

Planning Commission
Staff Report
March 16, 2017



Case No.	16ZONE1070
Project Name	Menards
Location	4700 Cooper Chapel Road
Owner(s)	Multiple owners
Applicant	Menards, Inc.
Representative	Bardenwerper Talbott & Roberts PLLC
Project Area	33.83 acres
Jurisdiction	Louisville Metro
Council District	23 – James Peden
Case Manager	Beth Jones, AICP, Planner II

REQUEST

- Change in form district from Neighborhood to Suburban Marketplace Corridor
- Change in zoning from R-4 Residential to C-2 Commercial
- Detailed District Development Plan
 - Waiver1: to reduce the minimum parking requirement (LDC 9.1.3/Table 9.1.2.C)
 - Wavier 2: to permit the accessory structure to exceed the scale of adjacent residential structures (LDC 5.5.5.A.1.)

CASE SUMMARY/BACKGROUND/SITE CONTEXT

The proposed development site is comprised of 15 parcels totaling 33.83 acres, located within the southeast quadrant of the intersection of Cooper Chapel Road, a Primary Collector, and Preston Highway, a Major Arterial. Changes in zone and form district are requested.

The 893,617 sq ft/20.06 acre Menard site will be developed with two structures: a 203,000 sq ft single-story retail building, a 53,660 sq ft storage building at the rear, and a 187,338 sq ft outdoor storage yard. The storage building is located along the eastern side of the site, adjacent to existing single-family residential development. Most of the building is located approximately 200 feet from the nearest residential property lines. At its northern end, where the building and part of the storage area are approximately 50 feet from a residential use, a 14 foot high screening fence will be installed. A waiver has been requested to accommodate the large scale of the storage building as compared to the adjacent residential structures.

In addition to the Menard site, the proposed development plan will create five residual tracts: Tract 1 (128,610 sq ft/2.95 acres), Tract 2 (28,260 sq ft/0.65 acres), Tract 3 (218,766 sq ft/5.02 acres), Tract 4 (184,964 sq ft/4.48 acres) and Tract 5 (29,238 sq ft/0.67 acres). No development plans have been submitted for these tracts at this time.

At full development, all tracts will access public roadways only via the proposed internal circulation plan. This plan shows two access points onto Cooper Chapel Road at the north end of the site and one which accesses Preston Highway via Maple Springs Drive at the south. The plan includes vehicle parking spaces on the

development site; none are included on any of the residual tracts. The applicant has submitted a waiver request for a reduction of the 609 space minimum parking requirement to 455 spaces, which requires a parking study, which the applicant is working with Public Works to complete. At the time of publication of this report, the results are not yet available.

The site has an existing tree canopy of 15% (131,499 sq ft), which will not be preserved. The development plan calls for the planting of a 20% canopy (174,723 sq ft) as per LDC requirements.

LAND USE / ZONING DISTRICT / FORM DISTRICT

	Land Use	Zoning	Form District
Subject Property			
Existing	Single-Family Residential	R-4	Neighborhood
Proposed	Retail Commercial	C-2	Suburban Marketplace Corridor
Surrounding Properties			
North	Undeveloped	C-1	Suburban Marketplace Corridor
	Single-Family Residential	R-5	
South	Single-Family Residential	R-4	Neighborhood
East			
West			

PREVIOUS CASES ON SITE

There are no zoning cases or enforcement action associated with the site.

INTERESTED PARTY COMMENTS

No comments have been received from interested parties.

APPLICABLE PLANS AND POLICIES

Cornerstone 2020
Land Development Code

STANDARD OF REVIEW FOR REZONING AND FORM DISTRICT CHANGES

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

1. The proposed form district/rezoning change complies with the applicable guidelines and policies Cornerstone 2020; **OR**
2. The existing form district/zoning classification is inappropriate and the proposed classification is appropriate; **OR**

3. There have been major changes of an economic, physical, or social nature within the area involved which were not anticipated in Cornerstone 2020 which have substantially altered the basic character of the area.

STAFF ANALYSIS FOR REZONING AND FORM DISTRICT CHANGES

The applicant is requesting a change in form district to 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.

The change in form district requested by the applicant is an expansion of an existing Suburban Marketplace Corridor. It is located at the intersection of a Major Arterial and a Primary Collector and provides access to both. Accommodation for multi-modal access is included and an internal circulation system will minimize curb cuts. It provides the required buffers to adjacent residential uses with the exception of the requested waiver of the accessory building scale requirement.

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, watercourses, flood plains, soils, air quality, scenic views and historic sites;

STAFF: According to LOJIC data, existing site conditions are limited to potential steep slopes and karst. MSD has reviewed the development plan and issued preliminary approval, and the applicant has provided documentation of a karst study which shows no indication of sinkholes on the property.

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

STAFF: The site provides adequate but not excessive connectivity to existing roadways. All tracts will be served through a multi-modal internal circulation plan.

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

STAFF: The LDC does not require open space on 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 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 site has compatible development to the north. Residential uses to the west connect to a frontage road along Preston Highway. Residential uses around the remainder of the property perimeter are buffered as per LDC requirements.

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

STAFF: Aside from the requested waivers, the development plan conforms to the requirements of the Comprehensive Plan and the Land Development Code.

**STANDARD OF REVIEW AND STAFF ANALYSIS FOR WAIVER 1:
to reduce the minimum parking requirement (LDC 9.1.3/Table 9.1.2.C)**

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

STAFF: The site will not be directly accessible from most areas of residential development surrounding it which will not enable or encourage off-site parking that could adversely impact adjacent residences. The number of spaces planned is based on surveys of other Menards locations of similar size located in similar communities. The study currently underway will provide details from the Jeffersonville, Indiana location. Results will be reviewed by PDS and Public Works prior to the Planning Commission meeting.

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

STAFF: The development plan meets Cornerstone 2020 guidelines.

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

STAFF: The proposed parking is expected to fall within the parameters of Menards needs, based on the results of the parking study data.

- (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 study results are expected to justify the applicant's request. Smaller parking lots are less likely to contribute to heat island issues and will result in less impervious surface.

**STANDARD OF REVIEW AND STAFF ANALYSIS FOR WAIVER 2:
to permit an accessory structure to exceed the scale of adjacent residential structures (LDC 5.5.5.A.1.)**

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

STAFF: Although the building is located near adjoining residential property lines, it is about 200 feet away from all but one of the homes. Additional buffering and fencing will be installed at the property line of the nearest residential structure, which is located about 300 feet to the north. Landscaping and buffering will also be installed at all points along the adjacent property line.

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

STAFF: The design of this site and the applicant's additional buffering will mitigate any negative impacts of the proposed development.

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

STAFF: The applicant is requesting the waiver only in the area of the structure.

- (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 is meeting or exceeding landscaping and buffering requirements to mitigate potential negative effects.

TECHNICAL REVIEW

- All agency comments have been addressed.

STAFF CONCLUSIONS

The proposed form district change is a reasonable expansion of the existing Suburban Marketplace Corridor. The proposed zone change is the minimum required to accommodate the proposed use. The applicant is expected to justify the parking waiver request with study results, and is exceeding requirements to justify the waiver of the accessory building requirements.

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 on the development plan, the zone change request and the binding element amendment.

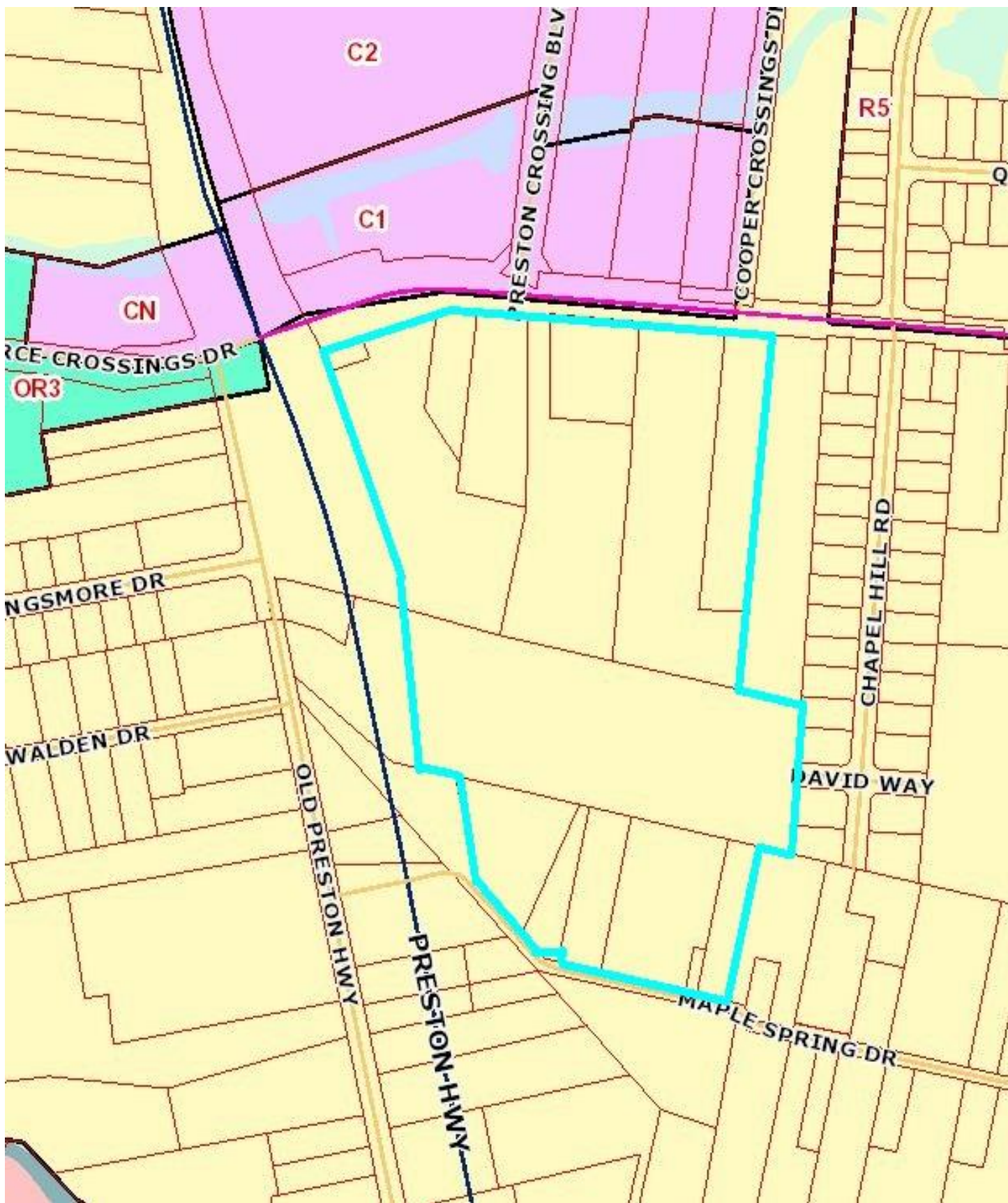
NOTIFICATION

Date	Purpose of Notice	Recipients
10/17/2017	Neighborhood Meeting	1st and 2nd tier adjoining property owners Registered Neighborhood Groups, Council District 23
2/10/17	Hearing before LD&T	1st and 2nd tier adjoining property owners Registered Neighborhood Groups, Council District 23
3/2/2017	Hearing before Planning Commission	1st and 2nd tier adjoining property owners Registered Neighborhood Groups, Council District 23
2/28/2017	Hearing before Planning Commission	Sign posting
	Hearing before Planning Commission	Newspaper advertisement

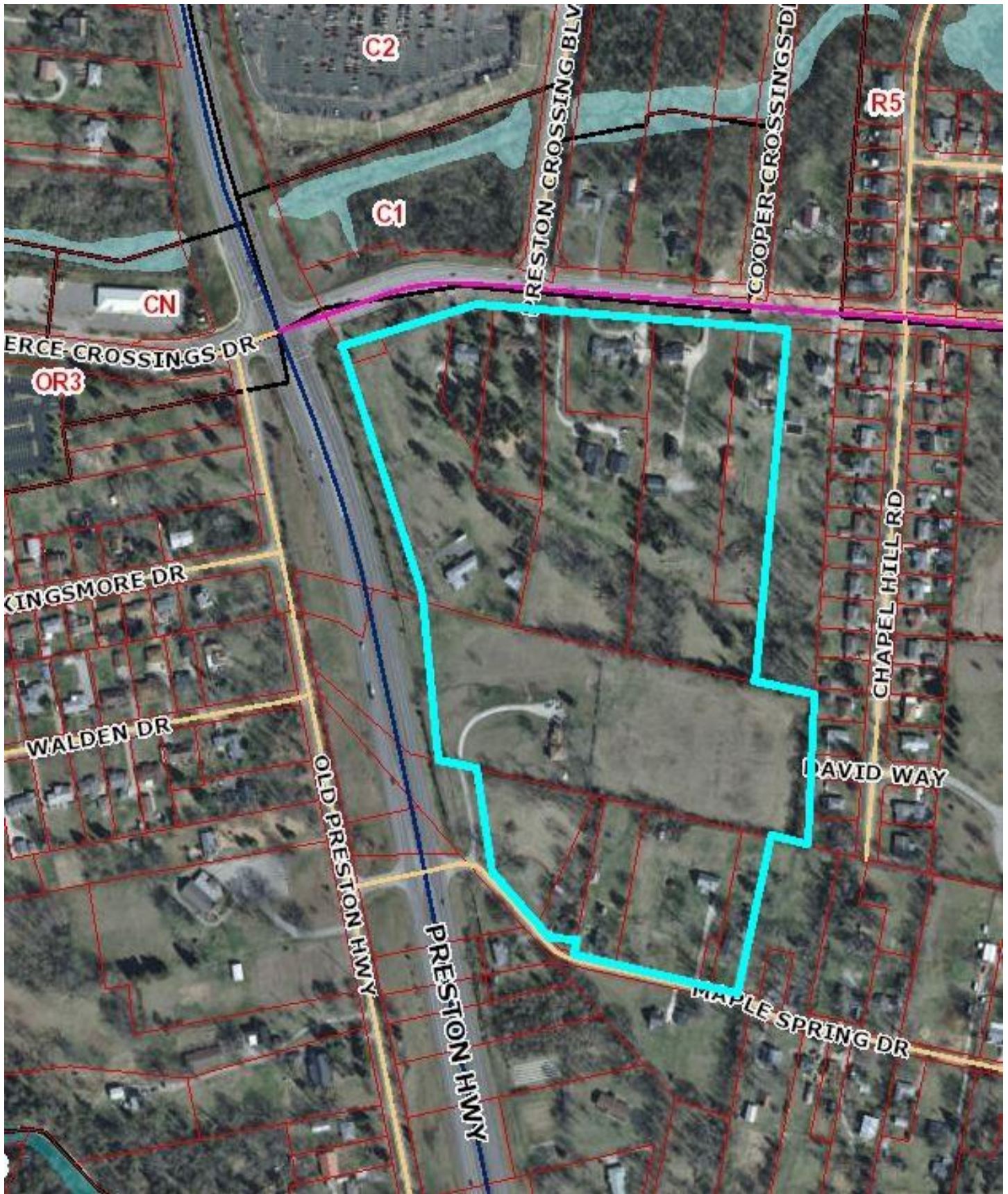
ATTACHMENTS

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

1. Zoning Map



2. Aerial Photograph



3. Cornerstone 2020 Staff Checklist

#	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.	✓	Plan is a reasonable expansion of the adjacent form district.
2	B.8: Provides accommodations for transit users, pedestrians and bicyclists and provides connectivity to adjacent developments.	✓	Proposal includes multi-modal facilities and internal connectivity to future development on residual tracts.
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.	✓	Plan shows development for one tract only. Two access points are proposed to Cooper Chapel Road and another to Preston Highway via improvement of Maple Springs Drive.
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.	✓	Plan meets or exceeds buffering and landscaping requirements.
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 expands an existing corridor directly adjacent to the site.
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.	✓	Proposal expands an existing corridor directly adjacent to the site.
7	A.3: Retail commercial development is located in an area that has a sufficient population to support it.	✓	There is sufficient population, evidenced by the location of a similar retailer in the adjacent SMC.
8	A.4: Is compact and results in an efficient land use pattern and cost-effective infrastructure investment.	✓	Site includes residual tracts that will be served by internal circulation roadways. Fire department, Louisville Water Co and MES have reviewed and approved the plan.
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.	✓	Requested C-2 zone will permit development of residual lots with compatible uses.
10	A.6: Incorporates residential and office uses above retail and/or includes other mixed-use, multi-story retail buildings.	-	Proposal is not maxed-use in nature.
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.	✓	Development is compact and potentially multi-purpose. There is no central feature.

#	Plan Element	Staff Finding	Staff Comments
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.	✓	Site access is limited to three curb cuts. Site design is typical suburban form with a large single-user building and parking between the public roadway and the building.
13	A.14: Designed to share utility hookups and service entrances with adjacent developments, and utility lines are placed underground in common easements.	✓	Proposed site plan shares circulation with adjacent residual tracts.
14	A.16: Designed to support easy access by bicycle, car and transit and by pedestrians and persons with disabilities.	✓	Proposal accommodates multi-modal access.

Community Form/Land Use Guideline 3: Compatibility

15	A.2: Building materials increase the new development's compatibility.	✓	Structures are buffered from adjacent residential uses.
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).	✓	Plan document includes note regarding landscaping and light direction. Parking is located away from the majority of existing residential development.
17	A.5: Mitigates any potential odor or emissions associated with the development.	✓	Proposal is not expected to produce excessive odor and emissions.
18	A.6: Mitigates any adverse impacts of its associated traffic on nearby existing communities.	✓	Vehicle access is limited to direct access to Cooper Chapel Road and to Preston Highway via an existing private driveway onto Maple Springs Drive.
19	A.8: Mitigates adverse impacts of its lighting on nearby properties, and on the night sky.	✓	Note included to mitigate lighting impacts on open spaces, residential uses and vehicles on public roadways as per LDC.
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 along a transit corridor and will create a new activity center.
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.	✓	Plan document includes note regarding landscaping and light direction.
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.	✓	Plan document includes note regarding landscaping and light direction.
23	A.23: Setbacks, lot dimensions and building heights are compatible with those of nearby developments that meet form district standards.	-	Accessory structure does not meet scale requirements. Applicant is requesting a waiver and proposes buffering and landscaping in excess of requirements to mitigate.
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.	✓	Parking, loading and delivery areas are located away from existing residential development and negative effects will be mitigated via LDC landscaping requirements.

#	Plan Element	Staff Finding	Staff Comments
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.	✓	Main parking area is located at front of building, across Preston Highway, a major arterial, from adjoining residential uses.
26	A.25: Parking garages are integrated into their surroundings and provide an active, inviting street-level appearance.	NA	Proposal includes no parking garages.
27	A.28: Signs are compatible with the form district pattern and contribute to the visual quality of their surroundings.	✓	Proposal will comply with 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.	-	Proposal shows no open space other than undeveloped residual tracts.
29	A.4: Open space design is consistent with the pattern of development in the Suburban Marketplace Corridor form district.	NA	Proposal shows no open space other than undeveloped residual tracts.
30	A.5: Integrates natural features into the pattern of development.	NA	Site includes no such natural features.

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.	✓	Requested parking reduction will decrease impervious area.
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.	✓	No sites of historic or architectural value exist in the vicinity.
33	A.6: Encourages development to avoid wet or highly permeable soils, severe, steep or unstable slopes with the potential for severe erosion.	✓	No such natural features exist on the site.

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	The site is not located within a downtown area.
35	A.4: Encourages industries to locate in industrial subdivisions or adjacent to existing industry to take advantage of special infrastructure needs.	NA	No industrial uses are proposed.
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.	✓	Proposal will expand an existing activity center and is located at the intersection of a Primary Collector and a Major Arterial.

#	Plan Element	Staff Finding	Staff Comments
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	No industrial uses are proposed.

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.	✓	Proposal includes a binding element detailing required improvements.
39	A.3/4: Promotes mass transit, bicycle and pedestrian use and provides amenities to support these modes of transportation.	✓	Proposal provides multi-modal facilities.
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 provides three access points to two major roadways and includes internal circulation.
41	A.9: Includes the dedication of rights-of-way for street, transit corridors, bikeway and walkway facilities within or abutting the development.	✓	Proposal provides multi-modal facilities.
42	A.10: Includes adequate parking spaces to support the use.	+/-	Proposal provides less than the minimum required spaces. A waiver is requested.
43	A.13/16: Provides for joint and cross access through the development and to connect to adjacent development sites.	✓	Proposal provides adequate internal circulation.

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	Stub streets are not required or appropriate.
45	A.9: Avoids access to development through areas of significantly lower intensity or density if such access would create a significant nuisance.	✓	Surrounding area is fully developed in lower-intensity uses. Proposal includes no direct access points.
46	A.11: Provides for an appropriate functional hierarchy of streets and appropriate linkages between activity areas in and adjacent to the development site.	✓	Surrounding area is fully developed in lower-intensity uses. Proposal includes no direct access points.

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 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. 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.
4. A certificate of occupancy must be received from the appropriate code enforcement department prior to occupancy of the structure or land for the proposed use. All binding elements requiring action and approval must be implemented prior to requesting issuance of the certificate of occupancy unless specifically waived by the Planning Commission.
5. Prior to receiving a certificate of occupancy, the following road improvements shall be constructed:
 - a. A right turn lane from Preston Hwy to Maple Springs Drive,
 - b. A right turn lane from Cooper Chapel Road to the main site entrance (across from Preston Crossings Blvd), and
 - c. A left turn lane from Cooper Chapel Road to the main site entrance (across from Preston Crossings Blvd).All striping, signal head and signal modification costs are to be the responsibility of the developer.
6. 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.