Planning Commission
Staff Report
November 20th, 2014

Case No:	**14ZONE1029**
Request:	**Change in Zoning from R-7 to C-1; Variance and Land Development Code Waivers**
Project Name:	**Dollar General**
Location:	**1201 Dixie Highway**
Owner:	**The Harold and Sue Smith Living Trust Hoagland Real Estate, LLC**
Applicant:	**Susan Cox Development, LLC**
Representative:	**Deborah Bilitski**
Jurisdiction:	**Louisville**
Council District:	**6 – David James**
Case Manager:	**Christopher Brown, Planner II**

REQUEST

- Change in zoning from R-7 to C-1
- Variance #1: Variance from Chapter 5.5.A.2 of the Land Development Code to allow the building to exceed the 0' setback along West Oak Street at the intersection
- Waiver #1: Waiver from Chapter 5.5.1.A.1.b of the Land Development Code to not provide an entrance along both street frontages or corner entrance at ROW intersection
- Waiver #2: Waiver from Chapter 5.5.1.A.3.a of the Land Development Code to waive the required 3' screening wall for side parking area along Dixie Highway
- Waiver #3: Waiver from Chapter 5.6.1.A.1 of the Land Development Code to provide less than the required 75% animating features
- Waiver #4: Waiver from Chapter 5.6.1.C.1 of the Land Development Code to not provide the required 50% clear glazing along both Dixie Highway and West Oak Street
- Waiver #5: Landscape Waiver from Chapter 10.2.4 of the Land Development Code to reduce the required 10' LBA along the south property perimeter to 4.6'
- Waiver #6: Landscape Waiver from Chapter 10.2.12 of the Land Development Code to allow required interior landscaping areas to exceed the 120' maximum distance regulation
- Detailed District Development Plan

CASE SUMMARY/BACKGROUND/SITE CONTEXT

Existing Zoning District: C-1, Commercial & R-7, Multi-Family Residential
Proposed Zoning District: C-1, Commercial
Existing Form District: TMC, Traditional Marketplace Corridor & TN, Traditional Neighborhood
Existing Use: Vacant
Proposed Use: Commercial Retail
Minimum Parking Spaces Required: 18
Maximum Parking Spaces Allowed: 46
Parking Spaces Proposed: 30
Plan Certain Docket #: None

The proposal is for a 9,190 SF Dollar General store to be constructed on an existing C-1 and R-7 zoned site with split Traditional Marketplace Corridor and Traditional Neighborhood form districts. The site is currently a vacant lot and vacant residential property. The properties are located at the intersection of two minor arterials,

Dixie Highway and West Oak Street, with an alley connecting West Oak Street and Dumesnil Street to the rear. The alley is proposed to be relocated as part of the project.

The proposed building will exceed the required 0' setback by a small distance at the intersection. Sidewalks and transit related facilities will be provided along both the West Oak and Dixie Highway street frontages to provide needed multi-modal connectivity to the property. The sidewalks will connect to the building entrance located at the corner of the building facing Dixie Highway and the associated parking area. The parking area will incorporate planting materials but will not provide the required 3' masonry or stone wall that would screen the parking south of the proposed entrance. The applicant has requested to waive the requirement to provide a corner entrance at the ROW intersection or along both street frontages. The building will not meet the required 50% clear glazing along the required street facing facades. In addition to this waiver, the applicant has requested to not provide the required 75% animating features along the rear (east) of the building facing the adjacent residential front yards and within the required 200' transition zone.

In addition to the building and site design waivers and variance describe above, the applicant has requested two landscape waivers on the site. Along the southern property boundary, the applicant is requesting to reduce the required 10' landscape buffer adjacent to the church use. This reduction allowed for the shifting of the building to accommodate ROW dedication along West Oak Street. Planting and screening materials are being shown as to be provided on the development plan within the remaining variable width buffer. Within the parking lot, the applicant has requested to allow the required interior landscaping to exceed the 120' maximum distance rule along the parking row directly adjacent to the building. All other landscaping requirements will be provided on the site.

LAND USE/ZONING DISTRICT/FORM DISTRICT TABLE

	Land Use	Zoning	Form District
Subject Property			
Existing	Vacant	R-7 / C-1	TN/TMC
Proposed	Commercial Retail	C-1	TN/TMC
Surrounding Properties			
North	Restaurant	C-1	TMC
South	Church	R-7	TN
East	Single Family Residential	R-7	TN
West	Food Mart	C-1	TMC

PREVIOUS CASES ON SITE

No previous related cases on the site.

INTERESTED PARTY COMMENTS

None received.

APPLICABLE PLANS AND POLICIES

Cornerstone 2020
Land Development Code

STANDARD OF REVIEW FOR REZONING AND FORM DISTRICT CHANGES

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

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 Traditional Marketplace Corridor Form District

The Traditional Marketplace Corridor is a form found along a major roadway where the pattern of development is distinguished by a mixture of low to medium intensity uses such as neighborhood-serving shops, small specialty shops, restaurants, and services. These uses frequently have apartments or offices on the second story. Buildings generally have little or no setback, roughly uniform heights and a compatible building style. Buildings are oriented toward the street. Buildings typically have 2-4 stories. New development and redevelopment should respect the predominant rhythm, massing and spacing of existing buildings.

There should be a connected street and alley system. New development should maintain the grid pattern and typical block size. Parking is provided either on-street or in lots at the rear of buildings. New development should respect this pattern. Flexible and shared parking arrangements are encouraged. A street capable of permitting on-street parking is usually necessary. Wide sidewalks, street furniture and shade trees should make a pedestrian friendly environment that invites shoppers to make multiple shopping stops without moving their vehicle. The area should also be easily accessible by pedestrians, transit and bicycle users.

Attention to discreet signs can also help make this a very desirable form. A premium should be placed on compatibility of the scale and architectural style and building materials of any proposed new development with nearby existing development within the corridor.

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.

The site is an existing C-1 pre-plan certain with R-7 zoning along the rear portion of the proposal. The surrounding area is a mix of commercial and residential along the intersection. The site is split between the Traditional Marketplace and Traditional Neighborhood Form District.

The proposal to rezone the subject site from R-7, multi-family residential, to C-1, commercial would incorporate into the existing pattern of corner commercial located at the intersection of Dixie Highway and West Oak Street. The proposal is for a neighborhood serving commercial use that incorporates into the mix of low and medium density commercial uses mixed with residential along the Dixie Highway corridor. The building has little to no setback at the corner intersection of Dixie and West Oak. The development respects the massing and spacing of corner commercial structures at the intersection of West Oak and Dixie Highway. The proposal shifts the location of the existing alley along the rear of the site that allows access from West Oak to Dumesnil Street. The shift will line up with the alley access across West Oak Street on Hopeful Way. There are a few issues that need to be addressed in regards to **Guideline 1, Community Form**. The proposal does not include on-street parking or parking to the rear of the building. The parking provided on site is to the south side of the proposed building. The Land Development Code addressed this issue through the use of screening materials that are requested to be waived by the applicant. In addition, the proposal's design is compatible with the scale of existing developments in the corridor, but the materials and style are not consistent with the traditional form that creates a pedestrian level interest through the use of clear glazing and animating features. These issues need to be addressed in regards to the design of the proposal.

The proposal complies with **Guideline 3, Compatibility** with the exceptions of the previously identified issues regarding clear glazing in the building design and the screen wall along the parking area. All other compatibility issues have been addressed. While the proposal constitutes a non-residential expansion into an existing residential area, impacts to existing residences appear to be appropriately mitigated through the use of setbacks, landscaping and screening. The proposal is for a higher density and intensity use and is located along a transit corridor and in an existing activity center. Impacts of lighting, noise and other potential impacts to the existing residential property to the east are appropriately mitigated through the use of landscaping and screening as required by the Land Development Code.

The proposal complies with the natural areas guidelines of the Comprehensive Plan under **Guideline 5, Natural Areas and Scenic and Historic Resources** by providing all required tree canopy for the site.

The proposal provides for appropriate multi-modal transportation facilities following the Comprehensive Plan under **Guidelines 7 and 8, Circulation and Transportation Facility Design** with full pedestrian connectivity, appropriate access around the development as well as bicycle parking provided to support the proposed uses. Additional ROW is being dedicated along West Oak Street as well as a public facilities easement along Dixie Highway for sidewalks and enhancement of transit related features to the property that will increase the access to the site for mass transit users. The existing network of streets, alleys and sidewalks supports access to surrounding lands to support the appropriate development of adjacent lands. Alley access will also be provided to the site.

The proposal appears to comply with all other applicable Guidelines and Policies of Cornerstone 2020.

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

STANDARD OF REVIEW AND STAFF ANALYSIS FOR VARIANCES
(Setback)

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

STAFF: The requested variance will not adversely affect the public health, safety or welfare since the building will be located near the 0' ROW intersection with sidewalks and a public facilities easement to serve the structure.

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

STAFF: The requested variance will not alter the essential character of the general vicinity since the building will be located near the ROW intersection with minimal setback to accommodate the public facilities easement.

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

STAFF: The requested variance will not cause a hazard or nuisance to the public since the building will be located near the 0' ROW intersection with sidewalks and a public facilities easement to serve the structure.

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

STAFF: The requested variance will not allow an unreasonable circumvention of the zoning regulations since it follows an established pattern of varying setbacks at the street intersection.

ADDITIONAL CONSIDERATIONS:

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

STAFF: The requested variance arises from special circumstances which do not generally apply to land in the general vicinity or the same zone since the shape of the lot makes it difficult to hold a 0' setback along the ROW intersection.

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

STAFF: The strict application of the provisions of the regulation would deprive the applicant of the reasonable use of the land or create an unnecessary hardship on the applicant by not allowing the proposed structure on the site with accommodations for public facilities.

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

STAFF: The circumstances are not the result of actions of the applicant taken subsequent to the adoption of the zoning regulation from which relief is sought since the shape of the lot existed prior to the zoning regulation.

STANDARD OF REVIEW AND STAFF ANALYSIS FOR WAIVERS
(Building Entrance)

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

STAFF: The waiver will not adversely affect adjacent property owners since the entrance will connect to the public sidewalk system along Dixie Highway.

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

STAFF: Guideline 3, policy 1 calls for new development and redevelopment with the scale and site design of nearby existing development and with the pattern of development within the form district. The waiver will not violate specific guidelines of Cornerstone 2020 since it follows the pattern of development within the vicinity and follows the intent of the comprehensive plan by allowing access from both the parking lot and primary street frontage along Dixie Highway.

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

STAFF: The extent of waiver of the regulation is the minimum necessary to afford relief to the applicant since entry will be allowed to the building from both the primary street frontage along Dixie Highway and the parking area.

(d) Either:
(i) The applicant has incorporated other design measures that exceed the minimums of the district and compensate for non-compliance with the requirements to be waived (net beneficial effect); **OR**
(ii) The strict application of the provisions of the regulation would deprive the applicant of the reasonable use of the land or would create an unnecessary hardship on the applicant.

STAFF: The strict application of the provisions of the regulation would deprive the applicant of the reasonable use of the land or would create an unnecessary hardship on the applicant since an additional entrance would be required along West Oak Street causing internal layout issues for the building.

STANDARD OF REVIEW AND STAFF ANALYSIS FOR WAIVERS
(3' Screen Wall)

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

STAFF: The waiver will not adversely affect adjacent property owners since safe pedestrian access is provided from the public rights-of-way to the building entrance.

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

STAFF: Guideline 2, policy 15 states to encourage the design, quantity and location of parking in activity centers to balance safety, traffic, transit, pedestrian, environmental and aesthetic considerations. Guideline 3, policy 24 states to encourage screening and buffering of parking and circulation areas adjacent to the street, and use 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 area is located to the side of the building without any screen wall element that creates the buffering of the parking area from the street frontage. The waiver is not compatible with the pattern of development within the form district, and there do not appear to be physical restraints preventing compliance with the regulations to be waived. Therefore, the waiver will violate specific guidelines and policies of Cornerstone 2020.

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

STAFF: The extent of the waiver of the regulation is not the minimum necessary to afford relief to the applicant since there do not appear to be physical restraints preventing compliance with the regulations to be waived.

(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 not deprive the applicant of the reasonable use of the land or would not create an unnecessary hardship on the applicant since the screen wall would not reduce the parking to be provided on the site and would not affect the sidewalk being provided along the Dixie Highway street frontage.

STANDARD OF REVIEW AND STAFF ANALYSIS FOR WAIVERS
(75% Animating Features East Facade)

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

STAFF: The requested waiver will not adversely affect adjacent property owners since appropriate buffering and screening will be provided along the property boundary with the adjacent residential use to mitigate the lesser amount of animating features along the rear façade.

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

STAFF: The waiver will not violate specific guidelines of Cornerstone 2020 since the east façade is a rear facing façade along the access from West Oak Street with appropriate mitigation through the use of landscaping materials.

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

STAFF: The extent of the waiver of the regulation is the minimum necessary to afford relief to the applicant due to the extent of the animating features required for the structure located within the transition zone and along two street frontages.

(d) Either:
(i) The applicant has incorporated other design measures that exceed the minimums of the district and compensate for non-compliance with the requirements to be waived (net beneficial effect); **OR**
(ii) The strict application of the provisions of the regulation would deprive the applicant of the reasonable use of the land or would create an unnecessary hardship on the applicant.

STAFF: The strict application of the provisions of the regulation would deprive the applicant of the reasonable use of the land or would create an unnecessary hardship on the applicant due to the extent of the animating features required for the structure located within the transition zone and along two street frontages.

STANDARD OF REVIEW AND STAFF ANALYSIS FOR WAIVERS
(50% Clear Glazing)

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

STAFF: The requested waiver will adversely affect adjacent property owners by not providing visual interest and a human scale that are representative of the form district along Dixie Highway and West Oak Street. The facades will contain large areas of blank space with no clear glazing in the majority of windows and doors to be provided on the building.

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

STAFF: Guideline 3, policy 1 and 2 calls for the compatibility of all new development and redevelopment with the scale and site design of nearby existing development and with the pattern of

development within the form district. The type of building materials may be considered as a mitigation measure and may also be considered in circumstances specified in the Land Development Code. When assessing compatibility, it is appropriate to consider the choice of building materials in the following circumstances: (1) projects involving residential infill (2) projects involving non-residential uses; and (3) when specified in the Land Development Code. The proposal is for a non-residential use. The Land Development Code provides building design standards for non-residential and mixed use buildings. The purpose of the regulation is to provide visual interest and a human scale that are representative of the form district through the use of windows, columns, pilasters, piers, variation of material, entrances, storefront windows, and other animating features the elimination and reduction of clear glazing creates a blank space and no pedestrian level interest along the major street frontages adjacent to the proposed building; therefore, the waiver will violate specific guidelines of Cornerstone 2020.

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

STAFF: The extent of the waiver of the regulation is not the minimum necessary to afford relief to the applicant since additional clear glazing could be provided along the street frontages without affecting the proposed use.

(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 not deprive the applicant of the reasonable use of the land or would not create an unnecessary hardship on the applicant since additional clear glazing could be provided along the street frontages without affecting the proposed use

STANDARD OF REVIEW AND STAFF ANALYSIS FOR WAIVERS
(Landscape Buffer Reduction)

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

STAFF: The waiver will not adversely affect adjacent property owners since appropriate screening and planting materials will be provided along the property perimeter.

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

STAFF: Guideline 3, policy 9 of Cornerstone 2020 calls for the protection of the character of residential areas, roadway corridors and public spaces from visual intrusions and mitigate when appropriate. Guideline 3, policies 21 and 22 calls for appropriate transitions between uses that are substantially different in scale and intensity or density, and to mitigate the impact caused when incompatible developments occur adjacent to one another through the use of landscaped buffer yards, vegetative berms and setback requirements to address issues such as outdoor lighting, lights from automobiles, illuminated signs, loud noise, odors, smoke, automobile exhaust or other noxious smells, dust and dirt, litter, junk, outdoor storage, and visual nuisances. Guideline 3, policy 24 states that parking, loading and delivery areas located adjacent to residential areas should be designed to minimize the impacts from noise, lights and other potential impacts, and that parking and circulation areas adjacent to streets should be screened or buffered. Guideline 13, policy 4 calls for ensuring appropriate landscape design standards for different land uses within urbanized, suburban, and rural areas. Guideline 13, Policy 6 calls for screening and buffering to mitigate adjacent incompatible uses. The intent of landscape buffer areas is to create suitable transitions where varying forms of development adjoin, to minimize the negative impacts resulting from adjoining incompatible land uses, to decrease storm water runoff

volumes and velocities associated with impervious surfaces, and to filter air borne and water borne pollutants. The waiver will not violate specific guidelines of Cornerstone 2020 since appropriate screening and planting materials will be provided along the property perimeter.

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

STAFF: The extent of the waiver of the regulation is the minimum necessary to afford relief to the applicant to allow adequate parking to be provided while shifting the building to provide additional ROW along West Oak Street. Appropriate screening and planting materials will be provided to meet the intent of the buffering.

(d) Either:
(i) The applicant has incorporated other design measures that exceed the minimums of the district and compensate for non-compliance with the requirements to be waived (net beneficial effect); **OR**
(ii) The strict application of the provisions of the regulation would deprive the applicant of the reasonable use of the land or would create an unnecessary hardship on the applicant.

STAFF: The strict application of the provisions of the regulation would deprive the applicant of the reasonable use of the land or would create an unnecessary hardship on the applicant since the landscape buffer would reduce the parking to be provided on the site below the minimum required.

STANDARD OF REVIEW AND STAFF ANALYSIS FOR WAIVERS
(Exceed 102' ILA Maximum Distance)

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

STAFF: The waiver will not adversely affect adjacent property owners since the landscaping is interior to the development.

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

STAFF: Guideline 13, policy 4 calls for ensuring appropriate landscape design standards for different land uses within urbanized, suburban, and rural areas. Guideline 13, Policy 5 calls for standards to ensure the creation and/or preservation of tree canopy as a valuable community resource. The purpose of interior landscape areas is to break up large impervious areas and allow for a greater distribution of tree canopy coverage. The required amount of interior landscaping is being provided within the site.

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

STAFF: The extent of the waiver of the regulation is not the minimum necessary to afford relief to the applicant since additional landscape areas could be provided to meet the code requirement while maintaining parking above the minimum required for the use.

(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 not deprive the applicant of the reasonable use of the land or would not create an unnecessary hardship on the applicant since additional landscape areas could be provided to meet the code requirement while maintaining parking above the minimum required for the use.

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: There does not appear to be any environmental constraints or historic resources on the subject site. Tree canopy requirements of the Land Development Code will be provided on the subject site.

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

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

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

STAFF: Open space requirements for the proposed development will be provided per the Land Development Code.

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

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

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

STAFF: The overall site design and land uses are compatible with the existing and future development of the area. Appropriate landscape buffering will be provided to screen adjacent properties. Buildings and parking lots will meet appropriate setbacks. The screen wall for the parking area is not being provided along the roadway. The clear glazing along the street frontages needs to be considered as well in regards to the building design.

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

STAFF: The development plan conforms to applicable guidelines and policies of the Comprehensive Plan and to requirements of the Land Development Code with the exception of the requested waivers and variance. The issues regarding roadway screening, building design and interior landscaping need to be considered on the site with the proposed development.

TECHNICAL REVIEW

- Applicant will need to address the street closure under 14STREETS1008.

STAFF CONCLUSIONS

The proposal generally complies with the Comprehensive Plan. The change in zoning follows a pattern of corner commercial at the intersection of Dixie Highway and West Oak Street. The setback of the building is more in compliance than the other existing structures within the general vicinity. The additional setback requested allows expanded sidewalks and a public facilities easement to be provided on the site. There are a few building and site design issues the Planning Commission needs to take into consideration. The Planning Commission needs to consider the design of the building and its impact upon the surrounding street frontages. The lack of clear glazing with no mitigation in terms of additional animating features deters from the pedestrian level interest that is intended within the traditional form. The elimination of the screen wall along Dixie Highway also potentially creates a visual nuisance along the street frontage. The other requested waivers meet the standard of review and staff analysis as provided within the staff report. Based upon the information in the staff report, the testimony and evidence provided at the public hearing, the Planning Commission must determine if the proposal is in conformance with the Comprehensive Plan; OR the existing form district/zoning classification is inappropriate and the proposed classification is appropriate; OR if there have been major changes of an economic, physical, or social nature within the area involved which were not anticipated in Cornerstone 2020 which have substantially altered the basic character of the area. Based upon the information in the staff report, the testimony and evidence provided at the public hearing, the Planning Commission must also determine if the proposal meets the standards for granting a variance, waivers and a detailed district development plan as established in the Land Development Code.

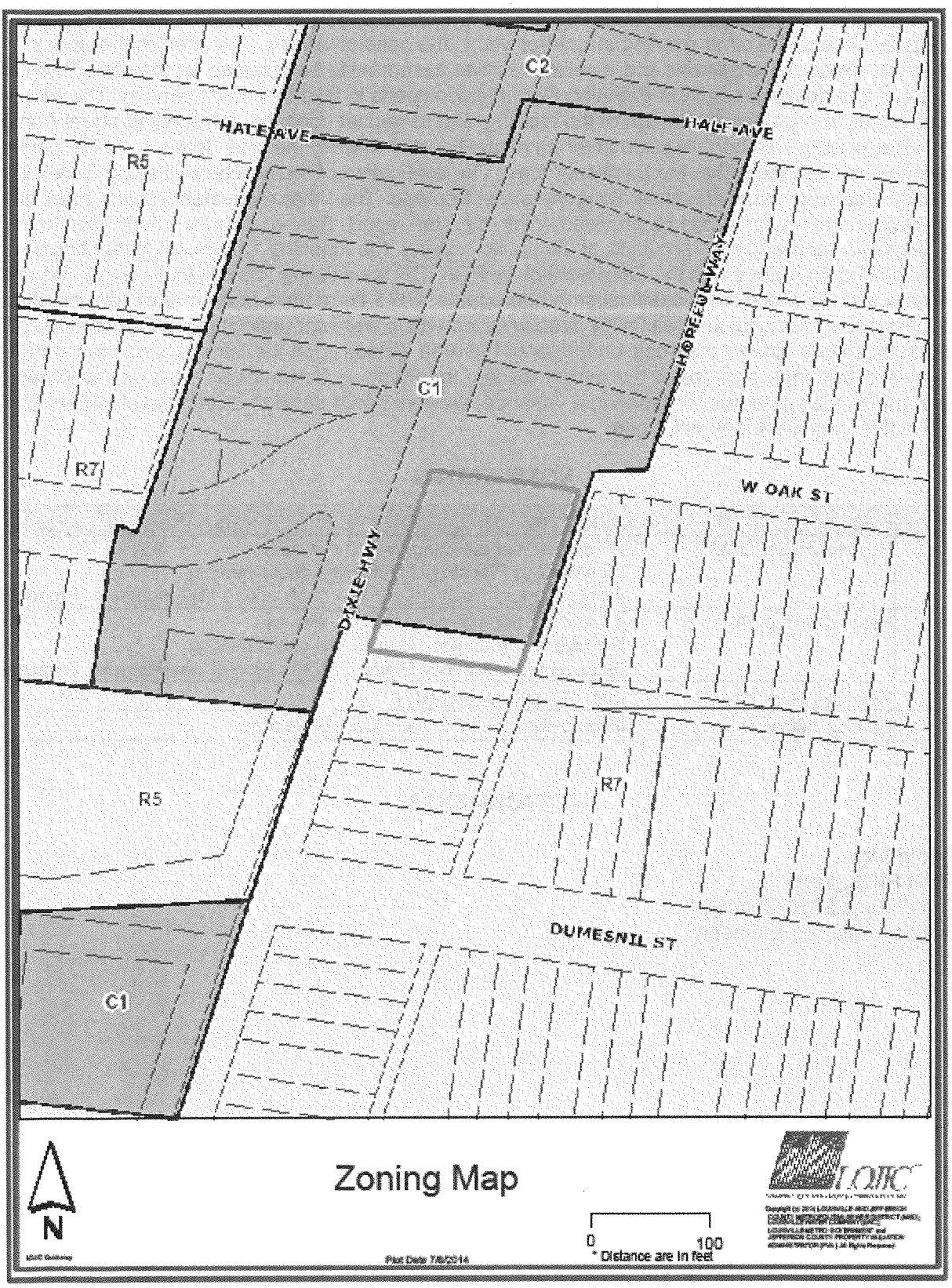
NOTIFICATION

Date	Purpose of Notice	Recipients
9/25/14	Hearing before LD&T	1st and 2nd tier adjoining property owners Speakers at Planning Commission public hearing Subscribers of Council District 6 Notification of Development Proposals
11/6/14	Hearing before PC	1st and 2nd tier adjoining property owners Speakers at Planning Commission public hearing Subscribers of Council District 6 Notification of Development Proposals
11/5/14	Hearing before PC	Sign Posting on property
11/13/14	Hearing before PC	Legal Advertisement in the Courier-Journal

ATTACHMENTS

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

1. **Zoning Map**


C2
HALE AVE
HALE AVE
R5
C1
R7
W OAK ST
DIXIE HWY
R5
R7
C1
DUMESNIL ST
N
Zoning Map
0
100
* Distance are in feet

2. Aerial Photograph

3. Cornerstone 2020 Checklist

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

#	Cornerstone 2020 Guidelines & Policies	Cornerstone 2020 Plan Element	Plan Element or Portion of Plan Element	Final Finding	Final Comments
1	Form District Goals F1, F2, F3, F4, Objectives F1.1, F2.1-2.5, F3.1-3.2, F4.1-4.5	Community Form/Land Use Guideline 1: Community Form	B.7: The proposal incorporates itself into the pattern of development, which includes a mixture of low to medium intensity uses such as neighborhood-serving and specialty shops, restaurants and services. Often, these uses include apartments or offices on upper floors.	√	The proposal is for a neighborhood serving commercial use that incorporates into the mix of low and medium density commercial uses mixed with residential along the Dixie Highway corridor.
2	Form District Goals F1, F2, F3, F4, Objectives F1.1, F2.1-2.5, F3.1-3.2, F4.1-4.5	Community Form/Land Use Guideline 1: Community Form	B.7: The proposal includes buildings that have little or no setback, and are oriented to the street. New development respects the predominate rhythm, massing and spacing of existing buildings.	√	The building has little to no setback at the corner intersection of Dixie and West Oak. The development respects the massing and spacing of corner commercial structures at the intersection of West Oak and Dixie Highway. The building has orientation toward the interior lot and Dixie Highway with inclusion of transit facilities and entry along Dixie Highway.
3	Form District Goals F1, F2, F3, F4, Objectives F1.1, F2.1-2.5, F3.1-3.2, F4.1-4.5	Community Form/Land Use Guideline 1: Community Form	B.7: New development maintains the existing grid pattern of streets and alleys and typical block size.	√	The proposal shifts the location of the existing alley along the rear of the site that allows access from West Oak to Dumesnil Street. The shift will line up with the alley access across West Oak Street on Hopeful Way.
4	Form District Goals F1, F2, F3, F4, Objectives F1.1, F2.1-2.5, F3.1-3.2, F4.1-4.5	Community Form/Land Use Guideline 1: Community Form	B.7: The proposal includes on-street parking or parking in lots at the rear of the building, and includes wide sidewalks, street furniture and shade trees.	-	The proposal does not include on-street parking or parking to the rear of the building. The parking provided on site is to the south side of the proposed building. Extended sidewalk widths, transit amenities and trees along the edge of the parking lot will be provided. Shade trees are not provided along the sidewalks.
5	Form District Goals F1, F2, F3, F4, Objectives F1.1, F2.1-2.5, F3.1-3.2, F4.1-4.5	Community Form/Land Use Guideline 1: Community Form	B.7: The proposal's design is compatible with the scale and architectural style and building materials of existing developments in the corridor.	-	The proposal's design is compatible with the scale of existing developments in the corridor. The materials and style are not consistent with the traditional form that creates a pedestrian level interest through the use of clear glazing and animating features.
6	Form District Goals F1, F2, F3, F4, Objectives F1.1, F2.1-2.5, F3.1-3.2, F4.1-4.5	Community Form/Land Use Guideline 1: Community Form	B.7: The proposal emphasizes compatibility of scale and the architectural style and building materials are compatible with nearby existing development.	-	The proposal's design is compatible with the scale of existing developments in the corridor. The materials and style are not consistent with the traditional form that creates a pedestrian level interest through the use of clear glazing and animating features.
7	Form District Goals F1, F2, F3, F4, Objectives F1.1, F2.1-2.5, F3.1-3.2, F4.1-4.5	Community Form/Land Use Guideline 2: Centers	A.1/7: The proposal, which will create a new center, is located in the Traditional Marketplace Corridor Form District, and includes new construction or the reuse of existing buildings to provide commercial, office and/or residential use.	√	The proposal will be an expansion of an existing center of commercial uses at the intersection of Dixie Highway and West Oak St within the TMC form district. New construction for a commercial business is proposed.

#	Cornerstone 2020 Guidelines & Policies	Cornerstone 2020 Plan Element	Plan Element or Portion of Plan Element	Final Finding	Final Comments
8	Form District Goals F1, F2, F3, F4, Objectives F1.1, F2.1-2.5, F3.1-3.2, F4.1-4.5	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 proposed retail commercial development is located in an area that has a sufficient population to support it.
9	Form District Goals F1, F2, F3, F4, Objectives F1.1, F2.1-2.5, F3.1-3.2, F4.1-4.5	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 with additional right of way dedicated along West Oak Street.
10	Form District Goals F1, F2, F3, F4, Objectives F1.1, F2.1-2.5, F3.1-3.2, F4.1-4.5	Community Form/Land Use Guideline 2: Centers	A.5: The proposed center includes a mix of compatible land uses that will reduce trips, support the use of alternative forms of transportation and encourage vitality and sense of place.	√	The proposal is not a center. The proposal supports the use of alternative forms of transportation. There is a public facilities easement being dedicated to the transit authority to allow the installation of a shelter and stop along Dixie Highway with connections to the building entrance.
11	Form District Goals F1, F2, F3, F4, Objectives F1.1, F2.1-2.5, F3.1-3.2, F4.1-4.5	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.
12	Form District Goals F1, F2, F3, F4, Objectives F1.1, F2.1-2.5, F3.1-3.2, F4.1-4.5	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.
13	Form District Goals F1, F2, F3, F4, Objectives F1.1, F2.1-2.5, F3.1-3.2, F4.1-4.5	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 entrances and parking because the site is surrounded by residential zoning. The site is located along two minor arterials with access points from both with a rear alley relocated within the site. Parking is located to the side of the structure. Pedestrian and transit access are provided along the building frontages.
14	Form District Goals F1, F2, F3, F4, Objectives F1.1, F2.1-2.5, F3.1-3.2, F4.1-4.5	Community Form/Land Use Guideline 2: Centers	A.14: The proposal is designed to share utility hookups and service entrances with adjacent developments, and utility lines are placed underground in common easements.	√	The proposal is designed to share utility hookups and service entrances with adjacent developments, and utility lines are placed underground in common easements.
15	Form District Goals F1, F2, F3, F4, Objectives F1.1, F2.1-2.5, F3.1-3.2, F4.1-4.5	Community Form/Land Use Guideline 2: Centers	A.16: The proposal is designed to support easy access by bicycle, car and transit and by pedestrians and persons with disabilities.	√	The proposal is designed to support easy access by bicycle, car and transit and by pedestrians and persons with disabilities with additional sidewalk width to be created with the dedication of ROW as well as transit facilities to be put into place in a public facilities easement along Dixie Highway.

#	Cornerstone 2020 Guidelines & Policies	Cornerstone 2020 Plan Element	Plan Element or Portion of Plan Element	Final Finding	Final Comments
16	Form District Goals F1, F2, F3, F4, Objectives F1.1, F2.1-2.5, F3.1-3.2, F4.1-4.5	Community Form/Land Use Guideline 3: Compatibility	A.2: The proposed building materials increase the new development's compatibility.	-	The proposal's design is compatible w ith the scale of existing developments in the corridor. The materials and style are not consistent w ith the traditional form that creates a pedestrian level interest through the use of clear glazing and animating features.
17	Form District Goals F1, F2, F3, F4, Objectives F1.1, F2.1-2.5, F3.1-3.2, F4.1-4.5	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, and odor and storm w ater) are appropriately mitigated.	√	The proposal expands the non-residential use into an existing residential area but appropriate mitigation is being provided through the use of buffering and landscaping along the property perimeter adjacent to the relocated alley and access from West Oak Street.
18	Form District Goals F1, F2, F3, F4, Objectives F1.1, F2.1-2.5, F3.1-3.2, F4.1-4.5	Community Form/Land Use Guideline 3: Compatibility	A.5: The proposal mitigates any potential odor or emissions associated w ith the development.	√	APCD has approved the proposal.
19	Form District Goals F1, F2, F3, F4, Objectives F1.1, F2.1-2.5, F3.1-3.2, F4.1-4.5	Community Form/Land Use Guideline 3: Compatibility	A.6: The proposal mitigates any adverse impacts of its associated traffic on nearby existing communities.	√	Metro Public Works has approved the preliminary development plan indicating that the proposal mitigates any adverse impacts of its associated traffic on nearby existing communities.
20	Form District Goals F1, F2, F3, F4, Objectives F1.1, F2.1-2.5, F3.1-3.2, F4.1-4.5	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 w ill meet LDC requirements.
21	Form District Goals F1, F2, F3, F4, Objectives F1.1, F2.1-2.5, F3.1-3.2, F4.1-4.5	Community Form/Land Use Guideline 3: Compatibility	A.11: If the proposal is a higher density or intensity use, it is located along a transit corridor AND in or near an activity center.	√	The proposal is a high intensity use located along a transit corridor and is an expansion of an existing activity center of corner commercial to the north and w est.
22	Form District Goals F1, F2, F3, F4, Objectives F1.1, F2.1-2.5, F3.1-3.2, F4.1-4.5	Community Form/Land Use Guideline 3: Compatibility	A.21: The proposal provides appropriate transitions betw een uses that are substantially different in scale and intensity or density of development such as landscaped buffer yards, vegetative berms, compatible building design and materials, height restrictions, or setback requirements.	√	The proposal provides for appropriate transitions betw een the adjacent residential uses and zoned properties through the proposed landscape buffer yards with screening and planting materials.
23	Form District Goals F1, F2, F3, F4, Objectives F1.1, F2.1-2.5, F3.1-3.2, F4.1-4.5	Community Form/Land Use Guideline 3: Compatibility	A.22: The proposal mitigates the impacts caused w hen incompatible developments unavoidably occur adjacent to one another by using buffers that are of varying designs such as landscaping, vegetative berms and/or w alls, and that address those aspects of the development that have the potential to adversely impact existing area developments.	√	The proposal provides for appropriate mitigation betw een the adjacent residential uses and zoned properties through the proposed landscape buffer yards with screening and planting materials.

#	Cornerstone 2020 Guidelines & Policies	Cornerstone 2020 Plan Element	Plan Element or Portion of Plan Element	Final Finding	Final Comments
24	Form District Goals F1, F2, F3, F4, Objectives F1.1, F2.1-2.5, F3.1-3.2, F4.1-4.5	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 building is has been pulled to the corner intersection with minor setbacks along the street frontages to accommodate walks and public facilities.
25	Form District Goals F1, F2, F3, F4, Objectives F1.1, F2.1-2.5, F3.1-3.2, F4.1-4.5	Community Form/Land Use Guideline 3: Compatibility	A.24: Parking, loading and delivery areas located adjacent to residential areas are designed to minimize adverse impacts of lighting, noise and other potential impacts, and that these areas are located to avoid negatively impacting motorists, residents and pedestrians.	√	The proposed parking areas are buffered from the adjacent residential areas through the use of buffering and screening. The parking is located adjacent to the non-residential church used property along the south property boundary.
26	Form District Goals F1, F2, F3, F4, Objectives F1.1, F2.1-2.5, F3.1-3.2, F4.1-4.5	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 appropriate screening wall for the parking area along Dixie Highway is not being provided and the interior landscaping is not being used to fill areas within the surface parking lot.
27	Form District Goals F1, F2, F3, F4, Objectives F1.1, F2.1-2.5, F3.1-3.2, F4.1-4.5	Community Form/Land Use Guideline 3: Compatibility	A.25: Parking garages are integrated into their surroundings and provide an active, inviting street-level appearance.	NA	No parking garage is proposed with development.
28	Form District Goals F1, F2, F3, F4, Objectives F1.1, F2.1-2.5, F3.1-3.2, F4.1-4.5	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 are compatible with the form district pattern. Signs are required to be compatible with the Land Development Code.
29	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.	√	Future multi-family developments proposed on the subject site will be required to comply with open space requirements of the Land Development Code.
30	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.	NA	The proposed site is not located within the Neighborhood Form District.
31	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.	NA	There are no apparent natural features or environment constraints on the site.

#	Cornerstone 2020 Guidelines & Policies	Cornerstone 2020 Plan Element	Plan Element or Portion of Plan Element	Final Finding	Final Comments
32	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.	NA	There are no apparent natural features or environment constraints on the site.
33	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.	NA	The site has no historical or cultural value.
34	Livability Goals H3 and H5, all related objectives	Community Form/Land Use Guideline 5: Natural Areas and Scenic and Historic Resources	A.6: Encourage development to avoid wet or highly permeable soils, severe, steep or unstable slopes with the potential for severe erosion.	√	Soils are not an issue for the site.
35	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 downtown.
36	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 an industrial or industrial related use.
37	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 retail commercial proposal is located at the intersection of two minor arterials in an area of existing corner commercial properties to the north and west.
38	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 an industrial or industrial related use.
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.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.	√	Additional ROW is being dedicated along West Oak Street as well as public facilities easement along Dixie Highway.

#	Cornerstone 2020 Guidelines & Policies	Cornerstone 2020 Plan Element	Plan Element or Portion of Plan Element	Final Finding	Final Comments
40	Mobility Goals A1-A6, B1, C1, D1, E1, E2, F1, G1, H1-H4, I1-I7, all related Objectives	Mobility/Transportation Guideline 7: Circulation	A.3/4: The proposal promotes mass transit, bicycle and pedestrian use and provides amenities to support these modes of transportation.	√	Additional ROW is being dedicated along West Oak Street as well as public facilities easement along Dixie Highway for sidewalks and enhancement of transit related features to the property.
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.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 existing network of streets, alleys and sidewalks supports access to surrounding lands to support the appropriate development of adjacent lands.
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.9: The proposal includes the dedication of rights-of-way for street, transit corridors, bikeway and walkway facilities within or abutting the development.	√	Additional ROW is being dedicated along West Oak Street as well as public facilities easement along Dixie Highway.
43	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.
44	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.	√	The proposal provides access from Dixie Highway and West Oak Street.
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.8: Adequate stub streets are provided for future roadway connections that support and contribute to appropriate development of adjacent land.	NA	No new roadways are proposed.
46	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 will not be created through areas of significantly lower intensity or density.
47	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.	√	The existing network of streets, alleys and sidewalks supports access to surrounding lands to support the appropriate development of adjacent lands. The relocated alley will still provide alley access to the site and connect the adjacent streets.

#	Cornerstone 2020 Guidelines & Policies	Cornerstone 2020 Plan Element	Plan Element or Portion of Plan Element	Final Finding	Final Comments
48	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.	√	Additional ROW is being dedicated along West Oak Street as well as public facilities easement along Dixie Highway for sidewalks and enhancement of transit related features to the property. Bicycle parking and connectivity will be provided to the site.
49	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 Storm water	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.
50	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.
51	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.	NA	There are no natural corridors evident in the area.
52	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 will serve the site.
53	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 is available to the site.
54	Quality of Life Goal J1, Objectives J1.1-1.2	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 proposal has adequate means of sewage treatment and disposal to protect public health and to protect water quality in lakes and streams.

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 development shall not exceed 9,200 square feet of gross floor area.

3. No pennants, balloons, or banners shall be permitted on the site.

4. Construction fencing shall be erected when off-site trees or tree canopy exists within 3' of a common property line. Fencing shall be in place prior to any grading or construction to protect the existing root systems from compaction. The fencing shall enclose the entire area beneath the tree canopy and shall remain in place until all construction is completed. No parking, material storage or construction activities are permitted within the protected area.

5. Before any permit (including but not limited to building, parking lot, change of use, site disturbance, 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 obtaining any permits. Such plan shall be implemented prior to occupancy of the site and shall be maintained thereafter.
   c. A minor plat or legal instrument shall be recorded consolidating the property into one lot. A copy of the recorded instrument shall be submitted to the Division of Planning and Design Services; transmittal of the approved plans to the office responsible for permit issuance will occur only after receipt of said instrument.
   d. An alley closure approval for the interior unnamed alley shall be approved prior to requesting a building permit.
   e. A Tree Preservation Plan in accordance with Chapter 10 of the LDC shall be reviewed and approved prior to obtaining approval for site disturbance.

6. A certificate of occupancy must be received from the appropriate code enforcement department prior to occupancy of the structure or land for the proposed use. All binding elements requiring action and approval must be implemented prior to requesting issuance of the certificate of occupancy, unless specifically waived by the Planning Commission.

7. 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.

8. The materials and design of proposed structures shall be substantially the same as depicted in the rendering as presented at the November 20th, 2014 Planning Commission meeting.

Land Development & Transportation
Staff Report
October 23rd, 2014

Case No:	**14ZONE1029**
Request:	**Change in Zoning from R-7 to C-1; Variance and Land Development Code Waivers**
Project Name:	**Dollar General**
Location:	**1201 Dixie Highway**
Owner:	**The Harold and Sue Smith Living Trust Hoagland Real Estate, LLC**
Applicant:	**Susan Cox Development, LLC**
Representative:	**Deborah Bilitski**
Jurisdiction:	**Louisville**
Council District:	**6 – David James**
Case Manager:	**Christopher Brown, Planner II**

Continued from October 9th, 2014 LD&T hearing to resolve ROW dedication issues along street frontages

REQUEST

- Change in zoning from R-7 to C-1
- Variance #1: Variance from Chapter 5.5.A.2 of the Land Development Code to allow the building to exceed the 0' setback along West Oak Street at the intersection
- Waiver #1: Waiver from Chapter 5.5.1.A.1.b of the Land Development Code to not provide an entrance along both street frontages or corner entrance at ROW intersection
- Waiver #2: Waiver from Chapter 5.5.1.A.3.a of the Land Development Code to waive the required 3' screening wall for side parking area along Dixie Highway
- Waiver #3: Waiver from Chapter 5.6.1.A.1 of the Land Development Code to provide less than the required 75% animating features
- Waiver #4: Waiver from Chapter 5.6.1.C.1 of the Land Development Code to not provide the required 50% clear glazing along both Dixie Highway and West Oak Street
- Waiver #5: Landscape Waiver from Chapter 10.2.4 of the Land Development Code to reduce the required 10' LBA along the south property perimeter to 8.7'
- Waiver #6: Landscape Waiver from Chapter 10.2.12 of the Land Development Code to allow required interior landscaping areas to exceed the 120' maximum distance regulation
- Detailed District Development Plan

CASE SUMMARY/BACKGROUND/SITE CONTEXT

Existing Zoning District: C-1, Commercial & R-7, Multi-Family Residential
Proposed Zoning District: C-1, Commercial
Existing Form District: TMC, Traditional Marketplace Corridor & TN, Traditional Neighborhood
Existing Use: Vacant
Proposed Use: Commercial Retail
Minimum Parking Spaces Required: 18
Maximum Parking Spaces Allowed: 46
Parking Spaces Proposed: 30
Plan Certain Docket #: None

The proposal is for a Dollar General store to be constructed on an existing C-1 and R-7 zoned site with split Traditional Marketplace Corridor and Traditional Neighborhood form districts. The site is currently a vacant lot and vacant residential property. The properties are located at the intersection of two minor arterials, Dixie Highway and West Oak Street, with an alley connecting West Oak Street and Dumesnil Street to the rear. The alley is proposed to be relocated as part of the project.

LAND USE/ZONING DISTRICT/FORM DISTRICT TABLE

	Land Use	Zoning	Form District
Subject Property			
Existing	Vacant	R-7 / C-1	TN/TMC
Proposed	Commercial Retail	C-1	TN/TMC
Surrounding Properties			
North	Restaurant	C-1	TMC
South	Church	R-7	TN
East	Single Family Residential	R-7	TN
West	Food Mart	C-1	TMC

PREVIOUS CASES ON SITE

No previous related cases on the site.

INTERESTED PARTY COMMENTS

None received.

APPLICABLE PLANS AND POLICIES

Cornerstone 2020
Land Development Code

STANDARD OF REVIEW FOR REZONING AND FORM DISTRICT CHANGES

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

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 Traditional Marketplace Corridor Form District

The Traditional Marketplace Corridor is a form found along a major roadway where the pattern of development is distinguished by a mixture of low to medium intensity uses such as neighborhood-serving shops, small specialty shops, restaurants, and services. These uses frequently have apartments or offices on the second story. Buildings generally have little or no setback, roughly uniform heights and a compatible building style. Buildings are oriented toward the street. Buildings typically have 2-4 stories. New development and redevelopment should respect the predominant rhythm, massing and spacing of existing buildings.

There should be a connected street and alley system. New development should maintain the grid pattern and typical block size. Parking is provided either on-street or in lots at the rear of buildings. New development should respect this pattern. Flexible and shared parking arrangements are encouraged. A street capable of permitting on-street parking is usually necessary. Wide sidewalks, street furniture and shade trees should make a pedestrian friendly environment that invites shoppers to make multiple shopping stops without moving their vehicle. The area should also be easily accessible by pedestrians, transit and bicycle users.

Attention to discreet signs can also help make this a very desirable form. A premium should be placed on compatibility of the scale and architectural style and building materials of any proposed new development with nearby existing development within the corridor.

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.

TECHNICAL REVIEW

- Applicant will need to address the street closure under 14STREETS1008
- Applicant needs to address the VUA LBA issue along the street frontages. Interior landscape areas and VUA LBAs cannot overlap

STAFF CONCLUSIONS

The proposal is ready for a public hearing date to be set.

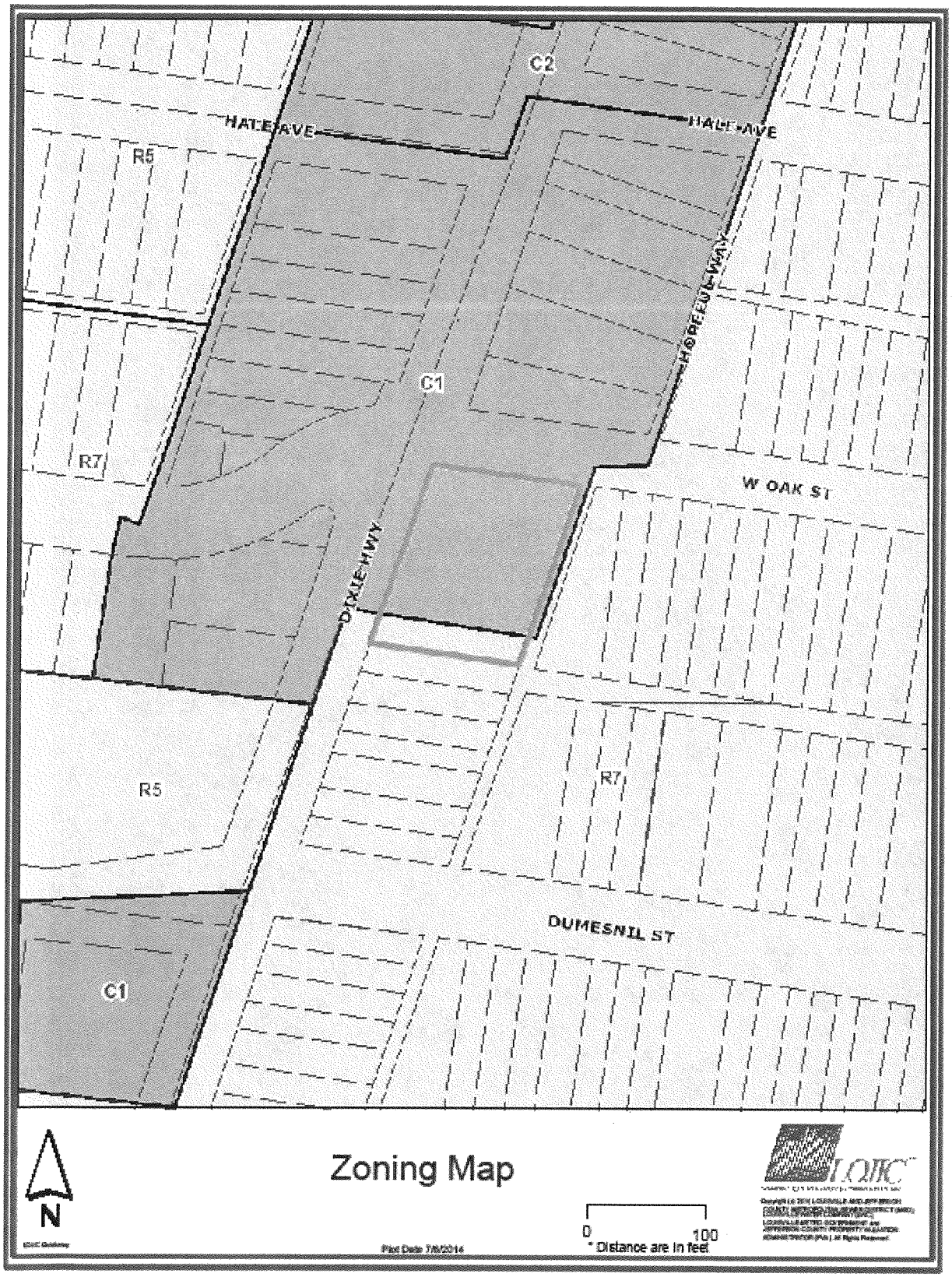
NOTIFICATION

Date	Purpose of Notice	Recipients
9/25/14	Hearing before LD&T	1st and 2nd tier adjoining property owners Speakers at Planning Commission public hearing Subscribers of Council District 6 Notification of Development Proposals
	Hearing before PC	1st and 2nd tier adjoining property owners Speakers at Planning Commission public hearing Subscribers of Council District 6 Notification of Development Proposals
	Hearing before PC	Sign Posting on property
	Hearing before PC	Legal Advertisement in the Courier-Journal

ATTACHMENTS

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

1. **Zoning Map**


C2
HALE AVE
HALE AVE
R5
C1
R7
W OAK ST
DIXIE HWY
R5
R7
C1
DUMESNIL ST
N
Zoning Map
0
100
* Distance are in feet
Plot Date 7/8/2014

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. The development shall not exceed 9,100 square feet of gross floor area.

3. No pennants, balloons, or banners shall be permitted on the site.

4. Construction fencing shall be erected when off-site trees or tree canopy exists within 3' of a common property line. Fencing shall be in place prior to any grading or construction to protect the existing root systems from compaction. The fencing shall enclose the entire area beneath the tree canopy and shall remain in place until all construction is completed. No parking, material storage or construction activities are permitted within the protected area.

5. Before any permit (including but not limited to building, parking lot, change of use, site disturbance, 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 obtaining any permits. Such plan shall be implemented prior to occupancy of the site and shall be maintained thereafter.
   c. A minor plat or legal instrument shall be recorded consolidating the property into one lot. A copy of the recorded instrument shall be submitted to the Division of Planning and Design Services; transmittal of the approved plans to the office responsible for permit issuance will occur only after receipt of said instrument.
   d. An alley closure approval for the interior unnamed alley shall be approved prior to requesting a building permit.
   e. A Tree Preservation Plan in accordance with Chapter 10 of the LDC shall be reviewed and approved prior to obtaining approval for site disturbance.

6. A certificate of occupancy must be received from the appropriate code enforcement department prior to occupancy of the structure or land for the proposed use. All binding elements requiring action and approval must be implemented prior to requesting issuance of the certificate of occupancy, unless specifically waived by the Planning Commission.

7. 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.

8. The materials and design of proposed structures shall be substantially the same as depicted in the rendering as presented at the _____ Planning Commission meeting.

Pre-Application
Staff Report
July 8th, 2014

Case No:	**14ZONE1029**
Request:	**Change in Zoning from R-7 to C-1**
Project Name:	**Dollar General**
Location:	**1201 Dixie Highway**
Owner:	**The Harold and Sue Smith Living Trust** **Hoagland Real Estate, LLC**
Applicant:	**Susan Cox Development, LLC**
Representative:	**Deborah Bilitski**
Jurisdiction:	**Louisville**
Council District:	**6 – David James**
Case Manager:	**Christopher Brown, Planner II**

REQUEST

- Change in zoning from R-7 to C-1
- Detailed District Development Plan

CASE SUMMARY/BACKGROUND/SITE CONTEXT

Existing Zoning District: C-1, Commercial & R-7, Multi-Family Residential
Proposed Zoning District: C-1, Commercial
Existing Form District: TMC, Traditional Marketplace Corridor & TN, Traditional Neighborhood
Existing Use: Vacant
Proposed Use: Commercial Retail
Minimum Parking Spaces Required: 18
Maximum Parking Spaces Allowed: 46
Parking Spaces Proposed: 30
Plan Certain Docket #: None

The proposal is for a Dollar General store to be constructed on an existing C-1 and R-7 zoned site with split Traditional Marketplace Corridor and Traditional Neighborhood form districts. The site is currently a vacant lot and vacant residential property. The properties are located at the intersection of two minor arterials, Dixie Highway and West Oak Street, with an alley connecting West Oak Street and Dumesnil Street to the rear. The alley is proposed to be relocated as part of the project.

LAND USE/ZONING DISTRICT/FORM DISTRICT TABLE

	Land Use	Zoning	Form District
Subject Property			
Existing	Vacant	R-7 / C-1	TN/TMC
Proposed	Commercial Retail	C-1	TN/TMC
Surrounding Properties			
North	Restaurant	C-1	TMC
South	Church	R-7	TN
East	Single Family Residential	R-7	TN
West	Food Mart	C-1	TMC

PREVIOUS CASES ON SITE

No previous related cases on the site.

INTERESTED PARTY COMMENTS

None received.

APPLICABLE PLANS AND POLICIES

Cornerstone 2020
Land Development Code

STANDARD OF REVIEW FOR REZONING AND FORM DISTRICT CHANGES

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

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.

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

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There should be a connected street and alley system. New development should maintain the grid pattern and typical block size. Parking is provided either on-street or in lots at the rear of buildings. New development should respect this pattern. Flexible and shared parking arrangements are encouraged. A street capable of permitting on-street parking is usually necessary. Wide sidewalks, street furniture and shade trees should make a pedestrian friendly environment that invites shoppers to make multiple shopping stops without moving their vehicle. The area should also be easily accessible by pedestrians, transit and bicycle users.

Attention to discreet signs can also help make this a very desirable form. A premium should be placed on compatibility of the scale and architectural style and building materials of any proposed new development with nearby existing development within the corridor.

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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.

The proposal for commercial development is appropriate for the area. The site is an existing C-1 pre-plan certain with R-7 zoning along the rear portion of the proposal. The surrounding area is a mix of commercial and residential along the intersection. The site is split between the Traditional Marketplace and Traditional Neighborhood Form District. The applicant needs to consider a possible form district change to Traditional Marketplace Corridor for the entirety of the property following the form districts prevalence of neighborhood serving commercial uses along major roadways such as the intersection of Dixie Highway and West Oak Street.

The applicant needs to consider a redesign of the site to come into compliance with the form district requirements which will in turn aid in compliance with the Comprehensive Plan guidelines. The current proposal has the orientation of the building in a more suburban style form with its entrance points located toward the interior facing parking lot rather than the urban traditional form with corner entry or multiple entry points. The building needs to be also located at the ROW line along the intersection of Dixie Highway and West Oak Street. Building elevations are needed to determine further compliance issues.

Additional information is needed regarding the incorporation of multi-modal transportation to and within the proposed site as well as mitigation methods due to the adjacency of residentially zoned and used properties to the south and east.

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

- Please see attached agency review comments.
- Also see agency comments for related case 14STREETS1008.

STAFF CONCLUSIONS

The form district issue for the proposal needs to be considered and a neighborhood meeting is ready to be conducted.

NOTIFICATION

Date	Purpose of Notice	Recipients
	Hearing before LD&T	1st and 2nd tier adjoining property owners Speakers at Planning Commission public hearing Subscribers of Council District 6 Notification of Development Proposals
	Hearing before PC	1st and 2nd tier adjoining property owners Speakers at Planning Commission public hearing Subscribers of Council District 6 Notification of Development Proposals
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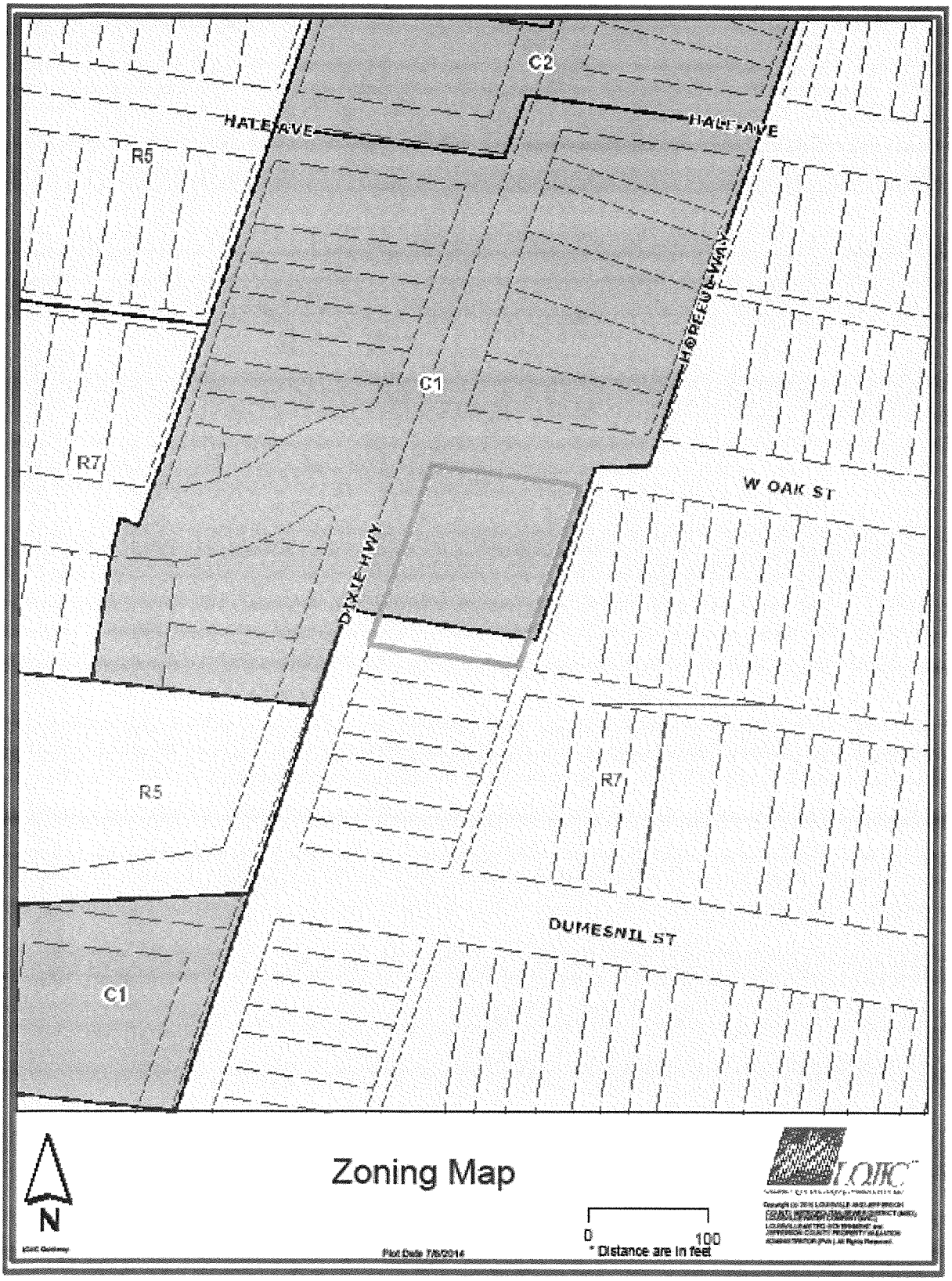
1. Zoning Map
2. Aerial Photograph
3. Cornerstone 2020 Staff Checklist

1. **Zoning Map**


C2
HALE AVE
HALE AVE
R5
C1
R7
W OAK ST
DIXIE HWY
R5
R7
DUMESNIL ST
C1
N
Zoning Map
0
100
* Distance are in feet
Plot Date 7/8/2014

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	Pre-App Finding	Pre-App Comments
1	Form District Goals F1, F2, F3, F4, Objectives F1.1, F2.1-2.5, F3.1-3.2, F4.1-4.5	Community Form/Land Use Guideline 1: Community Form	B.7: The proposal incorporates itself into the pattern of development, which includes a mixture of low to medium intensity uses such as neighborhood-serving and specialty shops, restaurants and services. Often, these uses include apartments or offices on upper floors.	√	The proposal is for a neighborhood serving commercial use that incorporates into the mix of low and medium density commercial uses mixed with residential along the Dixie Highway corridor.
2	Form District Goals F1, F2, F3, F4, Objectives F1.1, F2.1-2.5, F3.1-3.2, F4.1-4.5	Community Form/Land Use Guideline 1: Community Form	B.7: The proposal includes buildings that have little or no setback, and are oriented to the street. New development respects the predominate rhythm, massing and spacing of existing buildings.	-	The building has little to no setback at the corner intersection of Dixie and West Oak but the building is not oriented toward the street. The building is oriented toward the parking lot at the interior of the site. It does not follow the pattern of street
3	Form District Goals F1, F2, F3, F4, Objectives F1.1, F2.1-2.5, F3.1-3.2, F4.1-4.5	Community Form/Land Use Guideline 1: Community Form	B.7: New development maintains the existing grid pattern of streets and alleys and typical block size.	+/-	The proposal shifts the location of the existing alley along the rear of the site that allows access from West Oak to Dumesnil Street.
4	Form District Goals F1, F2, F3, F4, Objectives F1.1, F2.1-2.5, F3.1-3.2, F4.1-4.5	Community Form/Land Use Guideline 1: Community Form	B.7: The proposal includes on-street parking or parking in lots at the rear of the building, and includes wide sidewalks, street furniture and shade trees.	-	The proposal does not include on-street parking or parking to the rear of the building. The parking provided on site is to the south side of the proposed building. Sidewalk width, street furniture and street trees are not provided on the plan.
5	Form District Goals F1, F2, F3, F4, Objectives F1.1, F2.1-2.5, F3.1-3.2, F4.1-4.5	Community Form/Land Use Guideline 1: Community Form	B.7: The proposal's design is compatible with the scale and architectural style and building materials of existing developments in the corridor.	+/-	Building elevations are needed to determine compliance.
6	Form District Goals F1, F2, F3, F4, Objectives F1.1, F2.1-2.5, F3.1-3.2, F4.1-4.5	Community Form/Land Use Guideline 1: Community Form	B.7: The proposal emphasizes compatibility of scale and the architectural style and building materials are compatible with nearby existing development.	+/-	Building elevations are needed to determine compliance.
7	Form District Goals F1, F2, F3, F4, Objectives F1.1, F2.1-2.5, F3.1-3.2, F4.1-4.5	Community Form/Land Use Guideline 2: Centers	A.1/7: The proposal, which will create a new center, is located in the Traditional Marketplace Corridor Form District, and includes new construction or the reuse of existing buildings to provide commercial, office and/or residential use.	√	The proposal will be an expansion of an existing center of commercial uses at the intersection of Dixie Highway and West Oak St within the TMC form district. New construction for a commercial business is proposed.
8	Form District Goals F1, F2, F3, F4, Objectives F1.1, F2.1-2.5, F3.1-3.2, F4.1-4.5	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 proposed retail commercial development is located in an area that has a sufficient population to support it.

#	Cornerstone 2020 Guidelines & Policies	Cornerstone 2020 Plan Element	Plan Element or Portion of Plan Element	Pre-App Finding	Pre-App Comments
9	Form District Goals F1, F2, F3, F4, Objectives F1.1, F2.1-2.5, F3.1-3.2, F4.1-4.5	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.	+/-	More information is needed to determine compliance.
10	Form District Goals F1, F2, F3, F4, Objectives F1.1, F2.1-2.5, F3.1-3.2, F4.1-4.5	Community Form/Land Use Guideline 2: Centers	A.5: The proposed center includes a mix of compatible land uses that will reduce trips, support the use of alternative forms of transportation and encourage vitality and sense of place.	+/-	The proposal is for a single, commercial use. Additional information is needed on how it will support the use of alternative forms of transportation and encourage a sense of place.
11	Form District Goals F1, F2, F3, F4, Objectives F1.1, F2.1-2.5, F3.1-3.2, F4.1-4.5	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.
12	Form District Goals F1, F2, F3, F4, Objectives F1.1, F2.1-2.5, F3.1-3.2, F4.1-4.5	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.
13	Form District Goals F1, F2, F3, F4, Objectives F1.1, F2.1-2.5, F3.1-3.2, F4.1-4.5	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 entrances and parking because the site is surrounded by residential zoning. The site is located along two minor arterials with access points from both with a rear alley relocated within the site. Parking is located to the side of the structure. Additional information is needed on how it will incorporate pedestrian and transit concerns.
14	Form District Goals F1, F2, F3, F4, Objectives F1.1, F2.1-2.5, F3.1-3.2, F4.1-4.5	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.	+/-	Additional information is needed to determine compliance.
15	Form District Goals F1, F2, F3, F4, Objectives F1.1, F2.1-2.5, F3.1-3.2, F4.1-4.5	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.	+/-	Additional information is needed on how the site will incorporate transit and bicycle connectivity as well as sidewalk connections along West Oak Street.
16	Form District Goals F1, F2, F3, F4, Objectives F1.1, F2.1-2.5, F3.1-3.2, F4.1-4.5	Community Form/Land Use Guideline 3: Compatibility	A.2: The proposed building materials increase the new development's compatibility.	+/-	Additional information is needed to determine compliance.
17	Form District Goals F1, F2, F3, F4, Objectives F1.1, F2.1-2.5, F3.1-3.2, F4.1-4.5	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,	+/-	Additional information is needed to determine compliance.

#	Cornerstone 2020 Guidelines & Policies	Cornerstone 2020 Plan Element	Plan Element or Portion of Plan Element	Pre-App Finding	Pre-App Comments
			impacts on existing residences (including traffic, parking, signs, lighting, noise, and odor and storm w ater) are appropriately mitigated.		
18	Form District Goals F1, F2, F3, F4, Objectives F1.1, F2.1-2.5, F3.1-3.2, F4.1-4.5	Community Form/Land Use Guideline 3: Compatibility	A.5: The proposal mitigates any potential odor or emissions associated w ith the development.	+/-	APCD is review ing the proposal.
19	Form District Goals F1, F2, F3, F4, Objectives F1.1, F2.1-2.5, F3.1-3.2, F4.1-4.5	Community Form/Land Use Guideline 3: Compatibility	A.6: The proposal mitigates any adverse impacts of its associated traffic on nearby existing communities.	+/-	Additional information is needed to determine compliance.
20	Form District Goals F1, F2, F3, F4, Objectives F1.1, F2.1-2.5, F3.1-3.2, F4.1-4.5	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 w ill meet LDC requirements.
21	Form District Goals F1, F2, F3, F4, Objectives F1.1, F2.1-2.5, F3.1-3.2, F4.1-4.5	Community Form/Land Use Guideline 3: Compatibility	A.11: If the proposal is a higher density or intensity use, it is located along a transit corridor AND in or near an activity center.	√	The proposal is a high intensity use located along a transit corridor and is an expansion of an existing activity center of corner commercial to the north and w est.
22	Form District Goals F1, F2, F3, F4, Objectives F1.1, F2.1-2.5, F3.1-3.2, F4.1-4.5	Community Form/Land Use Guideline 3: Compatibility	A.21: The proposal provides appropriate transitions betw een 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.	+/-	Additional information is needed to determine compliance.
23	Form District Goals F1, F2, F3, F4, Objectives F1.1, F2.1-2.5, F3.1-3.2, F4.1-4.5	Community Form/Land Use Guideline 3: Compatibility	A.22: The proposal mitigates the impacts caused w hen incompatible developments unavoidably occur adjacent to one another by using buffers that are of varying designs such as landscaping, vegetative berms and/or w alls, and that address those aspects of the development that have the potential to adversely impact existing area developments.	+/-	Additional information is needed to determine compliance.
24	Form District Goals F1, F2, F3, F4, Objectives F1.1, F2.1-2.5, F3.1-3.2, F4.1-4.5	Community Form/Land Use Guideline 3: Compatibility	A.23: Setbacks, lot dimensions and building heights are compatible w ith those of nearby developments that meet form district standards.	-	The building setback is required to be 0' at the corner intersection of Dixie Highw ay and West Oak Street. Additional information is needed on the building height to determine compliance.

#	Cornerstone 2020 Guidelines & Policies	Cornerstone 2020 Plan Element	Plan Element or Portion of Plan Element	Pre-App Finding	Pre-App Comments
25	Form District Goals F1, F2, F3, F4, Objectives F1.1, F2.1-2.5, F3.1-3.2, F4.1-4.5	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.	+/-	Additional information is needed to determine compliance.
26	Form District Goals F1, F2, F3, F4, Objectives F1.1, F2.1-2.5, F3.1-3.2, F4.1-4.5	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.	+/-	Additional information is needed to determine compliance.
27	Form District Goals F1, F2, F3, F4, Objectives F1.1, F2.1-2.5, F3.1-3.2, F4.1-4.5	Community Form/Land Use Guideline 3: Compatibility	A.25: Parking garages are integrated into their surroundings and provide an active, inviting street-level appearance.	NA	No parking garage is proposed with development.
28	Form District Goals F1, F2, F3, F4, Objectives F1.1, F2.1-2.5, F3.1-3.2, F4.1-4.5	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.	+/-	Additional information is needed to determine compliance.
29	Livability Goals H3 and H5, all related objectives	Community Form/Land Use Guideline 4: Open Space	A.2/3/7: The proposal provides open space that helps meet the needs of the community as a component of the development and provides for the continued maintenance of that open space.	+/-	Additional information is needed to determine compliance.
30	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.	NA	The proposed site is not located within the Neighborhood Form District.
31	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.	+/-	Additional information regarding tree canopy will need to be provided to determine compliance.
32	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.	+/-	Additional information regarding tree canopy will need to be provided to determine compliance.

#	Cornerstone 2020 Guidelines & Policies	Cornerstone 2020 Plan Element	Plan Element or Portion of Plan Element	Pre-App Finding	Pre-App Comments
33	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 site has not historical or cultural value.
34	Livability Goals H3 and H5, all related objectives	Community Form/Land Use Guideline 5: Natural Areas and Scenic and Historic Resources	A.6: Encourage development to avoid wet or highly permeable soils, severe, steep or unstable slopes with the potential for severe erosion.	√	Soils are not an issue for the site.
35	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 downtown.
36	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 an industrial or industrial related use.
37	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 retail commercial proposal is located at the intersection of two minor arterials in an area of existing corner commercial properties to the north and west.
38	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 an industrial or industrial related use.
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.1/2: The proposal will contribute its proportional share of the cost of roadway improvements and other services and public facilities made necessary by the development through physical improvements to these facilities, contribution of money, or other means.	+/-	Transportation Planning is reviewing the proposal.

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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.3/4: The proposal promotes mass transit, bicycle and pedestrian use and provides amenities to support these modes of transportation.	+/-	Additional information is needed on how the site will incorporate transit and bicycle connectivity as well as sidewalk connections along West Oak Street.
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.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.	+/-	Transportation Planning is reviewing the proposal.
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.9: The proposal includes the dedication of rights-of-way for street, transit corridors, bikeway and walkway facilities within or abutting the development.	+/-	Transportation Planning is reviewing the proposal.
43	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.
44	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.	√	The proposal provides access from Dixie Highway and West Oak Street.
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.8: Adequate stub streets are provided for future roadway connections that support and contribute to appropriate development of adjacent land.	NA	No new roadways are proposed.
46	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.	+/-	Additional information is needed on impacts of the relocated alley closer to the adjacent residential.
47	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.	+/-	Access is provided from both minor arterials but additional information is needed about the relocated alley.

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48	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.	+/-	Additional information is needed to determine compliance.
49	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 Storm water	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 stream bank restoration or preservation is necessary, the proposal uses best management practices.	+/-	MSD is reviewing the proposal.
50	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 is reviewing the proposal.
51	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.	NA	There are no natural corridors evident in the area.
52	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 will serve the site.
53	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 is available to the site.
54	Quality of Life Goal J1, Objectives J1.1-1.2	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 is reviewing the proposal.