

Planning Commission
Staff Report
May 24, 2018



Case No:	17ZONE1077
Project Name:	Stor-All
Location:	12113 Shelbyville Road
Owner(s):	Cathy Snodgrass; Susan Billie & Timothy A Mueller
Applicant:	Stor-All – Aaron Eldridge
Representative(s):	Bardenwerper, Talbott, & Roberts, PLLC
Jurisdiction:	City of Middletown
Council District:	19 – Julie Denton
Case Manager:	Joel P. Dock, Planner II

REQUEST(S)

- **Change-in-Zoning** from R-4, Single-Family Residential to C-2, Commercial
- **Conditional Use Permit** for mini-warehouse, Land Development Code (LDC), section 4.2.35
- **Variance** of LDC, section 5.3.1.C.5 to encroach upon the 50' non-res to res setback.
- **Detailed District Development Plan**

CASE SUMMARY

A change in zoning with a conditional use permit for proposed mini-warehouse has been requested on roughly eight acres of land to the rear of the Shelbyville Road commercial corridor. The site is located roughly one and one-half miles west of Interstate-265 along Shelbyville Road. Approximately one-hundred and fifty thousand square feet of mini-warehouse is proposed. Access will be gained through existing commercial properties along Shelbyville Road; one of which will be utilized for associated customer parking and offices. Access to local roads has been prohibited though binding element #2. Residential uses adjoin Tract 2 at the North and East, while property to the south is zoned for office-residential use. An automobile sales/service establishment adjoins the subject site to the west and is partially zoned C-2. A woodland protection area has been proposed along the northern and eastern property lines.

STAFF FINDING

The proposed zoning map amendment is consistent with the policies of the Comprehensive Plan. The proposed zoning district is located to the rear of a commercial corridor consisting of a mixture of uses of varying intensities. The use itself does not occupy viable street frontage for future commercial uses providing neighborhood or regional goods and services. Further, the proposed land use does not detract from existing facilities or occupy space along the corridor that would detract from the use of alternative forms of transportation, vitality, or sense of place along the corridor. Appropriate transitions between uses that are substantially different in scale and intensity or density have been provided.

The conditional use permit, detailed district development plan, and waiver appear to be adequately justified based on the staff analysis contained in the standard of review.

TECHNICAL REVIEW

Preliminary approvals have been received from MSD and Transportation Planning staff.

STANDARD OF REVIEW FOR ZONING 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 CHANGE IN ZONING

The Following is a summary of staff's analysis of the proposed rezoning against the Guidelines and Policies of Cornerstone 2020:

The site is located in the Neighborhood Form District

The Neighborhood Form is characterized by predominantly residential uses that vary from low to high density and that blend compatibly into the existing landscape and neighborhood areas. High-density uses will be limited in scope to minor or major arterials and to areas that have limited impact on the low to moderate density residential areas.

The Neighborhood Form will contain diverse housing types in order to provide housing choice for differing ages and incomes. New neighborhoods are encouraged to incorporate these different housing types within a neighborhood as long as the different types are designed to be compatible with nearby land uses. These types may include, but not be limited to large lot single family developments with cul-de-sacs, neo-traditional neighborhoods with short blocks or walkways in the middle of long blocks to connect with other streets, villages and zero lot line neighborhoods with open space, and high density multi-family condominium-style or rental housing.

The Neighborhood Form may contain open space and, at appropriate locations, civic uses and neighborhood centers with a mixture of uses such as offices, retail shops, restaurants and services. These neighborhood centers should be at a scale that is appropriate for nearby neighborhoods. The Neighborhood Form should provide for accessibility and connectivity between adjacent uses and neighborhoods by automobile, pedestrian, bicycles and transit.

Neighborhood streets may be either curvilinear, rectilinear or in a grid pattern and should be designed to invite human interaction. Streets are connected and easily accessible to each other, using design elements such as short blocks or bike/walkways in the middle of long blocks to connect with other streets. Examples of design elements that encourage this interaction include narrow street widths, street trees, sidewalks, shaded seating/gathering areas and bus stops. Placement of utilities should permit the planting of shade trees along both sides of the streets.

The proposed zoning district is located to the rear of a commercial corridor and incorporates itself into the commercial corridor through the addition of a new use and utilization of existing access, as well as the reuse of an existing commercial structure. The corridor consists of a mixture of uses of varying intensities. The proposed use is a low generator of traffic both pedestrian and vehicular, as well as being a non-essential neighborhood use. It does not occupy viable street frontage for future commercial uses providing neighborhood or regional goods and services. Further, the proposed land use does not

detract from existing facilities or occupy space along the corridor that would detract from the use of alternative forms of transportation, vitality, or sense of place along the corridor.

The proposal constitutes a non-residential expansion into a residential area. Despite such an expansion a woodland protection area will be provided to afford for the permanent screening of abutting single-family homes. Two stub roads will not be connected as a result of the proposed development. Connection between these two areas is provided nearby, however. Commercial uses on the subject site will not have access to these local roads to preserve their hierarchy within the roadway network and to eliminate any adverse impact on single-family neighborhoods by eliminating the burdens of increased traffic from outside the area or potential cut-through traffic on local roadways.

The proposed land use does not generate excessive levels of traffic that would significantly impact the surrounding community. A zoning district such as the one proposed on a tract of land of this size may alter traffic patterns and have the potential to adversely impact traffic along the corridor and nearby neighborhoods, however. Upon the development of the site for any other use then proposed a more thorough investigation of the impact on traffic and access may be warranted.

The proposal provides appropriate transitions between uses that are substantially different in scale and intensity or density of development such as landscaped buffer yards, vegetative berms, compatible building design and materials, height restrictions, or setback requirements. Woodland protection area and landscape buffering are being provided to preserve vegetation and reduce the impact upon abutting single-family homes

A checklist with a detailed analysis of the Guidelines and Policies of Cornerstone 2020 is attached to the end of this staff report. The checklist contains elements of the proposal that fulfill the goals and objectives of Cornerstone 2020, fail to meet those goals and objectives, or require more information.

STANDARD OF REVIEW AND STAFF ANALYSIS FOR CONDITIONAL USE PERMIT

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

STAFF: The proposal is consistent with the Comprehensive Plan as demonstrated in staff's analysis of the proposal in *Attachment 3*. The use itself does not occupy viable street frontage for future commercial uses providing neighborhood or regional goods and services. Further, the proposed land use does not detract from existing facilities or occupy space along the corridor that would detract from the use of alternative forms of transportation, vitality, or sense of place along the corridor. Appropriate transitions between uses that are substantially different in scale and intensity or density have been provided

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

STAFF: The proposal is compatible with surrounding uses and provides appropriate transitions between uses that are substantially different in scale and intensity or density of development such as landscaped buffer yards, vegetative berms, compatible building design and materials, height restrictions, or setback requirements. Woodland protection area and landscape buffering are being provided to preserve vegetation and reduce the impact upon abutting single-family homes

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

STAFF: Necessary public facilities are available or being provided by the proposal as demonstrated on the detailed district development plan.

4. Does the proposal comply with the following specific standards required to obtain the conditional use permit requested?

Mini-warehouses may be allowed in the C-2 District where the premises abut on a roadway classified as a collector or major or minor arterial as designated in the Comprehensive Plan for all of Jefferson County, Kentucky, upon the granting of a Conditional Use Permit and compliance with the listed requirements.

A. The property shall be landscaped so as to blend in with the surrounding area and shall be screened and buffered from adjacent uses of a non-industrial nature.

B. No building, structure or pavement shall be located closer than 30 feet to side property lines or property lines abutting residential areas. This area is reserved as a landscape buffer area.

C. No outside storage shall be allowed on the property.

D. No storage of toxic or hazardous materials shall be allowed on the property.

E. There shall be no retail or wholesale sales or distributing activities on site.

G. No structure on the site shall be taller than one story and shall not exceed 15 feet in height (except for one freestanding sign as allowed in H below).

H. Signs - Only one freestanding sign shall be allowed and shall conform to limits established for the form district in which the sign is located.

STAFF: The requested conditional use permit meets each of these guidelines.

STANDARD OF REVIEW AND STAFF ANALYSIS FOR VARIANCE

- (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 as the abutting uses are currently being used for non-residential purposes and sufficient landscaping has been provided as required by the Land Development code.

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

STAFF: The requested variance will not alter the essential character of the general vicinity as appropriate transitions between uses that are substantially different in scale and intensity or density have been provided.

- (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 the movement of pedestrians and vehicles will not be impacted by the request and adequate spacing is provided between uses to ensure safety.

- (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 as the *OR* district is commonly used for non-residential purposes and the existing development is built out in this manner.

ADDITIONAL CONSIDERATIONS:

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

STAFF: The requested variance arises from special circumstances which do not generally apply to land in the general vicinity or the same zone as the *OR* district is commonly used for non-residential purposes and the existing development is built out in this manner.

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 create an unnecessary hardship on the applicant as the *OR* district is commonly used for non-residential purposes and the existing development is built out in this manner. The application of the totality of the setback would reduce the project size in an arbitrary fashion by requiring a reduction of 1,500 square feet or one percent of the total project size.

3. 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.

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 as no development has occurred.

STANDARD OF REVIEW AND STAFF ANALYSIS FOR DETAILED DISTRICT DEVELOPMENT PLAN

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

STAFF: The proposed development plan provides a woodland protection area for the permanent protection of resources.

- 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 are provided as sidewalks along the frontage will be provided and access from the site will be restricted to the major arterial road; thus, eliminating any adverse impacts of its traffic on residential property.

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

STAFF: A woodland protection area for the permanent protection of resources is provided.

- 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: Appropriate transitions between uses that are substantially different in scale and intensity or density have been provided by way of wood land protection areas, landscape buffering, and access prohibitions.

- 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 for mini-warehouse is in conformance with applicable policies of the comprehensive plan as the subject site is located to the rear of a commercial corridor consisting of a mixture of uses of varying intensities. The use itself does not occupy viable street frontage for future commercial uses providing neighborhood or regional goods and services. Further, the proposed land use does not detract from existing facilities or occupy space along the corridor that would detract from the use of alternative forms of transportation, vitality, or sense of place along the corridor. Appropriate transitions between uses that are substantially different in scale and intensity or density have been provided.

REQUIRED ACTIONS

- **RECOMMEND** to the City of Middletown that the change in zoning from R-4, Single-Family Residential to C-2, Commercial on property described in the attached legal description be **APPROVED** or **DENIED**
- **APPROVE** or **DENY** the **Conditional Use Permit** for mini-warehouse, Land Development Code, section 4.2.35
- **APPROVE** or **DENY** the **Variance** of LDC, section 5.3.1.C.5 to encroach upon the 50' non-res to res setback.
- **RECOMMEND** to the City of Middletown that the Detailed District Development Plan be **APPROVED** or **DENIED**

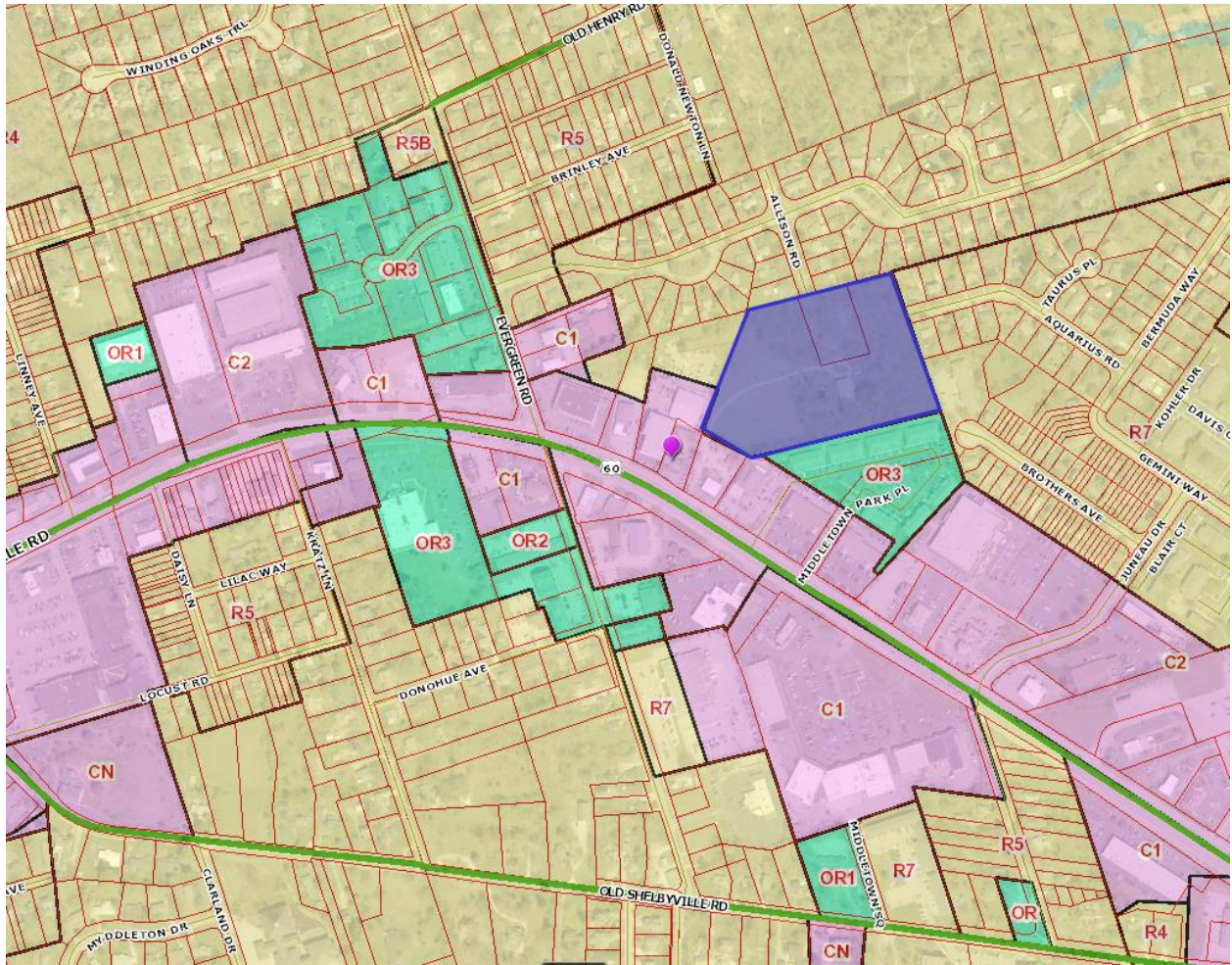
NOTIFICATION

Date	Purpose of Notice	Recipients
03/29/18	Hearing before LD&T	1 st and 2 nd tier adjoining property owners Registered Neighborhood Groups in District 19
05/04/18	Hearing before Planning Commission	1 st and 2 nd tier adjoining property owners Registered Neighborhood Groups in District 19
05/09/18	Hearing before PC	Sign Posting on property
	Hearing before PC	Legal Advertisement in the Courier-Journal

ATTACHMENTS

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

1. **Zoning Map**



2. Aerial Photograph



3. Cornerstone 2020 Staff Analysis

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

Neighborhood: Non-Residential

#	Cornerstone 2020 Plan Element	Plan Element or Portion of Plan Element	Staff Finding	Staff Comments
1	Community Form/Land Use Guideline 1: Community Form	B.3: The proposal is a neighborhood center with a mixture of uses such as offices, retail shops, restaurants and services at a scale that is appropriate for nearby neighborhoods.	✓	The proposed zoning district is located to the rear of a commercial corridor and incorporates itself into the commercial corridor through the addition of a new use and utilization of existing access, as well as the reuse of an existing commercial structure. The corridor consists of a mixture of uses of varying intensities.
2	Community Form/Land Use Guideline 1: Community Form	B.3: If the proposal is high intensity, it is located on a major or minor arterial or an area with limited impact on low to moderate intensity residential uses.	✓	The proposed zoning district is a high intensity district and is located to share access through sites having frontage along a major arterial roadway.
3	Community Form/Land Use Guideline 2: Centers	A.1/7: The proposal, which will create a new center, is located in the Neighborhood Form District, and includes new construction or the reuse of existing buildings to provide commercial, office and/or residential use.	✓	The proposal will not create a new center as it is incorporated into an existing commercial corridor. An existing structure will be reused for office space to serve the primary use.
4	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.	✓	There is sufficient residential population in the area and population generated by the commercial corridor to support expanded commercial uses.
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 site improvements result in an efficient use of land as the proposed use is a low generator of traffic both pedestrian and vehicular, as well as being a non-essential neighborhood use. It does not occupy viable street frontage for future commercial uses providing neighborhood or regional goods and services.
6	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 introduces a new use to the corridor in a zoning district that is consistent with surrounding uses and districts along the corridor. The proposed land use does not detract from existing facilities or occupy space along the corridor that would detract from the use of alternative forms of transportation, vitality, or sense of place along the corridor.

#	Cornerstone 2020 Plan Element	Plan Element or Portion of Plan Element	Staff Finding	Staff Comments
7	Community Form/Land Use Guideline 2: Centers	A.6: The proposal incorporates residential and office uses above retail and/or includes other mixed-use, multi-story retail buildings.	✓	The development provides for an office along the frontage in an existing structure and new buildings to the rear away from the corridor.
8	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.	✓	The development is a component of a commercial corridor and utilizes the full potential of the land available.
9	Community Form/Land Use Guideline 2: Centers	A.13/15: The proposal shares entrance and parking facilities with adjacent uses to reduce curb cuts and surface parking, and locates parking to balance safety, traffic, transit, pedestrian, environmental and aesthetic concerns.	✓	The proposal shares entrance and parking facilities with adjacent uses to reduce curb cuts and surface parking, and locates parking to balance safety, traffic, transit, pedestrian, environmental and aesthetic concerns. The mini-storage facility is accessed through existing commercial infrastructure along the corridor and surface parking is being redesigned to better allow for direct access and safety for users.
10	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.	✓	There would not appear to be an issue with connecting to exiting utilities and infrastructure in the area.
11	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 proposed use is easily accessible for its primary form of transportation, the automobile. The district, if proposed for different future uses, could easily be redesigned to accommodate multiple modes of transportation.
12	Community Form/Land Use Guideline 3: Compatibility	A.2: The proposed building materials increase the new development's compatibility.	✓	The impact of new construction is minimized as these structures are not located along the street frontage and are furthered screened by the implementation of a woodland protection area.

#	Cornerstone 2020 Plan Element	Plan Element or Portion of Plan Element	Staff Finding	Staff Comments
13	Community Form/Land Use Guideline 3: Compatibility	A.4/5/6/7: The proposal does not constitute a non-residential expansion into an existing residential area, or demonstrates that despite such an expansion, impacts on existing residences (including traffic, parking, signs, lighting, noise, odor and stormwater) are appropriately mitigated.	✓	The proposal constitutes a non-residential expansion into a residential area. Despite such an expansion a woodland protection area will be provided to afford for the permanent screening of abutting single-family homes. Two stub roads will not be connected as a result of the proposed development. Connection between these two areas is provided nearby, however. Commercial uses on the subject site will not have access to these local roads to preserve their hierarchy within the roadway network and to eliminate any adverse impact on single-family neighborhoods by eliminating the burdens of increased traffic from outside the area or potential cut-through traffic on local roadways.
14	Community Form/Land Use Guideline 3: Compatibility	A.5: The proposal mitigates any potential odor or emissions associated with the development.	✓	Vehicles will not be left to idle within 200' of any residential property.
15	Community Form/Land Use Guideline 3: Compatibility	A.6: The proposal mitigates any adverse impacts of its associated traffic on nearby existing communities.	✓	The proposed land use does not generate excessive levels of traffic that would significantly impact the surrounding community. A zoning district such as the one proposed on a tract of land of this size may alter traffic patterns and have the potential to adversely impact traffic along the corridor and nearby neighborhoods, however. Upon the development of the site for any other use then proposed a more thorough investigation of the impact on traffic and access may be warranted.
16	Community Form/Land Use Guideline 3: Compatibility	A.8: The proposal mitigates adverse impacts of its lighting on nearby properties, and on the night sky.	✓	Lighting shall comply with applicable standards.
17	Community Form/Land Use Guideline 3: Compatibility	A.11: If the proposal is a higher density or intensity use, it is located along a transit corridor AND in or near an activity center.	✓	The proposal is a higher intensity use and is located with primary access from a major arterial roadway. Access to local roads is not proposed and is prohibited.
18	Community Form/Land Use Guideline 3: Compatibility	A.21: The proposal provides appropriate transitions between uses that are substantially different in scale and intensity or density of development such as landscaped buffer yards, vegetative berms, compatible building design and materials, height restrictions, or setback requirements.	✓	The proposal provides appropriate transitions between uses that are substantially different in scale and intensity or density of development such as landscaped buffer yards, vegetative berms, compatible building design and materials, height restrictions, or setback requirements. Woodland protection area and landscape buffering are being provided to preserve vegetation and reduce the impact upon abutting single-family homes.

#	Cornerstone 2020 Plan Element	Plan Element or Portion of Plan Element	Staff Finding	Staff Comments
19	Community Form/Land Use Guideline 3: Compatibility	A.22: The proposal mitigates the impacts caused when incompatible developments unavoidably occur adjacent to one another by using buffers that are of varying designs such as landscaping, vegetative berms and/or walls, and that address those aspects of the development that have the potential to adversely impact existing area developments.	✓	The proposal mitigates the impacts caused when incompatible developments unavoidably occur adjacent to one another by using buffers. Woodland protection area and landscape buffering are being provided to preserve vegetation and reduce the impact upon abutting single-family homes
20	Community Form/Land Use Guideline 3: Compatibility	A.23: Setbacks, lot dimensions and building heights are compatible with those of nearby developments that meet form district standards.	✓	Setbacks, lot dimensions and building heights are compatible with those of nearby developments that meet form district standards
21	Community Form/Land Use Guideline 3: Compatibility	A.24: Parking, loading and delivery areas located adjacent to residential areas are designed to minimize adverse impacts of lighting, noise and other potential impacts, and that these areas are located to avoid negatively impacting motorists, residents and pedestrians.	✓	Parking, loading, and delivery areas are not located in areas that will impact residential properties.
22	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.	✓	Parking and maneuvering areas do not appear to impact roadways.
23	Community Form/Land Use Guideline 3: Compatibility	A.25: Parking garages are integrated into their surroundings and provide an active, inviting street-level appearance.	NA	No parking garages are proposed
24	Community Form/Land Use Guideline 3: Compatibility	A.28: Signs are compatible with the form district pattern and contribute to the visual quality of their surroundings.	✓	Signs will be in compliance with Ch. 8 of the LDC as adopted by the City of Middletown.
25	Community Form/Land Use Guideline 4: Open Space	A.2/3/7: The proposal provides open space that helps meet the needs of the community as a component of the development and provides for the continued maintenance of that open space.	✓	The proposed woodland protection area aids in providing permanent area for tree canopy preservation.
26	Community Form/Land Use Guideline 4: Open Space	A.4: Open space design is consistent with the pattern of development in the Neighborhood Form District.	✓	The proposed woodland protection area aids in providing permanent area for tree canopy preservation.

#	Cornerstone 2020 Plan Element	Plan Element or Portion of Plan Element	Staff Finding	Staff Comments
27	Community Form/Land Use Guideline 4: Open Space	A.5: The proposal integrates natural features into the pattern of development.	✓	The proposed woodland protection area aids in providing permanent area for tree canopy preservation.
28	Community Form/Land Use Guideline 5: Natural Areas and Scenic and Historic Resources	A.1: The proposal respects the natural features of the site through sensitive site design, avoids substantial changes to the topography and minimizes property damage and environmental degradation resulting from disturbance of natural systems.	✓	The 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. Stormwater will be handled on-site and woodland protection areas are provided to increase buffering and permanently protect tree stands along the property line.
29	Community Form/Land Use Guideline 5: Natural Areas and Scenic and Historic Resources	A.2/4: The proposal includes the preservation, use or adaptive reuse of buildings, sites, districts and landscapes that are recognized as having historical or architectural value, and, if located within the impact area of these resources, is compatible in height, bulk, scale, architecture and placement.	✓	The proposal includes the preservation, use or adaptive reuse of the existing building fronting along Shelbyville Road.
30	Community Form/Land Use Guideline 5: Natural Areas and Scenic and Historic Resources	A.6: Encourage development to avoid wet or highly permeable soils, severe, steep or unstable slopes with the potential for severe erosion.	✓	The site does not appear to contain wet or highly permeable soils, severe, steep or unstable slopes with the potential for severe erosion.
31	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	Located in NFD.
32	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.	✓	While the proposed use is warehouse and would otherwise be considered light-industrial, the land use proposed is most often placed at locations to take advantage of existing and future populations which are present and projected in the area.
33	Marketplace Guideline 6: Economic Growth and Sustainability	A.6: Locate retail commercial development in activity centers. Locate uses generating large amounts of traffic on a major arterial, at the intersection of two minor arterials or at locations with good access to a major arterial and where the proposed use will not adversely affect adjacent areas.	✓	The proposed use is located along a major arterial roadway/commercial corridor and does not generate large amounts of traffic. In the event of a future use permitted by the proposed zoning district the site would be appropriately located along an arterial surrounded by commercial uses of varying intensities.

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34	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.	✓	This light-industrial land use and high intensity commercial district is located along an arterial level roadway which can support a wide range of employees.
35	Mobility/Transportation Guideline 7: Circulation	A.1/2: The proposal will contribute its proportional share of the cost of roadway improvements and other services and public facilities made necessary by the development through physical improvements to these facilities, contribution of money, or other means.	✓	The proposal will provide all necessary dedications as indicated by agencies and proposed on the district development plan.
36	Mobility/Transportation Guideline 7: Circulation	A.3/4: The proposal promotes mass transit, bicycle and pedestrian use and provides amenities to support these modes of transportation.	✓	The proposed land use does not necessarily detract or negatively impact the use of mass transit or bicycle and pedestrian use along the corridor.
37	Mobility/Transportation Guideline 7: Circulation	A.6: The proposal's transportation facilities are compatible with and support access to surrounding land uses, and contribute to the appropriate development of adjacent lands. The proposal includes at least one continuous roadway through the development, adequate street stubs, and relies on cul-de-sacs only as short side streets or where natural features limit development of "through" roads.	✓	The proposal's transportation facilities are compatible with and support access to surrounding land uses, and contribute to the appropriate development of adjacent lands. Two stub roads will not be connected as a result of the proposed development. Connection between these two areas is provided nearby, however. Commercial uses on the subject site will not have access to these local roads to preserve their hierarchy within the roadway network and to eliminate any adverse impact on single-family neighborhoods by eliminating the burdens of increased traffic from outside the area or potential cut-through traffic on local roadways.
38	Mobility/Transportation Guideline 7: Circulation	A.9: The proposal includes the dedication of rights-of-way for street, transit corridors, bikeway and walkway facilities within or abutting the development.	✓	The proposal will provide all necessary dedications as indicated by agencies and proposed on the district development plan.
39	Mobility/Transportation Guideline 7: Circulation	A.10: The proposal includes adequate parking spaces to support the use.	✓	Parking is sufficient to meet the needs of the development and is in compliance with Chapter 9 of the LDC.
40	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.	✓	Access between the two sites from which access is gained to the rear is being opened by this proposal to allow for cross-connectivity.

#	Cornerstone 2020 Plan Element	Plan Element or Portion of Plan Element	Staff Finding	Staff Comments
41	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.	✓	Two stub roads will not be connected as a result of the proposed development. Connection between these two areas is provided nearby, however. Commercial uses on the subject site will not have access to these local roads to preserve their hierarchy within the roadway network and to eliminate any adverse impact on single-family neighborhoods by eliminating the burdens of increased traffic from outside the area or potential cut-through traffic on local roadways
42	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.	✓	Two stub roads will not be connected as a result of the proposed development. Connection between these two areas is provided nearby, however. Commercial uses on the subject site will not have access to these local roads to preserve their hierarchy within the roadway network and to eliminate any adverse impact on single-family neighborhoods by eliminating the burdens of increased traffic from outside the area or potential cut-through traffic on local roadways
43	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.	✓	Two stub roads will not be connected as a result of the proposed development. Connection between these two areas is provided nearby, however. Commercial uses on the subject site will not have access to these local roads to preserve their hierarchy within the roadway network and to eliminate any adverse impact on single-family neighborhoods by eliminating the burdens of increased traffic from outside the area or potential cut-through traffic on local roadways
44	Mobility/Transportation Guideline 9: Bicycle, Pedestrian and Transit	A.1/2: The proposal provides, where appropriate, for the movement of pedestrians, bicyclists and transit users around and through the development, provides bicycle and pedestrian connections to adjacent developments and to transit stops, and is appropriately located for its density and intensity.	✓	The proposal provides, where appropriate, for the movement of pedestrians, bicyclists and transit users around and through the development, provides bicycle and pedestrian connections to adjacent developments and to transit stops, and is appropriately located for its density and intensity. The subject site is located along a major arterial roadway, sidewalks are provided, and TARC facilities are nearby.

#	Cornerstone 2020 Plan Element	Plan Element or Portion of Plan Element	Staff Finding	Staff Comments
45	Livability/Environment Guideline 10: Flooding and Stormwater	The proposal's drainage plans have been approved by MSD, and the proposal mitigates negative impacts to the floodplain and minimizes impervious area. Solid blue-line streams are protected through a vegetative buffer, and drainage designs are capable of accommodating upstream runoff assuming a fully-developed watershed. If streambank restoration or preservation is necessary, the proposal uses best management practices.	✓	The proposal's drainage plans have been approved by MSD
46	Livability/Environment Guideline 12: Air Quality	The proposal has been reviewed by APCD and found to not have a negative impact on air quality.	✓	The proposal has been reviewed by APCD and found to not have a negative impact on air quality.
47	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.	✓	No natural corridors are present that warrant additions and connections to a system of providing habitat areas or allow for migration.
48	Community Facilities Guideline 14: Infrastructure	A.2: The proposal is located in an area served by existing utilities or planned for utilities.	✓	Utilities would appear to be available
49	Community Facilities Guideline 14: Infrastructure	A.3: The proposal has access to an adequate supply of potable water and water for fire-fighting purposes.	✓	The Middletown Fire Department has no objection to the proposed zoning change. Concerns with the turning radiuses within the facility as they affect maneuverability were noted, but appear to be addressed through the addition of an on-site fire hydrant. Further, each building will be sprinkled.
50	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 will provide for an 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/alternative landscape 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. There shall be no direct vehicular access to Allison Road or Aquarius Road. No construction traffic shall be allowed from these roads.
3. No outdoor advertising signs, small freestanding signs, pennants, balloons, or banners shall be permitted on the site.
4. Construction fencing shall be erected when off-site trees or tree canopy exists within 3' of a common property line. Fencing shall be in place prior to any grading or construction to protect the existing root systems from compaction. The fencing shall enclose the entire area beneath the tree canopy and shall remain in place until all construction is completed. No parking, material storage or construction activities are permitted within the protected area.
5. Before any permit (including but not limited to building, parking lot, change of use, site disturbance, alteration permit or demolition permit) is requested:
 - a. The development plan must receive full construction approval from Louisville Metro Department of Codes and Regulations Construction Permits, Transportation Planning Review, and the Metropolitan Sewer District.
 - b. Encroachment permits must be obtained from the Kentucky Department of Transportation, Bureau of Highways for all work within the right-of-way.
 - c. The property owner/developer must obtain approval of a detailed plan for screening (buffering/landscaping) as described in Chapter 10 prior to requesting a building permit. Such plan shall be implemented prior to occupancy of the site and shall be maintained thereafter.
 - d. A minor plat or legal instrument shall be recorded consolidating the property on proposed Tract 2 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
 - e. A reciprocal access and crossover easement agreement in a form acceptable to the Planning Commission legal counsel shall be created between the adjoining property owners and recorded. A copy of the recorded instrument shall be submitted to the Division of Planning and Design Services.
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 site shall be developed in accordance with the woodland protection areas delineated on the site plan, tree preservation plan and related notes. Any modification of the woodland protection area requires notification of adjoining property owners and LD&T action.
9. The applicant shall provide deeds of restriction ensuring that WPAs will be permanently protected in a manner consistent with these binding elements and the approved plan. The form of the deed restrictions shall be approved by Planning Commission counsel. Deed Restrictions must be recorded prior to tree preservation approval. All plans setting out woodland protection areas must contain the following notes:
 - A. Woodland Protection Areas (WPAs) identified on this plan represent portions of the site on which selected trees as shown on the plan shall be permanently preserved. All clearing, grading, and fill activity in these areas must be in keeping with restrictions established at the time of development plan approval. No further clearing, grading, construction or other land disturbing activity shall take place within designated WPAs beyond pruning to improve the general health of the tree or to remove dead or declining trees that may pose a public health and safety threat. As trees are lost thru natural causes new trees shall be planted in order to maintain minimum tree canopy as specified in Chapter 10, Part 1 of the LDC and as shown on the approved Tree Canopy/Landscape Plan.
 - B. Dimension lines have been used on this plan to establish the general location of WPAs and represent the minimum boundary of the designated WPAs. The final boundary for each WPA shall be established in the field by the applicant, developer, or property owner to include canopy area of all trees at or within the dimension line.
 - C. Tree protection fencing shall be erected adjacent to all WPAs prior to Site Disturbance Approval (Clearing & Grading) to protect the existing tree stands and their root systems. The fencing shall be located at least three (3) feet from the outside edge of the tree canopy and shall remain in place until all construction is completed.
 - D. No parking, material storage or construction activities are permitted within WPAs
 - E. During all construction activity (includes clearing, grading, building construction, and VUA construction) a copy of the approved Tree Preservation Plan shall be on-site.
 - F. The site shall be developed in accordance with the Woodland Protection Areas delineated on the site plan and related notes. Any modification of Woodland Protection Areas requires notification of adjoining property owners and LD&T action.
 - G. Prior to any site disturbance permit being issued and prior to any clearing, grading, or the issuance of a site disturbance permit, a site inspection shall be conducted by PDS staff to ensure proper placement of required tree protection fencing in accordance with the approved Tree Preservation Plan.