

# Land Development & Transportation Committee

## Staff Report

March 17, 2016



<b>Case No:</b>	15ZONE1033 and 15CUP1024
<b>Request:</b>	Zoning map amendment from R-4 to M-2 for 2.5 acres of the site and CUP for a commercial composting facility
<b>Project Name:</b>	Tree Care Inc.
<b>Location:</b>	13312 Aiken Road
<b>Owner:</b>	Tree Care, Inc.
<b>Applicant:</b>	Tree Care, Inc.
<b>Representative:</b>	Bardenwerper, Talbott & Roberts, PLLC
<b>Jurisdiction:</b>	City of Middletown
<b>Council District:</b>	19 – Julie Denton
<b>Case Manager:</b>	Brian Davis, AICP, Planning Manager

### REQUEST

- Zoning Map Amendment from R-4 to M-2 for 2.5 acres of the site (6.9 acres already zoned M-2)
- Conditional Use Permit to allow a Commercial Composting Facility
- Detailed District Development Plan for the entire 9.4 acre site

### CASE SUMMARY/BACKGROUND/SITE CONTEXT

Existing Zoning District: M-2 & R-4

Proposed Zoning District: M-2

Existing Form District: SW

Existing Use: Commercial composting facility

Proposed Use: Commercial composting facility

#### Site Context

- The site fronts on the south side of Aiken Rd for approximately 735 feet, immediately west of I-265, east of N English Station Rd, and north of Middletown Industrial Park.
- The majority of the site is zoned M-2 Industrial with a small existing office and storage building to remain.
- The rear portion of the site, approximately 2.5 acres, is zoned R-4 Single Family Residential.
- A USGS perennial/blue-line stream is located on the northeastern corner of the site.

#### Background

- No previous zoning cases were found on the site.
- Code Enforcement cited the case earlier this year for operating a composting facility in M-2 without a CUP.

No construction is proposed for this site. The existing office and storage building are proposed to remain. Two sales and display areas of landscape materials are located along the Aiken Road frontage. An existing sales and display area for mulch is also located on the site near the storage building. The composting area accounts for well over a majority of the site

The existing access points on Aiken Rd are proposed to remain. The plan provides 4 total parking spaces.

## LAND USE/ZONING DISTRICT/FORM DISTRICT TABLE

	Land Use	Zoning	Form District
<b>Subject Property</b>			
<b>Existing</b>	Commercial composting facility	M-2/R-4	SW
<b>Proposed</b>	Commercial composting facility	M-2	SW
<b>Surrounding Properties</b>			
<b>North</b>	Landscaping business and commercial composting facility	M-2/M-3	SW
<b>South</b>	Sewage collection and treatment facility	M-2	SW
<b>East</b>	Expressway (I-265)	ROW	ROW
<b>West</b>	Warehouse for concrete contractor	M-2	SW

### PREVIOUS CASES ON SITE

15PM4387: Active code enforcement case. Received zoning violation in 2015 for operating a composting facility in M-2 without a CUP.

### APPLICABLE PLANS AND POLICIES

Cornerstone 2020

Land Development Code

Old Henry Road Subarea Plan (May 9, 2000)

The study area for Old Henry Road Subarea Plan is subdivided into four planning areas. The subject site is located in Planning Area 3. The plan states that while the area west of I-265 along Aiken Road is currently open space, it is zoned industrially. The only specific strategy that affects the site involves Chenoweth Run, a USGS perennial/blue-line stream on the northeastern corner of this site. It identifies the stream as part of a larger 'Connected Park and Open Space System' in Guiding Principle No. 9. Specifically, one of the implementation strategies is to "Coordinate the development of a park and open space system with stormwater/stream corridors and the planned transportation system, including sidewalks and bicycle paths, to accomplish a multi-objective greenway system serving Old Henry Road neighborhoods." Figure 9 on page 40 of the plan shows the concept for use of the stream corridor on the subject site.

### STANDARD OF REVIEW FOR REZONING AND FORM DISTRICT CHANGES

Criteria for granting the proposed rezoning: KRS Chapter 100.213

1. The proposed rezoning complies with the applicable guidelines and policies Cornerstone 2020; OR
2. The existing 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

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

### The site is located in the Suburban Workplace Form District

A Suburban Workplace is a form characterized by predominately industrial and office uses where the buildings are set back from the street in a landscaped setting. Suburban workplaces often contain a single large-scale use or a cluster of uses within a master planned development. New larger proposed industrial uses are encouraged to apply for a planned development district.

In order to provide adequate transportation access in suburban workplaces connected roads, public transportation and pedestrian facilities should be encouraged. Walkways to workplace-serving uses are encouraged for workplace employees. Development within suburban workplace form districts may need significant buffering from abutting uses.

Staff analysis indicates that the proposed rezoning complies with most of the applicable guidelines of the Comprehensive Plan; however, in order to meet Guideline 3 of the Comprehensive Plan, the appropriate landscape buffer areas and screening shall be provided along the east property line. Also, more information is needed to determine whether the proposed rezoning complies with Guideline 7. See comments from Transportation Plan Review.

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

## STANDARD OF REVIEW AND STAFF ANALYSIS FOR CONDITIONAL USE PERMIT

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

STAFF: Staff analysis indicates that the proposed CUP complies with most of the applicable guidelines of the Comprehensive Plan; however, in order to meet Guideline 3 of the Comprehensive Plan, the appropriate landscape buffer areas and screening shall be provided along Aiken Road and the east property line. Also, more information is needed to determine whether the proposed rezoning complies with Guideline 7. See comments from Transportation Plan Review.

### 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 land uses and the general character of the area as it is located in an industrial area with other existing industrial zoning districts and uses.

### 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: Adequate public facilities exist to serve the proposed use as it is located adjacent to existing industrially zoned and used properties to take advantage of special infrastructure needs.

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

The following conditions apply to all Solid Waste Management Facilities:

- A. All of the facilities referenced in this sub-section 4.2.50 are required to have a license to operate from the Jefferson County Waste Management District (SWR 20.0).
- B. A specific written or site plan for vehicle cleaning facilities to prevent the tracking of mud, dirt or other debris onto any public roadway shall be reviewed and approved by the Director of Works before public hearing.
- C. A continuous fence a minimum of 6 feet high shall be placed along the boundaries of all work and storage areas and provided with gates of the same construction as the fence which shall remain locked at all times when active operations are not taking place and shall be properly maintained until all operations are completed.
- D. When adjoining any residential zoning district, the facility may not be operated on Sunday or earlier than 7:00 a.m. or later than 6:00 p.m. on any other day.

The following conditions specifically apply to a commercial composting facility:

Water quality concerns for a composting facility currently need approval from the KY Division of Waste Management, KY Division of Water, and MSD.

- 1. Composting Facilities may be located in R-R, R-1, M-2, and M-3 Districts upon the granting of a Conditional Use Permit when developed in compliance with the following listed requirements:
  - a. All composting facilities must demonstrate compliance with the applicable state statutes dealing with said facilities (401 KAR Chapters 45 through 49).
  - b. No composting operation shall occur within 50 feet of any boundary of the site.
  - c. Additional landscaping is required in the buffer areas between composting activity areas and any adjacent non-industrial uses.
  - d. Provisions shall be made for the disposal of surface water falling on or crossing the site at all times during and after completion of the operations. No operation shall begin until approval has been obtained from the agencies responsible for surface water drainage and surface water quality.
  - e. The installation of roads, parking areas, buildings, structures, and operational facilities and equipment shall be located on the site so that adjoining properties will not be adversely affected.
  - f. Composting materials shall be moved off and onto the site in vehicles approved by the appropriate Director of Works.
  - g. All composting operations shall be in strict conformity with the regulations of the Louisville and Jefferson County Board of Health; Air Pollution Control District; Kentucky Department for Environmental Protection and the Director of Works. Letters or Certificates of Approval of the plans by the above agencies indicating prior review shall be filed prior to the issuance of any Conditional Use Permit. Uses shall not begin until final approval has been obtained and filed in the Board of Zoning Adjustment docket file.
  - h. The operation shall be conducted so as not to create a nuisance or cause undue noise, vibration, dust, odor, or light to adjacent properties. The premises shall be kept in a neat and clean condition at all times. No debris shall be stored on the site except on areas where active composting operations are taking place. No fires shall be permitted. Any smoldering flame or spontaneous combustion shall be immediately extinguished.
  - i. Grinding or other heavy machinery associated with composting operations located within one-half mile of residentially used or zoned property shall provide information on sound levels resulting from operation of said equipment, and hours of operation. The Board may establish conditions necessary to protect nearby residents.
  - j. Except for protective fences, no building or structure erected in connection with the operation shall be located in any required yard or closer than 30 feet from any property line.
  - k. All composting facilities shall also meet the Jefferson County Waste Management District regulations covered in SWR 62.0.

## TECHNICAL REVIEW

1. The applicant has provided proof that the facility has a Recycling Facility License as issued by Louisville Metro Waste Management District (expires July 30, 2016).
2. The applicant has provided a Vehicle Cleaning Plan that was approved by Public Works on August 24, 2015.
3. The Kentucky Division of Waste Management stated the operation does “not need a permit by Rule of Beneficial Solid Waste since it is not composting per 401 KAR Chapter 47:150.”
4. The applicant has provided information from Smoracy, LLC regarding the decibel reading for the type of equipment that will be used on the operation. While it says it may vary because of numerous factors, “based on federal standards, decibel readings are approximately 80db at a 50 foot radius 360 degrees around the machine.”
5. The plan includes a note stating there shall be no fill or storage of materials within the floodplain.
6. The plan includes a note stating the hours of grinder operation are 7:00 a.m. to 5:00 p.m., Monday through Friday. This has been incorporated into a Binding Element as well.
7. The applicant is requesting relief from 4.2.22, E. 3 which states “A continuous fence a minimum of 6 feet high shall be placed along the boundaries of excavated areas and provided with gates of the same construction as the fence which shall remain locked at all times when active operations are not taking place and shall be properly maintained until all operations are completed.”

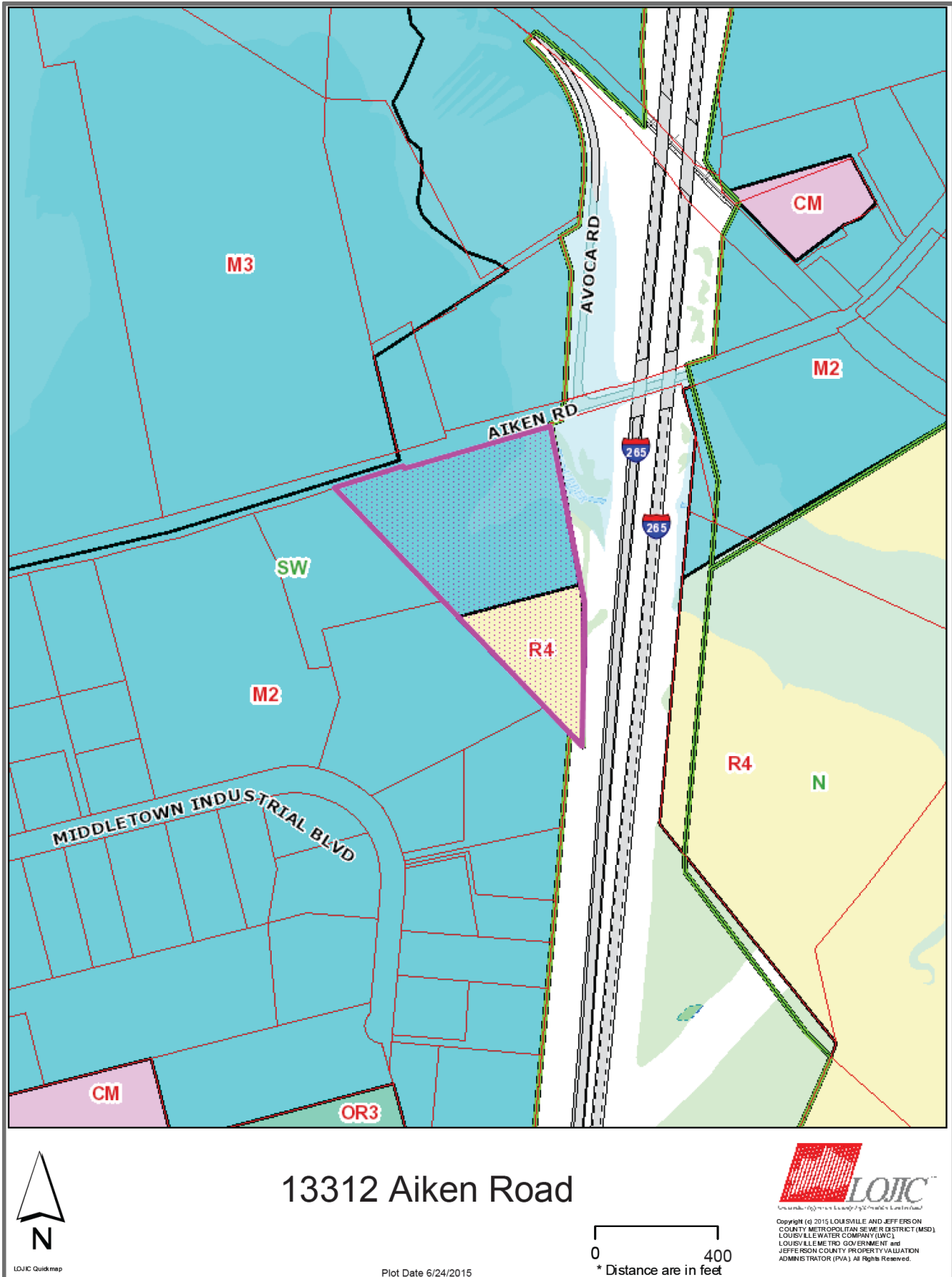
## STAFF CONCLUSIONS

The proposal meets the requirements of the Land Development Code and meets the guidelines of the Comprehensive Plan for all requests. Based upon the information in the staff report, the testimony and evidence provided at the public hearing, the Planning Commission must determine if the proposal is in conformance with the Comprehensive Plan; OR the existing form district/zoning classification is inappropriate and the proposed classification is appropriate; OR if there have been major changes of an economic, physical, or social nature within the area involved which were not anticipated in Cornerstone 2020 which have substantially altered the basic character of the area. Action must be taken on the requested Conditional Use Permit and development plan in addition to the change in zoning.

## ATTACHMENTS

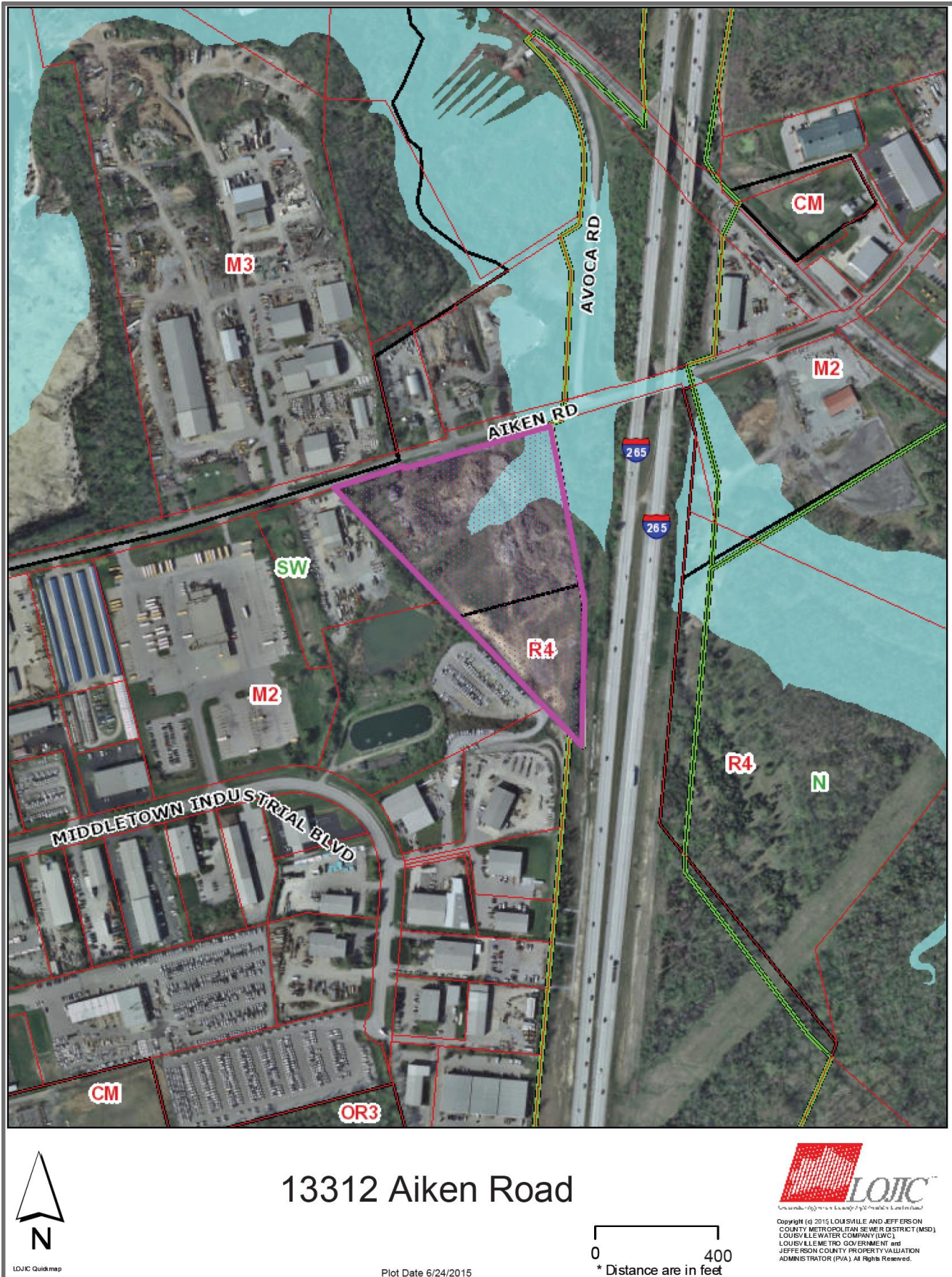
1. Zoning Map
2. Aerial Photograph
3. Cornerstone 2020 Staff Checklist: Rezoning from R-4 to M-2
4. Cornerstone 2020 Staff Checklist: CUP for a commercial composting facility
5. Proposed Binding Elements

1. **Zoning Map**





2. Aerial Photograph



**3. Cornerstone 2020 Staff Checklist: Rezoning from R-4 to M-2**

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

**Suburban Workplace: 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.10: The proposal integrates into the pattern of development, which features buildings set back from the street in a landscaped setting.	✓	The proposed rezoning integrates into the pattern of development in the suburban workplace form district.
2	Community Form/Land Use Guideline 1: Community Form	B.10: The proposal integrates into a planned development that features a mixture of related uses, and that may contain either a single major use or a cluster of uses.	✓	The proposal integrates into the mixture of related uses in the suburban workplace form district.
3	Community Form/Land Use Guideline 1: Community Form	B.10: The proposal incorporates connected roads, encourages access to public transportation, and provides for pedestrians.	✓	The proposal maintains the existing network of roads. Sidewalks do not exist along Aiken Rd between N English Station Rd and I-265. Future development in the area will be required to provide sidewalks as required by the Land Development Code.
4	Community Form/Land Use Guideline 3: Compatibility	A.2: The proposed building materials increase the new development's compatibility.	✓	New buildings on the site will be required to comply with building design requirements of the Land Development Code to increase compatibility with existing development.
5	Community Form/Land Use Guideline 3: Compatibility	A.4/5/6/7: The proposal does not constitute a non-residential expansion into an existing residential area, or demonstrates that despite such an expansion, impacts on existing residences (including traffic, parking, signs, lighting, noise, odor and stormwater) are appropriately mitigated.	✓	The proposal does not constitute a non-residential expansion into an existing residential area. The subject site is surrounded by industrial zoning districts and right-of-way. The proposal will not increase adverse impacts of traffic, lighting, noise, odor and stormwater.
6	Community Form/Land Use Guideline 3: Compatibility	A.5: The proposal mitigates any potential odor or emissions associated with the development.	✓	The Air Pollution Control District has approved their initial review, indicating the proposal mitigates any potential odor or emissions associated with the development.
7	Community Form/Land Use Guideline 3: Compatibility	A.6: The proposal mitigates any adverse impacts of its associated traffic on nearby existing communities.	✓	The proposal does not constitute a non-residential expansion into an existing residential area. The proposal will not adversely affect traffic on nearby existing communities.
8	Community Form/Land Use Guideline 3: Compatibility	A.8: The proposal mitigates adverse impacts of its lighting on nearby properties, and on the night sky.	✓	The proposal will be required to comply with light trespass requirements of the Land Development Code.



#	Cornerstone 2020 Plan Element	Plan Element or Portion of Plan Element	Staff Finding	Staff Comments
9	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 for a higher intensity use, but is located in an industrial area with other existing industrial zoning districts and uses.
10	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.	✓	Applicant is proposing to have the required 50-foot Gene Snyder Buffer Area along the east property line. The surrounding properties are zoned M-2.
11	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.	✓	Applicant is proposing to have the required 50-foot Gene Snyder Buffer Area along the east property line.
12	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 of the proposal will be compatible with those of nearby developments and meet the suburban workplace form district standards
13	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 adjacent to any residentially zoned or used properties and are located to avoid negatively impacting motorists, residents, and pedestrians.
14	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.	✓	Applicant is proposing to have the required 50-foot Gene Snyder Buffer Area along the east property line.
15	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 proposed.

#	Cornerstone 2020 Plan Element	Plan Element or Portion of Plan Element	Staff Finding	Staff Comments
16	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 required to meet requirements of the Land Development Code and Metro Code of Ordinances.
17	Community Form/Land Use Guideline 4: Open Space	A.2/3/7: The proposal provides open space that helps meet the needs of the community as a component of the development and provides for the continued maintenance of that open space.	NA	There are no open space requirements in the zoning district that is proposed.
18	Community Form/Land Use Guideline 4: Open Space	A.4: Open space design is consistent with the pattern of development in the Neighborhood Form District.	NA	There are no open space requirements in the zoning district that is proposed.
19	Community Form/Land Use Guideline 4: Open Space	A.5: The proposal integrates natural features into the pattern of development.	NA	There do not appear to be any natural features evident on the site.
20	Community Form/Land Use Guideline 5: Natural Areas and Scenic and Historic Resources	A.1: The proposal respects the natural features of the site through sensitive site design, avoids substantial changes to the topography and minimizes property damage and environmental degradation resulting from disturbance of natural systems.	NA	There do not appear to be any natural features evident on the site.
21	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 proposed zoning change will not affect any known cultural or historic resources.
22	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.	✓	Metropolitan Sewer District has approved their initial review, indicating that the proposal will avoid wet or highly permeable soils or steep slopes.
23	Marketplace Guideline 6: Economic Growth and Sustainability	A.1: Limit land uses in workplace districts to those land uses necessary to meet the needs of the industrial subdivision or workplace district and their employees.	✓	The proposed zoning district permits uses that will help meet the needs of the workplace district in which it is located.
24	Marketplace Guideline 6: Economic Growth and Sustainability	A.3: Encourage redevelopment, reinvestment and rehabilitation in the downtown where it is consistent with the form district pattern.	NA	The site is not located in the downtown form district.

#	Cornerstone 2020 Plan Element	Plan Element or Portion of Plan Element	Staff Finding	Staff Comments
25	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.	✓	The proposal is located adjacent to existing industrially zoned and used properties to take advantage of special infrastructure needs.
26	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.	NA	The subject site is located in an existing industrial zoning area.
27	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.	✓	The subject site is located in an existing industrial zoning area. The proposed industrial use has less than 100 employees and is located within one-half mile of N. English Station Rd., which is a minor arterial.
28	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.	+/-	Metropolitan Sewer District has approved their initial review. Metro Public Works will determine whether the proposal contributes toward improvements to the adjacent right-of-way made necessary by the development of the property.
29	Mobility/Transportation Guideline 7: Circulation	A.3/4: The proposal promotes mass transit, bicycle and pedestrian use and provides amenities to support these modes of transportation.	✓	The proposal maintains the existing network of roads. Sidewalks do not exist along Aiken Rd between N English Station Rd and I-265. Future development in the area will be required to provide sidewalks as required by the Land Development Code.
30	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.	+/-	Not enough information provided to determine whether the proposal has transportation facilities.
31	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.	NA	The area proposed for rezoning is not adjacent to right-of-way.

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32	Mobility/Transportation Guideline 7: Circulation	A.10: The proposal includes adequate parking spaces to support the use.	✓	Development on the site shall comply with parking requirements of the Land Development Code
33	Mobility/Transportation Guideline 7: Circulation	A.13/16: The proposal provides for joint and cross access through the development and to connect to adjacent development sites.	✓	The proposal maintains the existing network of roads, which provides for adequate access to the subject site and to adjacent lands.
34	Mobility/Transportation Guideline 8: Transportation Facility Design	A.8: Adequate stub streets are provided for future roadway connections that support and contribute to appropriate development of adjacent land.	✓	The proposal maintains the existing network of roads, which provides for adequate access to the subject site and to adjacent lands.
35	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.	✓	The proposal is for a higher intensity use and will avoid access to lower intensity uses.
36	Mobility/Transportation Guideline 8: Transportation Facility Design	A.11: The development provides for an appropriate functional hierarchy of streets and appropriate linkages between activity areas in and adjacent to the development site.	✓	The proposal maintains the existing network of roads, which provides for adequate access to the subject site and to adjacent lands.
37	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 maintains the existing network of roads. Sidewalks do not exist along Aiken Rd between N English Station Rd and I-265. Future development in the area will be required to provide sidewalks as required by the Land Development Code.
38	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 Metropolitan Sewer District has approved their initial review, indicating that development of the property will not negatively impact the floodplain or stream.
39	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 Air Pollution Control District has approved their initial review, indicating the proposal will not have a negative impact on air quality.

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40	Livability/Environment Guideline 13: Landscape Character	A.3: The proposal includes additions and connections to a system of natural corridors that can provide habitat areas and allow for migration.	NA	There do not appear to be any natural corridors for habitat or migration on the site.
41	Community Facilities Guideline 14: Infrastructure	A.2: The proposal is located in an area served by existing utilities or planned for utilities.	✓	The site is located in an area with existing utilities that serve the subject site and adjacent properties.
42	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 site has existing access to an adequate supply of potable water and water for fire-fighting purposes.
43	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 Metropolitan Sewer District has approved their initial review, indicating that there is an adequate means of sewage treatment and disposal for protection of public health and water quality.

**4. Cornerstone 2020 Staff Checklist: CUP for a commercial composting operation**

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

Suburban Workplace: 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.10: The proposal integrates into the pattern of development, which features buildings set back from the street in a landscaped setting.	✓	The proposed CUP integrates into the pattern of development in the suburban workplace form district.
2	Community Form/Land Use Guideline 1: Community Form	B.10: The proposal integrates into a planned development that features a mixture of related uses, and that may contain either a single major use or a cluster of uses.	✓	The proposal integrates into the mixture of related uses in the suburban workplace form district.
3	Community Form/Land Use Guideline 1: Community Form	B.10: The proposal incorporates connected roads, encourages access to public transportation, and provides for pedestrians.	✓	The proposal maintains the existing network of roads. Sidewalks do not exist along Aiken Rd between N English Station Rd and I-265. Future development in the area will be required to provide sidewalks as required by the Land Development Code.
4	Community Form/Land Use Guideline 3: Compatibility	A.2: The proposed building materials increase the new development's compatibility.	✓	New buildings on the site will be required to comply with building design requirements of the Land Development Code to increase compatibility with existing development.
5	Community Form/Land Use Guideline 3: Compatibility	A.4/5/6/7: The proposal does not constitute a non-residential expansion into an existing residential area, or demonstrates that despite such an expansion, impacts on existing residences (including traffic, parking, signs, lighting, noise, odor and stormwater) are appropriately mitigated.	✓	The proposal does not constitute a non-residential expansion into an existing residential area. The subject site is surrounded by industrial zoning districts and right-of-way. The proposal will not increase adverse impacts of traffic, lighting, noise, odor and stormwater.
6	Community Form/Land Use Guideline 3: Compatibility	A.5: The proposal mitigates any potential odor or emissions associated with the development.	✓	The Air Pollution Control District has approved their initial review, indicating the proposal mitigates any potential odor or emissions associated with the development.
7	Community Form/Land Use Guideline 3: Compatibility	A.6: The proposal mitigates any adverse impacts of its associated traffic on nearby existing communities.	✓	The proposal does not constitute a non-residential expansion into an existing residential area. The proposal will not adversely affect traffic on nearby existing communities.
8	Community Form/Land Use Guideline 3: Compatibility	A.8: The proposal mitigates adverse impacts of its lighting on nearby properties, and on the night sky.	✓	The proposal will be required to comply with light trespass requirements of the Land Development Code.



#	Cornerstone 2020 Plan Element	Plan Element or Portion of Plan Element	Staff Finding	Staff Comments
9	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 for a higher intensity use, but is located in an industrial area with other existing industrial zoning districts and uses.
10	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.	✓	Applicant is proposing to have the required 50-foot Gene Snyder Buffer Area along the east property line.
11	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.	✓	Applicant is proposing to have the required 50-foot Gene Snyder Buffer Area along the east property line.
12	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 of the proposal will be compatible with those of nearby developments and meet the suburban workplace form district standards
13	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 adjacent to any residentially zoned or used properties and are located to avoid negatively impacting motorists, residents, and pedestrians.
14	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.	✓	Appropriate landscape buffer areas and screening shall be provided along Aiken Rd. and the east property line.
15	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 proposed.

#	Cornerstone 2020 Plan Element	Plan Element or Portion of Plan Element	Staff Finding	Staff Comments
16	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 required to meet requirements of the Land Development Code and Metro Code of Ordinances.
17	Community Form/Land Use Guideline 4: Open Space	A.2/3/7: The proposal provides open space that helps meet the needs of the community as a component of the development and provides for the continued maintenance of that open space.	NA	There are no open space requirements with this proposal.
18	Community Form/Land Use Guideline 4: Open Space	A.4: Open space design is consistent with the pattern of development in the Neighborhood Form District.	NA	There are no open space requirements with this proposal.
19	Community Form/Land Use Guideline 4: Open Space	A.5: The proposal integrates natural features into the pattern of development.	✓	The use appears to comply with the stream buffer regulations.
20	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 use appears to comply with the stream buffer regulations.
21	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 proposed CUP will not affect any known cultural or historic resources.
22	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.	✓	Metropolitan Sewer District has approved their initial review, indicating that the proposal will avoid wet or highly permeable soils or steep slopes.
23	Marketplace Guideline 6: Economic Growth and Sustainability	A.1: Limit land uses in workplace districts to those land uses necessary to meet the needs of the industrial subdivision or workplace district and their employees.	✓	The proposed CUP permits a use that will help meet the needs of the workplace district in which it is located.
24	Marketplace Guideline 6: Economic Growth and Sustainability	A.3: Encourage redevelopment, reinvestment and rehabilitation in the downtown where it is consistent with the form district pattern.	NA	The site is not located in the downtown form district.

#	Cornerstone 2020 Plan Element	Plan Element or Portion of Plan Element	Staff Finding	Staff Comments
25	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.	✓	The proposal is located adjacent to existing industrially zoned and used properties to take advantage of special infrastructure needs.
26	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.	NA	The subject site is located in an existing industrial zoning area.
27	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.	✓	The subject site is located in an existing industrial zoning area. The proposed industrial use has less than 100 employees and is located within one-half mile of N. English Station Rd., which is a minor arterial.
28	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.	+/-	Metropolitan Sewer District has approved their initial review. Metro Public Works will determine whether the proposal contributes toward improvements to the adjacent right-of-way made necessary by the development of the property.
29	Mobility/Transportation Guideline 7: Circulation	A.3/4: The proposal promotes mass transit, bicycle and pedestrian use and provides amenities to support these modes of transportation.	✓	The proposal maintains the existing network of roads. Sidewalks do not exist along Aiken Rd between N English Station Rd and I-265. Future development in the area will be required to provide sidewalks as required by the Land Development Code.
30	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.	+/-	Not enough information provided to determine whether the proposal has transportation facilities.
31	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.	+/-	Metro Public Works will determine whether the proposal contributes toward improvements to the adjacent right-of-way made necessary by the development of the property.

#	Cornerstone 2020 Plan Element	Plan Element or Portion of Plan Element	Staff Finding	Staff Comments
32	Mobility/Transportation Guideline 7: Circulation	A.10: The proposal includes adequate parking spaces to support the use.	✓	Development on the site shall comply with parking requirements of the Land Development Code
33	Mobility/Transportation Guideline 7: Circulation	A.13/16: The proposal provides for joint and cross access through the development and to connect to adjacent development sites.	✓	The proposal maintains the existing network of roads, which provides for adequate access to the subject site and to adjacent lands.
34	Mobility/Transportation Guideline 8: Transportation Facility Design	A.8: Adequate stub streets are provided for future roadway connections that support and contribute to appropriate development of adjacent land.	✓	The proposal maintains the existing network of roads, which provides for adequate access to the subject site and to adjacent lands.
35	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.	✓	The proposal is for a higher intensity use and will avoid access to lower intensity uses.
36	Mobility/Transportation Guideline 8: Transportation Facility Design	A.11: The development provides for an appropriate functional hierarchy of streets and appropriate linkages between activity areas in and adjacent to the development site.	✓	The proposal maintains the existing network of roads, which provides for adequate access to the subject site and to adjacent lands.
37	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 maintains the existing network of roads. Sidewalks do not exist along Aiken Rd between N English Station Rd and I-265. Future development in the area will be required to provide sidewalks as required by the Land Development Code.
38	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 Metropolitan Sewer District has approved their initial review, indicating that development of the property will not negatively impact the floodplain or stream.
39	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 Air Pollution Control District has approved their initial review, indicating the proposal will not have a negative impact on air quality.

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40	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.	✓	The use appears to comply with the stream buffer regulations.
41	Community Facilities Guideline 14: Infrastructure	A.2: The proposal is located in an area served by existing utilities or planned for utilities.	✓	The site is located in an area with existing utilities that serve the subject site and adjacent properties.
42	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 site has existing access to an adequate supply of potable water and water for fire-fighting purposes.
43	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 Metropolitan Sewer District has approved their initial review, indicating that there is an adequate means of sewage treatment and disposal for protection of public health and water quality.

**5. Proposed Binding Elements**

1. The development shall be in accordance with the approved district development plan, all applicable sections of the Land Development Code (LDC) and agreed upon binding elements unless amended pursuant to the Land Development Code. Any changes/additions/alterations of any binding element(s) shall be submitted to the Planning Commission or the Planning Commission's designee for review and approval; any changes/additions/alterations not so referred shall not be valid.
2. No outdoor advertising signs, small freestanding signs, pennants, balloons, or banners shall be permitted on the site.
3. 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.
4. 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 Develop Louisville, Louisville Metro Public Works and the Metropolitan Sewer District.
  - b. The property owner/developer must obtain approval of a detailed plan for screening (buffering/landscaping) as described in Chapter 10 prior to requesting a building permit. Such plan shall be implemented prior to occupancy of the site and shall be maintained thereafter.
  - c. A Tree Preservation Plan in accordance with Chapter 10 of the LDC shall be reviewed and approved prior to obtaining approval for site disturbance.
5. 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.
6. No composting operation shall occur within 50 feet of any boundary of the site.
7. The operation shall be conducted so as not to create a nuisance or cause undue noise, vibration, dust, odor, or light to adjacent properties. The premises shall be kept in a neat and clean condition at all times. No debris shall be stored on the site except on areas where active composting operations are taking place. No fires shall be permitted. Any smoldering flame or spontaneous combustion shall be immediately extinguished.
8. Hours of grinding operation are 7:00 a.m. to 5:00 p.m., Monday through Friday.