

**Planning Commission
Staff Report**
February 20, 2020



Case No:	19-ZONE-0088
Project Name:	6517 Dixie Highway
Location:	6517 Dixie Highway
Owner:	Ruby Real Estate Kentucky, LLC
Applicant:	Ruby Real Estate Kentucky, LLC
Representative:	Ruby Real Estate Kentucky, LLC
Jurisdiction:	Louisville Metro
Council District:	12 – Rick Blackwell
Case Manager:	Joel Dock, AICP, Planner II

REQUEST

- **Change in zoning** from R-4 & C-1 to C-2
- **Waiver** of Land Development Code, section 10.2 to reduce the vehicle use area landscape buffer along Dixie Highway as shown on the development plan
- **Revised Detailed & Detailed District Development Plan**

CASE SUMMARY

An existing automobile dealership at 6633 Dixie Highway is requesting to expand their operations to the north onto the property at 6517 Dixie Highway. A rezoning to C-2 is required for an automobile dealership. The subject site is located on the east side of Dixie Highway and its intersection with Lower Hunters Trace. The majority of the expansion is located on C-1 property. A small amount of land at the rear of the expansion site is proposed to be rezoned from R-4 to C-2. No structures are proposed and the current surface lot for auto display will be improved in manner consistent with the dealership present to the south.

The existing dealership to the south was rezoned to C-2 in 2006, docket 9-29-06. A staff level revision was approved in 2007. A small portion of the development site includes the existing dealership. To maintain consistency with the binding elements enforceable upon the existing dealership, the binding elements of that site will be carried over to the site proposed for rezoning with clarifications as shown in Attachment 3.

STAFF FINDINGS

The proposal is consistent with the land use and development policies of Plan 2040. The site is appropriately located for its intensity within the SMC form district and adjacent to similar uses. The waiver appears to be adequately justified based on staff's analysis contained in the standard of review.

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 land use and development guidelines of Plan 2040; 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 Plan 2040 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 Marketplace Corridor Form District

Suburban Marketplace Corridors: Suburban Marketplace Corridors are generally located along major roadways with well-defined beginning and ending points and established depths along the length of the corridor. The pattern of development is distinguished by a mixture of medium to high intensity uses. Accommodations for transit users, bicyclists and pedestrians are encouraged in an effort to attract a variety of users as well as to minimize automobile dependency and traffic congestion. Connectivity to nearby uses should be encouraged. Developers should be encouraged to design new commercial development in compact groups of buildings, which use the same curb cut, share parking, have a common freestanding sign identifying the uses and have a common buffering or streetscape plan with respect to any abutting uses of lower density or intensity. This form may include medium to high-density residential uses that are designed to be compatible with both the non-residential uses along the corridor and the lower density residential uses in adjacent form districts. Medium density residential uses may serve as a transition area from lower to higher density residential uses and should be encouraged in this form.

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

The proposed higher intensity district is near major transportation facilities and transit corridors, employment centers, in or near activity centers and other areas where demand and adequate infrastructure exists or is planned. The site is located along Dixie Highway between I-264 and I-265. Dixie Highway is a major transit corridor connecting many parts of the community. Sidewalks are located along the frontage.

The proposed district does not result in a non-residential expansion into a residential area as the majority of the subject site is currently zoned for commercial activities, portions of the site within the existing residential district are developed for commercial activities, and the SMC form encompasses the entirety of the subject site. The proposed district is compatible with area and allows a mixture of uses that may promote public transit and pedestrian use.

The site is located in the area of the Dixie Highway Corridor Master Plan (Central)

The land uses along Dixie Highway Central from Greenwood Road to I-264 are primarily larger retail, service or commercial uses (see Figure 3-2). The larger commercial developments include Dixie Manor, Home Depot, Lowes, Walmart, Kroger, Sears Essentials, Shively Shopping Center and multiple car dealerships. Public or semi-public uses located along or near this segment of Dixie Highway include the Louisville Metro Southwest Government Center, Jewish Medical Complex, Holy Cross School, Spencerian College, a cemetery and multiple churches. There are some vacancies in buildings and one large store vacancy. In addition, there is a vacant, undeveloped parcel near I-264 that is adjacent to the P&L rail line. Most development is suburban in nature with buildings placed further from the roadway with large parking lots in front of the stores. Very few areas are built closer to the roadway or have out-parcel development. Finally, lot sizes are significantly smaller north of Lewiston Place which could limit future development without parcel consolidation.

The following design guidelines may be directly related to the proposed project and should be considered in the development of the subject site:

- Structure main entrances should face the corridor
- Sight lines of façade heights as seen from the adjacent sidewalk should be generally consistent with adjacent buildings.
- Exterior building materials should be compatible with materials used along the corridor.
- Development should include maintainable, year-round landscaping, street trees, or planter boxes along the street frontage
- Combining parking lots to create shared parking should be encouraged.
- Parking adjacent to the street or public sidewalk should use landscaping, trees, etc. to maintain the line formed by structures along the sidewalk.
- Parking lot landscaping such as shade trees and screens that buffer vehicles should be encouraged.
- Developments should be designed to support potential future intensification of the site and surrounding uses. Techniques that should be incorporated into the design guidelines include:
 - Siting parking lots and building pads in a block layout that will support a future grid street pattern;
 - Laying utilities in a planned manner that will allow for a variety of uses and higher densities in the future; and
 - Creating easements that could be used for future streets depending upon future development needs.
- Developments should provide pedestrian circulation within site and provide a connection to sidewalks adjacent to the street

No structures are proposed and impervious areas along Dixie highway will be scaled back from the sidewalk to provide a landscape area consistent with the existing dealership to the south.

STANDARD OF REVIEW AND STAFF ANALYSIS FOR WAIVER

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

STAFF: The waiver will not adversely affect adjacent property owners as the proposed width is consistent with adjacent property owners.

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

STAFF: Guideline 3, Policy 9 of Cornerstone 2020 calls for the protection of the character of residential areas, roadway corridors and public spaces from visual intrusions and mitigate when appropriate. Guideline 13, Policy 4 calls for ensuring appropriate landscape design standards for different land uses within urbanized, suburban, and rural areas. The proposed development is scaling back existing conditions to provide a consist landscape pattern with adjacent development along the frontage. .

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

STAFF: The extent of the waiver of the regulation is the minimum necessary to afford relief to the applicant as it allows for a consistent landscape width along he corridor.

- (d) Either:

(i) The applicant has incorporated other design measures that exceed the minimums of the district and compensate for non-compliance with the requirements to be waived (net beneficial effect); OR
(ii) The strict application of the provisions of the regulation would deprive the applicant of the reasonable use of the land or would create an unnecessary hardship on the applicant.

STAFF: The strict application of the provisions of the regulation would create an unnecessary hardship on the applicant as the proposed development is providing a consistent landscape buffer width the adjacent development.

STANDARD OF REVIEW AND STAFF ANALYSIS FOR DETAILED DISTRICT DEVELOPMENT PLAN

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

STAFF: The 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 will be conserved as the site is previously developed with impervious surfaces and the aforementioned features do not appear to be present on 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 public sidewalks are available.

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

STAFF: The provision of sufficient open space (scenic and recreational) to meet the needs of the proposed development will be provided. The proposal is not required to provide additional open space. A landscape buffer is provided along the frontage.

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

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

- 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 proposal is generally compatible within the scale and site design of nearby existing development and with the form district's pattern of development as the use and design is consistent with adjacent users.

- 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 proposed development plan conforms to Plan 2040. The subject property is near major transportation facilities and transit corridors, employment centers, in or near activity centers and other areas where demand and adequate infrastructure exists or is planned. The site is located along Dixie Highway between I-264 and I-265. Dixie Highway is a major transit corridor connecting many parts of the community. Sidewalks are located along the frontage.

REQUIRED ACTIONS:

- **RECOMMEND** to the Louisville Metro Council that the **Change-in-Zoning** from R-4, single-family & C-1, commercial to C-2, commercial on property described in the attached legal description be **APPROVED or DENIED**
- **APPROVE or DENY** the **Waiver** of Land Development Code, section 10.2 to reduce the vehicle use area landscape buffer along Dixie Highway as shown on the development plan
- **APPROVE or DENY** the Revised Detailed & Detailed District Development Plan

NOTIFICATION

Date	Purpose of Notice	Recipients
1/16/20	Hearing before LD&T	1 st and 2 nd tier adjoining property owners Subscribers of Council District 12 Notification of Development Proposals
2/5/20	Hearing before PC	1 st and 2 nd tier adjoining property owners Subscribers of Council District 12 Notification of Development Proposals
2/3/20	Hearing before PC	Sign Posting on property
2/7/20	Hearing before PC	Legal Advertisement in the Courier-Journal

ATTACHMENTS

1. Zoning Map
2. Aerial Photograph
3. Plan 2040 Staff Analysis
3. Existing and Proposed Binding Elements

1. **Zoning Map**



2. Aerial Photograph



4. Staff Plan 2040 Checklist

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

Suburban Marketplace Corridor: Non-Residential

Plan 2040 Plan Element	Land Use & Development Policy	Staff Finding	Staff Analysis
Land Use & Development Goal 1: Community Form	6. Discourage non-residential expansion into existing residential areas unless applicant can demonstrate that any adverse impact on residential uses will be mitigated. Evaluation of impacts may include, but not be limited to, displacement of residents, loss of affordable housing units, traffic, parking, signs, lighting, noise, odor, and stormwater. Appropriate transitions from non-residential to residential uses should depend on the pattern of development of the Form District and may include natural vegetative buffers, landscaping or the use of higher density residential between lower density residential and/or non-residential.	✓	The proposed district does not result in a non-residential expansion into a residential area as the majority of the subject site is currently zoned for commercial activities, portions of the site within the existing residential district are developed for commercial activities, and the SMC form encompasses the entirety of the subject site.
Land Use & Development Goal 1: Community Form	7. Locate higher density and intensity uses near major transportation facilities and transit corridors, employment centers, in or near activity centers and other areas where demand and adequate infrastructure exists or is planned.	✓	The proposed higher intensity is near major transportation facilities and transit corridors, employment centers, in or near activity centers and other areas where demand and adequate infrastructure exists or is planned. The site is located along Dixie Highway between I-264 and I-265.
Land Use & Development Goal 1: Community Form	17. Mitigate adverse impacts of traffic from proposed development on nearby existing communities.	✓	Dixie Highway is a major arterial corridor intended to serve heavy volumes of traffic such as those that might accompany uses within the proposed district.
Land Use & Development Goal 1: Community Form	18. Mitigate adverse impacts of noise from proposed development on existing communities.	✓	Uses within the district do not pose a great deal of adverse impact associated with noise and most uses permitted are to be contained within structures.
Land Use & Development Goal 2: Community Form	1. Locate activity centers in appropriate areas in all Form Districts. Design and density should be compatible with desired form, adjacent uses, and existing and planned infrastructure.	✓	The proposal is located within an existing activity center. Design is to be consistent with the form district. Permitted density within the district is compatible with the available transportation and infrastructure network.
Land Use & Development Goal 2: Community Form	5. Locate retail commercial development in activity centers where it can be demonstrated that sufficient population exists or is anticipated to support it.	✓	A sufficient population exists for the current activity centers and a variety of uses permitted within the center, including those expanded activities allowed by the proposed district.

Plan 2040 Plan Element	Land Use & Development Policy	Staff Finding	Staff Analysis
Land Use & Development Goal 2: Community Form	6. Encourage a more compact development pattern in activity centers that result in efficient land use and cost-effective infrastructure investment.	✓	The development is cost effective as it is a reuse of a site that is occupied by impervious surfaces.
Land Use & Development Goal 2: Community Form	7. Encourage activity centers to include a mixture of compatible land uses in order to reduce traffic congestion by requiring fewer trips, support and enhance alternative modes of travel, and encourage vitality and a sense of place.	✓	The proposed district encourages a greater mixture of uses that are supported by the form, and transportation and infrastructure network. The district has a limited impact on vitality and a sense of place along the corridor as a wide variety of densities and intensities are available.
Land Use & Development Goal 2: Community Form	9. Encourage new developments and rehabilitation of buildings that provide commercial, office and/or residential uses.	✓	The proposal allows for the redevelopment of a previously developed site.
Land Use & Development Goal 3: Community Form	9. Encourage development that 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.	✓	Existing conditions indicate that natural or sensitive features are not present.
Land Use & Development Goal 3: Community Form	10. Encourage development to avoid wet or highly permeable soils, severe, steep or unstable slopes where the potential for severe erosion problems exists in order to prevent property damage and public costs associated with soil slippage and foundation failure and to minimize environmental degradation.	✓	The site is previously developed and the majority of the land is impervious; thus, wet or highly permeable soils, severe, steep or unstable slopes would not appear to be present.
Land Use & Development Goal 3: Community Form	12. When reviewing proposed developments consider changes to flood-prone areas and other features vulnerable to natural disasters such as sinkholes and landslides. Ensure appropriate measures to protect health, safety and welfare of future users of the development.	✓	No changes to existing conditions that might impact flood-prone areas are present.
Land Use & Development Goal 4: Community Form	1. Preserve buildings, sites, districts and landscapes that are recognized as having historic or architectural value and ensure that new land uses are compatible in height, massing, scale, architecture style and placement when located within the impact area of such resources.	✓	There are no features of historic or architectural value apparent on site.
Land Use & Development Goal 4: Community Form	2. Encourage preservation of distinctive cultural features including landscapes, natural elements and built features.	✓	There are no cultural features present.

Plan 2040 Plan Element	Land Use & Development Policy	Staff Finding	Staff Analysis
Land Use & Development Goal 1: Mobility	4. Encourage higher densities and intensities within or near existing marketplace corridors, existing and future activity centers, and employment centers to support transit-oriented development and an efficient public transportation system.	✓	The proposed higher intensity district is within or near existing marketplace corridors, existing and future activity centers, and employment centers. Dixie Highway is a major transit corridor connecting many parts of the community.
Land Use & Development Goal 3: Mobility	2. To improve mobility, and reduce vehicle miles traveled and congestion, encourage a mixture of compatible land uses that are easily accessible by bicycle, car, transit, pedestrians and people with disabilities. Housing should be encouraged near employment centers.	✓	The proposed district is compatible with area and allows a mixture of uses that may reduce vehicle miles traveled and congestion. Dixie is a major transit corridor connecting many parts of the community. Sidewalks are present along the roadway.
Land Use & Development Goal 3: Mobility	3. Evaluate developments for their ability to promote public transit and pedestrian use. Encourage higher density mixed-use developments that reduce the need for multiple automobile trips as a means of achieving air quality standards and providing transportation and housing choices.	✓	The proposed district is compatible with area and allows a mixture of uses that may promote public transit and pedestrian use. Dixie Highway is a major transit corridor connecting many parts of the community. Sidewalks are located along the frontage.
Land Use & Development Goal 3: Mobility	4. Encourage development of walkable centers to connect different modes of travel. Siting of these multi-modal centers shall consider the effects of the following: 4.1. nodal connections identified by Move Louisville; 4.2. impact on freight routes; 4.3. time of operation of facilities; 4.4. safety; 4.5. appropriate linkages between neighborhoods and employment; and 4.6. the potential for reducing travel times and vehicle miles traveled.	✓	The proposed district is located on a site of previous development adjacent to similar district. It has a limited impact on the walkability of the area.
Land Use & Development Goal 3: Mobility	5. Evaluate developments for their impact on the transportation network (including the street, pedestrian, transit, freight movement and bike facilities and services) and air quality.	✓	The transportation network is sufficient to handle large volumes of traffic and accommodating pedestrians as it has convenient access to the interstate and TARC service.
Land Use & Development Goal 3: Mobility	6. Ensure that those who propose new developments bear or share in rough proportionality the costs of transportation facilities and services made necessary by development.	✓	Transportation Planning has no issues with the proposal. No roadway improvements are required and necessary right-of-way for Dixie Highway improvements has previously been acquired.

Plan 2040 Plan Element	Land Use & Development Policy	Staff Finding	Staff Analysis
Land Use & Development Goal 3: Mobility	9. When existing transportation facilities and services are inadequate and public funds are not available to rectify the situation, the developer may be asked to make improvements, roughly proportional to the projected impact of the proposed development, to eliminate present inadequacies if such improvements would be the only means by which the development would be considered appropriate at the proposed location.	✓	Transportation Planning has no issues with the proposal. No roadway improvements are required and necessary right-of-way for Dixie Highway improvements has previously been acquired.
Land Use & Development Goal 3: Mobility	10. Ensure that necessary improvements occur in accordance with long-range transportation plans and level of mobility criteria for all modes of travel.	✓	Transportation Planning has no issues with the proposal. No roadway improvements are required and necessary right-of-way for Dixie Highway improvements has previously been acquired.
Land Use & Development Goal 2: Community Facilities	1. Locate development in areas served by existing utilities or capable of being served by public or private utility extensions.	✓	Existing utilities would appear to be available.
Land Use & Development Goal 2: Community Facilities	2. Ensure that all development has an adequate supply of potable water and water for fire-fighting purposes. Locate only very low-density land uses on sites that use on-lot sewage disposal systems or on a private supply of potable water.	✓	The development has an adequate supply of potable water and water for fire-fighting purposes
Land Use & Development Goal 2: Community Facilities	3. Ensure that all development has adequate means of sewage treatment and disposal to protect public health and to protect water quality in lakes and streams as determined by the Metropolitan Sewer District (MSD).	✓	MSD will ensure that all development has adequate means of sewage treatment and disposal to protect public health and to protect water quality
Land Use & Development Goal 1: Economic Development	3. Locate commercial uses generating high volumes of traffic on a major arterial street, at the intersection of two minor arterials, or at a location with adequate access to a major arterial and at locations where nuisances and activities of the proposed use will not adversely affect adjacent areas.	✓	The proposed district is located on a major arterial roadway with access to I-264 and I-265.
Economic Development: Goal 1	5. Require industrial developments to locate with the appropriate transportation connectivity, near an arterial street or within existing industrial subdivisions.	✓	The proposed district is located locate with the appropriate transportation connectivity on a major arterial street with access I-264 and I-265.

Plan 2040 Plan Element	Land Use & Development Policy	Staff Finding	Staff Analysis
Land Use & Development Goal 1: Livability	17. Determine site susceptibility to erosion; identify the presence of on-site carbonate conditions and features that are vulnerable to site disturbance; identify the extent of existing groundwater use and the impacts of the project on groundwater resources, flow patterns, and existing and proposed surface drainage. Then mitigate potential hazards to such systems resulting from the project.	✓	Existing conditions suggest that the site is less vulnerable to erosion or karst impacts or such conditions are not able to be evaluated given these conditions.
Land Use & Development Goal 1: Livability	21. Mitigate negative development impacts to the integrity of the regulatory floodplain by encouraging development patterns that minimize disturbance and consider the increased risk of more frequent flooding events.	✓	Preliminary approval has been received by MSD. MSD has reviewed the proposal for its development impacts to the integrity of the regulatory floodplain.

5. Existing and Proposed Binding Elements (revisions in bold font – development site)

1. The development shall be in accordance with the approved district development plan and binding elements unless amended pursuant to the Land Development Code. Modifications to the binding element(s) shall be submitted to the Planning Commission or its designee for review and approval; any modifications not so referred shall not be valid.
2. Use of the subject site shall be limited to a car dealership and other uses permitted in the C-2 zoning district. There shall be no other use of the property unless prior approval is obtained from the Planning Commission or its designee. Notice of a request to amend this binding element shall be given in accordance with the Planning Commission's policies and procedures. The Planning Commission may require a public hearing on the request to amend this binding element.
3. The Floor Area Ratio of the development shall not exceed .08, **including all development at 6633 Dixie Highway approved in development plan case 9247.**
4. The development shall not exceed 17,960 square feet of gross floor area, **including all development at 6633 Dixie Highway approved in development plan case 9247.**
5. Signs shall be in accordance with Chapter 8 of the LDC.
6. No outdoor advertising signs, small freestanding signs, pennants, balloons, or banners shall be permitted on the site.
7. 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.
8. Prior to issuance of a permit (including but not limited to building, parking lot, change of use, site disturbance, alteration permit or demolition permit):
 - 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. The property owner/developer shall obtain approval of a detailed plan for screening (buffering/landscaping) as described in Chapter 10. Such plan shall be implemented prior to occupancy of the site and shall be maintained thereafter.
9. 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.
10. 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.

11. The materials and design of **any** proposed structures shall be substantially the same as depicted in the renderings as presented at the November 2, **2006** Planning Commission meeting in **case 9247**.
12. At the time a building permit is requested, the applicant shall submit a certification statement to the permit issuing agency, from an engineer, or other qualified professional stating that the lighting of the proposed development is in compliance with Chapter 4 Part 1.3 of the land development code and shall be maintained there after. No building permits shall be issued unless such certification statement is submitted. Lighting shall be maintained on the property in accordance with Chapter 4 Part 1.3 of the land development code. Lighting shall be maintained on the property in accordance with Chapter 4 Part 1.3 of the land development code.
13. All street name signs, traffic control signs and pavement markings shall conform with the manual on uniform traffic control devices (MUCTCD) requirements and be installed prior to construction of the first residence or building on the street and shall be in place at the time of the bond release. (The address number shall be displayed on a structure prior to requesting a certificate of occupancy for that structure.)
14. The lights in the loading area shall be dimmed to security level "after closing time" (about 9:00 p.m. or 10:00 p.m.; exact time unknown.)

**Land Development & Transportation
Staff Report
January 30, 2019**



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Location:	6517 Dixie Highway
Owner:	Ruby Real Estate Kentucky, LLC
Applicant:	Ruby Real Estate Kentucky, LLC
Representative:	Ruby Real Estate Kentucky, LLC
Jurisdiction:	Louisville Metro
Council District:	12 – Rick Blackwell
Case Manager:	Joel Dock, AICP, Planner II

REQUEST

- **Change in zoning** from R-4 & C-1 to C-2
- **Waiver** of Land Development Code, section 10.2 to reduce the vehicle use area landscape buffer along Dixie Highway as shown on the development plan
- **Revised Detailed & Detailed District Development Plan**

CASE SUMMARY

An existing automobile dealership at 6633 Dixie Highway is requesting to expand their operations to the north onto the property at 6517 Dixie Highway. A rezoning to C-2 is required for an automobile dealership. The subject site is located on the east side of Dixie Highway and its intersection with Lower Hunters Trace. The majority of the expansion is located on C-1 property. A small amount of land at the rear of the expansion site is proposed to be rezoned from R-4 to C-2. No structures are proposed and the current surface lot for auto display will be improved in manner consistent with the dealership present to the south.

The existing dealership to the south was rezoned to C-2 in 2006, docket 9-29-06. A staff level revision was approved in 2007. A small portion of the development site includes the existing dealership. To maintain consistency with the binding elements enforceable upon the existing dealership, the binding elements of that site will be carried over to the site proposed for rezoning with clarifications as shown in Attachment 3.

STAFF FINDINGS

The application is in order and ready for the next available public hearing before the Planning Commission.

TECHNICAL REVIEW

Dixie Highway Corridor Master Plan (Central): The land uses along Dixie Highway Central from Greenwood Road to I-264 are primarily larger retail, service or commercial uses (see Figure 3-2). The larger commercial developments include Dixie Manor, Home Depot, Lowes, Walmart, Kroger, Sears Essentials, Shively Shopping Center and multiple car dealerships. Public or semi-public uses located along or near this segment of Dixie Highway include the Louisville Metro Southwest Government Center, Jewish Medical Complex, Holy Cross School, Spencerian College, a cemetery and multiple churches. There are some vacancies in buildings and one large store vacancy. In addition, there is a vacant, undeveloped parcel near I-264 that is adjacent to the P&L rail line. Most development is suburban in nature with buildings placed further from the roadway with large parking lots in front of the stores. Very few areas are built closer to the roadway or have out-parcel

development. Finally, lot sizes are significantly smaller north of Lewiston Place which could limit future development without parcel consolidation.

The following design guidelines may be directly related to the proposed project and should be considered in the development of the subject site:

- Structure main entrances should face the corridor
- Sight lines of façade heights as seen from the adjacent sidewalk should be generally consistent with adjacent buildings.
- Exterior building materials should be compatible with materials used along the corridor.
- Development should include maintainable, year-round landscaping, street trees, or planter boxes along the street frontage
- Combining parking lots to create shared parking should be encouraged.
- Parking adjacent to the street or public sidewalk should use landscaping, trees, etc. to maintain the line formed by structures along the sidewalk.
- Parking lot landscaping such as shade trees and screens that buffer vehicles should be encouraged.
- Developments should be designed to support potential future intensification of the site and surrounding uses. Techniques that should be incorporated into the design guidelines include:
 - Siting parking lots and building pads in a block layout that will support a future grid street pattern;
 - Laying utilities in a planned manner that will allow for a variety of uses and higher densities in the future; and
 - Creating easements that could be used for future streets depending upon future development needs.
- Developments should provide pedestrian circulation within site and provide a connection to sidewalks adjacent to the street

No structures are proposed and impervious areas along Dixie highway will be scaled back from the sidewalk to provide a landscape area consistent with the existing dealership to the south.

NOTIFICATION

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	Hearing before PC	1 st and 2 nd tier adjoining property owners Subscribers of Council District 12 Notification of Development Proposals
	Hearing before PC	Sign Posting on property
	Hearing before PC	Legal Advertisement in the Courier-Journal

ATTACHMENTS

1. Zoning Map
2. Aerial Photograph
3. Existing and Proposed Binding Elements

1. **Zoning Map**



2. Aerial Photograph



3. **Existing and Proposed Binding Elements (revisions/clarifications in bold font)**

1. The development shall be in accordance with the approved district development plan and binding elements unless amended pursuant to the Land Development Code. Modifications to the binding element(s) shall be submitted to the Planning Commission or its designee for review and approval; any modifications not so referred shall not be valid.
2. Use of the subject site shall be limited to a car dealership and other uses permitted in the C-2 zoning district. There shall be no other use of the property unless prior approval is obtained from the Planning Commission or its designee. Notice of a request to amend this binding element shall be given in accordance with the Planning Commission's policies and procedures. The Planning Commission may require a public hearing on the request to amend this binding element.
3. The Floor Area Ratio of the development shall not exceed .08, **including all development at 6633 Dixie Highway approved in development plan case 9247.**
4. The development shall not exceed 17,960 square feet of gross floor area, **including all development at 6633 Dixie Highway approved in development plan case 9247.**
5. Signs shall be in accordance with Chapter 8 of the LDC.
6. No outdoor advertising signs, small freestanding signs, pennants, balloons, or banners shall be permitted on the site.
7. 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.
8. Prior to issuance of a permit (including but not limited to building, parking lot, change of use, site disturbance, alteration permit or demolition permit):
 - 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. The property owner/developer shall obtain approval of a detailed plan for screening (buffering/landscaping) as described in Chapter 10. Such plan shall be implemented prior to occupancy of the site and shall be maintained thereafter.
9. 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.
10. 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.

11. The materials and design of proposed structures, **including the development at 6633 Dixie Highway approved in development plan case 9247**, shall be substantially the same as depicted in the rendering as presented at the November 2 Planning Commission meeting.
12. At the time a building permit is requested, the applicant shall submit a certification statement to the permit issuing agency, from an engineer, or other qualified professional stating that the lighting of the proposed development is in compliance with Chapter 4 Part 1.3 of the land development code and shall be maintained there after. No building permits shall be issued unless such certification statement is submitted. Lighting shall be maintained on the property in accordance with Chapter 4 Part 1.3 of the land development code. Lighting shall be maintained on the property in accordance with Chapter 4 Part 1.3 of the land development code.
13. All street name signs, traffic control signs and pavement markings shall conform with the manual on uniform traffic control devices (MUCTCD) requirements and be installed prior to construction of the first residence or building on the street and shall be in place at the time of the bond release. (The address number shall be displayed on a structure prior to requesting a certificate of occupancy for that structure.)
14. The lights in the loading area shall be dimmed to security level "after closing time" (about 9:00 p.m. or 10:00 p.m.; exact time unknown.)

Change-in-Zoning Pre-Application Staff Report



Case No:	18ZONE1073
Project Name:	6517 Dixie Highway
Location:	6517 Dixie Highway
Owner:	Ruby Real Estate Kentucky, LLC
Applicant:	Ruby Real Estate Kentucky, LLC
Representative:	Ruby Real Estate Kentucky, LLC
Jurisdiction:	Louisville Metro
Council District:	12 – Rick Blackwell
Case Manager:	Joel Dock, AICP, Planner II

REQUEST

- Change in zoning from R-4 & C-1 to C-2
- District Development Plan

CASE SUMMARY

An existing automobile dealership at 6633 Dixie Highway is requesting to expand their operations onto the property at 6517 Dixie Highway. A rezoning to C-2 is required for an automobile dealership. The subject site is located on the east side of Dixie Highway and its intersection with Lower Hunters Trace.

STAFF FINDINGS

The development plan should demonstrate to the Planning Commission the proposed use of the property. Recommendations of the Dixie Master Plan should be incorporated into the zoning change request; including, pedestrian connectivity, reduction of curb-cuts to enhance safety and mobility, cross-connectivity for both pedestrians and automobiles, and pedestrian oriented façade design.

TECHNICAL REVIEW

Dixie Highway Corridor Master Plan (Central): The land uses along Dixie Highway Central from Greenwood Road to I-264 are primarily larger retail, service or commercial uses (see Figure 3-2). The larger commercial developments include Dixie Manor, Home Depot, Lowes, Walmart, Kroger, Sears Essentials, Shively Shopping Center and multiple car dealerships. Public or semi-public uses located along or near this segment of Dixie Highway include the Louisville Metro Southwest Government Center, Jewish Medical Complex, Holy Cross School, Spencerian College, a cemetery and multiple churches. There are some vacancies in buildings and one large store vacancy. In addition, there is a vacant, undeveloped parcel near I-264 that is adjacent to the P&L rail line. Most development is suburban in nature with buildings placed further from the roadway with large parking lots in front of the stores. Very few areas are built closer to the roadway or have out-parcel development. Finally, lot sizes are significantly smaller north of Lewiston Place which could limit future development without parcel consolidation.

The following design guidelines may be directly related to the proposed project and should be considered in the development of the subject site:

- Structure main entrances should face the corridor
- Sight lines of façade heights as seen from the adjacent sidewalk should be generally consistent with adjacent buildings.

- Exterior building materials should be compatible with materials used along the corridor.
- Development should include maintainable, year-round landscaping, street trees, or planter boxes along the street frontage
- Combining parking lots to create shared parking should be encouraged.
- Parking adjacent to the street or public sidewalk should use landscaping, trees, etc. to maintain the line formed by structures along the sidewalk.
- Parking lot landscaping such as shade trees and screens that buffer vehicles should be encouraged.
- Developments should be designed to support potential future intensification of the site and surrounding uses. Techniques that should be incorporated into the design guidelines include:
 - Siting parking lots and building pads in a block layout that will support a future grid street pattern;
 - Laying utilities in a planned manner that will allow for a variety of uses and higher densities in the future; and
 - Creating easements that could be used for future streets depending upon future development needs.
- Developments should provide pedestrian circulation within site and provide a connection to sidewalks adjacent to the street

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 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 Marketplace Corridor Form District

Suburban Marketplace Corridors: Suburban Marketplace Corridors are generally located along major roadways with well-defined beginning and ending points and established depths along the length of the corridor. The pattern of development is distinguished by a mixture of medium to high intensity uses. Accommodations for transit users, bicyclists and pedestrians are encouraged in an effort to attract a variety of users as well as to minimize automobile dependency and traffic congestion. Connectivity to nearby uses should be encouraged. Developers should be encouraged to design new commercial development in compact groups of buildings, which use the same curb cut, share parking, have a common freestanding sign identifying the uses and have a common buffering or streetscape plan with respect to any abutting uses of lower density or intensity. This form may include medium to high-density residential uses that are designed to be compatible with both the non-residential uses along the corridor and the lower density residential uses in adjacent form districts. Medium density residential uses may serve as a transition area from lower to higher density residential uses and should be encouraged in this form.

Proposed new commercial uses are encouraged, to locate within the boundaries of existing corridors. Reuse of locations within existing corridors is preferred over expansion of a corridor. Proposals to expand defined corridors represent significant policy decisions. When considering proposals that result in an extension of suburban marketplace corridors, particular emphasis should be placed on: (a) use or reuse of

land within existing corridors; (b) potential for disruption of established residential neighborhoods; and (c) compliance with the site and community design standards of the Land Development Code.

The proposed zoning district is consistent with the existing pattern of development surrounding the corridor which includes a mixture of medium- to high-density uses. The proposal is located within the boundaries of the existing form district and does not constitute a non-residential expansion into an existing residential area as a small portion of development will expand the non-residential aspects of the zoning district within the corridor and form district.

The development plan should demonstrate to the Planning Commission the proposed use of the property. Accommodations should be made to satisfy the recommendations of the Dixie Master Plan. Appropriate buffering and screening should be provided to reduce any potential adverse impacts on the residential districts at the rear. Design should be consistent with the form and the area. Entrances, windows, and variation of material shall be used on any proposed structures

NOTIFICATION

Date	Purpose of Notice	Recipients
	Hearing before LD&T	1 st and 2 nd tier adjoining property owners Subscribers of Council District 12 Notification of Development Proposals
	Hearing before PC	1 st and 2 nd tier adjoining property owners Subscribers of Council District 12 Notification of Development Proposals
	Hearing before PC	Sign Posting on property
	Hearing before PC	Legal Advertisement in the Courier-Journal

ATTACHMENTS

1. Zoning Map
2. Aerial Photograph
3. Cornerstone 2020 Staff Checklist

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

Suburban Marketplace Corridor: 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.8: The proposal integrates into the existing pattern of development, which includes a mixture of medium- to high-density uses.	✓	The proposed zoning district is consistent with the existing pattern of development surrounding the corridor which includes a mixture of medium- to high-density uses.
2	Community Form/Land Use Guideline 1: Community Form	B.8: The proposal provides accommodations for transit users, pedestrians and bicyclists and provides connectivity to adjacent developments.	+/-	The development plan should demonstrate to the Planning Commission the proposed use of the property. Accommodations should be made to satisfy the recommendations of the Dixie Master Plan
3	Community Form/Land Use Guideline 1: Community Form	B.8: The proposal includes a compact group of buildings using the same curb cut, parking and signs, and that have a common buffering or streetscape plan with respect to any abutting lower density or intensity uses.	+/-	The development plan should demonstrate to the Planning Commission the proposed use of the property. Accommodations should be made to satisfy the recommendations of the Dixie Master Plan
4	Community Form/Land Use Guideline 1: Community Form	B.8: The proposal is of a medium to high density designed to be compatible with both non-residential development in the corridor and adjacent low density residential development in other form districts.	+/-	The development plan should demonstrate to the Planning Commission the proposed use of the property. The proposed zoning district is of high-density consistent with the surrounding area. Buffers should be provided as required.
5	Community Form/Land Use Guideline 1: Community Form	B.8: The proposal is located within the boundaries of the existing form district, and if the proposal is to expand an existing corridor, the justification for doing so addresses the use or reuse of land within the existing corridor, the potential for disruption of established residential neighborhoods, and compliance with the site and community design standards of the Land Development Code.	✓	The proposal is located within the boundaries of the existing form district
6	Community Form/Land Use Guideline 2: Centers	A.1/7: The proposal, which will create a new center, is located in the Suburban Marketplace Corridor Form District, and includes new construction or the reuse of existing buildings to provide commercial, office and/or residential use.	+/-	The proposal does not create a new center and is located with the SMC form district. The development plan should demonstrate to the Planning Commission the proposed use of the property

#	Cornerstone 2020 Plan Element	Plan Element or Portion of Plan Element	Staff Finding	Staff Comments
7	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.	✓	The Dixie Hwy corridor is surrounded by residential development and has good accessibility from other parts of the city.
8	Community Form/Land Use Guideline 2: Centers	A.4: The proposed development is compact and results in an efficient land use pattern and cost-effective infrastructure investment.	+/-	The development plan should demonstrate to the Planning Commission the proposed use of the property
9	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 development plan should demonstrate to the Planning Commission the proposed use of the property. Accommodations should be made to satisfy the recommendations of the Dixie Master Plan
10	Community Form/Land Use Guideline 2: Centers	A.6: The proposal incorporates residential and office uses above retail and/or includes other mixed-use, multi-story retail buildings.	+/-	The development plan should demonstrate to the Planning Commission the proposed use of the property. Accommodations should be made to satisfy the recommendations of the Dixie Master Plan
11	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 and is located with the SMC form district. The development plan should demonstrate to the Planning Commission the proposed use of the property
12	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.	+/-	Cross-connectivity should be made
13	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.	+/-	The plan is being reviewed for utility plans.
14	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.	+/-	Cross-connectivity should be made and accommodations should be made to satisfy the recommendations of the Dixie Master Plan
15	Community Form/Land Use Guideline 3: Compatibility	A.2: The proposed building materials increase the new development's compatibility.	+/-	The development plan should demonstrate to the Planning Commission the proposed use of the property

#	Cornerstone 2020 Plan Element	Plan Element or Portion of Plan Element	Staff Finding	Staff Comments
16	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 as a small portion of development will expand the non-residential aspects of the zoning district within the corridor and form district.
17	Community Form/Land Use Guideline 3: Compatibility	A.5: The proposal mitigates any potential odor or emissions associated with the development.	✓	The proposed use would not result in any increase in odor or emissions beyond what is ordinarily expected along the corridor.
18	Community Form/Land Use Guideline 3: Compatibility	A.6: The proposal mitigates any adverse impacts of its associated traffic on nearby existing communities.	✓	The proposed use would not result in any increase traffic beyond what is ordinarily expected along the corridor.
19	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 in compliance with LDC 4.1.3
20	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.	✓	Dixie Hwy is a major arterial with transit access and a well-developed commercial corridor.
21	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.	+/-	Landscaping and screening should be provided to the rear.
22	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.	+/-	Landscaping and screening should be provided to the rear.
23	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.	+/-	The development plan should demonstrate to the Planning Commission the proposed use of the property

#	Cornerstone 2020 Plan Element	Plan Element or Portion of Plan Element	Staff Finding	Staff Comments
24	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.	+/-	Landscaping and screening should be provided along the rear
25	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.	+/-	Landscaping and screening should be provided along the rear
26	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	There is not proposed parking garage.
27	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.	+/-	Signage must be complaint with Ch.8.
28	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 is no open space requirement with this proposal.
29	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 is no open space requirement with this proposal.
30	Community Form/Land Use Guideline 4: Open Space	A.5: The proposal integrates natural features into the pattern of development.	✓	There are no natural features on-site
31	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 natural features on-site

#	Cornerstone 2020 Plan Element	Plan Element or Portion of Plan Element	Staff Finding	Staff Comments
32	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.	+/-	Design shall be consistent with the form and the area. Entrances, windows, and variation of material shall be used on any proposed structures
33	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.	+/-	MSD reviewing plans
34	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 proposal is not located downtown.
35	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	This proposal is not industrial.
36	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.	✓	Dixie Hwy, a major arterial, is a high traffic commercial corridor
37	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	This proposal is not industrial.
38	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.	+/-	Roadway improvements shall be made as required

#	Cornerstone 2020 Plan Element	Plan Element or Portion of Plan Element	Staff Finding	Staff Comments
39	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.	+/-	Care should be taken to conform to the Dixie Highway Plan guidelines references in the technical review of this staff report.
40	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.	+/-	Care should be taken to conform to the Dixie Highway Plan guidelines references in the technical review of this staff report.
41	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.	+/-	Cross-connectivity should be made and Pedestrian connections should be made.
42	Mobility/Transportation Guideline 7: Circulation	A.10: The proposal includes adequate parking spaces to support the use.	+/-	Parking summary should be provided
43	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 should be made and Pedestrian connections should be made.
44	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.	NA	This proposal is located on an existing roadway network and is not creating any new roadways.
45	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.	✓	Access is from an existing commercial corridor.
46	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.	✓	This proposal is located on an existing roadway network that is sufficient.

#	Cornerstone 2020 Plan Element	Plan Element or Portion of Plan Element	Staff Finding	Staff Comments
47	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.	+/-	Cross-connectivity should be made and pedestrian connections should be made.
48	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 is currently reviewing the proposal.
49	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 is currently reviewing the proposal.
50	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	This area is highly developed and there are no existing natural corridors.
51	Community Facilities Guideline 14: Infrastructure	A.2: The proposal is located in an area served by existing utilities or planned for utilities.	✓	This area is fully developed and has adequate existing infrastructure for the proposal.
52	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 proposal has access to an adequate supply of potable water and water for fire-fighting purposes.
53	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.	+/-	MSD is currently reviewing the proposal.