

**Planning Commission  
Staff Report**  
December 5, 2013



<b>Case No:</b>	18998
<b>Project Name:</b>	Waverly Hills Hotel and Conference Center
<b>Location:</b>	4400 Paralee Drive
<b>Owner(s):</b>	CEM Land Company, LLC
<b>Applicant:</b>	CEM Land Company, LLC
<b>Representative(s):</b>	Blomquist Design Group and Keyes Architects
<b>Project Area/Size:</b>	19.7 acres (C-2) and 2.8 acres (CM)
<b>Existing Zoning District:</b>	R-4 and OR-3
<b>Existing Form District:</b>	N
<b>Jurisdiction:</b>	Louisville Metro
<b>Council District:</b>	25-David Yates
<b>Case Manager:</b>	Julia Williams, Planner II

**REQUEST**

- Change in zoning from R-4 and OR-3 to C-2 and CM
- Revised District Development plan and amendments to existing binding elements

**CASE SUMMARY/BACKGROUND/SITE CONTEXT**

The proposal is to renovate an existing hospital into a 120 room hotel and conference center with a portion of the site to be used as a bottling facility with 5 seasonal employees. The existing hospital is on the National Register for Historical Places #83002746. The proposal is currently zoned both R-4 and OR-3 and the proposal is for C-2 and C-M for only a portion of the site. The site is heavily treed and has severe slopes in many areas. The adjacent properties to the north and east are the same as they are heavily treed and severely sloped as well.

**LAND USE/ZONING DISTRICT/FORM DISTRICT TABLE**

	<b>Land Use</b>	<b>Zoning</b>	<b>Form District</b>
<b>Subject Property</b>			
<b>Existing</b>	Haunted House/ Vacant Hospital	OR-3/R-4	Neighborhood
<b>Proposed</b>	Hotel and Conference Center/Bottling Facility	C-2/CM	Neighborhood
<b>Surrounding Properties</b>			
<b>North</b>	Residential	R-4	Neighborhood
<b>South</b>	Residential	R-4	Neighborhood
<b>East</b>	Residential/Golf Course	R-4	Neighborhood
<b>West</b>	Residential	R-6/R-4	Neighborhood

## PREVIOUS CASES ON SITE

9-36-84- Change in zoning from R-4 to R-9 (Current OR-3) to permit apartments  
4-29-98- Cell tower approved for the site  
10-36-02- Subdivision proposal to dedicate Mattingly Drive as right of way  
B-241-02- Appeal that would allow a Haunted House on the site denied as permanent haunted house would require C-2

## INTERESTED PARTY COMMENTS

An adjacent property owner, Charles Severs, expressed that he had no objection of the proposed change in zoning.

## APPLICABLE PLANS AND POLICIES

- Cornerstone 2020
- Land Development Code

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 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 existing binding elements should be removed from the site and replaced by the proposed binding elements.

The proposal meets all guidelines of the Comprehensive Plan mainly due to the location and preservation of the historic structure on the site. The site is surrounded by significant woodland which creates a natural buffer between the site and any adjacent residential. There is limited residential located adjacent to the site as well as a golf course which lessens the impact of the C-2.

All other agency comments should be addressed to demonstrate compliance with the remaining Guidelines and Policies of Cornerstone 2020.

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

### STANDARD OF REVIEW FOR 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 proposal promotes the preservation of existing trees, steep slopes, scenic views, and a historic site.

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

STAFF: The proposal is utilizing existing entrances to the site for vehicular and pedestrian traffic.

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

STAFF: The proposal preserves the majority of the site within existing open space and is only utilizing existing buildings and cleared areas for development.

- 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: MSD had no concerns with the drainage of the site.

- 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: All areas of development are screened from existing uses by the use of existing preserved vegetation.

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

STAFF: The proposal is in compliance with both the LDC and Comprehensive Plan.

**TECHNICAL REVIEW**

All technical review comments have been addressed.

**STAFF CONCLUSIONS**

The proposal is in compliance with both the Land Development Code and Comprehensive Plan as indicated in the attached staff checklist for Cornerstone 2020.

Based upon the information in the staff report, the testimony and evidence provided at the public hearing, the Planning Commission must determine if the proposal is in conformance with the Comprehensive Plan; OR the existing form district/zoning classification is inappropriate and the proposed classification is appropriate; OR if there have been major changes of an economic, physical, or social nature within the area involved which were not anticipated in Cornerstone 2020 which have substantially altered the basic character of the area.

**NOTIFICATION**

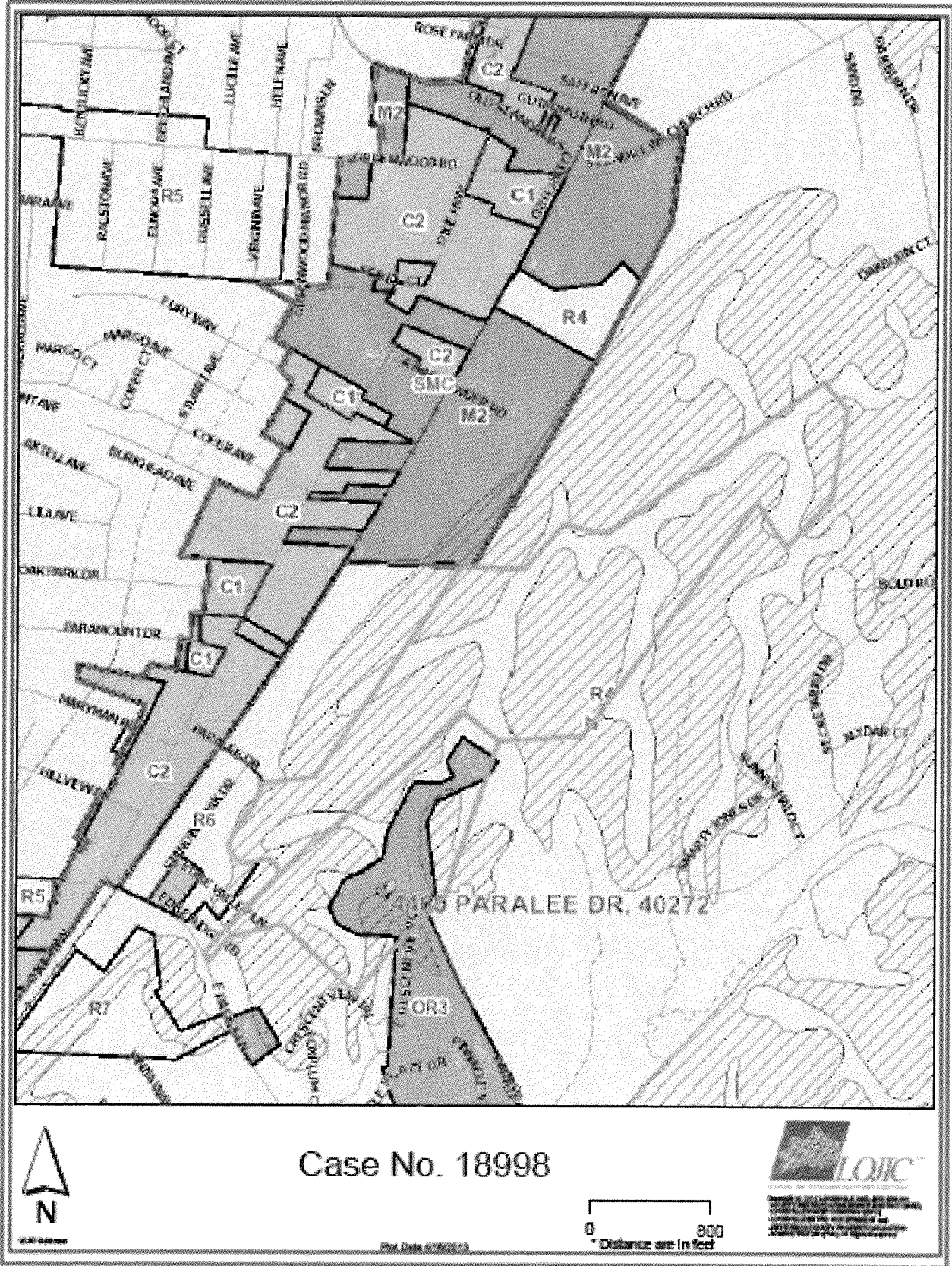
Date	Purpose of Notice	Recipients
10/30/13	Hearing before LD&T 11/14/13	1 <sup>st</sup> and 2 <sup>nd</sup> tier adjoining property owners Speakers at Planning Commission public hearing Subscribers of Council District 25 Notification of Development Proposals
11/21/13	Hearing before PC 12/5/13	1 <sup>st</sup> and 2 <sup>nd</sup> tier adjoining property owners Speakers at Planning Commission public hearing Subscribers of Council District 25 Notification of Development Proposals
11/20/13	Hearing before PC	Sign Posting on property
	Hearing before PC	Legal Advertisement in the Courier-Journal

**ATTACHMENTS**

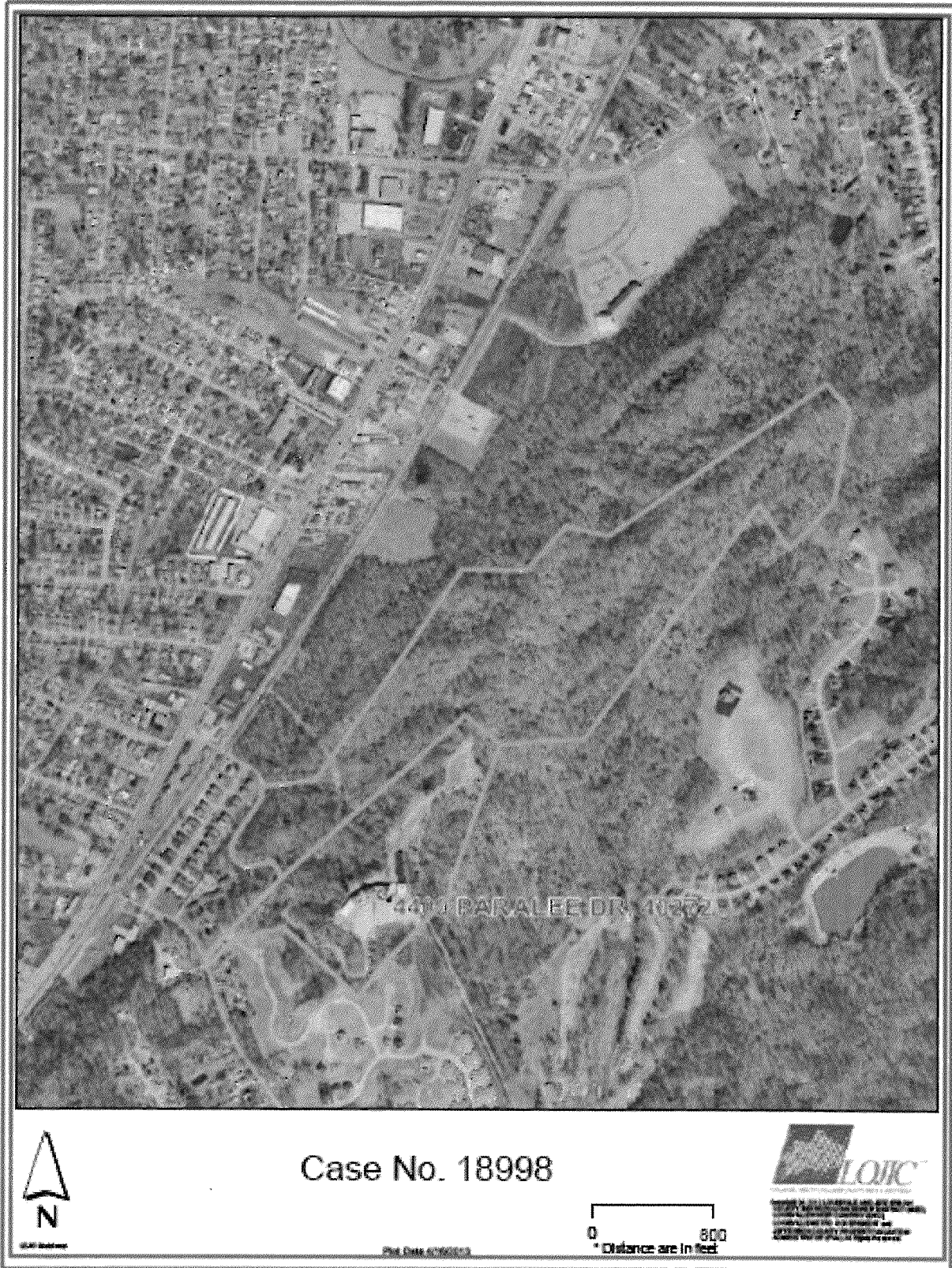
1. Zoning Map
2. Aerial Photograph
3. Cornerstone 2020 Staff Checklist
4. Existing Binding Elements
5. Proposed Binding Elements
6. Applicant's Justification Statement and Proposed Findings of Fact



Attachment 1: Zoning Map



Attachment 2: Aerial Photograph



### Attachment 3: Cornerstone 2020 Staff Checklist

- + Exceeds Guideline
- √ Meets Guideline
- +/- More Information Needed
- NA Not Applicable

#	Cornerstone 2020 Guidelines & Policies	Cornerstone 2020 Plan Element	Plan Element or Portion of Plan Element	Staff Finding	Staff Comments
1	Form Districts Goals C1-C4, Objectives C1.1-1.2, C2.1-2.7, C3.1-3.7, C4.1-4.7	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 proposal is for C-2 to create a multi-use destination that utilizes an existing historic non-residential structure. While C-2 is an intense zoning district, the site is located in an area where the scale is appropriate for the nearby neighborhoods because the site is heavily wooded and hidden from neighboring uses.
2	Form Districts Goals C1-C4, Objectives C1.1-1.2, C2.1-2.7, C3.1-3.7, C4.1-4.7	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 proposal is for high intensity zoning located at the terminus of a local level road that intersects with a major arterial (Dixie Hwy). The non-residential nature of the site has been in place since the 1900's and has continued since. The existing trees and winding driveway to the existing structure has limited the impact of the site on the adjacent residential properties.
3	Form Districts Goals C1-C4, Objectives C1.1-1.2, C2.1-2.7, C3.1-3.7, C4.1-4.7	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 while not located in a center is for the reuse of a historical structure for commercial use.
4	Form Districts Goals C1-C4, Objectives C1.1-1.2, C2.1-2.7, C3.1-3.7, C4.1-4.7	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.	NA	The proposal is not for retail commercial.
5	Form Districts Goals C1-C4, Objectives C1.1-1.2, C2.1-2.7, C3.1-3.7, C4.1-4.7	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 only new construction proposed is the parking areas. A cell tower is also located in the area making the infrastructure in this area more cost effective. Locating the CM zoning in this area is an efficient land use pattern as well because the location of the CM is at a significant distance from any other use on the site or adjacent use. The CM portion of the site is not of a magnitude to affect infrastructure.
6	Form Districts Goals C1-C4, Objectives C1.1-1.2, C2.1-2.7, C3.1-3.7, C4.1-4.7	Community Form/Land Use Guideline 2: Centers	A.5: The proposed center includes a mix of compatible land uses that will reduce trips, support the use of alternative forms of transportation and encourage vitality and sense of place.	√	The proposal is not a center but does include a mix of uses that would reduce trips as the proposal includes a hotel with a restaurant and conference center.
7	Form Districts Goals C1-C4, Objectives C1.1-1.2, C2.1-2.7, C3.1-3.7, C4.1-4.7	Community Form/Land Use Guideline 2: Centers	A.6: The proposal incorporates residential and office uses above retail and/or includes other mixed-use, multi-story retail buildings.	√	The proposal is not for retail commercial but if for a mixed use facility.



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8	Form Districts Goals C1-C4, Objectives C1.1-1.2, C2.1-2.7, C3.1-3.7, C4.1-4.7	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 not in a center but the historic nature of the site is the central feature of the site.
9	Form Districts Goals C1-C4, Objectives C1.1-1.2, C2.1-2.7, C3.1-3.7, C4.1-4.7	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.	√	The proposal has three existing access points that are shared with other developments whether it is through right of way or access easements. Parking is in areas not visible from adjacent residential.
10	Form Districts Goals C1-C4, Objectives C1.1-1.2, C2.1-2.7, C3.1-3.7, C4.1-4.7	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.	√	Entrances are shared with adjacent developments and utilities are existing.
11	Form Districts Goals C1-C4, Objectives C1.1-1.2, C2.1-2.7, C3.1-3.7, C4.1-4.7	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 to the site is easy by bicycle and car. Pedestrian access is improved with a trail through the site but the site does not lend itself to much pedestrian access since sidewalks do not exist along both portions of Paralee.
12	Form Districts Goals C1-C4, Objectives C1.1-1.2, C2.1-2.7, C3.1-3.7, C4.1-4.7	Community Form/Land Use Guideline 3: Compatibility	A.2: The proposed building materials increase the new development's compatibility.	√	The structures on the site are existing.
13	Form Districts Goals C1-C4, Objectives C1.1-1.2, C2.1-2.7, C3.1-3.7, C4.1-4.7	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 is not a non-residential expansion into an existing residential area as the site has been non-residential since the 1900's well before the residences developed in the area. The existing trees and topography of the site mitigates any impact the site may have on the adjacent residential.
14	Form Districts Goals C1-C4, Objectives C1.1-1.2, C2.1-2.7, C3.1-3.7, C4.1-4.7	Community Form/Land Use Guideline 3: Compatibility	A.5: The proposal mitigates any potential odor or emissions associated with the development.	√	APCD has approved the development
15	Form Districts Goals C1-C4, Objectives C1.1-1.2, C2.1-2.7, C3.1-3.7, C4.1-4.7	Community Form/Land Use Guideline 3: Compatibility	A.6: The proposal mitigates any adverse impacts of its associated traffic on nearby existing communities.	√	Transportation Planning has not indicated that the site will have any adverse traffic impacts.
16	Form Districts Goals C1-C4, Objectives C1.1-1.2, C2.1-2.7, C3.1-3.7, C4.1-4.7	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 comply with the LDC.
17	Form Districts Goals C1-C4, Objectives C1.1-1.2, C2.1-2.7,	Community Form/Land Use Guideline 3: Compatibility	A.11: If the proposal is a higher density or intensity use, it is located along a transit corridor AND in or near an activity center.	√	The proposal is for high intensity zoning not located along a transit corridor but is located near the activity corridor of Dixie Highway. Dixie Highway is a transit

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	C3.1-3.7, C4.1.-4.7				corridor.
18	Form Districts Goals C1-C4, Objectives C1.1-1.2, C2.1-2.7, C3.1-3.7, C4.1.-4.7	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 existing trees preserved on the site and the existing topography provides a transition from the proposal to the adjacent less dense developments.
19	Form Districts Goals C1-C4, Objectives C1.1-1.2, C2.1-2.7, C3.1-3.7, C4.1.-4.7	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 existing trees preserved on the site and the existing topography provides a transition from the proposal to the adjacent less dense developments.
20	Form Districts Goals C1-C4, Objectives C1.1-1.2, C2.1-2.7, C3.1-3.7, C4.1.-4.7	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 setbacks of the structures are more than what would be required of nearby developments. The lots are larger and comparable to the other large lots in the area.
21	Form Districts Goals C1-C4, Objectives C1.1-1.2, C2.1-2.7, C3.1-3.7, C4.1.-4.7	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.	√	The existing trees preserved on the site and the existing topography provide mitigation of any potential impacts that the parking may have on the site.
22	Form Districts Goals C1-C4, Objectives C1.1-1.2, C2.1-2.7, C3.1-3.7, C4.1.-4.7	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 existing trees preserved on the site and the existing topography provide mitigation of any potential impacts that the parking may have on the site.
23	Form Districts Goals C1-C4, Objectives C1.1-1.2, C2.1-2.7, C3.1-3.7, C4.1.-4.7	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	A parking garage is not proposed.
24	Form Districts Goals C1-C4, Objectives C1.1-1.2, C2.1-2.7, C3.1-3.7, C4.1.-4.7	Community Form/Land Use Guideline 3: Compatibility	A.28: Signs are compatible with the form district pattern and contribute to the visual quality of their surroundings.	√	Signs will comply with Chapter 8.

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25	Livability Goals H3 and H5, all related objectives	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 majority of the site is preserved in open space.
26	Livability Goals H3 and H5, all related objectives	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 open space in the site is existing and consistent with the other large lots in the area.
27	Livability Goals H3 and H5, all related objectives	Community Form/Land Use Guideline 4: Open Space	A.5: The proposal integrates natural features into the pattern of development.	√	The preservation of trees and lack of major new construction in a non-cleared area integrates the existing natural features into the development.
28	Livability Goals H3 and H5, all related objectives	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 proposal does not propose any new construction in an area of the site that is not already cleared. The proposal does not indicate any additional tree removal.
29	Livability Goals H3 and H5, all related objectives	Community Form/Land Use Guideline 5: Natural Areas and Scenic and Historic Resources	A.2/4: The proposal includes the preservation, use or adaptive reuse of buildings, sites, districts and landscapes that are recognized as having historical or architectural value, and, if located within the impact area of these resources, is compatible in height, bulk, scale, architecture and placement.	√	The proposal is for the adaptive reuse of an existing national register historical site.
30	Livability Goals H3 and H5, all related objectives	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.	√	No new construction on the steep slopes is proposed.
31	People, Jobs and Housing Goal K4, Objective K4.1	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 in a downtown.
32	Marketplace Strategy Goal A1, Objectives A1.3, A1.4, A1.5	Marketplace Guideline 6: Economic Growth and Sustainability	A.4: Encourage industries to locate in industrial subdivisions or adjacent to existing industry to take advantage of special infrastructure needs.	√	The small portion of the site where CM is to be located is not a large enough manufacturing site to impact adjacent areas and will not generate large amounts of traffic.
33	Land Use and Transportation Connection Goal E1, Objectives E1.1 and E1.3	Marketplace Guideline 6: Economic Growth and Sustainability	A.6: Locate retail commercial development in activity centers. Locate uses generating large amounts of traffic on a major arterial, at the intersection of two minor arterials or at locations with good access to a major arterial and where the proposed use will not adversely affect adjacent areas.	NA	The proposal is not for retail.

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34	Land Use and Transportation Connection Goal E1, Objectives E1.1 and E1.3	Marketplace Guideline 6: Economic Growth and Sustainability	A.8: Require industrial development with more than 100 employees to locate on or near an arterial street, preferably in close proximity to an expressway interchange. Require industrial development with less than 100 employees to locate on or near an arterial street.	√	The proposed industrial will not have more than 5 employees and is located near a major arterial (Dixie).
35	Mobility Goals A1-A6, B1, C1, D1, E1, E2, F1, G1, H1-H4, I1-I7, all related Objectives	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.	√	Transportation Planning did not request additional roadway improvements.
36	Mobility Goals A1-A6, B1, C1, D1, E1, E2, F1, G1, H1-H4, I1-I7, all related Objectives	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.	√	Pedestrians are being provided for by a path through the site.
37	Mobility Goals A1-A6, B1, C1, D1, E1, E2, F1, G1, H1-H4, I1-I7, all related Objectives	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.	√	The proposal has three existing access points that are shared with other developments whether it is through right of way or access easements.
38	Mobility Goals A1-A6, B1, C1, D1, E1, E2, F1, G1, H1-H4, I1-I7, all related Objectives	Mobility/Transportation Guideline 7: Circulation	A.9: The proposal includes the dedication of rights-of-way for street, transit corridors, bikeway and walkway facilities within or abutting the development.	√	No additional dedication of ROW is necessary.
39	Mobility Goals A1-A6, B1, C1, D1, E1, E2, F1, G1, H1-H4, I1-I7, all related Objectives	Mobility/Transportation Guideline 7: Circulation	A.10: The proposal includes adequate parking spaces to support the use.	√	Adequate parking is being provided on the site.
40	Mobility Goals A1-A6, B1, C1, D1, E1, E2, F1, G1, H1-H4, I1-I7, all related Objectives	Mobility/Transportation Guideline 7: Circulation	A.13/16: The proposal provides for joint and cross access through the development and to connect to adjacent development sites.	√	The proposal has connections to adjacent sites.
41	Mobility Goals A1-A6, B1, C1, D1, E1, E2, F1, G1, H1-H4, I1-I7, all related Objectives	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.	√	With 3 access points additional stubs are not necessary.

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42	Mobility Goals A1-A6, B1, C1, D1, E1, E2, F1, G1, H1-H4, I1-I7, all related Objectives	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.	√	Existing access points are from public ROW and an access easement.
43	Mobility Goals A1-A6, B1, C1, D1, E1, E2, F1, G1, H1-H4, I1-I7, all related Objectives	Mobility/Transportation Guideline 8: Transportation Facility Design	A.11: The development provides for an appropriate functional hierarchy of streets and appropriate linkages between activity areas in and adjacent to the development site.	√	The linkages to and from the site are existing and connect to different areas in the vicinity including Dixie Hwy, the adjacent residential, and an adjacent golf course.
44	Mobility Goals A1-A6, B1, C1, D1, E1, E2, F1, G1, H1-H4, I1-I7, all related Objectives	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.	√	Pedestrians are being provided for by a path through the site.
45	Livability, Goals B1, B2, B3, B4, Objectives B1.1-1.8, B2.1-2.7, B3.1-3.4, B4.1-4.3	Livability/Environment Guideline 10: Flooding and Stormwater	The proposal's drainage plans have been approved by MSD, and the proposal mitigates negative impacts to the floodplain and minimizes impervious area. Solid blue line streams are protected through a vegetative buffer, and drainage designs are capable of accommodating upstream runoff assuming a fully-developed watershed. If streambank restoration or preservation is necessary, the proposal uses best management practices.	√	MSD has approved the proposal.
46	Livability Goals C1, C2, C3, C4, all related Objectives	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 will not have a negative impact on air quality.
47	Livability, Goals F1 and F2, all related objectives	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 proposal's preservation of trees and open space on the site is the connection to the existing natural corridors that are evident through the preservation of trees and open space within the area.
48	Quality of Life Goal J1, Objectives J1.1-1.2	Community Facilities Guideline 14: Infrastructure	A.2: The proposal is located in an area served by existing utilities or planned for utilities.	√	Existing utilities serve the site.
49	Quality of Life Goal J1, Objectives J1.1-1.2	Community Facilities Guideline 14: Infrastructure	A.3: The proposal has access to an adequate supply of potable water and water for fire-fighting purposes.	√	Water is available to serve the site.
50	Livability Goal B1, Objective B1.3	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 has approved the proposal.



#### Attachment 4: Existing Binding Elements

1. The development will be in accordance with the approved district development plan. No further development will occur.
2. Any businesses operated on the site shall be for the convenience of the residents of the structures and no outside advertising will be permitted. No commercial office space will be permitted.
3. The density of the development shall not exceed 5.34 dwelling units per acre (162 units on 30.294 acres).
4. Before certificates of occupancy or building permits are issued:
  - a. The development plan must be reapproved by the Transportation Engineering, Water Management and Fire Safety Sections of the Jefferson County Public Works and Transportation Cabinet.
5. The sign shall be as shown on the approved district development plan and shall not exceed 55 square feet in area.
6. **If certificates of occupancy or building permits are not issued within one year of the date of approval of the plan or rezoning whichever is later the property shall not be used in any manner unless a revised district development plan is approved or an extension is granted by the Planning Commission except that the property may be used for a Halloween-themed haunted house which may be open to the public up to four weeks per year during the Halloween season, provided the haunted house activities conform with the Department of Planning and Design Services policies for historic buildings and grounds and provided the activities are not for profit.**
7. A certificate of occupancy must be received from the appropriate code enforcement office prior to occupancy of the structure or land for the proposed use.
8. The above binding elements may be amended as provided for in the Zoning District Regulations.

#### Attachment 5: Proposed Binding Elements

1. The development shall be in accordance with the approved district development plan, all applicable sections of the Land Development Code (LDC) and agreed upon binding elements unless amended pursuant to the Land Development Code. Any changes/additions/alterations of any binding element(s) shall be submitted to the Planning Commission or the Planning Commission's for review and approval; any changes/additions/alterations not so referred shall not be valid.
2. The development shall not exceed 175,000 square feet of gross floor area.
3. Construction fencing shall be erected when off-site trees or tree canopy exists within 3' of a common property line. Fencing shall be in place prior to any grading or construction to protect the existing root systems from compaction. The fencing shall enclose the entire area beneath the tree canopy and shall remain in place until all construction is completed. No parking, material storage or construction activities are permitted within the protected area.
4. Before any permit (including but not limited to building, parking lot, change of use, site disturbance, alteration permit or demolition permit) is requested:
  - a. The development plan must receive full construction approval from Louisville Metro Department of Inspections, Permits and Licenses, Louisville Metro Public Works and the Metropolitan Sewer District.
  - b. The property owner/developer must obtain approval of a detailed plan for screening (buffering/landscaping) as described in Chapter 10 prior to requesting a building permit. Such plan shall be implemented prior to occupancy of the site and shall be maintained thereafter.

- c. A Tree Preservation Plan in accordance with Chapter 10 of the LDC shall be reviewed and approved prior to obtaining approval for site disturbance.
5. A certificate of occupancy must be received from the appropriate code enforcement department prior to occupancy of the structure or land for the proposed use. All binding elements requiring action and approval must be implemented prior to requesting issuance of the certificate of occupancy, unless specifically waived by the Planning Commission.
6. There shall be no outdoor music (live, piped, radio or amplified) or outdoor entertainment or outdoor PA system audible beyond the property line.
7. 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.
8. If certificates of occupancy or building permits are not issued within 4 years of the date of approval of the plan or rezoning whichever is later the property shall not be used in any manner unless a revised district development plan is approved or an extension is granted by the Planning Commission except that the property may be used for private tours and a Halloween-themed haunted house which may be open to the public up to four weeks per year during the Halloween season, provided the haunted house activities conform with the Department of Planning and Design Services policies for historic buildings and grounds. Parking for the site shall be constructed in phases.
9. A certificate of occupancy may not be issued for the conference center portion of the existing structure until such time that 85 parking spaces have been constructed as indicated on the approved plan.
10. A certificate of occupancy may not be issued for the hotel portion of the existing structure until such time that 120 parking spaces have been constructed as indicated on the approved plan.
11. The other parking spaces shall be constructed at such time that occupancy certificates are requested for their associated existing structures.

Cornerstone 2020 Checklist Review Comments  
Waverley Hotel & Conference Center  
Justification Statement

**Guideline 1** - The C-2 zoning allows for a greater diversity and flexibility of the secondary uses within the hotel and conference center proper. There may be many small shops within the first floor of this hotel since it is a tourist and destination hotel not a standard highway motel. At this time we do not feel it would be in anyone's best interest to limit those potential shops or auxiliary businesses. The C-2 zoning also allows use of the outdoor roof top dining to serve alcoholic beverages.

**Guideline 5** - Since the proposed hotel and conference center sits on such a unique piece of property, shops will very likely remain that are needed to repair the building and infrastructure. It is our intention that creating the CM zoning area would better allow a steel fabrication shop, woodworking shop, and outdoor yard for various pieces of equipment that will be necessary to maintain such a large private site.

CM zoning is also needed to allow the bottling of small batches of liquor that was previously manufactured and barreled off site. No retail sales of liquor will be made from this facility, only whole sale to distributors. The average barrel holds 173-191 liters of liquor and the common size of a finished bottle is 1 liter. This facility will be designed to bottle three barrels a week and no more product will be stored on site than what is necessary for each batch. This amount of product can be transported via small box truck with deliveries/pickups no more than once a day.

**Guideline 11** - During the pre-application meeting it was discussed that creating a long winding sidewalk to the top of this site would not be in the owner's best interest since it is a private site and is not intended to be a public park. However, pedestrian access is gained by several walking paths, more direct stairs and pathways to the various buildings and facilities that will occur on-site. Handicap accessibility cannot be achieved because there is no realistic way to build a handicapped sidewalk from Dixie Highway to the top of the hill. All accessibility will be handled by the vehicular roadways and each individual location will be handicap accessible. The locations of the pedestrian paths are shown on the development plan.

**Guideline 15** - Only existing roads and right of ways will be utilized. This plan reopens the historical entrance from Dixie Hwy (US 31) by way of Paralee Dr. (Northern section). The service entrance will utilize East Pages Ln. by Paralee Dr. (Southern section).

**Guideline 16** - Lighting will be determined as this project progresses. It is the owner's intent that the roadway will be minimally lit for security in a more historic nature. The building itself sits far off the road on its own site and is surrounded with trees and shrubbery that should have a minimal effect on any surrounding residences or businesses. The site and buildings will however need to be properly lighted.

Because they are so far from public lighting, all of the surrounding parking, drives and walking paths will need to be lit by the owner. This project will comply with the LDC Chapter 4.

**Guideline 24** - Since this facility is on the national register of historic places there will be limitations imposed by that designation for the buildings and direct surrounding areas. Obviously, since it is so isolated there will need to be directional signage located within the roadways that will not be visible from anywhere off-site. There will be signage on the gateway to Paralee Dr. by Dixie Hwy. Details will be provided at the public hearing.

**Guideline 32** - Since the proposed hotel and conference center sits on such a unique piece of property, shops will very likely remain that are needed to repair the building and infrastructure. It is our intention that creating the CM zoning area would better allow a steel fabrication shop, woodworking shop, and outdoor yard for various pieces of equipment that will be necessary to maintain such a large private site.

CM zoning is also needed to allow the bottling of small batches of liquor that was previously manufactured and barreled off site. No retail sales of liquor will be made from this facility, only whole sale to distributors. The average barrel holds 173-191 liters of liquor and the common size of a finished bottle is 1 liter. This facility will be designed to bottle three barrels a week and no more product will be stored on site than what is necessary for each batch. This amount of product can be transported via small box truck with deliveries/pickups no more than once a day.

**Guideline 35** - Only existing roads and right of ways will be utilized. This plan reopens the historical entrance from Dixie Hwy (US 31) by way of Paralee Dr. (Northern section). The service entrance will utilize East Pages Ln. by Paralee Dr. (Southern section). The main road for this site starts as concrete with integral curbs and gutters, then changes to asphalt at Mattingly Dr. All other roadways will remain asphalt.

**Guideline 36** - During the pre-application meeting it was discussed that creating a long winding sidewalk to the top of this site would not be in the owner's best interest since it is a private site and is not intended to be a public park. However, pedestrian access is gained by several walking paths, more direct stairs and pathways to the various buildings and facilities that will occur on-site. Handicap accessibility cannot be achieved because there is no realistic way to build a handicapped sidewalk from Dixie Highway to the top of the hill. All accessibility will be handled by the vehicular roadways and each individual location will be handicap accessible. The locations of the pedestrian paths are shown on the development plan. Pedestrians are provided for on-site through a system of pathways and stairways to the various portions of this complex. A direct link will be created from the main entrance at Dixie Highway to the complex on top of the hill but does not follow the winding vehicular road to the top.

**Guideline 38** - Only existing roads and right of ways will be utilized. This plan reopens the historical entrance from Dixie Hwy (US 31) by way of Paralee Dr. (Northern section). The service entrance will utilize East Pages Ln. by Paralee Dr. (Southern section).

**Guideline 44** - Pedestrians are provided for on-site through a system of pathways and stairways to the various portions of this complex. A direct link will be created from the main entrance at Dixie Highway to

the complex on top of the hill but does not follow the winding vehicular road to the top. The owner recognizes the need for such pedestrian pathways although we see it as extremely rare since travel from the bottom to the top is almost always going to be accomplished with vehicles.

**Guideline 45** - Two separate drainage and retention basins have been designed and approved by MSD for this site. The owner is waiting final rezoning and development changes that may occur before he proceeds with construction.

**Guideline 50** - This facility originally had its own treatment plant that was removed and the sewer connections were cut off when the subdivisions on East Pages Lane were constructed. After several years, the owner has obtained all MSD and state approvals and has constructed the sanitary sewer line for this facility. It has been properly sized for the hotel and convention center and all other buildings within the complex.

**Land Development and Transportation  
Staff Report**  
November 14, 2013



<b>Case No:</b>	18998
<b>Project Name:</b>	Waverly Hills Hotel and Conference Center
<b>Location:</b>	4400 Paralee Drive
<b>Owner(s):</b>	CEM Land Company, LLC
<b>Applicant:</b>	CEM Land Company, LLC
<b>Representative(s):</b>	Blomquist Design Group and Keyes Architects
<b>Project Area/Size:</b>	19.7 acres (C-2) and 2.8 acres (CM)
<b>Existing Zoning District:</b>	R-4 and OR-3
<b>Existing Form District:</b>	N
<b>Jurisdiction:</b>	Louisville Metro
<b>Council District:</b>	25-David Yates
<b>Case Manager:</b>	Julia Williams, Planner II

**REQUEST**

- Change in zoning from R-4 and OR-3 to C-2 and CM
- Revised District Development plan and amendments to existing binding elements

**CASE SUMMARY/BACKGROUND/SITE CONTEXT**

The proposal is to renovate an existing hospital into a 120 room hotel and conference center with a portion of the site to be used as a bottling facility with 5 seasonal employees. The existing hospital is on the National Register for Historical Places #83002746. The proposal is currently zoned both R-4 and OR-3 and the proposal is for C-2 and C-M for only a portion of the site. The site is heavily treed and has severe slopes in many areas. The adjacent properties to the north and east are the same as they are heavily treed and severely sloped as well.

**LAND USE/ZONING DISTRICT/FORM DISTRICT TABLE**

	<b>Land Use</b>	<b>Zoning</b>	<b>Form District</b>
<b>Subject Property</b>			
<b>Existing</b>	Haunted House/ Vacant Hospital	OR-3/R-4	Neighborhood
<b>Proposed</b>	Hotel and Conference Center/Bottling Facility	C-2/CM	Neighborhood
<b>Surrounding Properties</b>			
<b>North</b>	Residential	R-4	Neighborhood
<b>South</b>	Residential	R-4	Neighborhood
<b>East</b>	Residential/Golf Course	R-4	Neighborhood
<b>West</b>	Residential	R-6/R-4	Neighborhood

## PREVIOUS CASES ON SITE

9-36-84- Change in zoning from R-4 to R-9 (Current OR-3) to permit apartments  
4-29-98- Cell tower approved for the site  
10-36-02- Subdivision proposal to dedicate Mattingly Drive as right of way  
B-241-02- Appeal that would allow a Haunted House on the site denied as permanent haunted house would require C-2

## INTERESTED PARTY COMMENTS

An adjacent property owner, Charles Severs, expressed that he had no objection of the proposed change in zoning.

## APPLICABLE PLANS AND POLICIES

- Cornerstone 2020
- Land Development Code

## 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 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 existing binding elements should be removed from the site and replaced by the proposed binding elements with the exception of existing binding element #6 which should be discussed further.

**TECHNICAL REVIEW**

All technical review comments have been addressed.

**STAFF CONCLUSIONS**

The proposal is ready for a public hearing date to be set.

**NOTIFICATION**

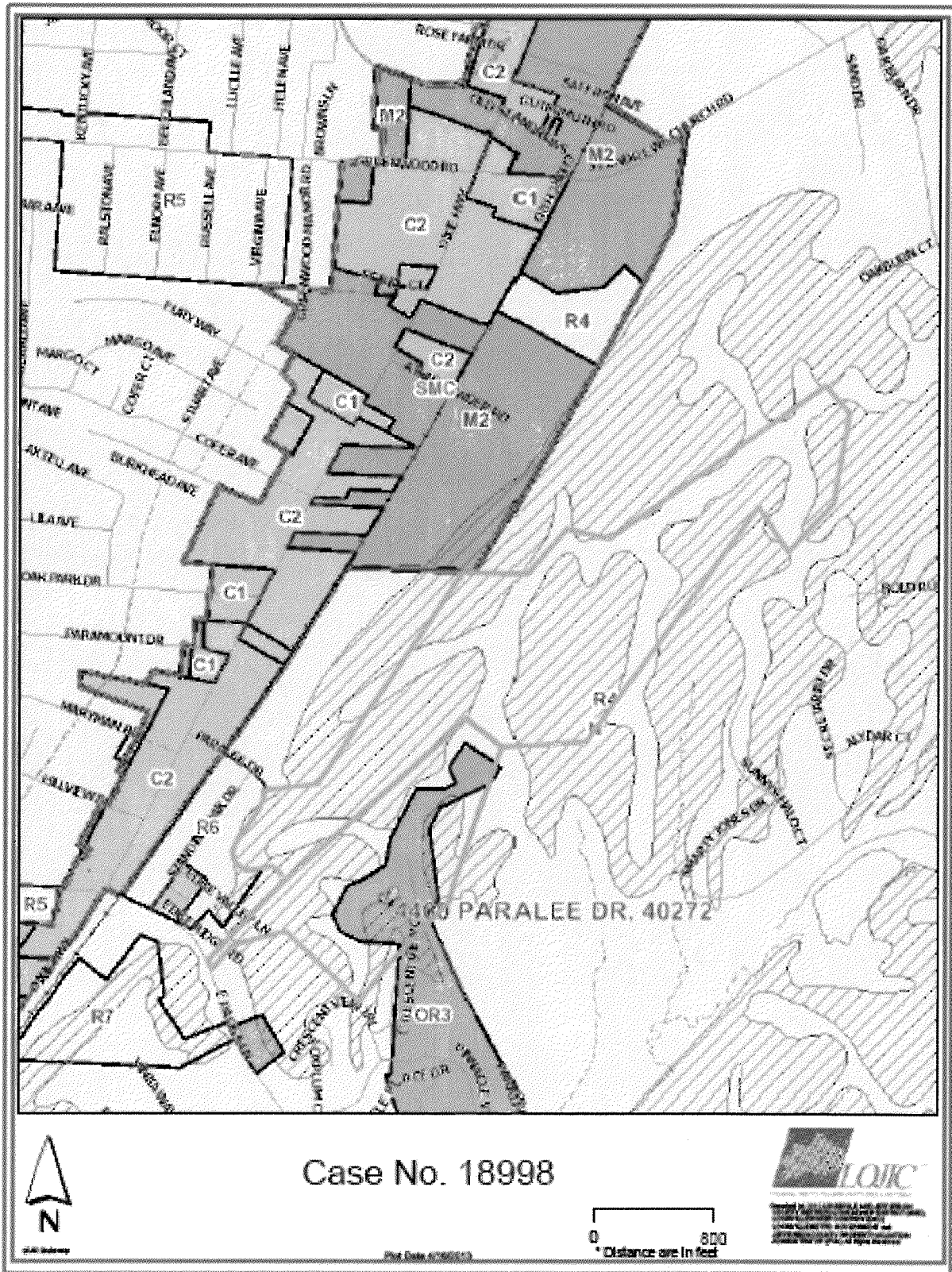
Date	Purpose of Notice	Recipients
10/30/13	Hearing before LD&T on 11/14/13	1 <sup>st</sup> and 2 <sup>nd</sup> tier adjoining property owners Subscribers of Council District 25 Notification of Development Proposals
	Hearing before PC	1 <sup>st</sup> and 2 <sup>nd</sup> tier adjoining property owners Subscribers of Council District Notification of Development Proposals
	Hearing before PC	Sign Posting on property
	Hearing before PC	Legal Advertisement in the Courier-Journal

**ATTACHMENTS**

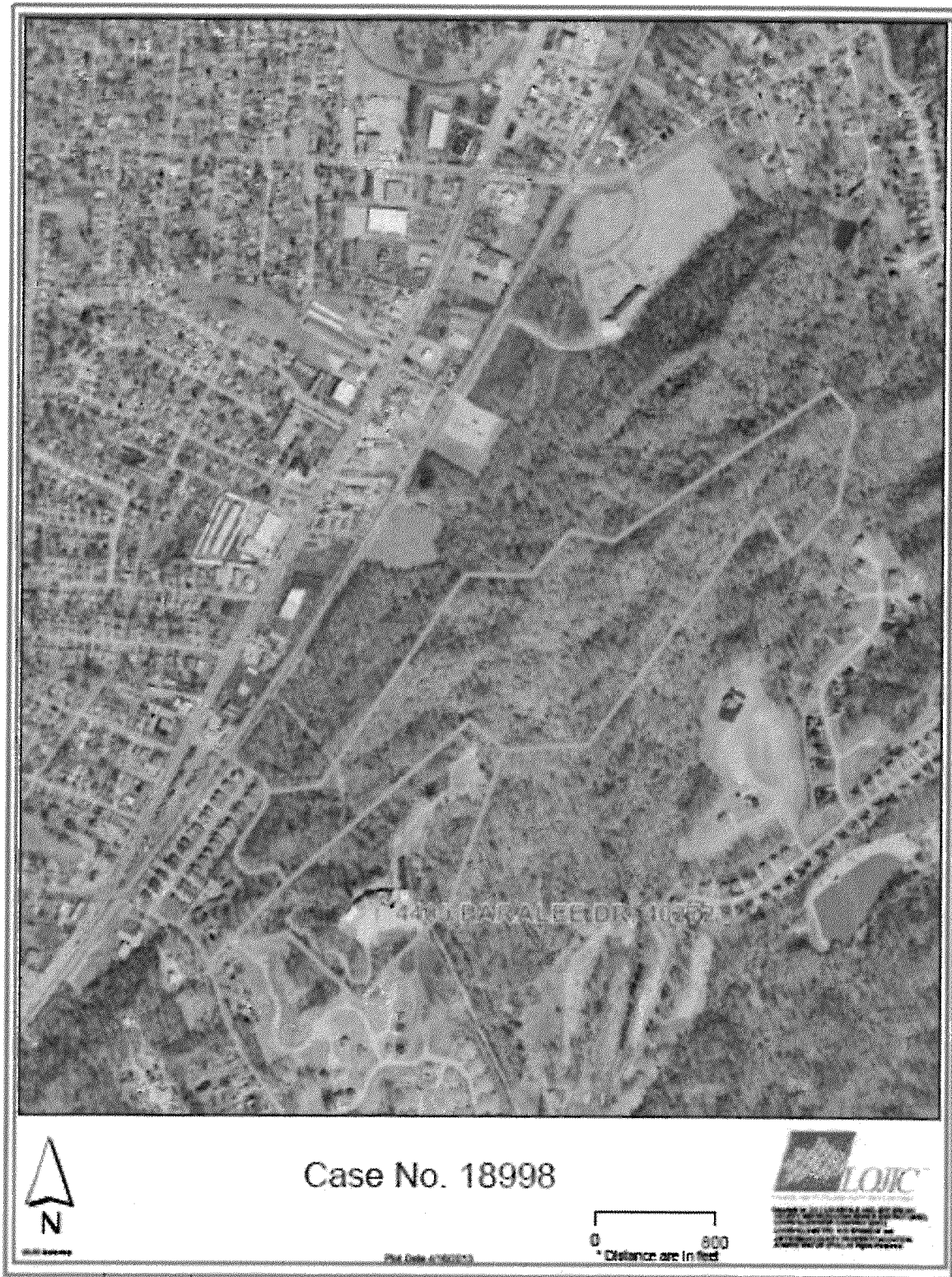
1. Zoning Map
2. Aerial Photograph
3. Existing Binding Elements
4. Proposed Binding Elements



Attachment 1: Zoning Map



Attachment 2: Aerial Photograph



### Attachment 3: Existing Binding Elements

1. The development will be in accordance with the approved district development plan. No further development will occur.
2. Any businesses operated on the site shall be for the convenience of the residents of the structures and no outside advertising will be permitted. No commercial office space will be permitted.
3. The density of the development shall not exceed 5.34 dwelling units per acre (162 units on 30.294 acres).
4. Before certificates of occupancy or building permits are issued:
  - a. The development plan must be reapproved by the Transportation Engineering, Water Management and Fire Safety Sections of the Jefferson County Public Works and Transportation Cabinet.
5. The sign shall be as shown on the approved district development plan and shall not exceed 55 square feet in area.
6. **If certificates of occupancy or building permits are not issued within one year of the date of approval of the plan or rezoning whichever is later the property shall not be used in any manner unless a revised district development plan is approved or an extension is granted by the Planning Commission except that the property may be used for a Halloween-themed haunted house which may be open to the public up to four weeks per year during the Halloween season, provided the haunted house activities conform with the Department of Planning and Design Services policies for historic buildings and grounds and provided the activities are not for profit.**
7. A certificate of occupancy must be received from the appropriate code enforcement office prior to occupancy of the structure or land for the proposed use.
8. The above binding elements may be amended as provided for in the Zoning District Regulations.

discuss

### Attachment 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 for review and approval; any changes/additions/alterations not so referred shall not be valid.
2. The development shall not exceed 140,000 square feet of gross floor area.
3. Construction fencing shall be erected when off-site trees or tree canopy exists within 3' of a common property line. Fencing shall be in place prior to any grading or construction to protect the existing root systems from compaction. The fencing shall enclose the entire area beneath the tree canopy and shall remain in place until all construction is completed. No parking, material storage or construction activities are permitted within the protected area.
4. Before any permit (including but not limited to building, parking lot, change of use, site disturbance, alteration permit or demolition permit) is requested:
  - a. The development plan must receive full construction approval from Louisville Metro Department of Inspections, Permits and Licenses, Louisville Metro Public Works and the Metropolitan Sewer District.

- b. The property owner/developer must obtain approval of a detailed plan for screening (buffering/landscaping) as described in Chapter 10 prior to requesting a building permit. Such plan shall be implemented prior to occupancy of the site and shall be maintained thereafter.
  - c. A Tree Preservation Plan in accordance with Chapter 10 of the LDC shall be reviewed and approved prior to obtaining approval for site disturbance.
5. A certificate of occupancy must be received from the appropriate code enforcement department prior to occupancy of the structure or land for the proposed use. All binding elements requiring action and approval must be implemented prior to requesting issuance of the certificate of occupancy, unless specifically waived by the Planning Commission.
  6. There shall be no outdoor music (live, piped, radio or amplified) or outdoor entertainment or outdoor PA system audible beyond the property line.
  7. 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.



# Pre-Application Staff Report

April 17, 2013



<b>Case No:</b>	18998
<b>Project Name:</b>	Waverly Hills
<b>Location:</b>	4400 Paralee Drive
<b>Owner(s):</b>	GEM Land Company LLC
<b>Applicant:</b>	CEM Land Company LLC
<b>Representative(s):</b>	Blomquist Design Group
<b>Project Area/Size:</b>	28.93 acres
<b>Existing Zoning District:</b>	OR-3/R-4
<b>Existing Form District:</b>	Neighborhood
<b>Jurisdiction:</b>	Louisville Metro
<b>Council District:</b>	25-David Yates
<b>Case Manager:</b>	Julia Williams, Planner II

## REQUEST

- Change in zoning from OR-3 and R-4 to C-2 and C-M
- Revised District Development plan

## CASE SUMMARY/BACKGROUND/SITE CONTEXT

The proposal is to renovate an existing hospital into a 120 room hotel and conference center with a portion of the site to be used as a bottling facility with 5 seasonal employees. The existing hospital is on the National Register for Historical Places #83002746. The proposal is currently zoned both R-4 and OR-3 and the proposal is for C-2 and C-M for only a portion of the site (21.72 Acres). The site is heavily treed and has severe slopes in many areas. The adjacent properties to the north and east are the same as they are heavily treed and severely sloped as well.

## LAND USE/ZONING DISTRICT/FORM DISTRICT TABLE

	Land Use	Zoning	Form District
<b>Subject Property</b>			
<b>Existing</b>	Haunted House/ Vacant Hospital	OR-3/R-4	Neighborhood
<b>Proposed</b>	Hotel and Conference Center/Bottling Facility	C-2/CM	Neighborhood
<b>Surrounding Properties</b>			
<b>North</b>	Residential	R-4	Neighborhood
<b>South</b>	Residential	R-4	Neighborhood
<b>East</b>	Residential/Golf Course	R-4	Neighborhood
<b>West</b>	Residential	R-6/R-4	Neighborhood

## PREVIOUS CASES ON SITE

- 9-36-84- Change in zoning from R-4 to R-9 (Current OR-3) to permit apartments
- 10-36-02- Subdivision proposal to dedicate Mattingly Drive as right of way

B-241-02- Appeal that would allow a Haunted House on the site denied as permanent haunted house would require C-2

4-29-98- Cell tower approved for the site - *Crown Communication \*pull case file\* previous owner → permanent easement*

### INTERESTED PARTY COMMENTS

None received.

### APPLICABLE PLANS AND POLICIES

- Cornerstone 2020
- Land Development Code

### STANDARD OF REVIEW FOR REZONING

Criteria for granting the proposed form district change/rezoning:

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 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 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.

Staff finds that this proposal meets 33 of a total of 50 policies for a non-residential proposal in the Neighborhood Form District. 4 policies are not applicable, 10 need more information before determining compliance, and three policies that relate to pedestrian connectivity have not been met.

All other agency comments should be addressed to demonstrate compliance with the remaining Guidelines and Policies of Cornerstone 2020.

A checklist is attached to the end of this staff report with a more detailed analysis. The Louisville Metro Planning Commission is charged with making a recommendation to the Louisville Metro Council regarding the

appropriateness of this zoning map amendment. The Louisville Metro Council has zoning authority over the property in question.

### TECHNICAL REVIEW

Please see attached agency review comments.

### STAFF CONCLUSIONS

The proposal is ready for a neighborhood meeting. The applicant should consider placing the treed areas of the site in a Woodland Protection Area (WPA) if deciding to proceed with a C-2 zoning. A WPA would ensure permanent tree preservation and provides some reassurance to the neighborhood that any objectionable C-2 use would be well buffered.

Based upon the information in the staff report, the testimony and evidence provided at the public hearing, the Planning Commission must determine if the proposal is in conformance with the Comprehensive Plan; OR the existing form district/zoning classification is inappropriate and the proposed classification is appropriate; OR if there have been major changes of an economic, physical, or social nature within the area involved which were not anticipated in Cornerstone 2020 which have substantially altered the basic character of the area.

### NOTIFICATION

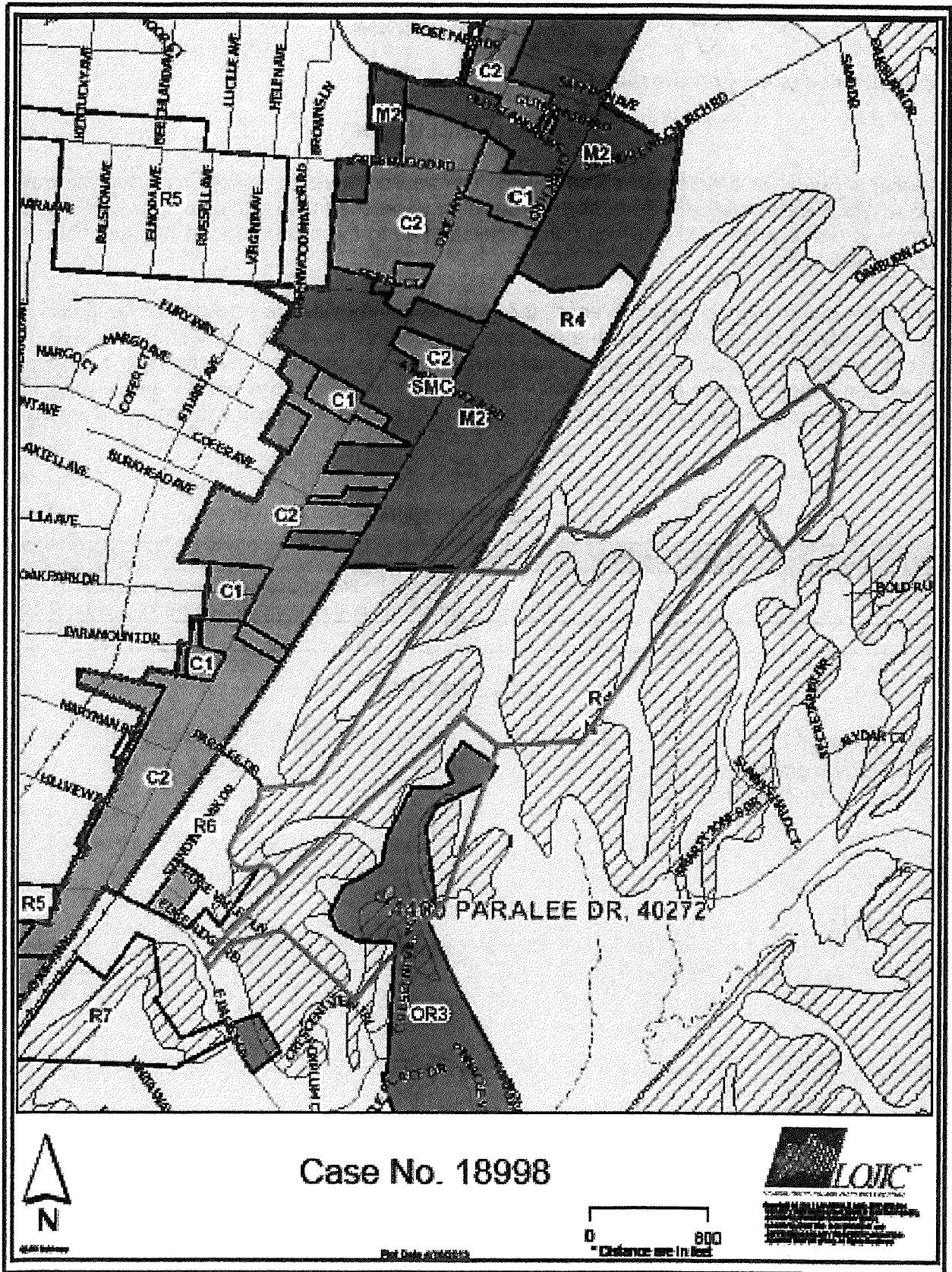
Date	Purpose of Notice	Recipients
		1 <sup>st</sup> and 2 <sup>nd</sup> tier adjacent property owners and neighborhood notification recipients in council district 25.

### ATTACHMENTS

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

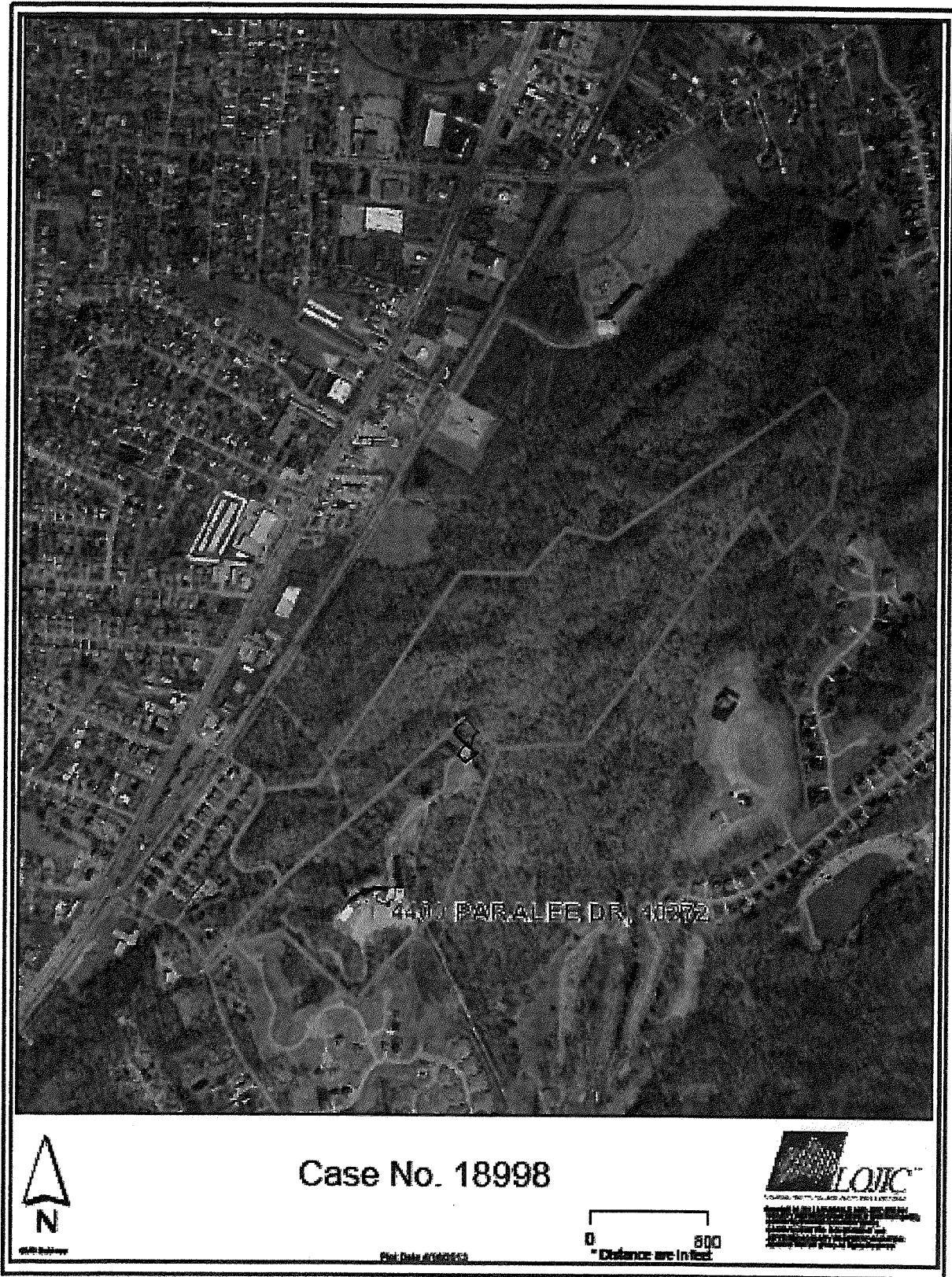
→ cut trails

Attachment 1: Zoning Map





Attachment 2: Aerial Photograph



Attachment 3: Cornerstone 2020 Staff Checklist

*CM distribution not at this time*  
*box truck*  
*alcohol sales*

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

#	Cornerstone 2020 Guidelines & Policies	Cornerstone 2020 Plan Element	Plan Element or Portion of Plan Element	Pre-App Finding	Pre-App Comments
1	Form Districts Goals C1-C4, Objectives C1.1-1.2, C2.1-2.7, C3.1-3.7, C4.1-4.7	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 proposal is for C-2 which is not located in an existing neighborhood center nor does it create one. More information is needed on why C-2 is being requested instead of OTF or C-1 which permits the proposed use.
2	Form Districts Goals C1-C4, Objectives C1.1-1.2, C2.1-2.7, C3.1-3.7, C4.1-4.7	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 proposal is for high intensity zoning located at the terminus of a local level road that intersects with a major arterial (Dixie Hwy). The non-residential nature of the site has been in place since the 1900's and has continued since. The existing trees and winding driveway to the existing structure has limited the impact of the site on the adjacent residential properties.
3	Form Districts Goals C1-C4, Objectives C1.1-1.2, C2.1-2.7, C3.1-3.7, C4.1-4.7	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 while not located in a center is for the reuse of a historical structure for commercial use.
4	Form Districts Goals C1-C4, Objectives C1.1-1.2, C2.1-2.7, C3.1-3.7, C4.1-4.7	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.	NA	The proposal is not for retail commercial.
5	Form Districts Goals C1-C4, Objectives C1.1-1.2, C2.1-2.7, C3.1-3.7, C4.1-4.7	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 only new development on the site is a small structure to be located at the end of a driveway surrounded by existing trees. A cell tower is also located in the area making the infrastructure in this area more cost effective. Locating the CM zoning in this area is not an efficient land use pattern as it is not in an area that relates to the other land uses on the site and in the area. More information is needed on site location to determine compliance.
6	Form Districts Goals C1-C4, Objectives C1.1-1.2, C2.1-2.7, C3.1-3.7, C4.1-4.7	Community Form/Land Use Guideline 2: Centers	A.5: The proposed center includes a mix of compatible land uses that will reduce trips, support the use of alternative forms of transportation and encourage vitality and sense of place.	✓	The proposal is not a center but does include a mix of uses that would reduce trips as the proposal includes a hotel with a restaurant and conference center.
7	Form Districts Goals C1-C4, Objectives C1.1-1.2, C2.1-2.7, C3.1-3.7, C4.1-4.7	Community Form/Land Use Guideline 2: Centers	A.6: The proposal incorporates residential and office uses above retail and/or includes other mixed-use, multi-story retail buildings.	✓	The proposal is not for retail commercial but if for a mixed use facility.
8	Form Districts Goals C1-C4, Objectives C1.1-1.2, C2.1-2.7, C3.1-3.7, C4.1-4.7	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 not in a center but the historic nature of the site is the central feature of the site.

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9	Form Districts Goals C1-C4, Objectives C1.1-1.2, C2.1-2.7, C3.1-3.7, C4.1-4.7	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.	✓	The proposal has three existing access points that are shared with other developments whether it is through right of way or access easements. Parking is in areas not visible from adjacent residential.
10	Form Districts Goals C1-C4, Objectives C1.1-1.2, C2.1-2.7, C3.1-3.7, C4.1-4.7	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.	✓	Entrances are shared with adjacent developments and utilities are existing.
11	Form Districts Goals C1-C4, Objectives C1.1-1.2, C2.1-2.7, C3.1-3.7, C4.1-4.7	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 to the site is easy by bicycle and car but not accessible to pedestrians.
12	Form Districts Goals C1-C4, Objectives C1.1-1.2, C2.1-2.7, C3.1-3.7, C4.1-4.7	Community Form/Land Use Guideline 3: Compatibility	A.2: The proposed building materials increase the new development's compatibility.	✓	The structures on the site are existing.
13	Form Districts Goals C1-C4, Objectives C1.1-1.2, C2.1-2.7, C3.1-3.7, C4.1-4.7	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 is not a non-residential expansion into an existing residential area as the site has been non-residential since the 1900's well before the residences developed in the area. The existing trees and topography of the site mitigates any impact the site may have on the adjacent residential.
14	Form Districts Goals C1-C4, Objectives C1.1-1.2, C2.1-2.7, C3.1-3.7, C4.1-4.7	Community Form/Land Use Guideline 3: Compatibility	A.5: The proposal mitigates any potential odor or emissions associated with the development.	✓	APCD has approved the development.
15	Form Districts Goals C1-C4, Objectives C1.1-1.2, C2.1-2.7, C3.1-3.7, C4.1-4.7	Community Form/Land Use Guideline 3: Compatibility	A.6: The proposal mitigates any adverse impacts of its associated traffic on nearby existing communities.	+/-	Public Works is reviewing the traffic impacts.
16	Form Districts Goals C1-C4, Objectives C1.1-1.2, C2.1-2.7, C3.1-3.7, C4.1-4.7	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.	+/-	More information on lighting is necessary to determine compliance.
17	Form Districts Goals C1-C4, Objectives C1.1-1.2, C2.1-2.7, C3.1-3.7, C4.1-4.7	Community Form/Land Use Guideline 3: Compatibility	A.11: If the proposal is a higher density or intensity use, it is located along a transit corridor AND in or near an activity center.	✓	The proposal is for high intensity zoning not located along a transit corridor but is located near the activity corridor of Dixie Highway. Dixie Highway is a transit corridor.
18	Form Districts Goals C1-C4, Objectives C1.1-1.2, C2.1-2.7, C3.1-3.7, C4.1-4.7	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 existing trees preserved on the site and the existing topography provides a transition from the proposal to the adjacent less dense developments.



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19	Form Districts Goals C1-C4, Objectives C1.1-1.2, C2.1-2.7, C3.1-3.7, C4.1.-4.7	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 existing trees preserved on the site and the existing topography provides a transition from the proposal to the adjacent less dense developments.
20	Form Districts Goals C1-C4, Objectives C1.1-1.2, C2.1-2.7, C3.1-3.7, C4.1.-4.7	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 setback of the structures are more than what would be required of nearby developments. The lots are larger and comparable to the other large lots in the area.
21	Form Districts Goals C1-C4, Objectives C1.1-1.2, C2.1-2.7, C3.1-3.7, C4.1.-4.7	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.	✓	The existing trees preserved on the site and the existing topography provide mitigation of any potential impacts that the parking may have on the site.
22	Form Districts Goals C1-C4, Objectives C1.1-1.2, C2.1-2.7, C3.1-3.7, C4.1.-4.7	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 existing trees preserved on the site and the existing topography provide mitigation of any potential impacts that the parking may have on the site.
23	Form Districts Goals C1-C4, Objectives C1.1-1.2, C2.1-2.7, C3.1-3.7, C4.1.-4.7	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	A parking garage is not proposed.
24	Form Districts Goals C1-C4, Objectives C1.1-1.2, C2.1-2.7, C3.1-3.7, C4.1.-4.7	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.	+/-	More information is necessary before determining compliance.
25	Livability Goals H3 and H5, all related objectives	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 majority of the site is preserved in openspace
26	Livability Goals H3 and H5, all related objectives	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 open space on the site is existing and consistent with the other large lots in the area.
27	Livability Goals H3 and H5, all related objectives	Community Form/Land Use Guideline 4: Open Space	A.5: The proposal integrates natural features into the pattern of development.	✓	The preservation of trees and lack of major new construction in a non-cleared area integrates the existing natural features into the development.

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28	Livability Goals H3 and H5, all related objectives	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 proposal does not propose any new construction in an area of the site that is not already cleared. The proposal does not indicate any additional tree removal.
29	Livability Goals H3 and H5, all related objectives	Community Form/Land Use Guideline 5: Natural Areas and Scenic and Historic Resources	A.2/4: The proposal includes the preservation, use or adaptive reuse of buildings, sites, districts and landscapes that are recognized as having historical or architectural value, and, if located within the impact area of these resources, is compatible in height, bulk, scale, architecture and placement.	✓	The proposal is for the adaptive reuse of an existing national register historical site.
30	Livability Goals H3 and H5, all related objectives	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.	✓	No new construction on the steep slopes are proposed.
31	People, Jobs and Housing Goal K4, Objective K4.1	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 in a downtown.
32	Marketplace Strategy Goal A1, Objectives A1.3, A1.4, A1.5	Marketplace Guideline 6: Economic Growth and Sustainability	A.4: Encourage industries to locate in industrial subdivisions or adjacent to existing industry to take advantage of special infrastructure needs.	+/-	The proposals CM zoning is not located adjacent to any existing industrial. More information is needed on this portion of the site is necessary to determine if existing infrastructure is sufficient for the use.
33	Land Use and Transportation Connection Goal E1, Objectives E1.1 and E1.3	Marketplace Guideline 6: Economic Growth and Sustainability	A.6: Locate retail commercial development in activity centers. Locate uses generating large amounts of traffic on a major arterial, at the intersection of two minor arterials or at locations with good access to a major arterial and where the proposed use will not adversely affect adjacent areas.	NA	The proposal is not for retail.
34	Land Use and Transportation Connection Goal E1, Objectives E1.1 and E1.3	Marketplace Guideline 6: Economic Growth and Sustainability	A.8: Require industrial development with more than 100 employees to locate on or near an arterial street, preferably in close proximity to an expressway interchange. Require industrial development with less than 100 employees to locate on or near an arterial street.	✓	The proposed industrial will not have more than 5 employees and is located near a major arterial (Dixie).
35	Mobility Goals A1-A6, B1, C1, D1, E1, E2, F1, G1, H1-H4, I1-I7, all related Objectives	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.	+/-	Public Works is reviewing the proposal for any necessary road improvements.

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36	Mobility Goals A1-A6, B1, C1, D1, E1, E2, F1, G1, H1-H4, I1-I7, all related Objectives	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 provide for pedestrians.
37	Mobility Goals A1-A6, B1, C1, D1, E1, E2, F1, G1, H1-H4, I1-I7, all related Objectives	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.	✓	The proposal has three existing access points that are shared with other developments whether it is through right of way or access easements.
38	Mobility Goals A1-A6, B1, C1, D1, E1, E2, F1, G1, H1-H4, I1-I7, all related Objectives	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.	+/-	Public Works is reviewing the proposal for any necessary dedication of ROW.
39	Mobility Goals A1-A6, B1, C1, D1, E1, E2, F1, G1, H1-H4, I1-I7, all related Objectives	Mobility/Transportation Guideline 7: Circulation	A.10: The proposal includes adequate parking spaces to support the use.	✓	Adequate parking is being provided on the site.
40	Mobility Goals A1-A6, B1, C1, D1, E1, E2, F1, G1, H1-H4, I1-I7, all related Objectives	Mobility/Transportation Guideline 7: Circulation	A.13/16: The proposal provides for joint and cross access through the development and to connect to adjacent development sites.	✓	The proposal has connections to adjacent sites.
41	Mobility Goals A1-A6, B1, C1, D1, E1, E2, F1, G1, H1-H4, I1-I7, all related Objectives	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.	✓	With 3 access points additional stubs are not necessary.
42	Mobility Goals A1-A6, B1, C1, D1, E1, E2, F1, G1, H1-H4, I1-I7, all related Objectives	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.	✓	Existing access points are from public ROW and an access easement.
43	Mobility Goals A1-A6, B1, C1, D1, E1, E2, F1, G1, H1-H4, I1-I7, all related Objectives	Mobility/Transportation Guideline 8: Transportation Facility Design	A.11: The development provides for an appropriate functional hierarchy of streets and appropriate linkages between activity areas in and adjacent to the development site.	✓	The linkages to and from the site are existing and connect to different areas in the vicinity including Dixie Hwy, the adjacent residential, and an adjacent golf course.
44	Mobility Goals A1-A6, B1, C1, D1, E1, E2, F1, G1, H1-H4, I1-I7, all related Objectives	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.	-	Pedestrians are not provided for on the site.



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45	Livability, Goals B1, B2, B3, B4, Objectives B1.1-1.8, B2.1-2.7, B3.1-3.4, B4.1-4.3	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 reviewing the proposal.
46	Livability Goals C1, C2, C3, C4, all related Objectives	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 will not have a negative impact on air quality.
47	Livability, Goals F1 and F2, all related objectives	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 proposal's preservation of trees and open space on the site is the connection to the existing natural corridors that are evident through the preservation of trees and open space within the area.
48	Quality of Life Goal J1, Objectives J1.1-1.2	Community Facilities Guideline 14: Infrastructure	A.2: The proposal is located in an area served by existing utilities or planned for utilities.	√	Existing utilities serve the site.
49	Quality of Life Goal J1, Objectives J1.1-1.2	Community Facilities Guideline 14: Infrastructure	A.3: The proposal has access to an adequate supply of potable water and water for fire-fighting purposes.	√	Water is available to serve the site.
50	Livability Goal B1, Objective B1.3	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 reviewing the proposal.

