

# Planning Commisison

## Staff Report

October 19, 2017



<b>Case No:</b>	17ZONE1029
<b>Project Name:</b>	Wissing Office
<b>Location:</b>	704 & 710 Breckenridge Lane
<b>Owner(s):</b>	Patrick Wissing
<b>Applicant:</b>	Patrick Wissing
<b>Representative(s):</b>	Frost Brown Todd, LLC
<b>Jurisdiction:</b>	City of St. Matthews
<b>Council District:</b>	26 – Brent Ackerson
<b>Case Manager:</b>	Joel P. Dock, Planner II

### REQUEST(S)

- **Change-in-Zoning** from R-4, Single-Family Residential to OR-1, Office-Residential at 704 Breckenridge Lane
- **Conditional Use Permit** for off-street parking (Article 15, section 15) at 704 Breckenridge Lane
- **Variance** of Article 5, section 5.2.C.2.c to allow an encroachment of 19' for proposed building addition and 2' for proposed parking into 25' street side yard setback at 704 Breckenridge Lane
- **Variance** of Article 5, section 5.1.2.C.2.b & 5.2.C.2.b to eliminate the side yard for proposed parking spaces across shared property line
- **Variance** of Article 5, section 5.2.C.2.d to allow a variable setback of the rear yard for proposed parking and vehicle use areas at 704 Breckenridge Lane
- **Variance** of Article 11, section 11.B.1 to allow a sign within the 25' front yard as shown
- **Revised Detailed District Development Plan** for 710 Breckenridge Lane
- **Detailed District Development Plan** for 704 Breckenridge Lane

### CASE SUMMARY

A change in zoning request has been made to expand an existing office-residential zoning district onto an abutting parcel of land located one-third mile Northwest of the Baptist Health of Louisville campus along Breckenridge Lane. Beginning at Interstate-64 which serves as a dividing line between the commercial activity center of Dutchmans Lane and a predominately residential area, and on the West side of Breckenridge Lane the land is occupied primarily by multi-family residential dwellings until reaching the subject site. Moving North from the subject site along Breckenridge Lane the land is predominately single-family residential until reaching an office district at Grandview Avenue.

The proposal is for the renovation and expansion of an existing single family home for mixed office/residential use. Twelve-hundred square feet between two-stories at the rear of the existing structure will be added to create office space with two dwelling units. Eighteen parking spaces will be added between the two parcels. Several previously outlined variances have been requested to allow for these improvements. Access to Breckenridge Lane, a minor arterial, will be shared between the two

parcels. Pedestrian and bicycle facilities are being provided. TARC service is available along Breckenridge Lane.

### **STAFF FINDING**

Since the zoning southwest of the site is medium to high density multi-family residential, the proposed low intensity non-residential zoning appears to be appropriately located. The expansion of the existing office district is for a single-parcel along an arterial-level roadway from which primary access will be shared. No access to local roads serving single-family residential uses is requested.

Despite this single-parcel expansion over a residential parcel, the use, building materials, layout, landscape buffering, screening, and parking areas are limited in their overall impact on the character of the area and potential adverse impact as materials are in keeping with the character of the general vicinity; the intensity is compatible with nearby multi-family development; appropriate screening is provided abutting single-family properties and this screening is not beyond what is absolutely necessary to mitigate incompatibility, while still maintaining compatibility with the overall character of the area; access is limited to an arterial roadway; and parking is located to the side and rear of the structure and buffered from public ways and single-family residences.

### **TECHNICAL REVIEW**

MSD and Transportation Planning have provided preliminary approvals for the project.

No changes to the existing binding elements in case 15DEVPLAN1101 at 710 Breckenridge Lane are being requested at this time with the revised detailed district development plan. They will remain as-is unless amended by the City of St. Matthews. Proposed binding elements for the detailed district development plan will be provided separately for the property at 704 Breckenridge Lane.

### **Previous Cases**

- 15410: CIZ from R-5 to OR (approved by the City of St. Matthews 7/23/13)
- 14EXTENSION1003: Extension of expiration of docket 15410
- 15DEVPLAN1101: RDDDP (approved by staff 9/18/15)

### **INTERESTED PARTY COMMENTS**

No interested party comments have been received by staff at this time.

### **STANDARD OF REVIEW FOR REZONING**

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

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

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

### **STAFF ANALYSIS FOR CHANGE IN ZONING**

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

#### The site is located in the Neighborhood Form District

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

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

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

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

The proposed use and zoning district as presented in renderings and on the site plan display appropriateness in both scale and mass with the surrounding neighborhood, while also being properly buffered to mitigate any potential adverse impacts of the subject site from not being located in an existing neighborhood center. The intensity would appear to be appropriate as moving Southwest of the site and on the same side of the street the land uses are medium- to high-density multi-family uses within the R-7 zoning district. The request to rezone includes multi-family dwellings. An existing single-family home in the neighborhood form district will be reused and improved for both office and residential use. Appropriate transitions in keeping with the character of the area are being provided. The facades seen from Plymouth Road are compatible with the character of the area as they possess consistent materials with the existing structure and surrounding area, and windows affording views into the business are provided, as well as a variation of material on all sides. A privacy fence that is no more than the width of the parking at the rear is provided and does not extend into the street-side yard as privacy fences in street side or front yards would be inappropriate for the area.

Pedestrian connection has been made to the public way and bicycle parking is provided in a convenient location. The corridor is a transit corridor providing TARC service (routes 19 and 62) to nearby activity centers, residential populations, and connecting transit corridors. Access is from a single curb-cut on Breckenridge Lane, an arterial roadway, and shared between the parcels. Parking is also shared between uses. No access to local roads serving single-family residential uses is provided.

A checklist with a detailed analysis of the Guidelines and Policies of Cornerstone 2020 is attached to the end of this staff report. The checklist contains elements of the proposal that fulfill the goals and objectives of Cornerstone 2020, fail to meet those goals and objectives, or require more information. The Louisville Metro Planning Commission is charged with making a recommendation to City of St. Matthews regarding the appropriateness of this zoning map amendment.

### **STANDARD OF REVIEW FOR CONDITIONAL USE PERMIT**

Off-street parking (Article 15, section 15) at 704 Breckenridge Lane

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

STAFF: The proposal is consistent with applicable policies of the Comprehensive Plan as Guideline 7, Policies 10, 13, & 16 provide that proposals should have adequate parking to support the use and that joint and cross access through the development and to adjacent development sites is provided. The site provides shared access and parking which is sufficient to accommodate residents and users of the office.

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 and appearance?

STAFF: The proposal is consistent with surrounding land uses and the general character of the area as the parking spaces requiring the conditional use permit are shared, immediately abutting, and crossing the property with the adjacent office use and district.

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

STAFF: Preliminary approvals have been received by the Metropolitan Sewer District and Transportation Planning. Pedestrian connection to public ways and safe vehicular access to be shared is provided.

4. Does the proposal comply with the specific standards required to obtain the requested Conditional Use Permit?

An off-street parking area may be permitted in a district where it is ordinarily prohibited, provided it serves a use in a building for which insufficient off-street parking space is provided, and where the provision of such parking space will materially relieve traffic congestion on the streets and when developed in compliance with the listed requirements.

- a. The area shall be located within 200 feet of the property on which the building to be served is located.
- b. Walls, fences, or plantings shall be provided in a manner to provide protection for and be in harmony with surrounding residential property.

- c. The minimum front, street side, and side yards required in the district shall be maintained free of parking.
- d. All driveways and the area used for the parking of vehicles shall be surfaced with a hard and durable material and be properly drained.
- e. The area shall be used exclusively for transient parking of motor vehicles belonging to invitees of the owner or lessee of said lot.
- f. The approval of all plans and specifications for the improvement, surfacing, and drainage for said parking area will be obtained from the Director of Works for the City of Louisville or the County Engineer for Jefferson County prior to use of the parking area.
- g. The approval of all plans and specifications for all entrances, exits, and lights shall be obtained from the department responsible for traffic engineering prior to the public hearing on the conditional use permit.

STAFF: The proposal complies with the standards contained in LDC 4.2.51, with the exception of the item 'c' from which a variance is being requested to eliminate the side yard between 710 and 704 Breckenridge Lane to accommodate the parking spaces crossing the boundary.

**STANDARD OF REVIEW AND STAFF ANALYSIS FOR VARIANCE**

Article 5, section 5.2.C.2.c to allow an encroachment of 19' for proposed building addition and 2' for proposed parking into 25' street side yard setback at 704 Breckenridge Lane

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

STAFF: The requested variance will not adversely affect public health safety or welfare as the variance does not pose any immediate risks to the movement of pedestrians or vehicles, or abutting property owners.

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

STAFF: The requested variance will not alter the essential character of the general vicinity as the building addition extends the existing building wall of the current structure and parking will be screened from abutting public ways and properties. Further, building materials are consistent with the existing structure and compatible with the overall character of the area.

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

STAFF: The requested variance will not cause a hazard or nuisance to the public as it does not pose any immediate risks to the movement of pedestrians or vehicles, or abutting property owners.

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

STAFF: The requested variance will not allow an unreasonable circumvention of zoning regulations as the building addition continues the existing building wall and is designed to be compatible with the surrounding area with respect to material and scale. The parking areas only slightly encroach into the setback, but it will be screened and buffered from public ways and abutting properties.

ADDITIONAL CONSIDERATIONS:

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

STAFF: The requested variance arises from special circumstances which do not generally apply to land in the general vicinity or the same zone as the existing residential property is being rehabilitated to accommodate an office and multi-family dwellings, and parking are only slightly encroaching upon the setback to ensure the proper movement of vehicles.

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

STAFF: The strict application of the provisions of the regulation would deprive the applicant of reasonable use of the land as the variance does not adversely affect the public health, safety or welfare, no hazards or nuisances are created, and the improvements are generally compatible with the character of the area.

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

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

**STANDARD OF REVIEW AND STAFF ANALYSIS FOR VARIANCE**

Article 5, section 5.1.2.C.2.b & 5.2.C.2.b to eliminate the side yard for proposed parking spaces across shared property line

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

STAFF: The requested variance will not adversely affect public health safety or welfare as the variance request is internal to the subject site as shown on the development plan and is enhances consistency with the Comprehensive Plan.

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

STAFF: The requested variance will not alter the essential character of the general vicinity as the area of the variance is contained between the two shared vehicle use areas of the development.

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

STAFF: The requested variance will not cause a hazard or nuisance to the public as the requested area of the variance is internally contained within the development sites.

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

STAFF: The requested variance will not allow an unreasonable circumvention of zoning regulations as it allows for the enhancement of the developments consistency with the Comprehensive Plan.

ADDITIONAL CONSIDERATIONS:

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

STAFF: The requested variance does not arise from special circumstances which do not generally apply to land in the general vicinity or the same zone as properties developed similarly to that proposed should strive as suggested by the Comprehensive Plan to provide shared parking facilities and access in order to limit trips and improve safety on roadways and within parking areas.

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

STAFF: The strict application of the provisions of the regulation would deprive the applicant of reasonable use of the land as the regulations are inconsistent with the Guidelines and Policies of the Comprehensive Plan.

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

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

**STANDARD OF REVIEW AND STAFF ANALYSIS FOR VARIANCE**

Article 5, section 5.2.C.2.d to allow a variable setback of the rear yard for proposed parking and vehicle use areas at 704 Breckenridge Lane

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

STAFF: The requested variance will not adversely affect public health safety or welfare as a single parking space and maneuvering area to accommodate the safe movement of vehicles is provided in the area of the setback. A fence provides separation and a clearly defined boundary from the abutting residential property. .

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

STAFF: The requested variance will not alter the essential character of the general vicinity as a privacy fence that is no more than the width of the parking at the rear is provided to shield lights or emissions from abutting properties is provided, and this fence does not extend into the street-side yard as privacy fences in street side or front yards would be inappropriate for the area.

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

STAFF: The requested variance will not cause a hazard or nuisance to the public as the maneuvering area that encroaches into the setback is needed to allow for the safe movement of vehicles in/out of parking spaces.

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

STAFF: The requested variance will not allow an unreasonable circumvention of zoning regulations as adequate screening is provided to mitigate the impact on abutting uses.

ADDITIONAL CONSIDERATIONS:

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

STAFF: The requested variance arises from special circumstances which do not generally apply to land in the general vicinity or the same zone as the sites depth and width is limited and the variance is needed to accommodate the proposal.

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

STAFF: The strict application of the provisions of the regulation would deprive the applicant of reasonable use of the land as adequate parking and maneuvering areas to serve the use would not be practical without the variance requested.

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

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

**STANDARD OF REVIEW AND STAFF ANALYSIS FOR VARIANCE**

Article 11, section 11.B.1 to allow a sign within the 25' front yard as shown

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

STAFF: The requested variance will not adversely affect public health safety or welfare as the signage does not impact visibility for pedestrians or motorists.

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

STAFF: The requested variance will not alter the essential character of the general vicinity as the sign will be monument style.

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

STAFF: The requested variance will not cause a hazard or nuisance to the public as the signage does not impact visibility for pedestrians or motorists.

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

STAFF: The requested variance will not allow an unreasonable circumvention of zoning regulations as signage should be visible to passers-by and signage at the location proposed is consistent with the form district.



ADDITIONAL CONSIDERATIONS:

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

STAFF: The requested variance does not arise from special circumstances which do not generally apply to land in the general vicinity or the same zone as all similar zones are subject to sign regulations prohibited front yard or street side yard signs without a variance.

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

STAFF: The strict application of the provisions of the regulation would deprive the applicant of reasonable use of the land as the sign regulations as contained in the Development Code in effect in the City of St. Matthews are inconsistent with the Comprehensive Plan and form district overlaying the area.

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

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

**STANDARD OF REVIEW FOR REVISED DETAILED DISTRICT DEVELOPMENT PLAN**

710 Breckenridge Lane

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

STAFF: There do not appear to be any environmentally sensitive features on the subject site.

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

STAFF: Provisions for safe and efficient vehicular and pedestrian transportation within and around the development and the community has been provided as pedestrian connections are available to the public way. The corridor is a transit corridor providing TARC service (routes 19 and 62) to nearby activity centers, residential populations, and connecting transit corridors. Access is from a single curb-cut on Breckenridge Lane, an arterial roadway, and shared between the parcels. Parking is also shared between uses. No access to local roads serving single-family residential uses is provided.

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

STAFF: Open space is not required for this application.

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

STAFF: The Metropolitan Sewer District has approved the preliminary development plan.

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

STAFF: The overall site design and land uses are compatible with the surrounding area as the use, building materials, layout, landscape buffering, screening, and parking areas are limited in their overall impact on the character of the area and potential adverse impact as materials are in keeping with the character of the general vicinity; the intensity is compatible with nearby multi-family development; appropriate screening is provided abutting single-family properties and this screening is not beyond what is absolutely necessary to mitigate incompatibility, while still maintaining compatibility with the overall character of the area; access is limited to an arterial roadway; and parking is located to the side and rear of the structure and buffered from public ways and single-family residences.

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

STAFF: The development plan conforms to applicable guidelines and policies of the Comprehensive Plan as demonstrated in the Cornerstone 2020 Staff Checklist for the change in zoning request contained in *Attachment 3* of the staff report, and further demonstrated in staff's finding and analysis.

## **STANDARD OF REVIEW FOR DETAILED DISTRICT DEVELOPMENT PLAN**

704 Breckenridge Lane

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

STAFF: There do not appear to be any environmentally sensitive features on the subject site. The existing structure will be rehabilitated and expanded upon in a manner consistent with the area.

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

STAFF: Provisions for safe and efficient vehicular and pedestrian transportation within and around the development and the community has been provided as a pedestrian connection has been made to the public way and bicycle parking is provided in a convenient location. The corridor is a transit corridor providing TARC service (routes 19 and 62) to nearby activity centers, residential populations, and connecting transit corridors. Access is from a single curb-cut on Breckenridge Lane, an arterial roadway, and shared between the parcels. Parking is also shared between uses. No access to local roads serving single-family residential uses is provided.

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

STAFF: Open space is not required for this application.

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

STAFF: The Metropolitan Sewer District has approved the preliminary development plan.

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

STAFF: The overall site design and land uses are compatible with the surrounding area as the use, building materials, layout, landscape buffering, screening, and parking areas are limited in their overall impact on the character of the area and potential adverse impact as materials are in keeping with the character of the general vicinity; the intensity is compatible with nearby multi-family development; appropriate screening is provided abutting single-family properties and this screening is not beyond what is absolutely necessary to mitigate incompatibility, while still maintaining compatibility with the overall character of the area; access is limited to an arterial roadway; and parking is located to the side and rear of the structure and buffered from public ways and single-family residences.

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

STAFF: The development plan conforms to applicable guidelines and policies of the Comprehensive Plan as demonstrated in the Cornerstone 2020 Staff Checklist for the change in zoning request contained in *Attachment 3* of the staff report, and further demonstrated in staff's finding and analysis.

## **REQUIRED ACTIONS**

- **Recommend** that the City of St. Matthews **Approve** or **Deny** the **Change-in-Zoning** from R-4, Single-Family Residential to OR-1, Office-Residential at 704 Breckenridge Lane
- **Approve** or **Deny** the **Conditional Use Permit** for off-street parking (Article 15, section 15) at 704 Breckenridge Lane
- **Approve** or **Deny** the **Variance** of Article 5, section 5.2.C.2.c to allow an encroachment of 19' for proposed building addition and 2' for proposed parking into 25' street side yard setback at 704 Breckenridge Lane
- **Approve** or **Deny** the **Variance** of Article 5, section 5.1.2.C.2.b & 5.2.C.2.b to eliminate the side yard for proposed parking spaces across shared property line
- **Approve** or **Deny** the **Variance** of Article 5, section 5.2.C.2.d to allow a variable setback of the rear yard for proposed parking and vehicle use areas at 704 Breckenridge Lane
- **Approve** or **Deny** the **Variance** of Article 11, section 11.B.1 to allow a sign within the 25' front yard as shown
- **Recommend** that the City of St. Matthews **Approve** or **Deny** the **Revised Detailed District Development Plan** at 710 Breckenridge Lane subject to existing binding elements provided as Attachment 4 in the staff report

- **Recommend** that the City of St. Matthews **Approve** or **Deny** the **Detailed District Development Plan** for 704 Breckenridge Lane subject to proposed binding elements provided as Attachment 5 in the staff report

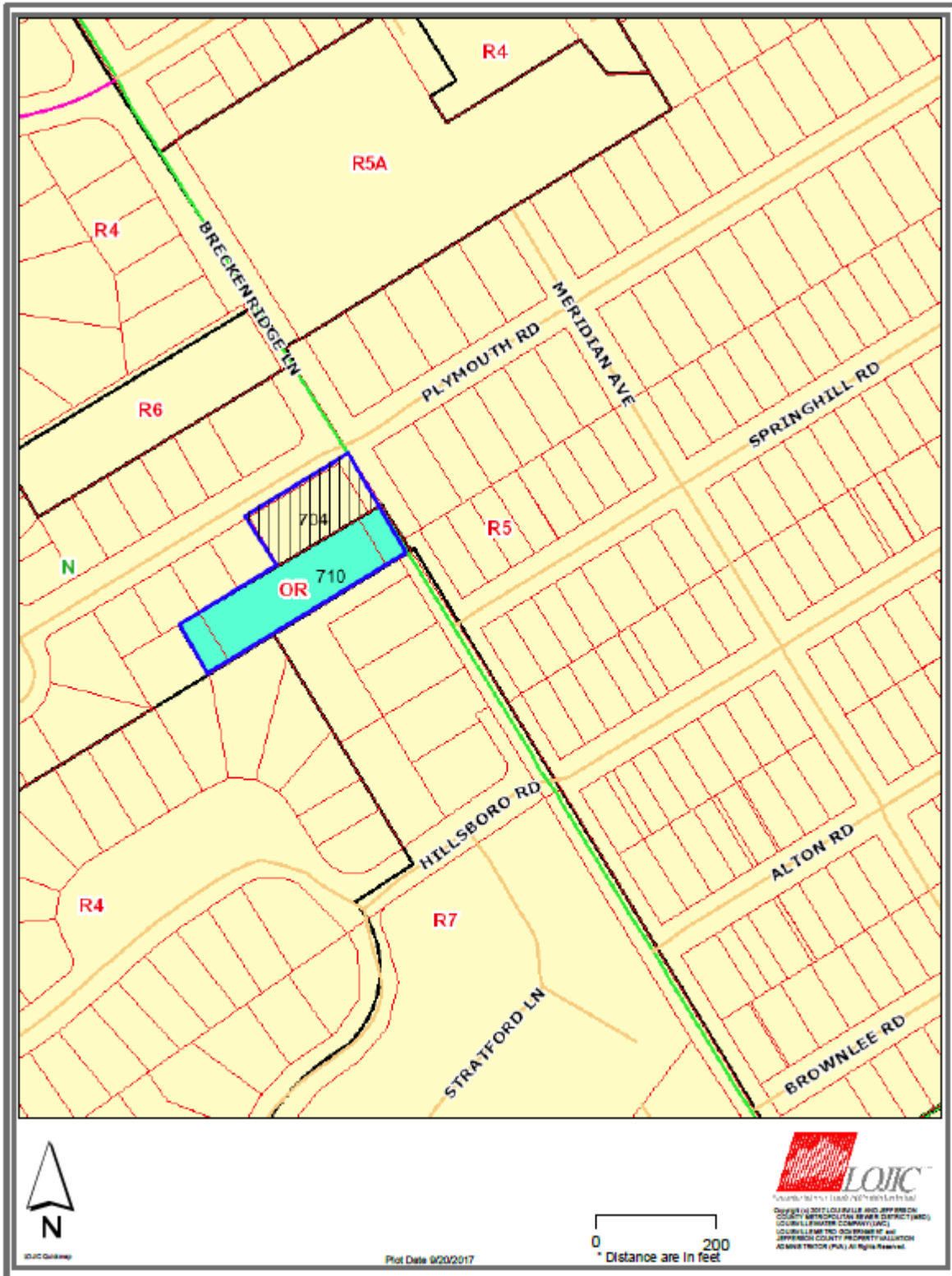
**NOTIFICATION**

<b>Date</b>	<b>Purpose of Notice</b>	<b>Recipients</b>
<b>9/13/17</b>	Hearing before LD&T	1 <sup>st</sup> and 2 <sup>nd</sup> tier adjoining property owners Speakers at Planning Commission public hearing Registered Neighborhood Groups in Council District 26
<b>10/4/17</b>	Hearing before Planning Commission	1 <sup>st</sup> and 2 <sup>nd</sup> tier adjoining property owners Speakers at Planning Commission public hearing Registered Neighborhood Groups in Council District 26
<b>10/4/17</b>	Hearing before PC	Sign Posting on property
<b>10/4/17</b>	Hearing before PC	Legal Advertisement in the Courier-Journal

**ATTACHMENTS**

1. Zoning Map
2. Aerial Photograph
3. Cornerstone 2020 Staff Checklist
4. Existing Binding Elements at 710 Breckenridge Lane (previously 15DEVPLAN1101 – No amendments proposed)
5. Proposed Binding Elements at 704 Breckenridge Lane (17ZONE1029)

1. Zoning Map



2. Aerial Photograph



### 3. Cornerstone 2020 Staff Checklist

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

#### Neighborhood: Non-Residential

#	Cornerstone 2020 Plan Element	Plan Element or Portion of Plan Element	Staff Finding	Staff Comments
1	Community Form/Land Use Guideline 1: Community Form	B.3: The proposal is a neighborhood center with a mixture of uses such as offices, retail shops, restaurants and services at a scale that is appropriate for nearby neighborhoods.	✓	<p>The proposal and abutting existing OR district are independently located along a narrow arterial-level roadway.</p> <p>The intensity would appear to be appropriate as moving Southwest of the site and on the same side of the street the land uses are medium- to high-density multi-family uses within the R-7 zoning district. The request to rezone includes multi-family dwellings.</p> <p>The renderings and site plan display appropriateness in both scale and mass, while also being properly buffered which aid in mitigating any potential adverse impacts of the subject site from not being located in an existing neighborhood center.</p>
2	Community Form/Land Use Guideline 1: Community Form	B.3: If the proposal is high intensity, it is located on a major or minor arterial or an area with limited impact on low to moderate intensity residential uses.	✓	<p>The proposed zoning district and abutting existing OR district are low-intensity uses and located along an arterial-level roadway. Primary access to the subject site is obtained from this roadway. No access to local roads serving single-family residential uses is provided.</p>
3	Community Form/Land Use Guideline 2: Centers	A.1/7: The proposal, which will create a new center, is located in the Neighborhood Form District, and includes new construction or the reuse of existing buildings to provide commercial, office and/or residential use.	✓	<p>The proposal does not create a new center as the proposal is limited to a single parcel expansion of an existing OR zoning district. It is located in the neighborhood form district and includes the reuse and improvement of an existing single-family home for both office and residential use.</p>
4	Community Form/Land Use Guideline 2: Centers	A.3: The proposed retail commercial development is located in an area that has a sufficient population to support it.	✓	<p>Population surrounding the development is sufficient to support a wide variety of land uses as the subject site is located in an existing heavily populated neighborhood.</p>
5	Community Form/Land Use Guideline 2: Centers	A.4: The proposed development is compact and results in an efficient land use pattern and cost-effective infrastructure investment.	✓	<p>The proposed development is compact as the majority of the land is being utilized for impervious surface, structures, detention, and landscape buffer areas, and the sharing of improvements and infrastructure is created.</p>

#	Cornerstone 2020 Plan Element	Plan Element or Portion of Plan Element	Staff Finding	Staff Comments
6	Community Form/Land Use Guideline 2: Centers	A.5: The proposed center includes a mix of compatible land uses that will reduce trips, support the use of alternative forms of transportation and encourage vitality and sense of place.	✓	The proposal does not create a new center as the proposal is limited to a one parcel expansion of an existing OR zoning district. The expanded office district incorporates into and shares facilities with the abutting office parcel. Pedestrian connections have been to public ways and the incorporation of dwelling units in the structure allows for the ability for potential tenant to work and live simultaneously.
7	Community Form/Land Use Guideline 2: Centers	A.6: The proposal incorporates residential and office uses above retail and/or includes other mixed-use, multi-story retail buildings.	✓	The proposal incorporates a residential component in the expanded portions of the existing structure proposed for office use.
8	Community Form/Land Use Guideline 2: Centers	A.12: If the proposal is a large development in a center, it is designed to be compact and multi-purpose, and is oriented around a central feature such as a public square or plaza or landscape element.	✓	The proposal does not create a new center as the proposal is limited to a one parcel expansion of an existing OR zoning district. Further, it is of a small scale and is compatible with the scale of office uses within the general vicinity.
9	Community Form/Land Use Guideline 2: Centers	A.13/15: The proposal shares entrance and parking facilities with adjacent uses to reduce curb cuts and surface parking, and locates parking to balance safety, traffic, transit, pedestrian, environmental and aesthetic concerns.	✓	Access from a single curb-cut is shared from Breckenridge Lane. Parking is also shared between uses.
10	Community Form/Land Use Guideline 2: Centers	A.14: The proposal is designed to share utility hookups and service entrances with adjacent developments, and utility lines are placed underground in common easements.	✓	Utilities would appear to be available to serve the development as it is located in an area of existing development and is currently serviced.
11	Community Form/Land Use Guideline 2: Centers	A.16: The proposal is designed to support easy access by bicycle, car and transit and by pedestrians and persons with disabilities.	✓	Pedestrian connection has been made to the public way and bicycle parking is provided in a convenient location. The corridor is a transit corridor providing TARC service (routes 19 and 62) to nearby activity center, residential populations, and connecting transit corridors.
12	Community Form/Land Use Guideline 3: Compatibility	A.2: The proposed building materials increase the new development's compatibility.	✓	Materials are compatible with the existing character of the structure and surrounding neighborhood. Windows and a variation of material on all sides enhance compatibility.



#	Cornerstone 2020 Plan Element	Plan Element or Portion of Plan Element	Staff Finding	Staff Comments
13	Community Form/Land Use Guideline 3: Compatibility	A.4/5/6/7: The proposal does not constitute a non-residential expansion into an existing residential area, or demonstrates that despite such an expansion, impacts on existing residences (including traffic, parking, signs, lighting, noise, odor and stormwater) are appropriately mitigated.	✓	Despite a single-parcel expansion into a residential area, the building materials, layout, landscape buffering, screening, and parking areas are limited in their overall impact on the character of the area and potential adverse impact as materials are in keeping with the character of the general vicinity; the intensity is compatible with nearby multi-family development; screening is provided abutting a single-family property and said screening is not beyond what is absolutely necessary to screen, while still maintaining compatibility with the character of the area; and parking is located to the side and rear of the office space and buffered from public ways and residences.
14	Community Form/Land Use Guideline 3: Compatibility	A.5: The proposal mitigates any potential odor or emissions associated with the development.	✓	There would not appear to be any nuisances created by odor or emissions as the site does not provide loading or delivery areas where vehicles may be left to idol.
15	Community Form/Land Use Guideline 3: Compatibility	A.6: The proposal mitigates any adverse impacts of its associated traffic on nearby existing communities.	✓	Breckenridge Lane is an arterial roadway. These roadways are intended to serve higher intensity uses in order to minimize impact on residential areas. Local roads in residential areas are not used to provide access.
16	Community Form/Land Use Guideline 3: Compatibility	A.8: The proposal mitigates adverse impacts of its lighting on nearby properties, and on the night sky.	✓	Lighting will be no more than required to provide safety.
17	Community Form/Land Use Guideline 3: Compatibility	A.11: If the proposal is a higher density or intensity use, it is located along a transit corridor AND in or near an activity center.	✓	The proposal is a higher intensity use then surrounding properties to the East, West, and North. It is located on a narrow arterial roadway. The corridor is a transit corridor providing TARC service (routes 19 and 62) to nearby activity center, residential populations, and connecting transit corridors.
18	Community Form/Land Use Guideline 3: Compatibility	A.21: The proposal provides appropriate transitions between uses that are substantially different in scale and intensity or density of development such as landscaped buffer yards, vegetative berms, compatible building design and materials, height restrictions, or setback requirements.	✓	Appropriate transitions in keeping with the character of the area are being provided. The facades seen from Plymouth Road are compatible with the character of the area as they possess consistent materials with the existing structure and surrounding area, and windows affording views into the business are provided. A privacy fence that is no more than the width of the parking at the rear is provided and does not extend into the street-side yard as privacy fences in street side or front yards would be inappropriate for the area.

#	Cornerstone 2020 Plan Element	Plan Element or Portion of Plan Element	Staff Finding	Staff Comments
19	Community Form/Land Use Guideline 3: Compatibility	A.22: The proposal mitigates the impacts caused when incompatible developments unavoidably occur adjacent to one another by using buffers that are of varying designs such as landscaping, vegetative berms and/or walls, and that address those aspects of the development that have the potential to adversely impact existing area developments.	✓	A privacy fence that is no more than the width of the parking at the rear is provided and does not extend into the street-side yard as privacy fences in street side or front yards would be inappropriate for the area. Landscape buffers have been provided as required by Article 12.
20	Community Form/Land Use Guideline 3: Compatibility	A.23: Setbacks, lot dimensions and building heights are compatible with those of nearby developments that meet form district standards.	✓	Setbacks and heights are appropriate with nearby development as the site improves an existing structure and maintains consistency with the front setback parking facilities of the existing OR district
21	Community Form/Land Use Guideline 3: Compatibility	A.24: Parking, loading and delivery areas located adjacent to residential areas are designed to minimize adverse impacts of lighting, noise and other potential impacts, and that these areas are located to avoid negatively impacting motorists, residents and pedestrians.	✓	Parking areas are properly buffered from adjacent uses and public ways through Landscape buffers as required by Article 12 which are intended to buffer incompatible uses.
22	Community Form/Land Use Guideline 3: Compatibility	A.24: The proposal includes screening and buffering of parking and circulation areas adjacent to the street, and uses design features or landscaping to fill gaps created by surface parking lots. Parking areas and garage doors are oriented to the side or back of buildings rather than to the street.	✓	Parking areas are properly buffered from adjacent uses and public ways through Landscape buffers as required by Article 12 which are intended to buffer incompatible uses.
23	Community Form/Land Use Guideline 3: Compatibility	A.25: Parking garages are integrated into their surroundings and provide an active, inviting street-level appearance.	NA	No parking structures are proposed.
24	Community Form/Land Use Guideline 3: Compatibility	A.28: Signs are compatible with the form district pattern and contribute to the visual quality of their surroundings.	✓	Proposed sign will be monument style and located adjacent to a landscape buffer area to provide additional setback from pedestrian facilities and roads.
25	Community Form/Land Use Guideline 4: Open Space	A.2/3/7: The proposal provides open space that helps meet the needs of the community as a component of the development and provides for the continued maintenance of that open space.	NA	Open space not required for this application
26	Community Form/Land Use Guideline 4: Open Space	A.4: Open space design is consistent with the pattern of development in the Neighborhood Form District.	NA	Open space not required for this application

#	Cornerstone 2020 Plan Element	Plan Element or Portion of Plan Element	Staff Finding	Staff Comments
27	Community Form/Land Use Guideline 4: Open Space	A.5: The proposal integrates natural features into the pattern of development.	✓	There are no apparent natural features on the subject site
28	Community Form/Land Use Guideline 5: Natural Areas and Scenic and Historic Resources	A.1: The proposal respects the natural features of the site through sensitive site design, avoids substantial changes to the topography and minimizes property damage and environmental degradation resulting from disturbance of natural systems.	✓	There are no apparent natural features on the subject site
29	Community Form/Land Use Guideline 5: Natural Areas and Scenic and Historic Resources	A.2/4: The proposal includes the preservation, use or adaptive reuse of buildings, sites, districts and landscapes that are recognized as having historical or architectural value, and, if located within the impact area of these resources, is compatible in height, bulk, scale, architecture and placement.	✓	The proposal revitalizes an existing single-family home for office and residential uses.
30	Community Form/Land Use Guideline 5: Natural Areas and Scenic and Historic Resources	A.6: Encourage development to avoid wet or highly permeable soils, severe, steep or unstable slopes with the potential for severe erosion.	✓	There do not appear to be any significant environmental issues.
31	Marketplace Guideline 6: Economic Growth and Sustainability	A.3: Encourage redevelopment, reinvestment and rehabilitation in the downtown where it is consistent with the form district pattern.	NA	Site is not located near downtown
32	Marketplace Guideline 6: Economic Growth and Sustainability	A.4: Encourage industries to locate in industrial subdivisions or adjacent to existing industry to take advantage of special infrastructure needs.	NA	The proposal is not for a major industry.
33	Marketplace Guideline 6: Economic Growth and Sustainability	A.6: Locate retail commercial development in activity centers. Locate uses generating large amounts of traffic on a major arterial, at the intersection of two minor arterials or at locations with good access to a major arterial and where the proposed use will not adversely affect adjacent areas.	✓	The use would not appear to generate large amounts of traffic. It is located along an arterial roadway with sidewalks. Pedestrian connection has been made to the public way and bicycle parking is provided in a convenient location. The corridor is a transit corridor providing TARC service (routes 19 and 62) to nearby activity center, residential populations, and connecting transit corridors.

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34	Marketplace Guideline 6: Economic Growth and Sustainability	A.8: Require industrial development with more than 100 employees to locate on or near an arterial street, preferably in close proximity to an expressway interchange. Require industrial development with less than 100 employees to locate on or near an arterial street.	NA	The proposal is not for a major industry.
35	Mobility/Transportation Guideline 7: Circulation	A.1/2: The proposal will contribute its proportional share of the cost of roadway improvements and other services and public facilities made necessary by the development through physical improvements to these facilities, contribution of money, or other means.	✓	Pedestrian facilities will be provided to improve safety at the access point along Breckenridge Lane
36	Mobility/Transportation Guideline 7: Circulation	A.3/4: The proposal promotes mass transit, bicycle and pedestrian use and provides amenities to support these modes of transportation.	✓	It is located along an arterial roadway with sidewalks. Pedestrian connection has been made to the public way and bicycle parking is provided in a convenient location. The corridor is a transit corridor providing TARC service (routes 19 and 62) to nearby activity center, residential populations, and connecting transit corridors.
37	Mobility/Transportation Guideline 7: Circulation	A.6: The proposal's transportation facilities are compatible with and support access to surrounding land uses, and contribute to the appropriate development of adjacent lands. The proposal includes at least one continuous roadway through the development, adequate street stubs, and relies on cul-de-sacs only as short side streets or where natural features limit development of "through" roads.	✓	Cross-connectivity and shared access to the primary public way is being provided.
38	Mobility/Transportation Guideline 7: Circulation	A.9: The proposal includes the dedication of rights-of-way for street, transit corridors, bikeway and walkway facilities within or abutting the development.	✓	No additional right-of-way has been requested.
39	Mobility/Transportation Guideline 7: Circulation	A.10: The proposal includes adequate parking spaces to support the use.	✓	Adequate parking is provided to support the use
40	Mobility/Transportation Guideline 7: Circulation	A.13/16: The proposal provides for joint and cross access through the development and to connect to adjacent development sites.	✓	Cross-connectivity and shared access to the primary public way is being provided.

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41	Mobility/Transportation Guideline 8: Transportation Facility Design	A.8: Adequate stub streets are provided for future roadway connections that support and contribute to appropriate development of adjacent land.	✓	Stub connections would not be appropriate for these uses as it would encourage expansion into residential areas.
42	Mobility/Transportation Guideline 8: Transportation Facility Design	A.9: Avoid access to development through areas of significantly lower intensity or density if such access would create a significant nuisance.	✓	Breckenridge Lane is an arterial roadway. These roadways are intended to serve higher intensity uses in order to minimize impact on residential areas. Local roads in residential areas are not used to provide access.
43	Mobility/Transportation Guideline 8: Transportation Facility Design	A.11: The development provides for an appropriate functional hierarchy of streets and appropriate linkages between activity areas in and adjacent to the development site.	✓	Stub connections would not be appropriate for these uses as it would encourage expansion into residential areas.
44	Mobility/Transportation Guideline 9: Bicycle, Pedestrian and Transit	A.1/2: The proposal provides, where appropriate, for the movement of pedestrians, bicyclists and transit users around and through the development, provides bicycle and pedestrian connections to adjacent developments and to transit stops, and is appropriately located for its density and intensity.	✓	Pedestrian connection has been made to the public way and bicycle parking is provided in a convenient location. The corridor is a transit corridor providing TARC service (routes 19 and 62) to nearby activity center, residential populations, and connecting transit corridors.
45	Livability/Environment Guideline 10: Flooding and Stormwater	The proposal's drainage plans have been approved by MSD, and the proposal mitigates negative impacts to the floodplain and minimizes impervious area. Solid blue line streams are protected through a vegetative buffer, and drainage designs are capable of accommodating upstream runoff assuming a fully-developed watershed. If streambank restoration or preservation is necessary, the proposal uses best management practices.	✓	MSD has approved the preliminary plan.
46	Livability/Environment Guideline 12: Air Quality	The proposal has been reviewed by APCD and found to not have a negative impact on air quality.	✓	APCD has no concerns.
47	Livability/Environment Guideline 13: Landscape Character	A.3: The proposal includes additions and connections to a system of natural corridors that can provide habitat areas and allow for migration.	✓	There are no apparent natural systems on-site.

#	Cornerstone 2020 Plan Element	Plan Element or Portion of Plan Element	Staff Finding	Staff Comments
48	Community Facilities Guideline 14: Infrastructure	A.2: The proposal is located in an area served by existing utilities or planned for utilities.	✓	Utilities would appear to be available to serve the development as it is located in an area of existing development and is currently serviced.
49	Community Facilities Guideline 14: Infrastructure	A.3: The proposal has access to an adequate supply of potable water and water for fire-fighting purposes.	✓	LWC has no concerns
50	Community Facilities Guideline 14: Infrastructure	A.4: The proposal has adequate means of sewage treatment and disposal to protect public health and to protect water quality in lakes and streams.	✓	Utilities would appear to be available to serve the development as it is located in an area of existing development and is currently serviced.

**4. Existing Binding Elements at 710 Breckenridge Lane (previously 15DEVPLAN1101 – No amendments proposed)**

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 and to the City of St. Matthews for review and approval; any changes/additions/alterations not so referred shall not be valid.
2. The development shall not exceed 8,000 square feet of gross floor area.
3. No outdoor advertising signs, pennants, balloons, or banners shall be permitted on the site.
4. Construction fencing shall be erected when off-site trees or tree canopy exists within 3’ of a common property line. Fencing shall be in place prior to any grading or construction to protect the existing root systems from compaction. The fencing shall enclose the entire area beneath the tree canopy and shall remain in place until all construction is completed. No parking, material storage or construction activities are permitted within the protected area.
5. Before any permit (including but not limited to building, parking lot, change of use, site disturbance) is requested:
  - a. The development plan must receive full construction approval from Louisville Metro Department of Inspections, Permits and Licenses, Louisville Metro Public Works and the Metropolitan Sewer District.
  - b. Encroachment permits must be obtained from the Kentucky Department of Transportation, Bureau of Highways.
  - c. The property owner/developer must obtain approval of a detailed plan for screening (buffering/landscaping) as described in Article 12 prior to requesting a building permit.

Such plan shall be implemented prior to occupancy of the site and shall be maintained thereafter.

- d. Any sign must be approved by the City Council, with a variance, if required.
6. If a building permit is not issued within one year of the date of approval of the plan or rezoning, whichever is later, 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 and the City of St. Matthews.
7. 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 and the City of St. Matthews.
8. There shall be no outdoor music (live, piped, radio or amplified) or outdoor entertainment or outdoor PA system permitted on the site.
9. The applicant, developer, or property owner shall provide copies of these binding elements to tenants, purchasers, contractors, subcontractors and other parties engaged in development of this site and shall advise them of the content of these binding elements. These binding elements shall run with the land and the owner of the property and occupant of the property shall at all times be responsible for compliance with these binding elements. At all times during development of the site, the applicant and developer, their heirs, successors; and assignees, contractors, subcontractors, and other parties engaged in development of the site, shall be responsible for compliance with these binding elements.
10. The materials and design of proposed structures shall be substantially the same as depicted in the rendering as presented at the June 6, 2013 Planning Commission meeting.
11. No idling of trucks shall take place within 200 feet of single-family residences. No overnight idling of trucks shall be permitted on-site.
12. Outdoor lighting in the rear parking lot shall have 90-degree cutoff and shall be directed down and away from adjoining residential properties.
13. The dumpster as shown on the Development Plan, if used, shall be moved away from the residences and close to the office building.
14. The above binding elements may be amended as provided for in the Zoning District Regulations upon approval of the City of St. Matthews.

5. **Proposed Binding Elements at 704 Breckenridge Lane (17ZONE1029)**

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 and to the City of St. Matthews for review and approval; any changes/additions/alterations not so referred shall not be valid.
2. No outdoor advertising 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) is requested:
  - a. The development plan must receive full construction approval from Louisville Metro Department of Inspections, Permits and Licenses, Louisville Metro Public Works and the Metropolitan Sewer District.
  - b. Encroachment permits must be obtained from the Kentucky Department of Transportation, Bureau of Highways.
  - c. The property owner/developer must obtain approval of a detailed plan for screening (buffering/landscaping) as described in Article 12 prior to requesting a building permit. Such plan shall be implemented prior to occupancy of the site and shall be maintained thereafter.
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 and the City of St. Matthews.
6. The applicant, developer, or property owner shall provide copies of these binding elements to tenants, purchasers, contractors, subcontractors and other parties engaged in development of this site and shall advise them of the content of these binding elements. These binding elements shall run with the land and the owner of the property and occupant of the property shall at all times be responsible for compliance with these binding elements. At all times during development of the site, the applicant and developer, their heirs, successors; and assignees, contractors, subcontractors, and other parties engaged in development of the site, shall be responsible for compliance with these binding elements.



7. No idling of trucks shall take place within 200 feet of single-family residences. No overnight idling of trucks shall be permitted on-site.
8. Outdoor lighting in the rear parking lot shall have 90-degree cutoff and shall be directed down and away from adjoining residential properties.