

Planning Commission

Staff Report

January 19, 2017



Case No:	16ZONE1042
Request:	Change in zoning from R-4 to C-N and C-1 with Variances, a Waiver and Detailed District Development Plan
Project Name:	Schulte Bush Farm
Location:	14801 & 15001 Bush Farm Road
Owner:	Papa Oreo DS, LLC
Applicant:	Papa Oreo DS, LLC
Representative:	Vice Cox & Townsend PLLC Land Design & Development, Inc.
Jurisdiction:	Louisville Metro
Council District:	19 – Julie Denton
Case Manager:	Brian Davis, AICP, Planning Manager

REQUEST

- Change in zoning from R-4 to C-N (Tract B on the plan, 2.4 acres) and C-1 (Tract A on the plan, 3.0 acres)
- District Development Plan
- Waiver of Section 10.2.4.B of the Land Development Code to allow a greater than 50 percent overlap of utility easement over a landscape buffer
- Variance from Table 5.3.2 of the Land Development Code to exceed the 80-foot maximum front and street side yard setback along Bush Farm Road, Old Henry Road and Hamilton Springs Drive

CASE SUMMARY/BACKGROUND/SITE CONTEXT

The applicant proposes to subdivide the existing property into two tracts:

Tract A: R-4 to C-1 on 3.0 acres with an unspecific commercial use in a 20,600 square foot building

Tract B: R-4 to C-N on 2.4 acres with an 11,000 square foot daycare

The applicant requests a waiver of Section 10.2.4.B of the Land Development Code to allow existing easements along Old Henry Road and a portion of Hamilton Springs Drive to overlap the required landscape buffer. The justification statement says the buffer will be provided and maintained, but the applicant wishes to not have to relocate the easements.

There is also a request for variances from the maximum front and street side yard setback along Bush Farm Road, Old Henry Road and Hamilton Springs Road (which is a private road). Table 5.3.2 in Section 5.3.1 of the Land Development Code states the maximum front and street side yard setback for nonresidential structures is 80 feet or 95 feet when located on a designated parkway. On Tract A, the proposed structure is approximately 101 feet from Old Henry Road (which is a designated parkway), 93 feet from Bush Farm Road and 163 feet from Hamilton Springs Drive. On Tract B, the proposed structure is set back 142 feet from Bush Farm Road and 65 feet at its closest point to Hamilton Springs Drive

LAND USE/ZONING DISTRICT/FORM DISTRICT TABLE

	Land Use	Zoning	Form District
Subject Property			
Existing	Vacant	R-4	N
Proposed	Retail	C-N and C-1	N
Surrounding Properties			
North	Single Family Residential	PRD	N
South	Institutional (senior living)	R-5A	N
East	Single Family Residential	PRD	N
West	Office	OR-3	SW

PREVIOUS CASES ON SITE

9-99-98: Site was once a part of the Old Henry Crossing general plan. The lot was proposed to change to C-1; however, prior to final approval the lot was removed from the plan. Binding Element #16 from that approval stated “The applicant agrees to withdraw the C-1 zoning request for Lot 2 (Garden Center) and not to resubmit this request for a five year period from the date of approval of this zoning change.” This binding element was implemented in 2001 so it has since expired.

INTERESTED PARTY COMMENTS

Staff has received a number of emails regarding the proposed zoning change. Comments range from concerns about the character of the development, traffic, landscaping/buffering, and stormwater runoff. A compilation of these comments are included in the case file.

APPLICABLE PLANS AND POLICIES

Cornerstone 2020

Land Development Code

Old Henry Subarea Plan (2000) – The area is located within Planning Area 4 of the Old Henry Subarea Plan. A community retail node is shown at this intersection on Figure 9 of the plan, but the language of the plan states commercial development should stay to the west of Bush Farm Road.

- **Guiding Principle No 2:** Concern for non-residential uses east of I-265, specifically “do not permit rezonings within the designated residential collar to a classification that would permit high-density residential or non-residential developments.” This property is located in the Neighborhood Form District, which is within the “designated residential collar.”
- **Guiding Principle No 3:** Apply parkway standards for internal thoroughfares such as Factory Lane and Bush Farm Road. Also, extend Bush Farm Road/Aiken Road through its intersection with Old Henry Road to a connection with Factory Lane. This connection may occur as a "T" type intersection with the current alignment of Factory Lane, or Factory Lane could be realigned and re-constructed to intersect with Bush Farm/Aiken at Old Henry Road.
- **Guiding Principle No 4:** Concern with non-community level commercial drawing traffic regionally to the area from outside the Subarea, adding to traffic congestion and impacting air quality. Community scale commercial is specifically identified for near the I-265/LaGrange Road interchange. Require market support analysis and justification for rezoning proposals for shopping centers. Rezoning should not be recommended for approval without a substantial justification of need as demonstrated by the market analysis.
- **Guiding Principle No 6:** Restrict additional commercial support uses to parcels inside the workplace areas.

- **Guiding Principle No 7:** Whether or not neighborhood serving commercial can locate on the east side of I-265 should be decided on the basis of design and commitment. The design part of this equation would address location, site and architectural design. The commitment part would address the ability of decision-makers to limit the area of commercial development. The provision of neighborhood commercial is a reasonable and supportable objective, if it can be located and designed to minimize impacts and fully integrate the uses with surrounding neighborhoods.
 - Direct medium density to locate in areas designated as “neighborhood center” (The locations for density on the subject site are not within an identified neighborhood center).
 - Non-residential land uses should be restricted to areas west of Bush Farm Road and its extension to Factory Lane.
 - Total retail square footage should be limited to 100,000 square feet.
 - Factory Lane should be heavily buffered with dense vegetation.
 - Consider density transfers to allow for high density to mix with lower density.
 - Neighborhood centers should discourage single retail uses with a building footprint greater than 50,000 SF, civic buildings should be included prominently in centers, and open space should be designed as squares, plazas, and greens.
- **Guiding Principle No 8:** The extension and realignment of Factory lane and Bush Farm Road would provide a boundary between low/medium residential and the more intense uses adjacent to I-265. A parkway type road would help define the character of the corridor. Workplace uses (technical and research parks and corporate business centers) should be limited to the area west of the Factory Lane/Bush Farm Road corridor. Architectural design standards should be established for the workplace that includes structures no taller than 4 stories adjacent to I-265. Pedestrian circulation throughout as well as lighting noise and parking should be addressed in design.

STANDARD OF REVIEW FOR ZONING MAP AMENDMENT

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 ZONING MAP AMENDMENT

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 proposal appears to provide a scaled transition between the large office development on the northwest corner of Bush Farm/Old Henry intersection and the Hamilton Gardens development. The applicant should consider additional buffering along Hamilton Springs Drive and McKinley Ridge Drive. The development plan proposes a sidewalk along Bush Farm Road and shows the proposed walking path along the proposed Old Henry Road realignment. The proposed building elevations are in compliance with the design requirements for the Neighborhood Form District.

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 AND STAFF ANALYSIS FOR DDP

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

STAFF: There are no natural resources on the site.

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

STAFF: Provisions for safe and efficient vehicular and pedestrian transportation within and around the development and the community have been provided, and Metro Public Works has approved the preliminary development plan.

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

STAFF: There are no open space requirements with the current proposal.

- 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: The overall site design and land uses are compatible with the existing and future development of the area.

- 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: With the exception of the waiver and variances, the development plan conforms to applicable guidelines and policies of the Comprehensive Plan and to requirements of the Land Development Code.

**STANDARD OF REVIEW AND STAFF ANALYSIS FOR WAIVER #1:
Waiver of Section 10.2.4.B of the Land Development Code to allow a greater
than 50 percent overlap of utility easement over a landscape buffer**

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

STAFF: Staff agrees with the applicant's justification statement.

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

STAFF: Staff agrees with the applicant's justification statement.

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

STAFF: Staff agrees with the applicant's justification statement.

- (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: Staff agrees with the applicant's justification statement.

**STANDARD OF REVIEW AND STAFF ANALYSIS FOR VARIANCE #1:
Variance from Table 5.3.2 of the Land Development Code to exceed the 80-
foot maximum front and street side yard setback along Bush Farm Road,
Old Henry Road and Hamilton Springs Drive**

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

STAFF: Staff agrees with the applicant's justification statement.

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

STAFF: Staff agrees with the applicant's justification statement.

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

STAFF: Staff agrees with the applicant's justification statement.

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

STAFF: Staff agrees with the applicant's justification statement.

ADDITIONAL CONSIDERATIONS:

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

STAFF: Staff agrees with the applicant's justification statement.

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: Staff agrees with the applicant's justification statement.

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

STAFF: Staff agrees with the applicant's justification statement.

TECHNICAL REVIEW

- There are no outstanding technical comments.

STAFF CONCLUSIONS

The proposed development is located within the Neighborhood Form District. It is surrounded by residential to the east and north, office to the west and a retirement village to the south. The site is located at the intersection of an arterial level roadway (Old Henry Road) and collector level roadway (Bush Farm Road), with the proposed two tracts sharing an access point from Bush Farm Road. The scale of the proposed buildings provides a transition between the large office building to the west and the residential buildings to the east. The Old Henry Subarea Plan does not support the rezoning of land for commercial purposes east of Bush Farm Road.

The waiver to allow the landscape buffer to overlap easements by for more 50 percent seems to be justified since the planting materials will be met or exceeded.

The variances to allow the buildings to be set back further than the maximum front setback appear to be justified due to the multi-frontage nature of the tract and are in keeping with the character of other commercial development in the corridor.

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. This determination shall take the form of a **RECOMMENDATION** to **APPROVE** or **DENY** the zoning map amendment from R-4 to C-N and C-1.

The Planning Commission must also **APPROVE** or **DENY** the waiver, variance requests and the detailed district development plan.

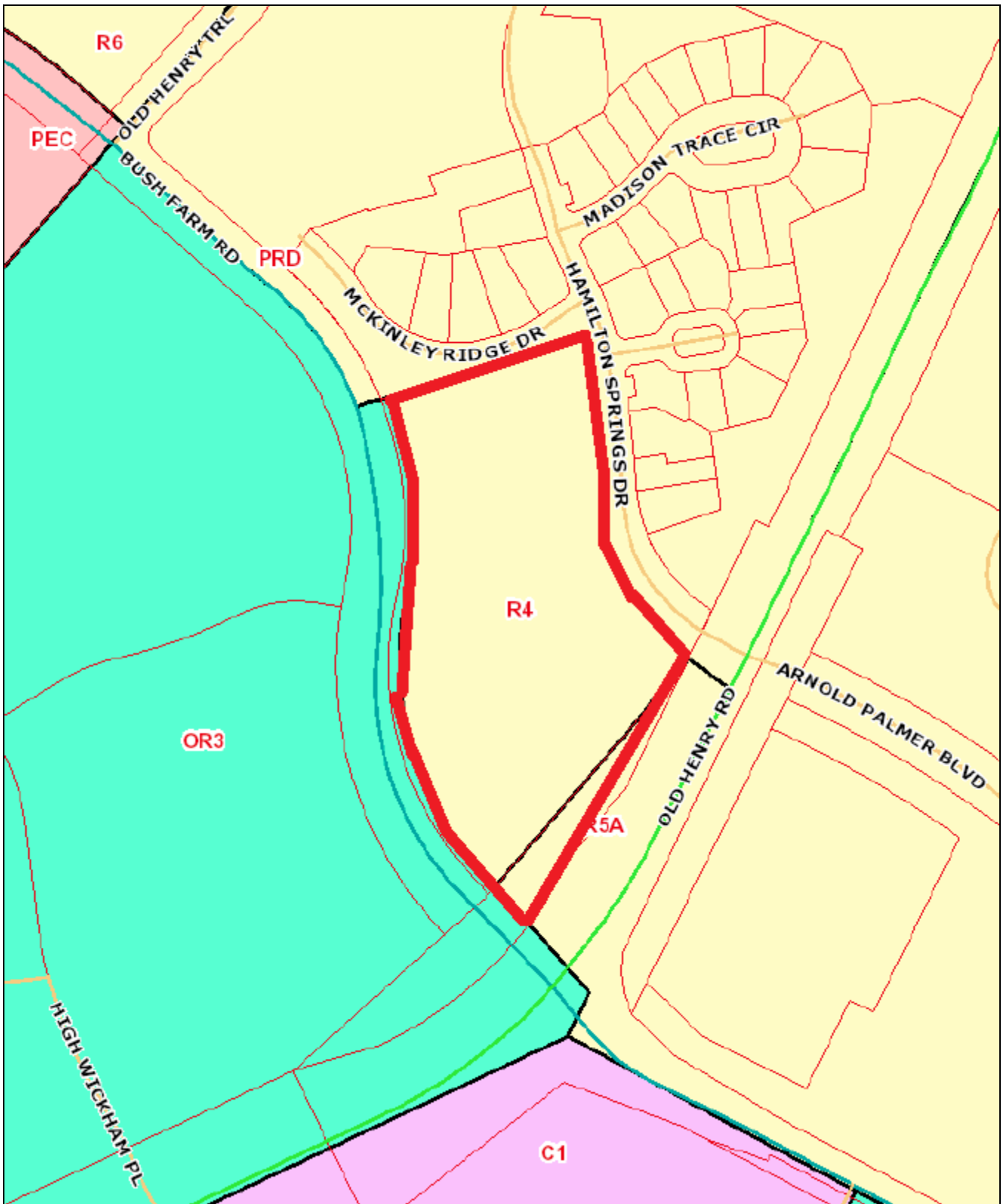
NOTIFICATION

Date	Purpose of Notice	Recipients
11/23/2016	Hearing before LD&T	1 st and 2 nd tier adjoining property owners Speakers at Planning Commission public hearing Subscribers of Council District 19 Notification of Development Proposals
1/5/2017	Hearing before PC	1 st and 2 nd tier adjoining property owners Speakers at Planning Commission public hearing Subscribers of Council District 19 Notification of Development Proposals
1/3/2017	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. Proposed Binding Elements

1. Zoning Map



2. Aerial Photograph



3. Cornerstone 2020 Staff Checklist

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

#	Cornerstone 2020 Plan Element	Plan Element or Portion of Plan Element	Staff Finding	Staff Comments
1	Community Form/Land Use Guideline 1: Community Form	B.3: The proposal is a neighborhood center with a mixture of uses such as offices, retail shops, restaurants and services at a scale that is appropriate for nearby neighborhoods.	✓	The proposal provides a good transition between the large office development located along the north side of Aiken Road to the residentially used developments.
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 proposal is located at the intersection of an arterial level roadway (Old Henry Road) and a collector level roadway (Bush Farm Road). The proposal includes buffering from the adjacent residential uses.
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 will not create a new center but will be located in an existing activity center. It is within the Neighborhood Form District and includes construction to provide a commercial use.
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 for commercial zoning which permits retail. The surrounding area appears to have sufficient population to support neighborhood level commercial activity and the proposed daycare/pre-school.
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 proposal is compact and will utilize existing and new infrastructure.
6	Community Form/Land Use Guideline 2: Centers	A.5: The proposed center includes a mix of compatible land uses that will reduce trips, support the use of alternative forms of transportation and encourage vitality and sense of place.	✓	The proposal would be in a neighborhood center adjacent to other non-residential uses and would be an extension of the adjacent uses.
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 proposes a mix of commercial and residential uses.
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.	NA	The proposal is not a large development within a center.
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.	NA	The proposal does not share property lines with any other non-residential uses.

#	Cornerstone 2020 Plan Element	Plan Element or Portion of Plan Element	Staff Finding	Staff Comments
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.	✓	Additional information needed.
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.	✓	The proposal includes sidewalk connections from the surrounding public roads to the site.
12	Community Form/Land Use Guideline 3: Compatibility	A.2: The proposed building materials increase the new development's compatibility.	✓	The proposed renderings feature materials which are in keeping with the character of the surrounding uses.
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.	✓	The proposal would be in a neighborhood center adjacent to non-residential uses to the west and residential uses to the east and north. The applicant proposes landscape buffering along the adjacent residential property lines.
14	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 proposed development.
15	Community Form/Land Use Guideline 3: Compatibility	A.6: The proposal mitigates any adverse impacts of its associated traffic on nearby existing communities.	✓	Transportation Review has approved the proposed development.
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.	✓	The applicant has stated that all lighting will comply with the Land Development Code.
17	Community Form/Land Use Guideline 3: Compatibility	A.11: If the proposal is a higher density or intensity use, it is located along a transit corridor AND in or near an activity center.	✓	The proposal would be in a neighborhood center adjacent to other non-residential uses but is not located along a transit corridor.
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 would be in a neighborhood center adjacent to other non-residential uses to the west and residential uses to the north and east. The applicant is providing landscape buffering along the adjacent residential property lines.
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 would be in a neighborhood center adjacent to other non-residential uses to the west and residential uses to the north and east. The applicant is providing landscape buffering along the adjacent residential property lines.

#	Cornerstone 2020 Plan Element	Plan Element or Portion of Plan Element	Staff Finding	Staff Comments
20	Community Form/Land Use Guideline 3: Compatibility	A.23: Setbacks, lot dimensions and building heights are compatible with those of nearby developments that meet form district standards.	✓	Setbacks, lot dimensions and building heights are compatible with those of nearby developments that meet form district standards.
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.	✓	The site has been designed to minimize the impact of vehicle use areas on the adjoining residential uses.
22	Community Form/Land Use Guideline 3: Compatibility	A.24: The proposal includes screening and buffering of parking and circulation areas adjacent to the street, and uses design features or landscaping to fill gaps created by surface parking lots. Parking areas and garage doors are oriented to the side or back of buildings rather than to the street.	✓	The applicant is providing landscape buffering along the adjacent residential property lines.
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	Parking garages are not proposed for this development.
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.	✓	Any proposed signage must comply with all sign regulations.
25	Community Form/Land Use Guideline 4: Open Space	A.2/3/7: The proposal provides open space that helps meet the needs of the community as a component of the development and provides for the continued maintenance of that open space.	NA	Open space is not required for this proposal.
26	Community Form/Land Use Guideline 4: Open Space	A.4: Open space design is consistent with the pattern of development in the Neighborhood Form District.	NA	Open space is not required for this proposal.
27	Community Form/Land Use Guideline 4: Open Space	A.5: The proposal integrates natural features into the pattern of development.	NA	There are no significant natural features on the site.
28	Community Form/Land Use Guideline 5: Natural Areas and Scenic and Historic Resources	A.1: The proposal respects the natural features of the site through sensitive site design, avoids substantial changes to the topography and minimizes property damage and environmental degradation resulting from disturbance of natural systems.	NA	There are no significant natural features on the site.
29	Community Form/Land Use Guideline 5: Natural Areas and Scenic and Historic Resources	A.2/4: The proposal includes the preservation, use or adaptive reuse of buildings, sites, districts and landscapes that are recognized as having historical or architectural value, and, if located within the impact area of these resources, is compatible in height, bulk, scale, architecture and placement.	NA	There are no existing buildings or features on the site.

#	Cornerstone 2020 Plan Element	Plan Element or Portion of Plan Element	Staff Finding	Staff Comments
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.	NA	There are no wet or highly permeable soils on the site.
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	The site is not located in a downtown area.
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 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 would be in a neighborhood center adjacent to other non-residential uses. Although the site abuts residential zoning, these sites will be buffered by the LBA, screening, and plantings provided. The proposal is located along a minor arterial level road.
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 an industrial use.
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 plan proposes infrastructure improvements along Bush Farm Road.
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 plan proposes infrastructure improvements along Bush Farm Road and a sidewalk connection to Old Henry Road.
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.	✓	Transportation Review has approved the plan.

#	Cornerstone 2020 Plan Element	Plan Element or Portion of Plan Element	Staff Finding	Staff Comments
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.	✓	The proposal will contribute its proportional share of the cost of necessary infrastructure improvements.
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.	✓	The development does not adjoin other non-residential or vacant tracts. The proposal does include a shared access point for the non-residential portion of the development.
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.	✓	The development does not adjoin other non-residential or vacant tracts. The proposal does include a shared access point for the non-residential portion of the development.
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.	✓	Access to the site is from a public road.
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.	✓	No new roadways are being created.
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 plan proposes infrastructure improvements along Bush Farm Road and a sidewalk connection to Old Henry Road.
45	Livability/Environment Guideline 10: Flooding and Stormwater	The proposal's drainage plans have been approved by MSD, and the proposal mitigates negative impacts to the floodplain and minimizes impervious area. Solid blue-line streams are protected through a vegetative buffer, and drainage designs are capable of accommodating upstream runoff assuming a fully-developed watershed. If streambank restoration or preservation is necessary, the proposal uses best management practices.	✓	MSD has approved the proposed plan.
46	Livability/Environment Guideline 12: Air Quality	The proposal has been reviewed by APCD and found to not have a negative impact on air quality.	✓	APCD has reviewed the plan.
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.	NA	There are no natural wildlife corridors in the vicinity.
48	Community Facilities Guideline 14:	A.2: The proposal is located in an area served by existing utilities or	✓	The proposal is located in an area served by existing utilities or planned for utilities.

#	Cornerstone 2020 Plan Element	Plan Element or Portion of Plan Element	Staff Finding	Staff Comments
	Infrastructure	planned for 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.	✓	The proposal has access to an adequate supply of potable water and water for fire-fighting purposes.
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.	✓	MSD has approved the proposed plan.

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. The development shall not exceed 20,600 square feet on Tract A and 11,000 square feet on Tract B.
3. No outdoor advertising signs, small freestanding signs, pennants, balloons, or banners shall be permitted on the site.
4. Construction fencing shall be erected when off-site trees or tree canopy exists within 3' of a common property line. Fencing shall be in place prior to any grading or construction to protect the existing root systems from compaction. The fencing shall enclose the entire area beneath the tree canopy and shall remain in place until all construction is completed. No parking, material storage or construction activities are permitted within the protected area.
5. Before any permit (including but not limited to building, parking lot, change of use, site disturbance, alteration permit or demolition permit) is requested:
 - a. The development plan must receive full construction approval from Develop Louisville, Louisville Metro Public Works and the Metropolitan Sewer District.
 - b. The property owner/developer must obtain approval of a detailed plan for screening (buffering/landscaping) as described in Chapter 10 prior to requesting a building permit. Such plan shall be implemented prior to occupancy of the site and shall be maintained thereafter.
 - c. A minor plat shall be recorded. A copy of the recorded instrument shall be submitted to the Division of Planning and Design Services; transmittal of the approved plans to the office responsible for permit issuance will occur only after receipt of said instrument.
6. 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.
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. The site shall be developed in strict compliance with the approved development plan (including all notes thereon). No further development shall occur on the site without prior review and approval by a committee of the Planning Commission.