely affect the public health, safety or welfare.

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

STAFF: The proposed variance will not alter the essential character of the general vicinity because it will allow the existing yards (none) to remain. And the area of the variance is to the rear of the buildings that face Fern Valley Road and Preston Highway.

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

STAFF: The proposed variance will not cause a hazard or nuisance to the public because it will allow for the existing yards to remain and will allow for adequate access to the proposed redevelopment.

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

STAFF: The proposed variance will not allow an unreasonable circumvention of the requirements of the zoning regulation but will instead allow for the subject property to be redeveloped in spite of what must be non-conforming zoning and/or land uses on the properties to the south of the subject property.

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 variance arises from special circumstances that do not apply to other properties in the area. Rarely are residentially-zoned properties used commercially as the subject property and the adjacent properties to the south have been.

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 regulation will deprive the applicant of the reasonable use of the subject property. The R-4 Single-Family Residential district has a non-conforming use on the subject property or the adjacent properties to the south. Mandating a 25' buffer area be created because of the incorrect zoning of the properties to the south would create an unreasonable burden on the applicant.

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 the applicant has taken but are the result of an error either in the drawing of the zoning boundary or in the permitting of commercial uses on the subject properties for as many years as have passed since these properties began being so used.

**STANDARD OF REVIEW AND STAFF ANALYSIS FOR WAIVER #1
of LDC Section 10.2.4 to waive the required 25' LBA along the adjacent property zoned R-4**

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

STAFF: The waiver will not adversely affect adjoining property owners. There is no landscaping in the area of the request now and no buffer would be required if the zoning and use of the adjoining properties were consistent.

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

STAFF: The waiver will not violate the Comprehensive Plan as there is no landscaping in the area of the request now and no buffer would be required if the zoning and use of the adjoining properties were consistent. There does not need to be a transition area or buffering from adjoining properties that are being used as commercial properties though the property to the south is incorrectly zoned.

- (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 is the minimum necessary to afford relief to the applicant. The applicant is proposing to provide buffers where required and is providing interior landscaping and trees where none currently exist.

- (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 reasonable use of the land. The R-4 Single-Family Residential district has no place on the subject property or the adjacent properties to the south. Mandating a 25' buffer area be created because of the incorrect zoning of the properties to the south would create an unreasonable burden on the applicant.

**STANDARD OF REVIEW AND STAFF ANALYSIS FOR WAIVER #2
of LDC Section 5.9.2 to waive the required pedestrian connection from the building to Fern Valley Road**

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

STAFF: The waiver will not adversely affect adjoining property owners. There is no existing sidewalk connection to the existing vacant bank building. The applicant is providing a pedestrian connection to the other frontage of the property on Preston Highway, which is also very near to a TARC stop.

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

STAFF: The waiver will not violate the Comprehensive Plan for the reasons mentioned in the applicant's main justification statement and because the intent of the regulation is being met through the provided pedestrian connection on Preston Highway. The proposed use of the property is as auto-centric as any possible use, a car wash. Therefore, there should be little pedestrian traffic to the

subject property. Providing a connection near the TARC stop will allow employees who might not drive to the subject property a safe entrance.

- (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 is the minimum necessary to afford relief to the applicant. The applicant is proposing to provide the pedestrian connection at Preston Highway, where there is likely to be more pedestrian demand due to the presence of the TARC stop.

- (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 reasonable use of the land. In order to construct a pedestrian path from Fern Valley Road, the applicant would need to remove a section of the existing driveway and build a sidewalk adjacent to the commercial property to the south and east (Cirilla's) and would cause pedestrians to cross multiple driving lanes to get to a use that, ultimately, is unlikely to be visited by pedestrians.

STANDARD OF REVIEW AND STAFF ANALYSIS FOR DDDP AND BINDING ELEMENTS

- a. The conservation of natural resources on the property proposed for development, including: trees and other living vegetation, steep slopes, water courses, flood plains, soils, air quality, scenic views, and historic sites;

STAFF: The site has no natural resources to conserve as it has previously been developed.

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

STAFF: Safe and efficient vehicular and pedestrian transportation is provided by the sidewalks and the existing access points on both street frontages. Possible locations for cross-connectivity are provided around the site if adjoining properties are ever re-developed. Bicycle parking is being added to the site to assist cyclists in using the site.

- 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 proposal.

- 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 approved the drainage facilities for the site.

- 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 proposal is compatible with the surrounding area as it already is being used for myriad businesses, including automotive services and sales. The surrounding area is developed for other

commercial and institutional uses as well. Therefore, the buildings, parking lots, screening, and landscaping are appropriately located.

- 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 proposal conforms to the Comprehensive Plan and Land Development Code as Cornerstone 2020 encourages efficient land use and discourages development of vacant sites if existing commercial sites can be utilized.

TECHNICAL REVIEW

- With the exception of the required Variance and Waivers, the plan meets the requirements of the LDC.
- The LD&T Committee commented about the lack of a pedestrian connection from Fern Valley Road to the building entrance. The applicant has requested a Waiver of this requirement which has been listed on the plan. The Committee also requested that the median in the driveway at the Fern Valley Road entrance be a raised median. A raised median has been shown on the development plan.

STAFF CONCLUSIONS

Rezoning

For all the reasons stated in the Cornerstone 2020 staff checklist and the staff analysis of the rezoning, the proposed rezoning complies with all Guidelines of the Comprehensive Plan.

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.

Detailed District Development Plan, Binding Elements, Variance, and Waivers

Staff analysis in the standard of review section of the staff report indicates the proposed DDDP, Binding Elements, Variance, and Waivers are justified.

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 meets the standards for granting a DDDP, Binding Elements, Variance, and Waivers established in the Land Development Code.

Required Actions

- Based upon the information in the staff report, the testimony and evidence provided at the public hearing, the Planning Commission **RECOMMENDS** to Louisville Metro Council that the change in zoning from R-4, Single Family Residential and C-1, Commercial to C-1, Commercial, on property described in the attached legal description, be **APPROVED** or **DENIED**
- Based upon the information in the staff report, the testimony and evidence provided at the public hearing, the Planning Commission **APPROVES** or **DENIES** the Detailed District Development Plan, Binding Elements listed in the staff report
- Based upon the information in the staff report, the testimony and evidence provided at the public hearing, the Planning Commission **APPROVES** or **DENIES** the Variance listed in the staff report

- Based upon the information in the staff report, the testimony and evidence provided at the public hearing, the Planning Commission **APPROVES** or **DENIES** Waiver #1 listed in the staff report
- Based upon the information in the staff report, the testimony and evidence provided at the public hearing, the Planning Commission **APPROVES** or **DENIES** Waiver #2 listed in the staff report

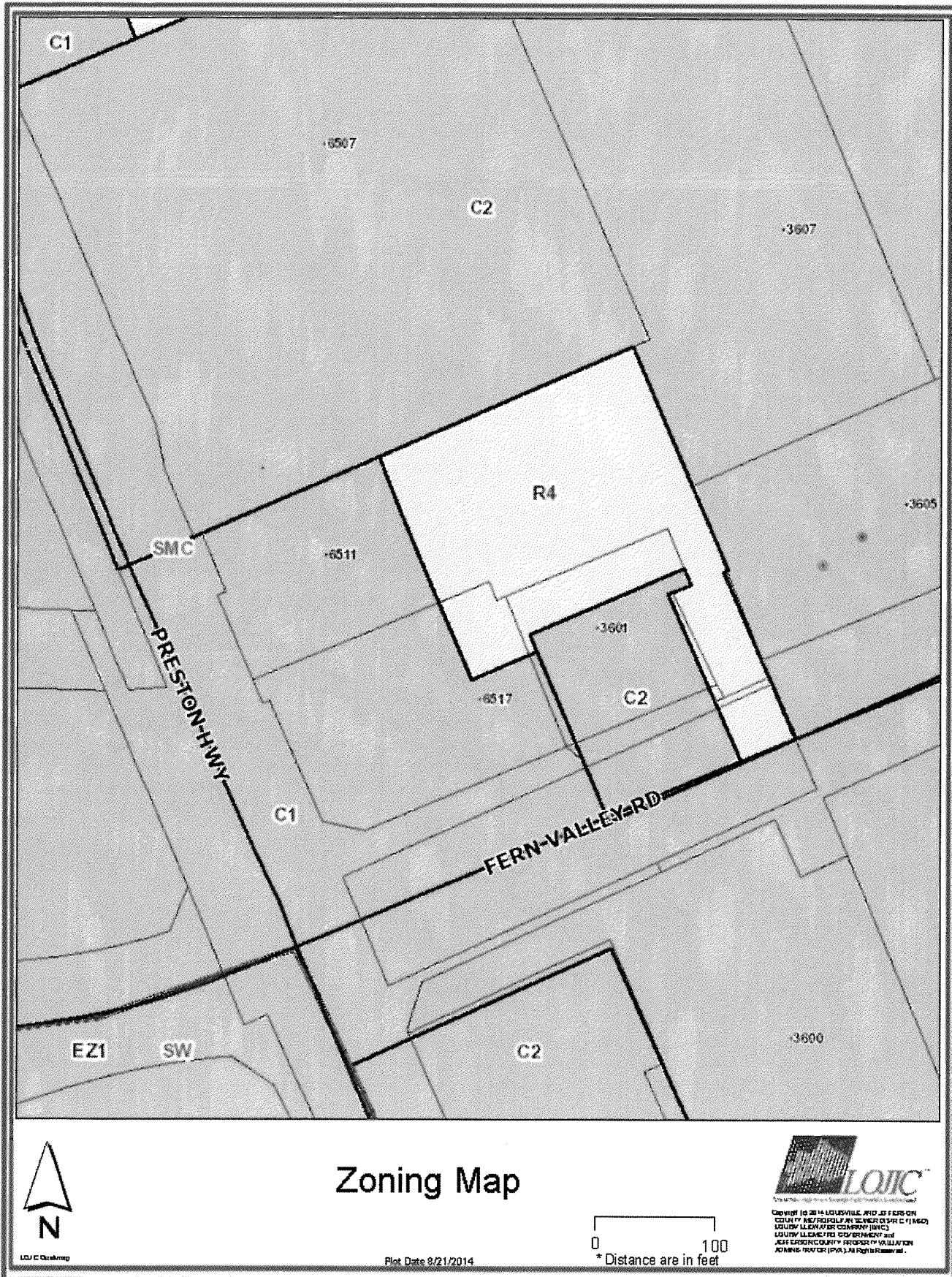
NOTIFICATION

Date	Purpose of Notice	Recipients
8/13/14	Hearing before LD&T	1 st and 2 nd tier adjoining property owners Subscribers to Council District 2 Notification of Development Proposals
9/3/14	Hearing before PC	1 st and 2 nd tier adjoining property owners Subscribers to Council District 2 Notification of Development Proposals
9/3/14	Hearing before PC	Sign Posting on property
9/6/14	Hearing before PC	Legal Advertisement in the Courier-Journal

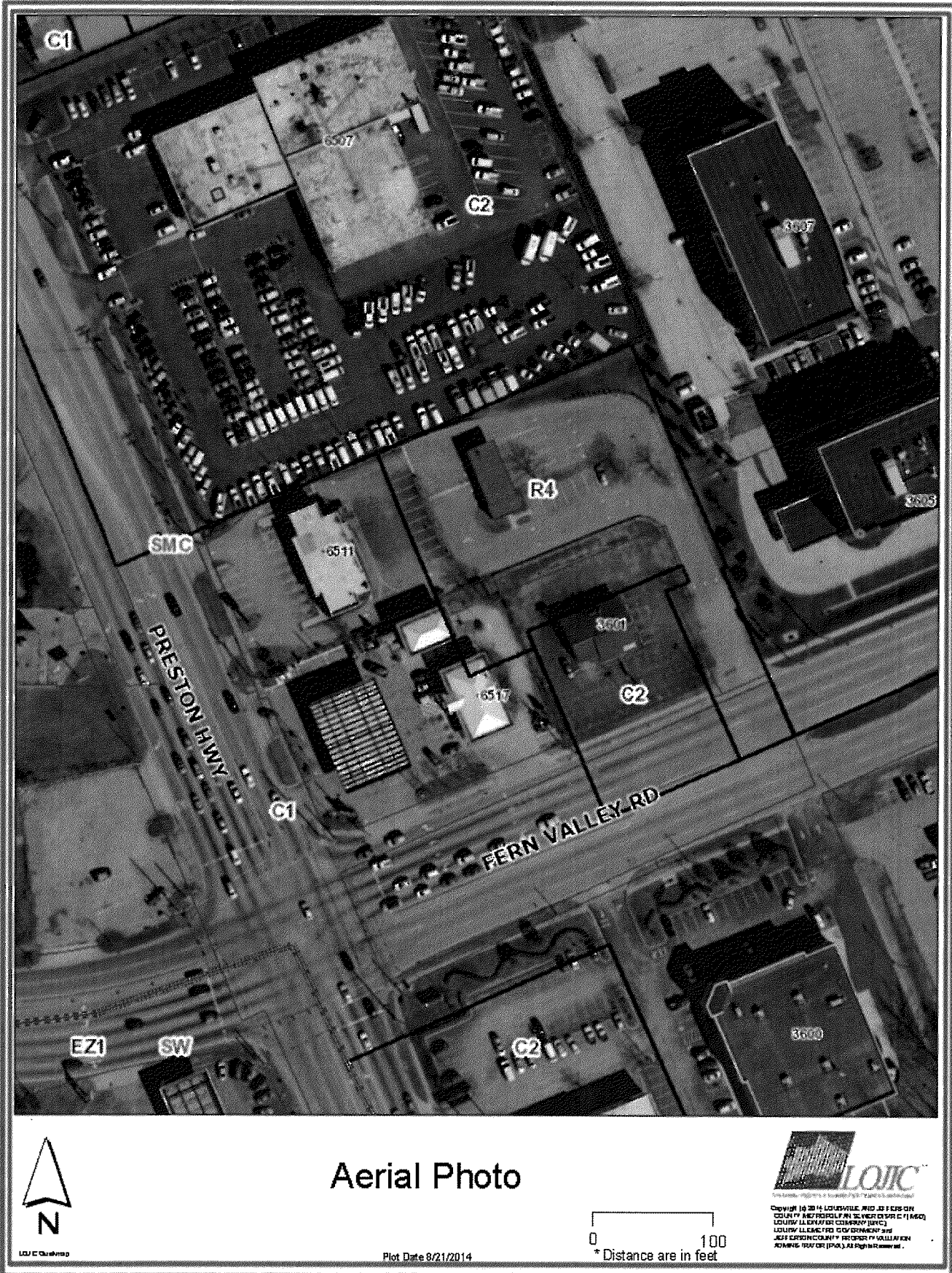
ATTACHMENTS

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

1. Zoning Map



2. Aerial Photograph



3. Proposed Binding Elements

1. The development shall be in accordance with the approved district development plan, all applicable sections of the Land Development Code (LDC) and agreed upon binding elements unless amended pursuant to the Land Development Code. Any changes/additions/alterations of any binding element(s) shall be submitted to the Planning Commission or the Planning Commission's designee for review and approval; any changes/additions/alterations not so referred shall not be valid.
2. Construction fencing shall be erected when off-site trees or tree canopy exists within 3' of a common property line. Fencing shall be in place prior to any grading or construction to protect the existing root systems from compaction. The fencing shall enclose the entire area beneath the tree canopy and shall remain in place until all construction is completed. No parking, material storage or construction activities are permitted within the protected area.
3. Before any permit (including but not limited to building, parking lot, change of use, site disturbance, 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. Encroachment permits must be obtained from the Kentucky Department of Transportation, Bureau of Highways.
 - c. The property owner/developer must obtain approval of a detailed plan for screening (buffering/landscaping) as described in Chapter 10 prior to requesting a building permit. Such plan shall be implemented prior to occupancy of the site and shall be maintained thereafter.
4. A certificate of occupancy must be received from the appropriate code enforcement department prior to occupancy of the structure or land for the proposed use. All binding elements requiring action and approval must be implemented prior to requesting issuance of the certificate of occupancy, unless specifically waived by the Planning Commission.
5. The applicant, developer, or property owner shall provide copies of these binding elements to tenants, purchasers, contractors, subcontractors and other parties engaged in development of this site and shall advise them of the content of these binding elements. These binding elements shall run with the land and the owner of the property and occupant of the property shall at all times be responsible for compliance with these binding elements. At all times during development of the site, the applicant and developer, their heirs, successors; and assignees, contractors, subcontractors, and other parties engaged in development of the site, shall be responsible for compliance with these binding elements.
6. The materials and design of proposed structures shall be substantially the same as depicted in the rendering as presented at the September 18, 2014 Planning Commission meeting.
7. Upon development or redevelopment of abutting properties, a unified access and circulation system shall be developed to eliminate preexisting curb cuts and provide for vehicular movement throughout abutting sites as determined appropriate by the Department of Public Works. A cross access agreement to run with the land and in a form acceptable to the Planning Commission legal counsel shall be recorded prior to the time of construction approval for the abutting property to be developed.

4. Cornerstone 2020 Staff Checklist

- + Exceeds Guideline
- √ Meets Guideline
- +/- More Information Needed

- Does Not Meet Guideline
 NA Not Applicable

#	Cornerstone 2020 Plan Element	Plan Element or Portion of Plan Element	Pre-App Finding	Pre-App 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 for a car wash integrates well into the pattern of development as there are three auto-oriented businesses adjoining this site. There is also a mixture of less intense uses around the area of proposal.
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.	√	The proposal provides accommodations for transit users, pedestrians and bicyclists and provides connectivity to adjacent developments because there are sidewalks and access points along both streets. The proposal will need to provide connections to the gas station and car sales lot.
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.	√	The proposal will use the existing curb cuts and provide the required parking, signs, and landscaping to be compatible with surrounding uses which are more intense.
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.	NA	The proposal is not a residential development and there are no surrounding residential densities with which to be compatible.
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 located within the boundaries of the existing form district.
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.	NA	The proposal is not for a new activity center.
7	Community Form/Land Use Guideline 2: Centers	A.3: The proposed retail commercial development is located in an area that has a sufficient population to support it.	NA	The proposal is not for a new retail commercial development.
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 is compact and results in an efficient land use pattern and cost-effective infrastructure investment because it will re-use the existing infrastructure on the site.
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.	NA	The proposal is not for a new activity center.
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	The proposal is one story and cannot include residential or office uses above commercial retail development.
11	Community Form/Land Use Guideline 2: Centers	A.12: If the proposal is a large development in a center, it is designed to be compact and multi-purpose, and is oriented around a central feature such as a public square or plaza or landscape element.	NA	The proposal is not a large development in a new activity center.
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,	√	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.

#	Cornerstone 2020 Plan Element	Plan Element or Portion of Plan Element	Pre-App Finding	Pre-App Comments
		environmental and aesthetic concerns.		
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.	√	The proposed development is compact and results in an efficient land use pattern and cost-effective infrastructure investment because it will re-use the existing infrastructure on the site.
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.	√	The proposal provides accommodations for transit users, pedestrians and bicyclists and provides connectivity to adjacent developments because there are sidewalks and access points along both streets. There is a transit route along Preston Highway.
15	Community Form/Land Use Guideline 3: Compatibility	A.2: The proposed building materials increase the new development's compatibility.	√	The proposed building materials increase the new development's compatibility.
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.	√	The proposal does not constitute a non-residential expansion into an existing residential area because the property is surrounded by commercial uses.
17	Community Form/Land Use Guideline 3: Compatibility	A.5: The proposal mitigates any potential odor or emissions associated with the development.	√	The APCD has approved the proposal.
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 proposal mitigates any adverse impacts of its associated traffic on nearby existing communities as it uses existing curb cuts and will provide cross connectivity to adjacent sites.
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.	√	The proposal will comply with all lighting regulations.
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 located along a transit corridor and in an activity center.
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 surrounding development has uses that are a higher intensity. All landscaping, building design, and setback requirements will be met.
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.	NA	The proposal is for a compatible development with adjacent properties. Therefore, very little buffering will be required as there will be few adverse impacts on surrounding properties.
23	Community Form/Land Use Guideline 3: Compatibility	A.23: Setbacks, lot dimensions and building heights are compatible with those of nearby developments that meet form district standards.	√	The surrounding development has uses that are a higher intensity. All landscaping, building design, and setback requirements will be met.
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.	NA	The proposal is for a compatible development with adjacent properties. Therefore, very little buffering will be required as there will be few adverse impacts on surrounding properties.

#	Cornerstone 2020 Plan Element	Plan Element or Portion of Plan Element	Pre-App Finding	Pre-App Comments
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.	√	The proposal includes screening and buffering of parking and circulation areas adjacent to 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 garages are proposed on the site.
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.	√	The proposal will comply with all sign regulations.
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 is not required for this proposal.
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	Open space is not required for this proposal.
30	Community Form/Land Use Guideline 4: Open Space	A.5: The proposal integrates natural features into the pattern of development.	NA	There are no natural features to integrate into the pattern of development.
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.	NA	There are no natural features to integrate into the pattern of development.
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.	NA	The proposal is not located on a historic site nor does it have any registered landmarks.
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.	NA	There are no natural features to integrate into the pattern of development.
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	The proposal site is not located within the downtown area.
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.	NA	The proposal is not for industrial use.
36	Marketplace Guideline 6: Economic Growth and Sustainability	A.6: Locate retail commercial development in activity centers. Locate uses generating large amounts of traffic on a major arterial, at the intersection of two minor arterials or at locations with good access to a major arterial and where the proposed use will not adversely affect adjacent areas.	√	The proposal will be located in an activity center and at the intersection of two major arterial level streets. Since there are three surrounding auto service uses, there will be no adverse impacts on adjacent properties.
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	NA	The proposal is not for industrial use.

#	Cornerstone 2020 Plan Element	Plan Element or Portion of Plan Element	Pre-App Finding	Pre-App Comments
		arterial street.		
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.	√	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.
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.	√	The proposal provides accommodations for transit users, pedestrians and bicyclists and provides connectivity to adjacent developments because there are sidewalks and access points along both streets.
40	Mobility/Transportation Guideline 7: Circulation	A.6: The proposal's transportation facilities are compatible with and support access to surrounding land uses, and contribute to the appropriate development of adjacent lands. The proposal includes at least one continuous roadway through the development, adequate street stubs, and relies on cul-de-sacs only as short side streets or where natural features limit development of "through" roads.	√	The proposal's transportation facilities are compatible with and support access to surrounding land uses. Cross access will be provided with adjacent properties.
41	Mobility/Transportation Guideline 7: Circulation	A.9: The proposal includes the dedication of rights-of-way for street, transit corridors, bikeway and walkway facilities within or abutting the development.	√	The proposal includes the dedication of rights-of-way for street, transit corridors, bikeway and walkway facilities within or abutting the development.
42	Mobility/Transportation Guideline 7: Circulation	A.10: The proposal includes adequate parking spaces to support the use.	√	The proposal includes adequate parking spaces to support the use.
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.	√	The proposal's transportation facilities are compatible with and support access to surrounding land uses. Cross access will be provided with adjacent properties.
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.	√	The proposal's transportation facilities are compatible with and support access to surrounding land uses. Cross access will be provided with adjacent properties.
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.	√	No access to development through areas of significantly lower intensity will occur.
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.	√	The proposal's transportation facilities are compatible with and support access to surrounding land uses. Cross access will be provided with adjacent properties.
47	Mobility/Transportation Guideline 9: Bicycle, Pedestrian and Transit	A.1/2: The proposal provides, where appropriate, for the movement of pedestrians, bicyclists and transit users around and through the development, provides bicycle and pedestrian connections to adjacent developments and to transit stops, and is appropriately located for its density and intensity.	√	The proposal provides accommodations for transit users, pedestrians and bicyclists and provides connectivity to adjacent developments because there are sidewalks and access points along both streets. The proposal will be appropriately located in an activity center and at the intersection of two major arterial level streets.
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 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 approved the proposal.

#	Cornerstone 2020 Plan Element	Plan Element or Portion of Plan Element	Pre-App Finding	Pre-App Comments
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.	√	The APCD has approved the proposal.
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.	NA	There are no natural features to integrate into the pattern of development.
51	Community Facilities Guideline 14: Infrastructure	A.2: The proposal is located in an area served by existing utilities or planned for utilities.	√	The proposal will utilize existing utilities.
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.	√	The LWC and Louisville FD have approved the proposal.
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.	√	MSD has approved the proposal.

Land Development and Transportation Committee
Staff Report
August 28, 2014



Case No:	14ZONE1021
Request:	Change in Zoning from R-4, Single Family Residential and C-1, Commercial to C-1, Commercial, Detailed District Development Plan and Binding Elements, Variances, and Waivers
Project Name:	Thomas Car Wash
Location:	6511 Preston Hwy.
Owner:	PNC Bank National Association
Applicant:	Eli and Alex Thomas
Representative:	Wyatt, Tarrant & Combs, LLP Land Design & Development, Inc.
Jurisdiction:	Louisville Metro
Council District:	2 – Barbara Shanklin
Case Manager:	David B. Wagner – Planner II

REQUEST

- Change in Zoning from R-4 and C-1 to C-1 to allow a Car Wash
- Variance of Land Development Code (LDC) Section 5.3.2.C.2.b to allow the required 25' side yard setback to be 0' along the adjacent property zoned R-4
- Waiver of LDC Section 10.2.4 to waive the required 25' Landscape Buffer Area (LBA) along the adjacent property zoned R-4
- Detailed District Development Plan
- Binding Elements

CASE SUMMARY/BACKGROUND/SITE CONTEXT

The subject site sits close to the northeast corner of Preston Highway and Fern Valley Road. It is a flag lot that has frontage on both streets with the building facing Preston Highway. The site is surrounded by a college, offices, and commercial uses including a gas station, car sales, and an auto service business. The site is within an activity center at the intersection of two major arterial level roads.

On the site is an existing one story vacant bank with a detached drive-through service facility. There are two curb cuts for access from Preston Highway and one point of access from Fern Valley Road. The applicant proposes a 6,000 SF car wash on the site with one conveyor unit. Employees will be on site to supervise the facility. Although the surrounding sites are commercial in use, there are a few remaining R-4 zoned properties which cause the need for the Variance and Waiver for this proposal.

Existing Zoning District: R-4, Single Family Residential and C-1, Commercial

Proposed Zoning District: C-1, Commercial

Form District: Suburban Marketplace Corridor

Existing Use: Vacant Bank

Proposed Use: Car Wash

Minimum Parking Spaces Required: 29

Maximum Parking Spaces Allowed: 38

Parking Spaces Proposed: 33

LAND USE/ZONING DISTRICT/FORM DISTRICT TABLE

	Land Use	Zoning	Form District
Subject Property			
Existing	Vacant Bank	R-4/C-1	SMC
Proposed	Car Wash	C-1	SMC
Surrounding Properties			
North	Auto Sales	C-2	SMC
South	Gas Station/Retail	R-4/C-1/C-2	SMC
East	Office/College	C-2	SMC
West	Office/Auto Service/Vacant	C-1	SMC

PREVIOUS CASES ON SITE

- Plat Book 4, Page 59: Wiggington Estate Subdivision

APPLICABLE PLANS AND POLICIES

Cornerstone 2020
Land Development Code

STANDARD OF REVIEW FOR REZONING AND FORM DISTRICT CHANGES

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

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 AND FORM DISTRICT CHANGES

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

The site is located in the 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 final analysis of the proposal against the Comprehensive Plan will be done prior to the public hearing.

TECHNICAL REVIEW

- With the exception of the required Variance and Waiver, the plan meets the requirements of the LDC.

STAFF CONCLUSIONS

A public hearing date is ready to be set.

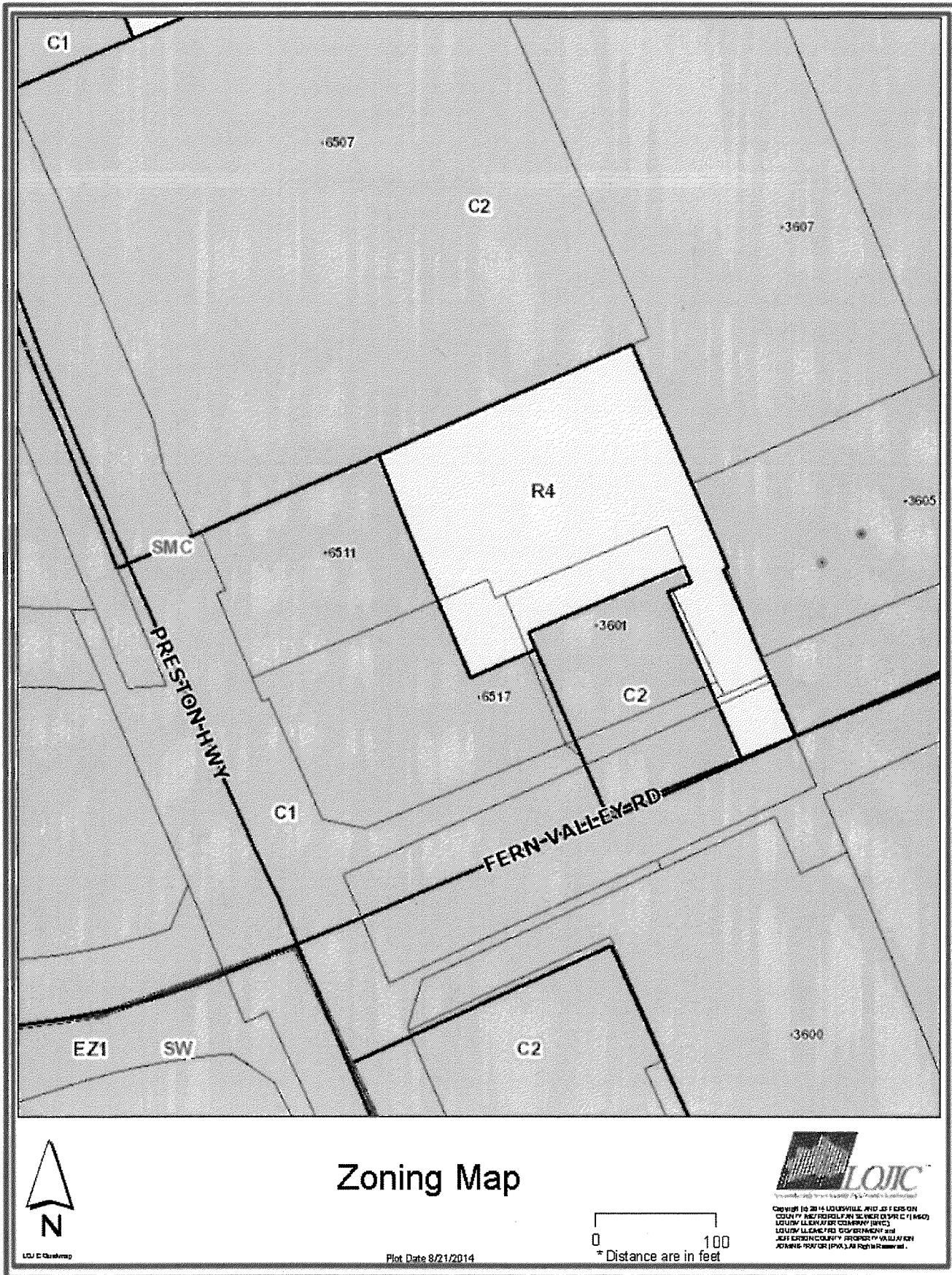
NOTIFICATION

Date	Purpose of Notice	Recipients
8/13/14	Hearing before LD&T	1 st and 2 nd tier adjoining property owners Subscribers to Council District 2 Notification of Development Proposals

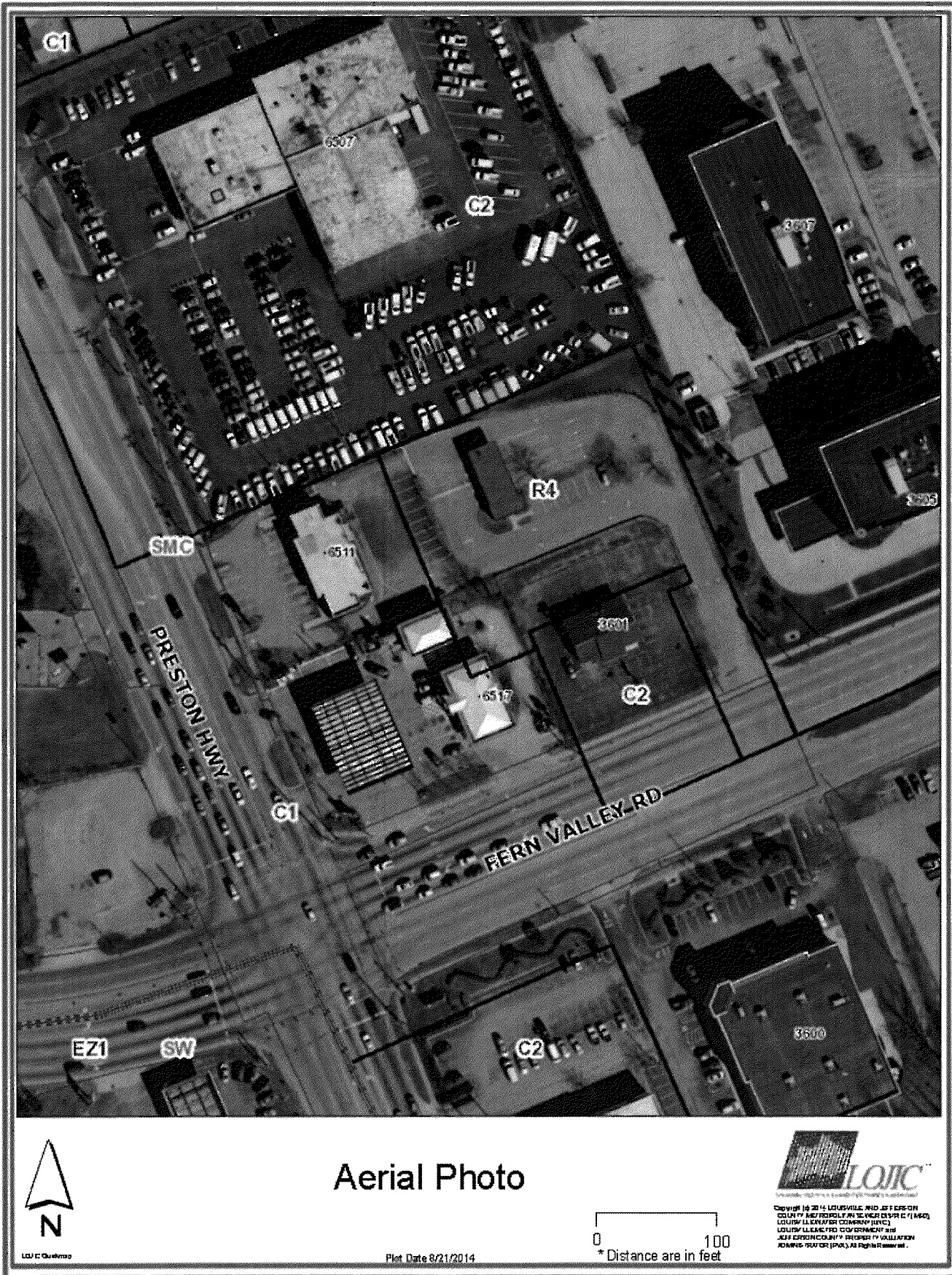
ATTACHMENTS

1. Zoning Map
2. Aerial Photograph
3. Proposed Binding Elements

1. Zoning Map



2. Aerial Photograph



3. Proposed Binding Elements

1. The development shall be in accordance with the approved district development plan, all applicable sections of the Land Development Code (LDC) and agreed upon binding elements unless amended pursuant to the Land Development Code. Any changes/additions/alterations of any binding element(s) shall be submitted to the Planning Commission or the Planning Commission's designee for review and approval; any changes/additions/alterations not so referred shall not be valid.
2. Construction fencing shall be erected when off-site trees or tree canopy exists within 3' of a common property line. Fencing shall be in place prior to any grading or construction to protect the existing root systems from compaction. The fencing shall enclose the entire area beneath the tree canopy and shall remain in place until all construction is completed. No parking, material storage or construction activities are permitted within the protected area.
3. Before any permit (including but not limited to building, parking lot, change of use, site disturbance, 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. Encroachment permits must be obtained from the Kentucky Department of Transportation, Bureau of Highways.
 - c. The property owner/developer must obtain approval of a detailed plan for screening (buffering/landscaping) as described in Chapter 10 prior to requesting a building permit. Such plan shall be implemented prior to occupancy of the site and shall be maintained thereafter.
4. A certificate of occupancy must be received from the appropriate code enforcement department prior to occupancy of the structure or land for the proposed use. All binding elements requiring action and approval must be implemented prior to requesting issuance of the certificate of occupancy, unless specifically waived by the Planning Commission.
5. The applicant, developer, or property owner shall provide copies of these binding elements to tenants, purchasers, contractors, subcontractors and other parties engaged in development of this site and shall advise them of the content of these binding elements. These binding elements shall run with the land and the owner of the property and occupant of the property shall at all times be responsible for compliance with these binding elements. At all times during development of the site, the applicant and developer, their heirs, successors; and assignees, contractors, subcontractors, and other parties engaged in development of the site, shall be responsible for compliance with these binding elements.
6. The materials and design of proposed structures shall be substantially the same as depicted in the rendering as presented at the _____ Planning Commission meeting.
7. Upon development or redevelopment of abutting properties, a unified access and circulation system shall be developed to eliminate preexisting curb cuts and provide for vehicular movement throughout abutting sites as determined appropriate by the Department of Public Works. A cross access agreement to run with the land and in a form acceptable to the Planning Commission legal counsel shall be recorded prior to the time of construction approval for the abutting property to be developed.

Pre-Application Staff Report

April 30, 2014



Case No:	14ZONE1021
Request:	Re-zoning from R-4 to C-1 for a Car Wash, Variances, Waivers, Detailed District Development Plan, and Binding Elements
Project Name:	Thomas Car Wash
Location:	6511 Preston Hwy.
Owner:	PNC Bank National Association
Applicant:	Eli and Alex Thomas
Representative:	Wyatt, Tarrant & Combs, LLP Land Design & Development, Inc.
Jurisdiction:	Louisville Metro
Council District:	2 – Barbara Shanklin
Case Manager:	David B. Wagner – Planner II

REQUEST

- Change in zoning from R-4 to C-1 to allow a Car Wash
- Variances
- Waivers
- Detailed District Development Plan
- Binding Elements

CASE SUMMARY/BACKGROUND/SITE CONTEXT

The subject site sits close to the northeast corner of Preston Highway and Fern Valley Road. It is a flag lot that has frontage on both streets with the building facing Preston Highway. The site is surrounded by a college, offices, and commercial uses including a gas station, car sales, and an auto service business. The site is within an activity center at the intersection of two major arterial level roads.

On the site is an existing one story vacant bank with a detached drive-through service facility. There are two curb cuts for access from Preston Highway and one point of access from Fern Valley Road. The applicant proposes a 6,000 SF car wash on the site with one conveyor unit. Employees will be on site to supervise the facility. Although the surrounding sites are commercial in use, there are a few remaining R-4 zoned property which causes the need for variances and waivers for this proposal.

Existing Zoning District: R-4, Single Family Residential and C-1, Commercial

Proposed Zoning District: C-1, Commercial

Form District: Suburban Marketplace Corridor

Existing Use: Vacant Bank

Proposed Use: Car Wash

Minimum Parking Spaces Required: TBD

Maximum Parking Spaces Allowed: TBD

Parking Spaces Proposed: TBD

LAND USE/ZONING DISTRICT/FORM DISTRICT TABLE

	Land Use	Zoning	Form District
Subject Property			
Existing	Vacant Bank	R-4/C-1	SMC
Proposed	Car Wash	C-1	SMC
Surrounding Properties			
North	Auto Sales	C-2	SMC
South	Gas Station/Retail	R-4/C-1/C-2	SMC
East	Office/College	C-2	SMC
West	Office/Auto Service/Vacant	C-1	SMC

PREVIOUS CASES ON SITE

- Plat Book 4, Page 59: Wiggington Estate Subdivision

APPLICABLE PLANS AND POLICIES

Cornerstone 2020
Land Development Code

STANDARD OF REVIEW FOR REZONING AND FORM DISTRICT CHANGES

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

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 AND FORM DISTRICT CHANGES

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

The site is located in the 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.

Compliance with **Guideline 1 (Community Form)**, **Guideline 2 (Centers)** and **Guideline 3 (Compatibility)** has been found for this proposal. The proposal site lies at the corner of two major arterial level roads in the heart of an existing activity center and has frontage on both streets while facing Preston Highway. Surrounding development is entirely commercial with multiple abutting properties being zoned C-2. The existing bank on the site was a non-conforming use and this proposal brings the zoning of the lot to be in compliance with the commercial use. There is a transit route along Preston Highway and existing sidewalks which allow for access to the site by all modes of transportation. The existing access points will continue to be utilized yet the applicant will need to describe the location of potential future connections to adjoining lots if they are ever re-developed. Required landscaping and setbacks along the remaining R-4 zone common boundary will need waivers and variances, yet these portions of R-4 zoning are on lots that also have commercial zoning and commercial uses which would not require relief from the LDC if not for the R-4 portions. The site lies within the current boundary of the Suburban Marketplace Form District and will utilize existing infrastructure for access and utilities.

The proposal complies with **Guideline 4 (Open Space)** as there are no open space requirements for this proposal and there are no natural features to integrate into the development.

There are no natural areas or habitats to integrate on this site nor are there any historic landmarks. Therefore, the proposal complies with **Guideline 5 (Natural Areas and Scenic and Historic Resources)**.

The proposal complies with **Guideline 7 (Circulation)**, **Guideline 8 (Transportation Facility Design)**, and **Guideline 9 (Bicycle, Pedestrian and Transit)**. The applicant will need to address whether adequate parking is provided for the use, appropriate right-of-way is dedicated, and proper cross connections with adjoining properties will be provided. The site does, however, provide easy access by all forms of transportation and the existing street grid pattern will not be affected.

The proposal complies with **Guideline 10 (Flooding and Stormwater)**, **Guideline 12 (Air Quality)**, and **Guideline 14 (Infrastructure)** as MSD, the Louisville Water Company, and the Air Pollution Control District has approved the proposal and other utilities have not expressed any concerns.

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.

TECHNICAL REVIEW

Property Perimeter Landscape Buffer Areas – Chapter 10.2.4 of the LDC

- C-1 (Class 4) to R-4 (Class 1)

LBA Type	Width (feet)	Planting Density Multiplier ²	Planting Density Requirement (per 100 linear feet)
C.4	15 ¹ ft	1.5	3 Large or Medium trees Plus 8 foot screen
	25 ft	1.5	
	35 ft	1	

¹ This option is only available in the Traditional Neighborhood, Traditional Workplace and Traditional Marketplace Corridor Form Districts.

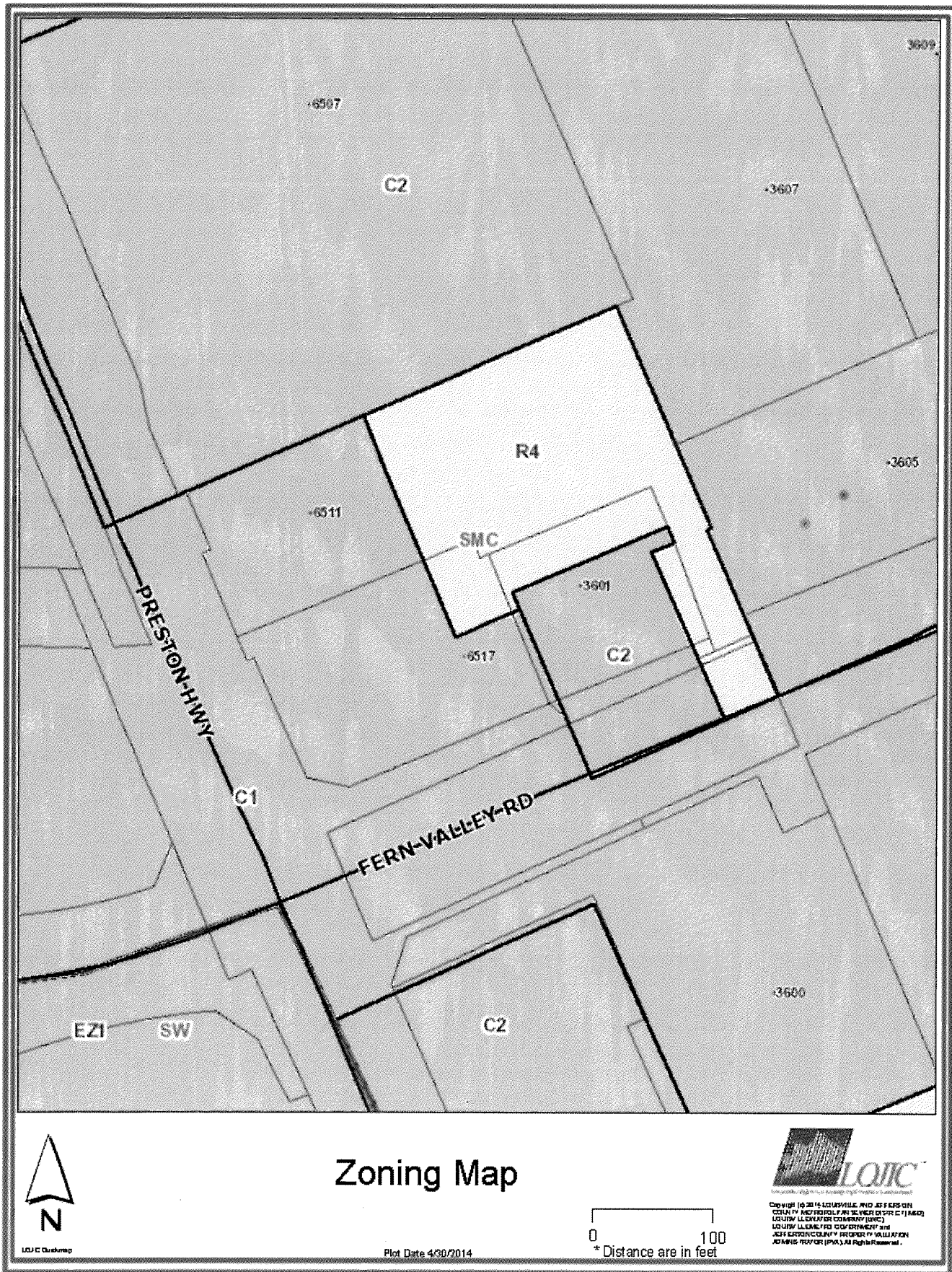
² The Planting Density Multiplier allows for a reduction in the size of Landscape Buffer Areas with a provision of an increased number of trees to offset the reduction in buffer width. (A “2” multiplier requires twice the number of trees to be planted as required in Table 10.2.4.)

Screens specified in Table 10.2.4 shall consist of shrubs, fences, berms or walls, individually or in combination, that meet the requirements outlined in Part 4, Implementation Standards. Evergreen tree plantings can be substituted for landscape material specified in Table 10.2.4, placement and species to be approved by Planning Commission staff to ensure an effective screen. The planting density multiplier (Table 10.2.3) does not apply to the minimum screen height established in Table 10.2.4.

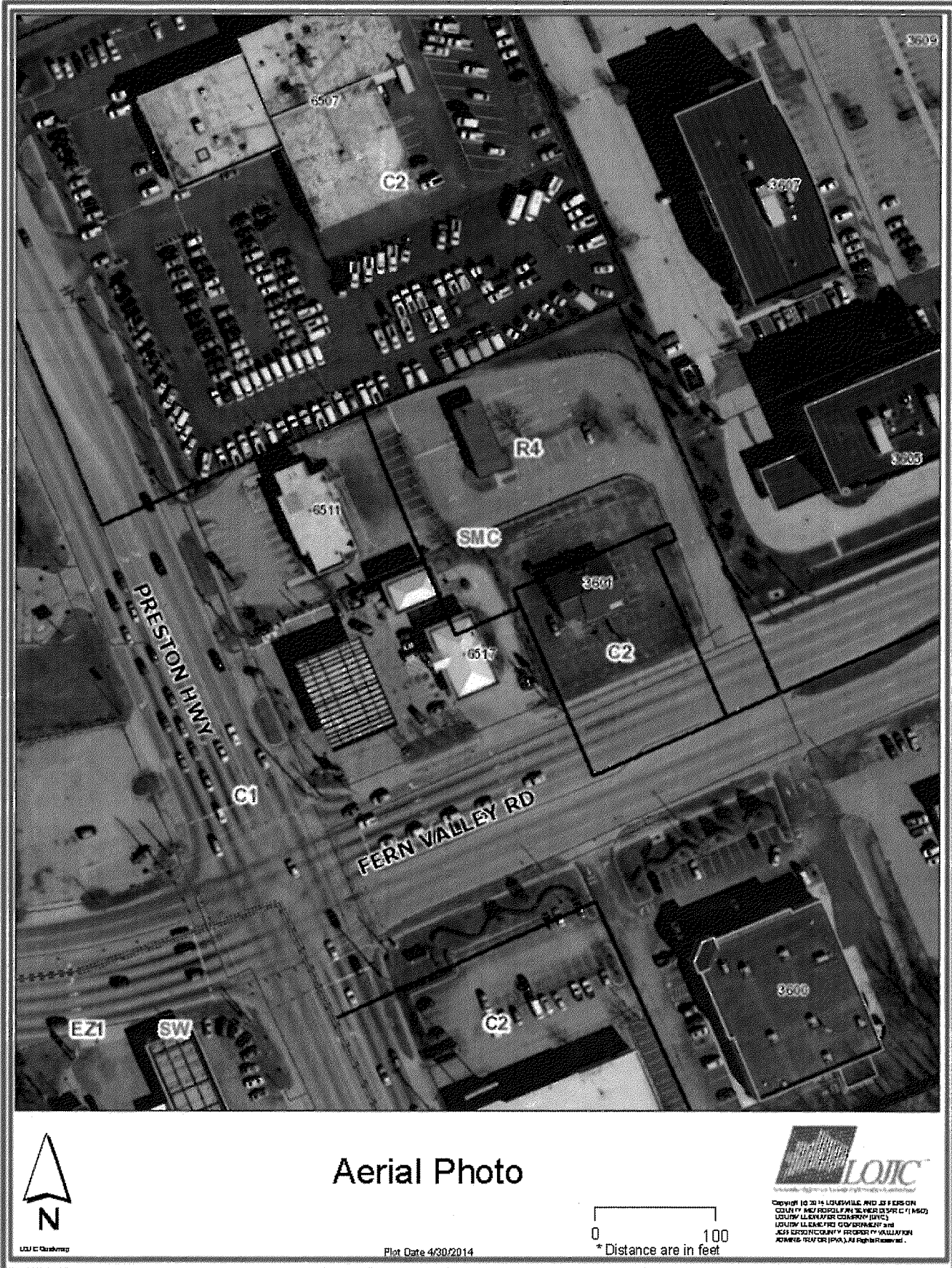
ATTACHMENTS

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

1. Zoning Map



2. Aerial Photograph



3. Cornerstone 2020 Staff Checklist

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

#	Cornerstone 2020 Plan Element	Plan Element or Portion of Plan Element	Pre-App Finding	Pre-App 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 for a car wash integrates well into the pattern of development as there are three auto-oriented businesses adjoining this site. There is also a mixture of less intense uses around the area of proposal.
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.	√	The proposal provides accommodations for transit users, pedestrians and bicyclists and provides connectivity to adjacent developments because there are sidewalks and access points along both streets. The proposal will need to provide connections to the gas station and car sales lot.
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.	√	The proposal will use the existing curb cuts and provide the required parking, signs, and landscaping to be compatible with surrounding uses which are more intense.
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.	NA	The proposal is not a residential development and there are no surrounding residential densities with which to be compatible.
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 located within the boundaries of the existing form district.
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.	NA	The proposal is not for a new activity center.
7	Community Form/Land Use Guideline 2: Centers	A.3: The proposed retail commercial development is located in an area that has a sufficient population to support it.	NA	The proposal is not for a new retail commercial development.
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 is compact and results in an efficient land use pattern and cost-effective infrastructure investment because it will re-use the existing infrastructure on the site.
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.	NA	The proposal is not for a new activity center.
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	The proposal is one story and cannot include residential or office uses above commercial retail development.
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	NA	The proposal is not a large development in a new activity center.

#	Cornerstone 2020 Plan Element	Plan Element or Portion of Plan Element	Pre-App Finding	Pre-App Comments
		such as a public square or plaza or landscape element.		
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 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.
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.	√	The proposed development is compact and results in an efficient land use pattern and cost-effective infrastructure investment because it will re-use the existing infrastructure on the site.
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.	√	The proposal provides accommodations for transit users, pedestrians and bicyclists and provides connectivity to adjacent developments because there are sidewalks and access points along both streets. There is a transit route along Preston Highway.
15	Community Form/Land Use Guideline 3: Compatibility	A.2: The proposed building materials increase the new development's compatibility.	+/-	More information is needed to determine compliance with this element.
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.	√	The proposal does not constitute a non-residential expansion into an existing residential area because the property is surrounded by commercial uses.
17	Community Form/Land Use Guideline 3: Compatibility	A.5: The proposal mitigates any potential odor or emissions associated with the development.	√	The APCD has approved the proposal.
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 proposal mitigates any adverse impacts of its associated traffic on nearby existing communities as it uses existing curb cuts and will provide cross connectivity to adjacent sites.
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.	√	The proposal will comply with all lighting regulations.
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 located along a transit corridor and in an activity center.
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 surrounding development has uses that are a higher intensity. All landscaping, building design, and setback requirements will be met.
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.	NA	The proposal is for a compatible development with adjacent properties. Therefore, very little buffering will be required as there will be few adverse impacts on surrounding properties.
23	Community Form/Land Use Guideline 3: Compatibility	A.23: Setbacks, lot dimensions and building heights are compatible with those of nearby developments that meet form district standards.	√	The surrounding development has uses that are a higher intensity. All landscaping, building design, and setback requirements will be met.
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	NA	The proposal is for a compatible development with adjacent properties. Therefore, very little buffering will be required as there will be few adverse impacts on surrounding properties.

#	Cornerstone 2020 Plan Element	Plan Element or Portion of Plan Element	Pre-App Finding	Pre-App Comments
		potential impacts, and that these areas are located to avoid negatively impacting motorists, residents and pedestrians.		
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.	√	The proposal includes screening and buffering of parking and circulation areas adjacent to 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 garages are proposed on the site.
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.	√	The proposal will comply with all sign regulations.
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 is not required for this proposal.
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	Open space is not required for this proposal.
30	Community Form/Land Use Guideline 4: Open Space	A.5: The proposal integrates natural features into the pattern of development.	NA	There are no natural features to integrate into the pattern of development.
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.	NA	There are no natural features to integrate into the pattern of development.
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.	NA	The proposal is not located on a historic site nor does it have any registered landmarks.
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.	NA	There are no natural features to integrate into the pattern of development.
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	The proposal site is not located within the downtown area.
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.	NA	The proposal is not for industrial use.
36	Marketplace Guideline 6: Economic Growth and Sustainability	A.6: Locate retail commercial development in activity centers. Locate uses generating large amounts of traffic on a major arterial, at the intersection of two minor arterials or at locations with good access to a major arterial and where the proposed use will not adversely affect adjacent areas.	√	The proposal will be located in an activity center and at the intersection of two major arterial level streets. Since there are three surrounding auto service uses, there will be no adverse impacts on adjacent properties.

#	Cornerstone 2020 Plan Element	Plan Element or Portion of Plan Element	Pre-App Finding	Pre-App 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.	NA	The proposal is not for industrial use.
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.	√	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.
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.	√	The proposal provides accommodations for transit users, pedestrians and bicyclists and provides connectivity to adjacent developments because there are sidewalks and access points along both streets.
40	Mobility/Transportation Guideline 7: Circulation	A.6: The proposal's transportation facilities are compatible with and support access to surrounding land uses, and contribute to the appropriate development of adjacent lands. The proposal includes at least one continuous roadway through the development, adequate street stubs, and relies on cul-de-sacs only as short side streets or where natural features limit development of "through" roads.	√	The proposal's transportation facilities are compatible with and support access to surrounding land uses. Cross access will be provided with adjacent properties.
41	Mobility/Transportation Guideline 7: Circulation	A.9: The proposal includes the dedication of rights-of-way for street, transit corridors, bikeway and walkway facilities within or abutting the development.	√	The proposal includes the dedication of rights-of-way for street, transit corridors, bikeway and walkway facilities within or abutting the development.
42	Mobility/Transportation Guideline 7: Circulation	A.10: The proposal includes adequate parking spaces to support the use.	√	The proposal includes adequate parking spaces to support the use.
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.	√	The proposal's transportation facilities are compatible with and support access to surrounding land uses. Cross access will be provided with adjacent properties.
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.	√	The proposal's transportation facilities are compatible with and support access to surrounding land uses. Cross access will be provided with adjacent properties.
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.	√	No access to development through areas of significantly lower intensity will occur.
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.	√	The proposal's transportation facilities are compatible with and support access to surrounding land uses. Cross access will be provided with adjacent properties.
47	Mobility/Transportation Guideline 9: Bicycle, Pedestrian and Transit	A.1/2: The proposal provides, where appropriate, for the movement of pedestrians, bicyclists and transit users around and through the development, provides bicycle and pedestrian connections to adjacent developments and to transit stops, and is appropriately located for its density and intensity.	√	The proposal provides accommodations for transit users, pedestrians and bicyclists and provides connectivity to adjacent developments because there are sidewalks and access points along both streets. The proposal will be appropriately located in an activity center and at the intersection of two major arterial level streets.
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 blue line streams are protected through a vegetative buffer.	√	MSD has approved the proposal.

#	Cornerstone 2020 Plan Element	Plan Element or Portion of Plan Element	Pre-App Finding	Pre-App Comments
		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.		
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.	√	The APCD has approved the proposal.
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.	NA	There are no natural features to integrate into the pattern of development.
51	Community Facilities Guideline 14: Infrastructure	A.2: The proposal is located in an area served by existing utilities or planned for utilities.	√	The proposal will utilize existing utilities.
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.	√	The LWC and Louisville FD have approved the proposal.
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.	√	MSD has approved the proposal.