

#13: How AS ACCESS TO PATRON
ADD PLY/DROP OFF SIGNAGE

**Planning Commission
Staff Report**
April 20, 2017

#12:



Case No.	16ZONE1071
Project Name	Hwang's Martial Arts
Location	9017 Taylorsville Road
Owner	Dr. Mohammad A. Mian, Asia Mian
Applicant	Hwang's Martial Arts Inc.
Representative	Bardenwerper Talbott & Roberts PLLC
Project Area	1.11 acres/48,471 sq ft
Jurisdiction	Louisville Metro
Council District	18 – Marilyn Parker
Case Manager	Beth Jones, AICP, Planner II

REQUEST

- Change in zoning from OR-3 to C-1 for 1.11 acres
- Revised District Development Plan
 - Waiver to omit the required sidewalk along Axminster Drive (LDC 6.2.6)

CASE SUMMARY / BACKGROUND / SITE CONTEXT

The applicant is requesting a zone change to C-1 and approval of a Revised Detailed District Development Plan. The site is within a Suburban Marketplace Corridor, currently zoned OR-3 Office/Residential and located on Taylorsville Road, a major arterial. The site is currently developed with a single-family home most recently used as a rental residence and office. The proposed development includes a new 14,966 sq ft two-story structure with a martial arts facility on the first floor and related ancillary uses on the second floor.

The site is accessed via an existing shared access point from Taylorsville Road. The proposed development includes 50 parking spaces including 2 ADA, 3 compact, 2 carpool, 1 motorcycle and 1 bus space; four bike spaces are also included.

The site requires a 9% tree canopy; an existing tree canopy of 21% is to be preserved. A sidewalk waiver is being requested to omit the required sidewalk along Axminster Drive; all other required sidewalks are being installed.

LAND USE / ZONING DISTRICT / FORM DISTRICT

	Land Use	Zoning	Form District
Subject Property			
Existing	Mixed-Use Residential/Office	OR-3	Suburban Marketplace Corridor
Proposed	Martial Arts Studio Professional Office	C-1	
Surrounding Properties			
North	Retail	C-2	Suburban Marketplace Corridor
South	Single-Family Residential	R-4	Neighborhood
East	Single-Family Residential		
West	Restaurant	C-2	Suburban Marketplace Corridor

PREVIOUS CASES ON SITE

Plan Certain 9-66-88: Detailed District Development Plan approved by Planning Commission on 2/10/92. Binding elements attached. Considered simultaneously with PW-1-92 to amend parking requirements from 15 to 12 spaces.

Binding elements attached to the development plan include, in part:

- limit the total gross floor area to 3,000 sf
- prohibit access to the parcel from Axminster Drive
- restrict the office use to a psychiatrist office without Planning Commission approval
- require a detailed screening/buffering/landscaping plan, to be maintained in perpetuity
- restrict signage to one freestanding sign not to exceed 5 sq ft in area and 3 ft in height.

INTERESTED PARTY COMMENTS

John Abaray, a resident of Forest Hills, spoke at the March 23, 2017 LD&T meeting, voicing concerns about additional traffic. He is specifically concerned about an existing non-mountable median that prevents drivers on southbound Taylorsville Road from making a left turn directly into the site's parking area. He believes those drivers will turn left on Axminster Dive and use his home driveway to turn around to reach the site via the northbound lanes.

The City of Forest Hills Commission has submitted a letter in support of a waiver of the sidewalk requirement for Axminster Drive(Attachment 5). This waiver request was initiated following the original neighborhood meeting, where Forest Hills residents specifically asked that the sidewalk not be installed.

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

The site is located within a Suburban Marketplace Corridor. Suburban Marketplace Corridors are generally located along major roadways with well-defined beginning and ending points and established depths along the length of the corridor. The pattern of development is distinguished by a mixture of medium to high intensity uses. Accommodations for transit users, bicyclists and pedestrians are encouraged in an effort to attract a variety of users as well as to minimize automobile dependency and traffic congestion. Connectivity to nearby uses should be encouraged. Developers should be encouraged to design new commercial development in compact groups of buildings, which use the same curb cut, share parking, have a common freestanding sign identifying the uses and have a common buffering or streetscape plan with respect to any abutting uses of lower density or intensity.

This form may include medium to high-density residential uses that are designed to be compatible with both the non-residential uses along the corridor and the lower density residential uses in adjacent form districts. Medium density residential uses may serve as a transition area from lower to higher density residential uses and should be encouraged in this form.

Proposed new commercial uses are encouraged, to locate within the boundaries of existing corridors. Reuse of locations within existing corridors is preferred over expansion of a corridor. Proposals to expand defined corridors represent significant policy decisions. When considering proposals that result in an extension of suburban marketplace corridors, particular emphasis should be placed on: (a) use or reuse of land within existing corridors; (b) potential for disruption of established residential neighborhoods; and (c) compliance with the site and community design standards of the Land Development Code.

STANDARD OF REVIEW AND STAFF ANALYSIS FOR DDDP

- 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 existing tree canopy, which is more than twice what is required for the site, will be preserved.

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

STAFF: At the request of the neighboring community, the City of Forest Hills, the proposal includes no direct vehicular or pedestrian access to the site via Axminster Drive. Taylorsville

Road, a major arterial, will provide adequate vehicular service and an existing shared access point will be used. The required sidewalk will along Taylorsville Road will be installed.

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

STAFF: There are no scenic or open space requirements associated with the site.

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

STAFF: MSD has reviewed the development plan and issued preliminary approval.

- e. The compatibility of the land use and overall site design, including location of buildings, parking lots, screening and landscaping, with existing and projected development in the area;

STAFF: The existing tree canopy, which is more than double the requirements for the site, is to be preserved in its entirety, buffering the proposed development from single-family residential development to the east.

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

STAFF: The development plan conforms to or exceeds the requirements of the Comprehensive Plan and the Land Development Code.

STANDARD OF REVIEW AND STAFF ANALYSIS FOR WAIVERS

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

STAFF: The waiver was requested by the adjacent property owners.

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

STAFF: The sidewalk would lead to a fully-developed subdivision which consists of dead-end streets with no connections to adjacent properties. The subdivision properties do not have sidewalks.

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

STAFF: The applicant will install all other required sidewalks.

- (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 applicant has provided adequate internal and external connectivity throughout the remainder of the site and has exceeded requirements regarding buffering and traffic control to the benefit of the adjoining residential uses.

TECHNICAL REVIEW

- There are no outstanding technical issues to be addressed.

STAFF CONCLUSIONS

Applicant has worked with the adjoining City of Forest Hills to mitigate any potential negative effects of the proposed development. There is no direct vehicular or pedestrian access to the site via Axminster Drive; the sidewalk waiver is in response to a request by the City. The existing tree canopy, which is more than twice the requirement for the site, is to remain. The applicant has also agreed to limit the permitted hours of operation and restrict the allowable C-1 uses in response to feedback from the City Commission and resident, as per the proposed binding elements (Attachment 4). The proposal is a more intense use than the existing OR-3 uses but is in conformity the existing Suburban Marketplace Corridor form district.

Based upon the information in the staff report and 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.

Action is required to recommend approval or denial of the zone change request to Louisville Metro Council and to approve or deny the DDDP.

NOTIFICATION

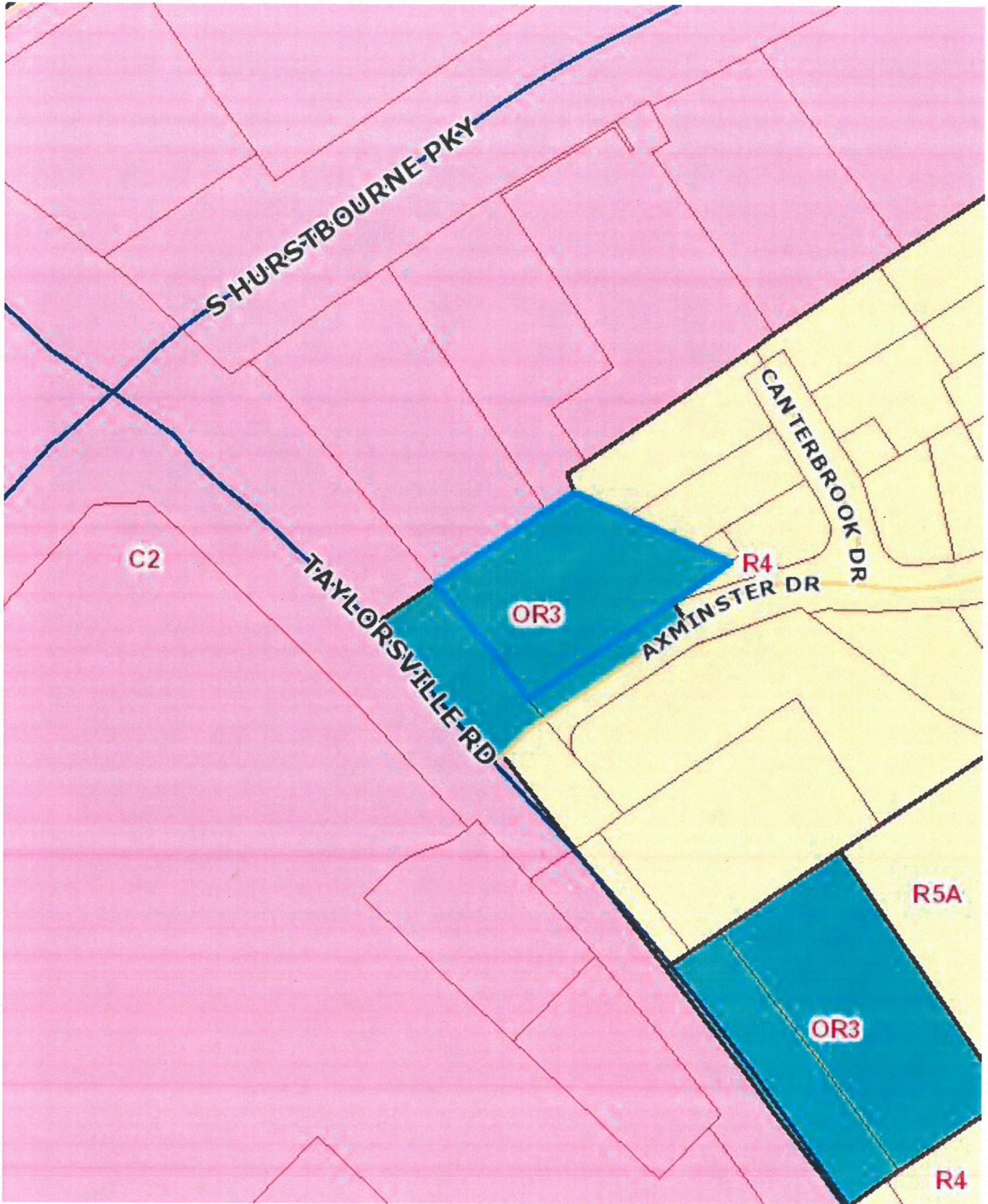
Date	Purpose of Notice	Recipients
10/10/2016	Neighborhood Meeting	1st and 2nd tier adjoining property owners Registered Neighborhood Groups, Council District 18
3/8/2017	Hearing before LD&T	1st and 2nd tier adjoining property owners Registered Neighborhood Groups, Council District 18
4/6/2017	Hearing before Planning Commission	1st and 2nd tier adjoining property owners Registered Neighborhood Groups, Council District 18
4/7/2017		Newspaper notification
4/5/2017		Site signs

ATTACHMENTS

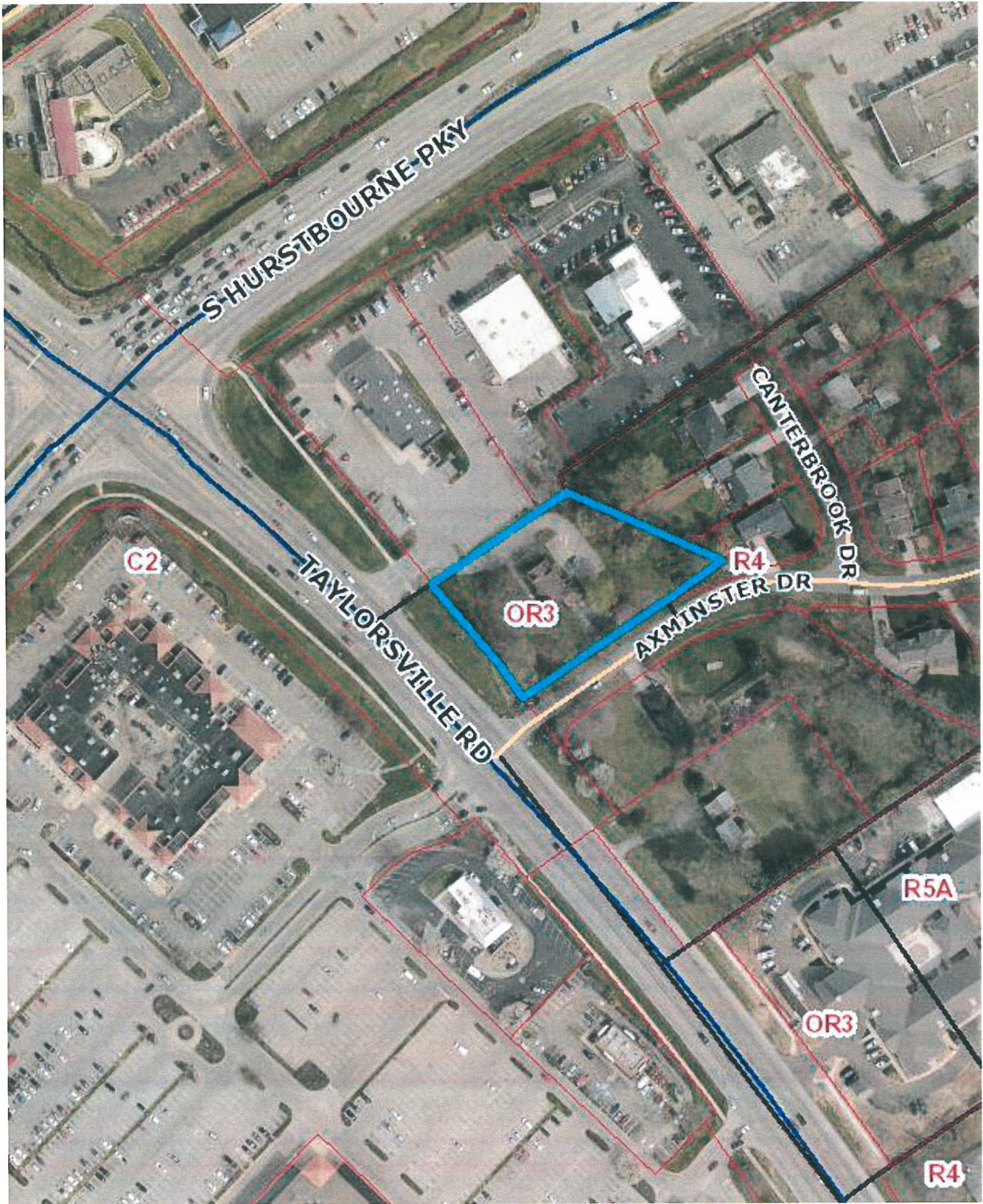
1. Zoning Map

2. Aerial Photograph
3. Cornerstone 2020 Staff Checklist
4. Existing Binding Elements
5. Proposed Binding Elements
6. City of Forest Hills letter of support

1. Zoning Map



2. Aerial Photograph



3. Cornerstone 2020 Staff Checklist

Suburban Marketplace Corridor: Non-Residential

#	Plan Element	Staff Finding	Staff Comments
Community Form/Land Use Guideline 1: Community Form			
1	B.8: Integrates into the existing pattern of development, which includes a mixture of medium- to high-density uses.	✓	Adjoining properties to the north and west are C-2.
2	B.8: Provides accommodations for transit users, pedestrians and bicyclists and provides connectivity to adjacent developments.	✓	Sidewalk to be installed along Taylorsville Road. Waiver of Axminster sidewalk at request of City of Forest Hills Commission.
3	B.8: Includes a compact group of buildings using the same curb cut, parking and signs, and that have a common buffering or streetscape plan with respect to any abutting lower density or intensity uses.	✓	Proposal includes single building with no access changes. Existing vegetation along Axminster road frontage and at rear property line shared with residential uses will be retained to protect residential character.
4	B.8: Medium to high density designed to be compatible with both non-residential development in the corridor and adjacent low density residential development in other form districts.	✓	Requested sidewalk waiver and retention of existing tree canopy will protect character of adjoining residential uses.
5	B.8: Located within the boundaries of the existing form district. If expanding an existing corridor, the justification addresses the use or reuse of land within the existing corridor, the potential for disruption of established residential neighborhoods, and compliance with LDC site and community design standards.	✓	Proposal does not expand the existing form district.
Community Form/Land Use Guideline 2: Centers			
6	A.1/7: If creating a new center, is located in the Suburban Marketplace Corridor Form District and includes new construction or the reuse of existing buildings to provide commercial, office and/or residential use.	NA	No new center is being created.
7	A.3: Retail commercial development is located in an area that has a sufficient population to support it.	NA	Proposal does not include retail uses, although requested zoning would permit them in the future.
8	A.4: Is compact and results in an efficient land use pattern and cost-effective infrastructure investment.	NA	Proposal is a single structure and would require no infrastructure improvements.
9	A.5: 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.	✓	C-1 zoning is compatible within the existing Suburban Marketplace Corridor form district.
10	A.6: Incorporates residential and office uses above retail and/or includes other mixed-use, multi-story retail buildings.	NA	Proposal contains no mixed-use elements.
11	A.12: If 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	Site not located in a center.
12	A.13/15: 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.	✓	Proposal retains existing shared access with adjoining commercial use and does not provide direct access to Axminster Drive.

#	Plan Element	Staff Finding	Staff Comments
13	A.14: Designed to share utility hookups and service entrances with adjacent development and utility lines are placed underground in common easements.	✓	Proposal meets these requirements.
14	A.16: Designed to support easy access by bicycle, car and transit and by pedestrians and persons with disabilities.	✓	Proposal meets these requirements.

Community Form/Land Use Guideline 3: Compatibility

15	A.2: Building materials increase the new development's compatibility.	✓	Proposal meets building design requirements.
16	A.4/5/6/7: Does not constitute a non-residential expansion into an existing residential area, or appropriately mitigates impacts on existing residences (including traffic, parking, signs, lighting, noise, odor and stormwater).	✓	Proposal does not expand existing Suburban Marketplace Corridor form district. Retention of existing tree canopy exceeds requirements and mitigates impact on adjoining residential uses.
17	A.5: Mitigates any potential odor or emissions associated with the development.	✓	No additional odor or emissions are expected.
18	A.6: Mitigates any adverse impacts of its associated traffic on nearby existing communities.	✓	Traffic patterns and access issues have been agreed upon by applicant and City of Forest Hills.
19	A.8: Mitigates adverse impacts of its lighting on nearby properties, and on the night sky.	✓	Proposal will meet LDC requirements.
20	A.11: If a higher density or intensity use, is located along a transit corridor AND in or near an activity center.	✓	Proposal is located adjacent to an existing activity center and within an existing Suburban Marketplace Corridor.
21	A.21: Provides appropriate transitions between uses 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.	✓	Retention of existing tree canopy and site design mitigates potential negative effects on adjoining residential uses.
22	A.22: 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.	✓	Retention of existing tree canopy and site design mitigates potential negative effects on adjoining residential uses.
23	A.23: Setbacks, lot dimensions and building heights are compatible with those of nearby developments that meet form district standards.	✓	Proposal meets LDC requirements.
24	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.	✓	Majority of parking is located along shared property line with adjoining commercial uses.
25	A.24: 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.	✓	Retention of existing tree canopy and site design will mitigate negative effects on adjoining residential uses. Majority of parking is located along shared property line with adjoining commercial uses.
26	A.25: Parking garages are integrated into their surroundings and provide an active, inviting street-level appearance.	NA	No parking garages are proposed.

#	Plan Element	Staff Finding	Staff Comments
27	A.28: Signs are compatible with the form district pattern and contribute to the visual quality of their surroundings.	✓	Proposed signage is located away from residential uses and meets LDC requirements.

Community Form/Land Use Guideline 4: Open Space

28	A.2/3/7: Provides open space that helps meet the needs of the community as a component of the development and provides for the continued maintenance of that open space.	NA	No open space requirements are associated with site.
29	A.4: Open space design is consistent with the pattern of development in the Neighborhood Form District.	NA	No open space requirements are associated with site.
30	A.5: Integrates natural features into the pattern of development.	✓	Existing tree canopy is proposed to remain.

Community Form/Land Use Guideline 5: Natural Areas and Scenic and Historic Resources

31	A.1: 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.	✓	Proposal will note result in significant topographical changes.
32	A.2/4: Preserves, use/adaptive reuse of buildings, sites, districts and landscapes with historic or architectural value and, if located within the impact area of these resources, is compatible in height, bulk, scale, architecture and placement.	NA	These conditions do not apply.
33	A.6: Encourages development to avoid wet or highly permeable soils, severe, steep or unstable slopes with the potential for severe erosion.	NA	These conditions do not apply.

Marketplace Guideline 6: Economic Growth and Sustainability

34	A.3: Encourages redevelopment, reinvestment and rehabilitation in the downtown where it is consistent with the form district pattern.	NA	Site is not located downtown.
35	A.4: Encourages industries to locate in industrial subdivisions or adjacent to existing industry to take advantage of special infrastructure needs.	NA	Proposal does not include and would not permit industrial uses.
36	A.6: Locates retail commercial development in activity centers. Locates 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.	✓	Retail uses would be possible in the future under this zoning. Taylorsville Road is a major arterial.
37	A.8: Industrial development with more than 100 employees is located on or near an arterial street, preferably in close proximity to an expressway interchange. Industrial development with less than 100 employees located on or near an arterial street.	NA	Proposal does not include and would not permit industrial uses.

Mobility/Transportation Guideline 7: Circulation

38	A.1/2: Contributes a proportional share of the cost of roadway improvements and other services and public facilities made necessary by the development through physical improvements to these facilities, contribution of money, or other means.	✓	No roadway improvements are anticipated.
39	A.3/4: Promotes mass transit, bicycle and pedestrian use and provides amenities to support these modes of transportation.	✓	Sidewalk to be installed along Taylorsville Road. Waiver of Axminster sidewalk at request of City of Forest Hills Commission.

#	Plan Element	Staff Finding	Staff Comments
40	A.6: 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.	✓	Proposal involves a single parcel and no changes to access or new roadways.
41	A.9: Includes the dedication of rights-of-way for street, transit corridors, bikeway and walkway facilities within or abutting the development.	✓	Proposal meets LDC requirements.
42	A.10: Includes adequate parking spaces to support the use.	✓	Proposal meets LDC requirements.
43	A.13/16: Provides for joint and cross access through the development and to connect to adjacent development sites.	✓	Proposal meets LDC requirements.

Mobility/Transportation Guideline 8: Transportation Facility Design

44	A.8: Provides adequate stub streets for future roadway connections that support and contribute to appropriate development of adjacent land.	NA	Does not apply to this development proposal.
45	A.9: Avoids access to development through areas of significantly lower intensity or density if such access would create a significant nuisance.	✓	Site has shared access via Taylorsville Road.
46	A.11: Provides for an appropriate functional hierarchy of streets and appropriate linkages between activity areas in and adjacent to the development site.	NA	Does not apply to this development proposal.

Mobility/Transportation Guideline 9: Bicycle, Pedestrian and Transit

47	A.1/2: 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.	✓	Proposal meets LDC requirements.
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Livability/Environment Guideline 10: Flooding and Stormwater

48	Drainage plans have been approved by MSD and mitigate negative impacts to the floodplain and minimizes impervious area. Solid blue-line streams are protected through a vegetative buffer and drainage designs accommodate upstream runoff assuming a fully-developed watershed. Uses best management practices for streambank restoration or preservation if necessary.	✓	Proposal meets LDC requirements and has received preliminary MSD approval.
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Livability/Environment Guideline 12: Air Quality

49	Reviewed by APCD and found not to have a negative impact on air quality.	✓	Proposal was reviewed by APCD.
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Livability/Environment Guideline 13: Landscape Character

50	A.3: Includes additions and connections to a system of natural corridors to provide habitat areas and allow for migration.	NA	Does not appear to apply to this site.
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Community Facilities Guideline 14: Infrastructure

51	A.2: Located in an area served by existing utilities or planned for utilities.	✓	No new utility infrastructure will be required.
52	A.3: Has access to an adequate supply of potable water and water for fire-fighting purposes.	✓	Jeffersonton Fire and Louisville Water have approved the proposal.

#	Plan Element	Staff Finding	Staff Comments
53	A.4: Has adequate means of sewage treatment and disposal to protect public health and to protect water quality in lakes and streams.	✓	Proposal meets LDC requirements and has received preliminary MSD approval.

4. Existing Binding Elements

1. The development shall be in accordance with the approved district development plan, land use and agreed upon binding elements unless amended pursuant to the Zoning District Regulations. No further development will occur without prior approval from the Planning Commission.
2. The development shall not exceed 3,000 square feet of gross floor area.
3. There shall be no access from Axminister Drive to the subject property.
4. Before a building or alteration permit and/or a certificate of occupancy is requested:
 - a) The development plan must be reapproved by the Jefferson County Department of Public Works and Transportation and the Metropolitan Sewer District.
 - b) The property owner/developer must obtain approval of a detailed plan for screening (buffering/landscaping) as described in Article 12. Such plan shall be implemented prior to requesting a certificate of occupancy and maintained thereafter.
5. Only one permitted freestanding office identification sign shall be located as shown on the approved district development plan. The sign shall not exceed 15 square feet in area and 6 feet in height. Only one permitted freestanding entry sign shall be located as shown on the approved district development plan. The sign shall not exceed 5 square feet in area and 3 feet in height.
6. If a certificate of occupancy is not issued within one year of the date of approval of the plan, the property shall not be used in any manner unless a revised district development plan is approved or an extension is granted by the Planning Commission.
7. A certificate of occupancy must be received from the appropriate code enforcement office prior to occupancy of the structure or land for the proposed use. All binding elements requiring action and approval must be implemented.

5. Proposed Binding Elements

- ~~1. The development shall be in accordance with the approved district development plan, land use and agreed upon binding elements unless amended pursuant to the Zoning District Regulations. No further development will occur without prior approval from the Planning Commission.~~
- ~~2. The development shall not exceed 3,000 square feet of gross floor area.~~
- ~~3. There shall be no access from Axminister Drive to the subject property.~~
- ~~4. Before a building or alteration permit and/or a certificate of occupancy is requested:
 - ~~e) The development plan must be reapproved by the Jefferson County Department of Public Works and Transportation and the Metropolitan Sewer District.~~
 - ~~d) The property owner/developer must obtain approval of a detailed plan for screening (buffering/landscaping) as described in Article 12. Such plan shall be implemented prior to requesting a certificate of occupancy and maintained thereafter.~~~~
- ~~5. Only one permitted freestanding office identification sign shall be located as shown on the approved district development plan. The sign shall not exceed 15 square feet in area and 6 feet in height. Only one permitted freestanding entry sign shall be located as shown on the approved district development plan. The sign shall not exceed 5 square feet in area and 3 feet in height.~~
- ~~6. If a certificate of occupancy is not issued within one year of the date of approval of the plan, the property shall not be used in any manner unless a revised district development plan is approved or an extension is granted by the Planning Commission.~~
- ~~7. A certificate of occupancy must be received from the appropriate code enforcement office prior to occupancy of the structure or land for the proposed use. All binding elements requiring action and approval must be implemented.~~

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 LDC. Any changes/additions/alterations to any binding element(s) shall be submitted to the Planning Commission or its designee for review and approval; any changes/additions/alterations not so referred shall not be valid.
2. No outdoor advertising signs, small freestanding signs, pennants, balloons or banners shall be permitted on the site.
3. There shall be no vehicular or pedestrian access from Axminister Drive to the subject property.
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 is requested, including but not limited to permits for building, parking lot, change of use, site disturbance, alteration or demolition:
 - a. The development plan must receive full construction approval from Develop Louisville, Louisville Metro Public Works and the Metropolitan Sewer District,
 - b. Encroachment permits must be obtained from the Kentucky Transportation Cabinet, and
 - c. The property owner/developer must obtain approval of a detailed plan for screening/buffering/landscaping as described in LDC Chapter 10 prior to requesting a building permit. Such plan shall be implemented prior to occupancy of the site and shall be maintained thereafter.

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 all tenants, purchasers, contractors, subcontractors and other parties engaged in development of this site and shall advise them of their content. The binding elements shall run with the land, and the owner and the occupant of the property shall at all times be responsible for compliance with them. At all times during development of the site, the applicant and developer, their heirs, successors and assignees, contractors, subcontractors and all 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 April 20, 2017 Planning Commission meeting.
9. The subject property shall be restricted to the following uses permitted under C-1 Commercial zoning:

- Antique shops
- Art galleries
- Athletic facilities
- Audio/video recording studios, providing the building is soundproofed
- Bakeries, retail; all products produced to be sold on-premises only
- Barber shops
- Bed and Breakfasts
- Bicycle sales and service
- Bookstores
- Catering kitchen/bakery preparing food and meals for sale or consumption elsewhere
- Clothing, dry goods and notions stores
- Clubs, private, non-profit or proprietary
- Colleges, schools and institutions of learning
- Community residences
- Community Service Facility
- Computer sales (hardware and software) and programming services
- Confectionery, ice cream or candy stores, retail; no more than 50% of the floor area shall be used for production of food items for off-premise sale
- Convents and monasteries
- Country clubs
- Dance Instruction; excludes adult entertainment uses as defined within LMCO Chapter 11
- Day care centers, day nurseries, nursery schools and kindergartens
- Department stores
- Dressmaking or millinery shops
- Drugstores
- Dwelling, Multi-family
- Dwelling, Single-family
- Dwelling, Two-family
- Electric appliance stores
- Extended stay lodging
- Family care home (mini-home)
- Florist shops
- Funeral homes
- Furniture stores

Hardware and paint stores
 Health spas
 Home occupations
 Hotels and motels, including ancillary restaurants and lounges enclosed in a structure in which dancing and other entertainment (not including adult entertainment activities as defined in LDC 4.4.1) may be provided
 Interior decorating shops
 Jewelry stores
 Libraries, museums, historical buildings and grounds, arboretums, aquariums and art galleries
 Medical laboratories
 Music stores
 Office, business, professional and governmental
 Parks, playgrounds, and community centers
 Pet grooming, obedience training and related pet activities, provided the operation is conducted within a soundproofed building, no animals are boarded, and there are no runs or pens outside of the building
 Pet shops
 Photocopying, duplicating, paper folding, mail processing and related services
 Photographic shops
 Photography studios
 Picture Framing
 Radio and television stores
 Religious buildings
 Rental businesses offering items whose sale is a permitted use in this district, videocassette and similar products, rental and sales but not constituting an adult video cassette rental center
 Residential care facilities
 Shoe repair shops
 Shoe stores
 Stationery stores
 Tailors
 Tanning salons
 Temporary buildings, the uses of which are incidental to construction operations being conducted on the same or adjoining lot or tract and which shall be removed upon completion or abandonment of such construction or upon the expiration of a period of two years from the time of erection of such temporary buildings, whichever is sooner
 Tents, air structures and other temporary structures intended for occupancy by commercial activities including but not limited to sales, display and food services, provided that applicable building and fire safety codes are met and provided further that such structures may not be installed for a period or periods totaling more than ten (10) days during a calendar year.
 Toy and hobby stores
 Variety stores
 Veterinary hospital, provided the operation is conducted within a sound- proofed building, no animals are boarded, and there are no runs or pens outside of the building

10. The proposed martial arts studio shall be located on the first floor with the second floor only used as ancillary to the first floor use or in connection with the first floor use.
11. A sidewalk along the frontage of Axminster Drive shall be prohibited.
12. The existing four-board fence along Axminster Drive shall be repaired and maintained. *thereafter*
13. While the property is used for a martial arts studio, school or other training use, such use shall create and use a student pick-up and drop-off management plan designating a central point for *before cent of occ*

same on site, and inform the clients in writing at least annually that no pick-ups or drop-offs are permitted on Axminster Drive.

14. The hours of operation for any use on the subject property shall be limited to 6 a.m. to 10 p.m.

6. City of Forest Hills letter of support

JOHN P. SINGLER
CARRIED RITSERT

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4/11/17

Nick Pregliasco
1000 North Hurstbourne Parkway, #200
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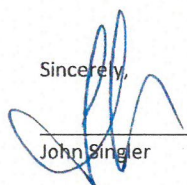
RE: Case #16ZONE1071

Dear Nick:

As we discussed at the City of Forest Hills Commission meeting last night, my client is unanimous in support of your sidewalk waiver for the above project, relating to the construction of a sidewalk on Axminster Drive.

The City of Forest Hills does not want a sidewalk built on Axminster Drive as part of this development. Please call with any questions.

Sincerely,



John Singler

Cc: City Commission

