

Planning Commission
Staff Report
June 5, 2018



Case No:	17ZONE1046
Project Name:	Progress Park
Location:	4501 Progress Blvd
Owner(s):	Collins, LLC
Applicant:	Collins, LLC
Representative(s):	Bardenwerper, Talbott, & Roberts, PLLC
Project Area/Size:	12.11 acres
Jurisdiction:	Louisville Metro
Council District:	2- Barbara Shanklin
Case Manager:	Joel P. Dock, Planner II

REQUEST(S)

- **Change-in-Zoning** from R-4, Single-Family Residential to C-2, Commercial
- **Conditional Use Permit** for Camping Areas and Recreational Vehicle Parks (LDC 4.2.12)
- **Variance** from Land Development Code (LDC), section 5.3.1.C.5 for the proposed event center to exceed the maximum setback of 80 feet
- **Waiver** of LDC, section 5.8.1.B to not provide sidewalk along progress Boulevard
- **Detailed District Development Plan**

CASE SUMMARY

The subject site is located one-half mile north of *GE Appliance Park* at Buechel Bank Road and one-quarter mile south of Buechel Bypass. The 12 acre site abuts residential uses (single- and multi-family residential zoning districts) along its southern and eastern boundaries. An office abuts the property to the north and industrial uses are located opposite Progress Boulevard to the west. Airstream trailers for short-term occupancy are proposed in groups of three in various locations across the property. Several recreational vehicle (RV) parking spaces are also proposed. A campground is permitted in all zones subject to approval of a conditional use permit. The use necessitating the C-2, Commercial zoning district is the proposed event center and outdoor reception area. The event spaces are centrally located on the site and will be supported 157 proposed parking spaces. Excluding event areas and parking, the site remains heavily treed along its boundaries and surrounding the camping areas. Two exterior bathing facilities will be provided. An office and grounds manager will also be provided.

STAFF FINDING

The proposed use is unique for an urbanized area as camping areas are more commonly associated with parks or rural areas. While it may be unique, it would not appear that the location of the proposed use would create a nuisance or disruption to the mix of uses present in the area. This is primarily due to the project's low-impact on the natural environment. The zoning district proposed and required for the event center would appear to be appropriately located based upon the location of surrounding districts, uses, infrastructure, and transportation routes. For these reasons and the analysis provided in the *Cornerstone 2020 Staff Analysis* the rezoning and conditional use permit are in conformance with the Comprehensive Plan.

The variance, waiver, and detailed district development plan all appear to be adequately justified based upon the staff analysis contained in the standard of review.

TECHNICAL REVIEW

- LDC 4.2.12 states, “Camping Areas and Recreational Vehicles Parks, Public and Private may be allowed in any district upon the granting of a Conditional Use Permit, on a property with a minimum of ten acres.”
 - A *Camping Area* is defined as an establishment primarily engaged in providing overnight or short-term sites for recreational vehicles, trailers, campers or tents.
 - A *Recreational Vehicle Park* is defined as a parcel of land under single ownership, where sites are offered for rent for the temporary placement of recreational vehicles being used for travel, recreation or vacation purposes.
 - A *Camping Area and Recreational Vehicle Park* is NOT a *Mobile Home Park*. A *Mobile Home Park* is defined as a parcel of land under a single ownership or management which has been planned and improved for the placement of mobile homes for non-transient occupancy and consisting of mobile home spaces for rent or sale. A mobile home is a residential dwelling-unit. A mobile home park requires a conditional use permit (LDC 4.2.36).

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 combination of uses proposed is not a standard commercial or non-residential use and does not require location within a neighborhood center, nor would it be appropriate in a center. The proposed use is unique for an urbanized area as camping areas are more commonly associated with parks or rural areas. While it may be unique, it would not appear that the location would create a nuisance or disruption to the existing mix of uses present in the area. This is primarily due to the project's low-impact on the natural environment. A commercial zoning district would, however, be appropriately located at this site as it is within proximity to a mixture of industrial, office, commercial, and mixed densities of residential uses. The proposal is located on the lower intensity side of Progress Boulevard; however, it does not constitute an expansion into a residential area as the use/zoning district proposed has primary access to a roadway serving industrial uses and there are additional nonresidential uses along this roadway. Appropriate transitions have been provided between uses that are substantially different in scale and intensity as a 100' landscape buffer has been voluntarily proposed and all other required landscaping is provided. Significant amounts of open space and undisturbed areas are proposed.

The event center would not appear to attract regular traffic or generate the demand that would create a "high intensity" use during all times. The camping areas would potentially generate intermittent traffic during peak seasons, but no more than would be common for a multi-family development with daily trips from all tenants. The district itself is located in a disconnected, largely built-out area along a primary collector providing direct access to high intensity uses between arterial roadways. Any pedestrian improvements in the right-of-way adjoining the site would not appear to enhance the overall connectivity or support of alternative forms of transportation from/to the site to distant or nearby areas.

STANDARD OF REVIEW AND STAFF ANALYSIS FOR CONDITIONAL USE PERMIT

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

STAFF: The proposal is consistent with the Comprehensive Plan as demonstrated in staff's analysis of the proposal in *Attachment 3*. The location would not create a nuisance or disruption to the existing mix of uses present in the area due to the project's low-impact on the natural environment. The camping areas would potentially generate intermittent traffic during peak seasons, but no more than would be common for a multi-family development with daily trips from all tenants. Appropriate transitions have been provided between uses that are substantially different in scale and intensity as a 100' landscape buffer has been voluntarily proposed and all other required landscaping is provided. Significant amounts of open space and undisturbed areas are proposed.

2. Is the proposal compatible with surrounding land uses and the general character of the area including such factors as height, bulk, scale, intensity, traffic, noise, odor, drainage, dust, lighting, appearance, etc?

STAFF: Due to the size and location of the parcel, as well as the uniqueness of the proposed use there would not appear to be a comparable development within the form district worthy of comparison. The layout on site is consistent with the intentions of the project.

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

STAFF: Necessary public facilities are available or being provided as demonstrated on the detailed district development plan and as required by permitting agencies..

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

Camping Areas and Recreational Vehicles Parks, Public and Private may be allowed in any district upon the granting of a Conditional Use Permit, on a property with a minimum of ten acres, and in compliance with the following requirements:

A. Buffer Strips - An open space buffer strip shall be maintained along all property lines in which campfires, or any other camping appurtenances shall not be located. The open space buffer strip shall be a minimum of 10 feet along any side or rear property line and a minimum of 30 feet along any front or street side property line.

B. Signs - Except in districts where signs are allowed, there shall be no more than one non-illuminated sign not to exceed 30 square feet in area, with a maximum height of 10 feet, located at the major entrances.

C. Traffic Impacts - Facilities shall be located and designed so that no entrance or exit shall require movement of traffic to or from the camping area or park through a recorded single-family subdivision.

D. Limits on Periods of Use - No property, camp, or individual camp site shall be sold or leased for a longer period than one month, that does not conform to the minimum lot area established for the district in which it is located or to a minimum lot area of 6,000 square feet for a district having no minimum lot area.

E. Trash and Garbage Collection - The RV Park or Camping Area Management shall be responsible for internal trash and garbage collection. Central trash collection points shall be completely screened from view from outside the park.

F. Health and Safety - Parking pads for recreational vehicles and individual camp sites shall not be exposed to conditions that create hazards to the property or the health or safety of the occupants. No portion of the park or camping area subject to flooding or subsidence shall be used for any purpose which would expose persons or property to hazards.

G. Vehicular Use Areas - Vehicular use areas shall be paved and shall be clearly marked as to internal circulation and direction of travel. Pavement widths for travel lanes shall be as follows:

1. One-way Travel Lane - 18 Feet
2. Two-way Travel Lane - 24 Feet

3. Cul-de-sac Diameter - 80 Feet

STAFF: The requested conditional use permit is in compliance with each of these guidelines. No open fires will occur near property lines. Access is prohibited to single-family stubs. No long term rentals will be allowed with the exception of the resident grounds manager. Trash collection has been designated on the district development plan. No hazards appear to be presented by RV parking areas. Vehicular travel lanes conform to minimum standards.

STANDARD OF REVIEW AND STAFF ANALYSIS FOR VARIANCE

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

STAFF: The requested variance will not adversely affect the public health, safety or welfare as the event center does not impeded the safe movement of pedestrians or vehicles, nor does it create a nuisance upon nearby property owners as minimum landscape buffering will be provided.

- (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 12 acre site is being developed to create a park-like setting apart from nearby industrial facilities and the location of the center near the roadway would open the site to these areas.

- (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 event center does not impeded the safe movement of pedestrians or vehicles, nor does it create a nuisance upon nearby property owners as minimum landscape buffering will be provided.

- (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 the zoning regulations as the site is being developed to maintain many natural features and buffer from the built-environment.

ADDITIONAL CONSIDERATIONS:

1. The requested variance does not arise 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 proposed use is not common for an urbanized area and flexibility in the regulations is needed to achieve the desired land design.

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 the reasonable use of the land as the proposed use is not common for an urbanized area and flexibility in the regulations is needed to achieve the desired land design

3. 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.

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 as no development has occurred.

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 roadway upon which the waiver is requested consists of built-out uses which lack sidewalk connectivity. Any sidewalk on site would not be connected to a functional network and the road would appear to be primarily used by industry on the West side of the roadway.

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

STAFF: The waiver will not violate specific guidelines of Cornerstone 2020 as Guideline 2, policy 16 calls for proposals to be designed to support easy access by bicycle, car and transit and by pedestrians and persons with disabilities. Access to the site is limited to vehicular traffic as Progress Blvd lacks a safe pedestrian network. The nature of the proposed use would not appear to create great demand for foot traffic nor would services be available within convenient walking distance from the subject site. The network is absent along the entirety of the roadway and any additions by the developer of this project would not enhance the overall accessibility of the subject site from roadways to the North or South.

- (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 the construction of sidewalks on this property does not have a foreseeable public benefit in the near future due to the existing development and sidewalk network along the roadway.

- (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 deprive the applicant of the reasonable use of the land as the construction of sidewalks at this location as no foreseeable public benefit in the near future due to the existing development and sidewalk network along the roadway.

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 proposed development conserves natural resources; including, large amounts of vegetation, provides buffers, open space, open water areas, and recreation.

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

STAFF: The subject site is located in a poorly connected area, but provides for pedestrian and vehicular safety within the subject site. Connection to single-family residential areas would be inappropriate.

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

STAFF: Sufficient amounts of vegetation, buffers, open space, open water areas, and recreation are provided.

- 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 provisions 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: Appropriate transitions between uses that are substantially different in scale and intensity or density have been provided by way of landscape buffering and access prohibitions.

- 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 is unique for an urbanized area as camping areas are more commonly associated with parks or rural areas. While it may be unique, it would not appear that the location of the proposed development would create a nuisance or disruption to the mix of uses present in the area. This is primarily due to the project's low-impact on the natural environment and enhanced landscape buffering. The overall development would appear to be appropriately located based upon the location of surrounding districts, uses, infrastructure, and transportation routes. For these reasons and the analysis provided in the *Cornerstone 2020 Staff Analysis* for rezoning, the plan is in conformance with the Comprehensive Plan.

REQUIRED ACTIONS

- **RECOMMEND** to the Louisville Metro Council that the change in zoning from R-4, Single-Family Residential to C-2, Commercial on property described in the attached legal description be **APPROVED** or **DENIED**
- **APPROVE** or **DENY** the **Conditional Use Permit** for Camping Areas and Recreational Vehicle Parks (LDC 4.2.12)
- **APPROVE** or **DENY** the **Variance** of LDC, section 5.3.1.C.5 for the proposed event center to exceed the maximum setback of 80 feet
- **APPROVE** or **DENY** the **Waiver** of LDC, section 5.8.1.B to not provide sidewalk along progress Boulevard
- **APPROVE** or **DENY** the **Detailed District Development Plan**

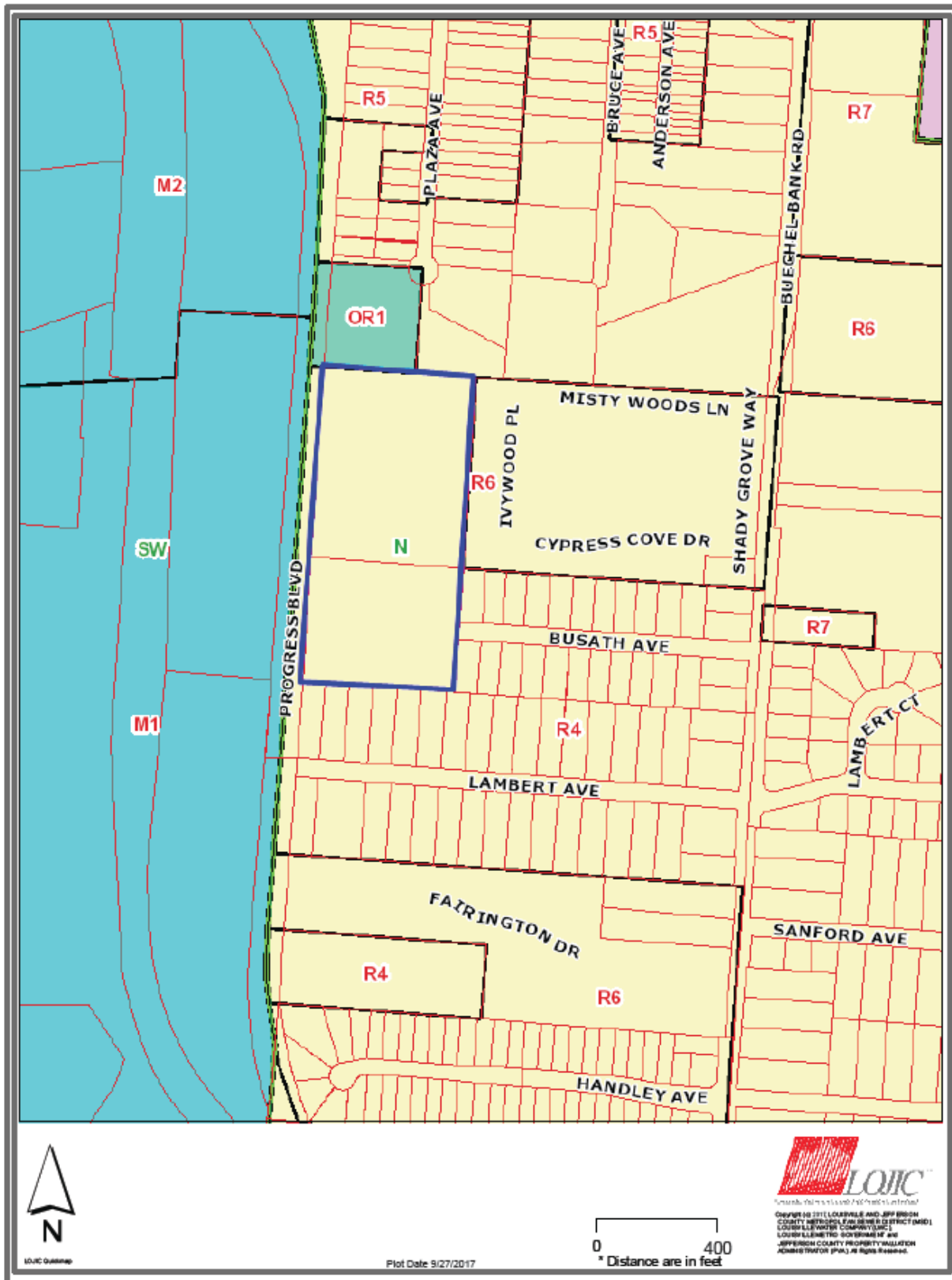
NOTIFICATION

Date	Purpose of Notice	Recipients
05/04/18	Hearing before LD&T	1 st and 2 nd tier adjoining property owners Subscribers of Council District 2 Notification of Development Proposals
05/22/18	Hearing before PC	1 st and 2 nd tier adjoining property owners Subscribers of Council District 2 Notification of Development Proposals
05/21/18	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 Analysis
3. Proposed Binding Elements

1. Zoning Map



2. Aerial Photograph



3. Cornerstone 2020 Staff Analysis

- + 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 Analysis
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.	✓	The combination of uses proposed is not a “standard” commercial or non-residential use and would not necessitate the need to be located in a neighborhood center nor would it necessarily be appropriate if located in a center. A commercial zoning district would, however, be appropriately located at this site as it is within proximity to a mixture of industrial, office, commercial, and mixed densities of residential uses.
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.	✓	The event center would not appear to attract regular traffic or generate the demand that would create a “high intensity” use during all times. The camping areas would potentially generate intermittent traffic during peak seasons, but no more than would be common for a multi-family development with daily trips from all tenants. The district itself is located along a primary collector providing direct access to high intensity uses between arterial roadways.
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.	✓	The proposal would not create a new center. It would be located near and between areas of existing mixed intensity uses.
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.	✓	The proposal is not for retail commercial development and the use would not require an immediately surrounding population. The commercial zoning district offering a variety of other uses would be supported by the surrounding population or population generated through the adjacent employment centers.

#	Cornerstone 2020 Plan Element	Plan Element or Portion of Plan Element	Staff Finding	Staff Analysis
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.	✓	The proposed use does not necessarily need a location near other mixed uses or population centers, and the proposed use may not be the highest and best use of the land with respect to support of surrounding land uses (industrial, commercial, mixed density residential). While it is a unique use within an urban area, it may be better suited for a rural, low-density area where it can be used seasonally and/or intermittently as the demanded. However, it would not appear that its location would be a nuisance or disruption to the existing mix of uses present in the area. Further, the district proposed would appear to be appropriately located based upon surrounding districts, uses, and transportation routes
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 proposed development is located in a disconnected, largely built-out area along a primarily collector roadway. Any pedestrian improvements in the right-of-way adjoining the site would not appear to enhance the overall connectivity or support of alternative forms of transportation from/to the site to distant or nearby areas. The district does not impact sense of place, while the use proposed puts to use a non-productive property.
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 subject property combines temporary camping and events into a single property to provide lodging and event space commonly found in hotels or state parks/recreation areas into an underutilized parcel in an urban area.
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 is designed to be multi-purpose and the district would allow for a wide variety of uses.
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 to the site is limited and impact is minimal. Shared access with adjacent uses would not be appropriate at this time.
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 will be made available for all development on the subject site.
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.	✓	Access is limited to vehicular traffic as Progress Blvd lacks a safe pedestrian network. The nature of the proposed use would not appear to create great demand for foot traffic nor would services be available within convenient walking distance from the subject site.

#	Cornerstone 2020 Plan Element	Plan Element or Portion of Plan Element	Staff Finding	Staff Analysis
12	Community Form/Land Use Guideline 3: Compatibility	A.2: The proposed building materials increase the new development's compatibility.	✓	The proposed building materials increase the new development's compatibility as the rendering provided of the event center possess a rural campground feel consistent with the project.
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.	✓	While the proposal is located on the lower intensity side of Progress Boulevard, it does not constitute an expansion into a residential area as the use/zoning district proposed has primary access to a roadway serving industrial uses and there are additional nonresidential uses along this roadway.
14	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 appear to generate offensive odors or emissions. Further, the large majority of commercial uses that would be permitted under a commercial zoning district have limited impact on the production of odor or emissions.
15	Community Form/Land Use Guideline 3: Compatibility	A.6: The proposal mitigates any adverse impacts of its associated traffic on nearby existing communities.	✓	Traffic would not appear to impact residential communities and direct access to the site is from arterial roadways via a collector roadway.
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 in compliance with the Land Development Code, section 4.1.3.
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.	✓	A commercial zoning district at this location is appropriately located along a collector level road with immediate access to arterial networks and would have no access through lower intensity uses.
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.	✓	The proposal provides appropriate transitions between uses that are substantially different in scale and intensity as a 100' landscape buffer has been voluntarily proposed and all other required landscaping is provided.
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.	✓	The proposal mitigates the impacts caused when incompatible developments unavoidably occur adjacent to one another by using buffers that are of varying designs as a 100' landscape buffer has been voluntarily proposed and all other required landscaping is provided.

#	Cornerstone 2020 Plan Element	Plan Element or Portion of Plan Element	Staff Finding	Staff Analysis
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.	✓	Due to the size and location of the parcel, as well as the uniqueness of the proposed use there would not appear to be a comparable development within the form district worthy of comparison. The layout on site is consistent with the intentions of the project.
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 and vehicle use areas are in conformance with the LDC.
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.	✓	The proposal includes screening and buffering of parking and circulation areas adjacent to the street as a 15 foot landscape buffer is provided along progress Blvd.
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 garages 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.	✓	Signage will be in compliance with 4.2.12 and Ch. 8 of the LDC.
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.	✓	The site has significant amounts of open space and undisturbed areas
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.	✓	The development is unique to an urban area and the vast amount of undisturbed spaces aids in the compatibility of the use.
27	Community Form/Land Use Guideline 4: Open Space	A.5: The proposal integrates natural features into the pattern of development.	✓	The site has significant amounts of open space and undisturbed areas. Ponds and wooded areas appear to be left undisturbed or rehabilitated.

#	Cornerstone 2020 Plan Element	Plan Element or Portion of Plan Element	Staff Finding	Staff Analysis
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.	✓	The site has significant amounts of open space and undisturbed areas. Ponds and wooded areas appear to be left undisturbed. The existing larger pond appears to drain to a tributary of the South Fork of Beargrass Creek. The use of open water and impacts to groundwater for recreational activities should be sensitive to the watershed.
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 existing homes on-site will be incorporated into the proposed use and much of the site will be adaptively reused for a campground.
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.	✓	The site does not contain potential wetlands and improvements on the site appear to be above the floodplain elevation.
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	Not located 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 an industrial use
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 proposal is not for retail commercial, however, the zoning district proposed would allow for retail commercial development which is supported by surrounding employment and population centers, as well as the roadway network.
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 an industrial use or zoning district.

#	Cornerstone 2020 Plan Element	Plan Element or Portion of Plan Element	Staff Finding	Staff Analysis
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.	✓	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.
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.	✓	The proposal does not directly promote mass transit, bicycle and pedestrian use as it is located in a disconnected area between industrial and arterial roadways. It does provide the minimum requirements on site to accommodate for bike and pedestrian users.
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.	✓	Connection to adjacent residential streets would be inappropriate for a commercial zoning district. The site is adequately supported for vehicular traffic via public roadways through industrial uses.
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.	✓	Right-of-way dedication is not required for the proposed use.
39	Mobility/Transportation Guideline 7: Circulation	A.10: The proposal includes adequate parking spaces to support the use.	✓	The proposal includes adequate parking spaces 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.	✓	Connection to adjacent residential streets would be inappropriate for a commercial zoning district. The site is adequately supported for vehicular traffic via public roadways through industrial uses.
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.	✓	Connection to adjacent residential streets would be inappropriate for a commercial zoning district. The site is adequately supported for vehicular traffic via public roadways through industrial uses.
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.	✓	Connection to adjacent residential streets would be inappropriate for a commercial zoning district. The site is adequately supported for vehicular traffic via public roadways through industrial uses.

#	Cornerstone 2020 Plan Element	Plan Element or Portion of Plan Element	Staff Finding	Staff Analysis
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.	✓	Connection to adjacent residential streets would be inappropriate for a commercial zoning district. The site is adequately supported for vehicular traffic via public roadways through industrial uses.
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.	✓	The proposal provides the minimum requirements on site to accommodate for bike and pedestrian users.
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.	✓	All MSD comment should be addressed prior to the public hearing
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.	✓	The proposal has been reviewed by APCD and found to not have a negative impact on air quality
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.	✓	The site has significant amounts of open space and undisturbed areas. Ponds and wooded areas appear to be left undisturbed.
48	Community Facilities Guideline 14: Infrastructure	A.2: The proposal is located in an area served by existing utilities or planned for utilities.	✓	The proposal is located in an area served by existing utilities
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.	✓	PDS staff has received no objections from the Buechel fire district.
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.	✓	All requirements of the Louisville Metro Department of Health and Wellness will be fulfilled.

4. Proposed Binding Elements

1. The development shall be in accordance with the approved district development plan, all applicable sections of the Land Development Code (LDC) and agreed upon binding elements unless amended pursuant to the Land Development Code. Any changes/additions/alterations of any binding element(s) shall be submitted to the Planning Commission or the Planning Commission's designee for review and approval; any changes/additions/alterations not so referred shall not be valid.
2. No outdoor advertising signs, small freestanding signs, pennants, balloons, or banners shall be permitted on the site.
3. Construction fencing shall be erected when off-site trees or tree canopy exists within 3' of a common property line. Fencing shall be in place prior to any grading or construction to protect the existing root systems from compaction. The fencing shall enclose the entire area beneath the tree canopy and shall remain in place until all construction is completed. No parking, material storage or construction activities are permitted within the protected area. Construction Fencing shall also be provided along the Limits of Disturbance as shown on the approved district development plan.
4. Before any permit (including but not limited to building, parking lot, change of use, site disturbance, alteration permit or demolition permit) is requested:
 - a. The development plan must receive full construction approval from Louisville Metro Department of Codes and Regulations Construction Permits and Transportation Planning Review and the Metropolitan Sewer District.
 - b. A Tree Preservation Plan in accordance with Chapter 10 of the LDC shall be reviewed and approved prior to obtaining approval for site disturbance.
 - c. The property owner/developer must obtain approval of a detailed plan for screening (buffering/landscaping) as described in Chapter 10 prior to requesting a building permit. Such plan shall be implemented prior to occupancy of the site and shall be maintained thereafter
5. There shall be a resident manager/park ranger on-site during all scheduled events and after 6 PM each day.
6. There shall be no long term rentals on the property with the exception of the existing homes with one for the on-site manager
7. The property shall not be used as a mobile home park
8. A solid 8 foot wood fence shall be installed around the entire perimeter of the property as presented at the October 30, 2017 neighborhood meeting and as presented at the June 5, 2018 Public hearing of the Planning Commission
9. All scheduled events held at the event center or within the outdoor reception area shall end no later than 11 p.m. on Friday and Saturday and no later than 10 p.m. Sunday through Thursday.
10. There shall be no outdoor live music or amplified music after 10 p.m. at the event center.

11. The maximum number of scheduled large events (100 persons or more) at the event center shall be 72 per year.
12. The property shall be prohibited from obtaining any ABC license. Alcoholic beverages may be provided during an event by a caterer holding the appropriate license.
13. No commercial deliveries shall occur before 9 a.m.
14. Refuse collection areas shall not be visible to neighbors.
15. Only one fire pit, being a maximum of 3 feet in diameter, shall be allowed at each cluster of airstream trailers.
16. The property shall not be used as a pay lake.
17. Enhanced landscaping shall be installed to shield the two southern clusters of airstream campers on the property from Busath Avenue and Lambert Avenue prior to the installation and rental of facilities on-site.
18. All campers/trailers shall be installed such that they are not facing any adjoining residential property on Busath Avenue or Lambert Avenue.
19. The property shall NOT be used for any other use except those uses designated on the approved district development, unless a revised district development plan is approved by the Planning Commission or designee with notification to all 1st and 2nd tier adjoining property owners and all those who spoke at the public hearing on June 5, 2018.
20. The following rules and regulations shall apply:

Check-in: 3 p.m.

Check-out: 12 p.m.

Quiet hours for camping: 10 p.m. – 7 a.m.

Required age for rental – 24 years

Any minor under the age of 18 is required to be accompanied by adult supervision and must wear a life vest for all water activities (approved by Kentucky State Health Department)

All guests must register at the front desk

Fire pits are fixed and must remain in their current locations. All fires shall be contained within designated pits.

Lakes uses:

Fishing

Boating

Swimming

Garbage Disposal: All garbage shall be set out in proper trash receptacles prior to check-out or placed in on-site dumpster