

**Zone Change Request Pre-Application
Staff Report**
November 11, 2016



Case No.	16ZONE1071
Project Name	Hwang's Martial Arts
Location	9017 Taylorsville Road
Owner(s)	Dr. Mohammad A. Mian, Asia Mian
Applicant	Hwang's Martial Arts, Inc.
Representative	Bardenwerper Talbott & Roberts PLLC
Project Area/Size	1.11 acres / 48,471 sf
Jurisdiction	Forest Hills
Council District	18 – Marilyn Parker
Case Manager	Beth Jones, AICP, Planner II

REQUEST

- Change in zoning from OR-3 Office/Residential to C-1 Commercial
- Revised Detailed District Development Plan

CASE SUMMARY / BACKGROUND / SITE CONTEXT

The applicant is requesting a zone change to C-2 and approval of a Detailed District Development Plan. The site is currently in a Suburban Marketplace Corridor, zoned OR-3 Office/Residential and located on Taylorsville Road, a major arterial. The site is currently developed with a single-family home now being used as a rental residence and medical office. The proposal continues the medical office use on the ground floor and adds a martial arts studio on a second floor.

The proposed development increases building floor area from 2,360 sf to 14,996 sf. It increases the parking from 12 spaces to 45, including a bus space, a motorcycle space, three compact vehicle spaces and two ADA spaces; four bike spaces are also included.

LAND USE / ZONING DISTRICT / FORM DISTRICT

	Land Use	Zoning	Form District
Subject Property			
Existing	Mixed-Use Residential/Office	OR-3	Suburban Marketplace Corridor
Proposed	Martial Arts Studio Professional Office	C-1	
Surrounding Properties			
North	Retail	C-2	Suburban Marketplace Corridor
South	Single-Family Residential	R-4	Neighborhood
East	Single-Family Residential	R-4	Neighborhood
West	Restaurant	C-2	Suburban Marketplace Corridor

PREVIOUS CASES ON SITE

Plan Certain 9-66-88: Detailed District Development Plan approved by Planning Commission on 2/10/92. Binding elements attached. Considered simultaneously with PW-1-92 to amend parking requirements from 15 to 12 spaces.

In part, binding elements attached to the development plan:

- limit the total gross floor area to 3,000 sf
- prohibit access to the parcel from Axminster Drive
- restrict the use to a psychiatrist office without Planning Commission approval
- require a detailed screening/buffering/landscaping plan, to be maintained in perpetuity
- restrict signage to one freestanding sign not to exceed 5 sf in area and 3 feet in height.

INTERESTED PARTY COMMENTS

None received by Case Manager.

APPLICABLE PLANS AND POLICIES

Cornerstone 2020
Metro Louisville Land Development Code

TECHNICAL REVIEW

See agency comments for development plan review.

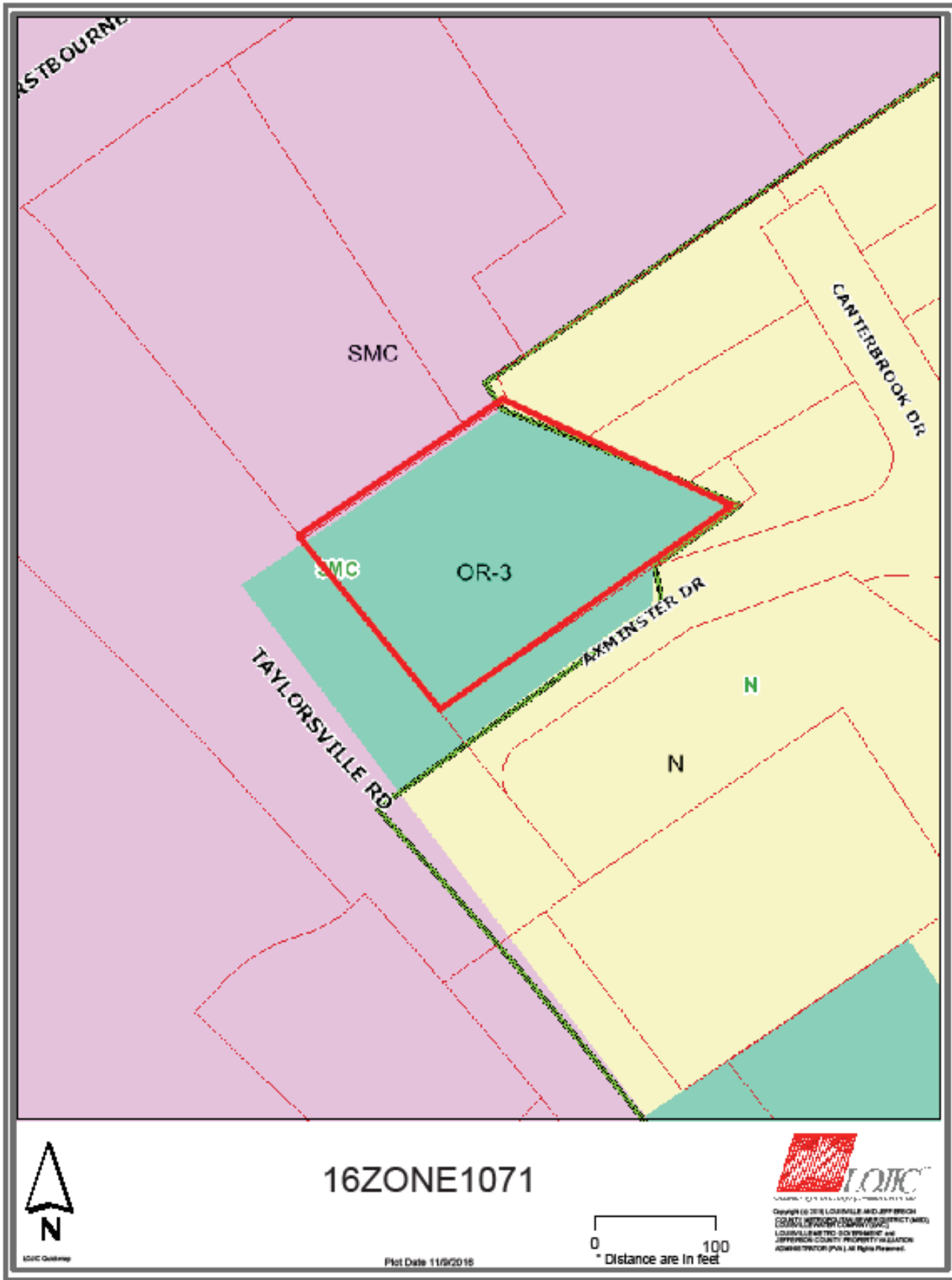
NOTIFICATION

Date	Purpose of Notice	Recipients
10/10/16	Neighborhood Meeting	1st and 2nd tier adjoining property owners Registered Neighborhood Groups, Council District 18
	Hearing before LD&T	1st and 2nd tier adjoining property owners Registered Neighborhood Groups, Council District 18
	Hearing before PC	1st and 2nd tier adjoining property owners Speakers at LD&T hearing Registered Neighborhood Groups, Council District 18
	Hearing before Metro Council	1st and 2nd tier adjoining property owners Speakers at Planning Commission hearing Registered Neighborhood Groups, Council District 18

ATTACHMENTS

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

1. Zoning Map



3. Cornerstone 2020 Staff Checklist

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

Suburban Marketplace Corridor: Non-Residential

#	Plan Element	Staff Finding	Staff Comments
Community Form/Land Use Guideline 1: Community Form			
1	B.8: Integrates into the existing pattern of development, which includes a mixture of medium- to high-density uses.	✓	Adjoining properties to the north and west are C-2.
2	B.8: Provides accommodations for transit users, pedestrians and bicyclists and provides connectivity to adjacent developments.	-	No sidewalk exists along either road frontage or connecting to adjacent retail development. C-2 development adjoining and across Taylorsville Road does have sidewalk. No sidewalks in residential development on Axminster. Proposed development includes bike parking facilities. No information yet received on nearest transit stop.
3	B.8: Includes a compact group of buildings using the same curb cut, parking and signs, and that have a common buffering or streetscape plan with respect to any abutting lower density or intensity uses.	+/-	Proposal includes single building with no access changes. Existing vegetation along Axminster road frontage and at rear property line shared with residential uses should be retained to protect residential character.
4	B.8: Medium to high density designed to be compatible with both non-residential development in the corridor and adjacent low density residential development in other form districts.	+/-	Proposal is six times the existing building square footage and three times the existing footprint, significantly in excess of existing binding element. Proposed height increase is not clear. Proposal increases parking from 12 spaces to 49.
5	B.8: Located within the boundaries of the existing form district. If expanding an existing corridor, the justification addresses the use or reuse of land within the existing corridor, the potential for disruption of established residential neighborhoods, and compliance with LDC site and community design standards.	✓	Proposal does not expand the existing form district.
Community Form/Land Use Guideline 2: Centers			
6	A.1/7: If creating a new center, is located in the Suburban Marketplace Corridor Form District and includes new construction or the reuse of existing buildings to provide commercial, office and/or residential use.	NA	No new center is being created.
7	A.3: Retail commercial development is located in an area that has a sufficient population to support it.	NA	Proposal does not include retail uses, although requested zoning would permit them in the future.
8	A.4: Is compact and results in an efficient land use pattern and cost-effective infrastructure investment.	NA	Proposal is a single structure and would require no infrastructure improvements.

#	Plan Element	Staff Finding	Staff Comments
9	A.5: 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.	✓	C-1 zoning is compatible with the existing C-2 zoning of development to the west and north.
10	A.6: Incorporates residential and office uses above retail and/or includes other mixed-use, multi-story retail buildings.	NA	Proposal contains no mixed-use elements.
11	A.12: If 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	Site not located in a center.
12	A.13/15: 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.	✓	Would retain existing shared access with adjoining commercial use.
13	A.14: Designed to share utility hookups and service entrances with adjacent developments, and utility lines are placed underground in common easements.	✓	Proposal meets these requirements.
14	A.16: Designed to support easy access by bicycle, car and transit and by pedestrians and persons with disabilities.	-	Proposal includes bike parking but does not include sidewalk, interior to site or connected to adjacent existing.

Community Form/Land Use Guideline 3: Compatibility

15	A.2: Building materials increase the new development's compatibility.	+/-	More information needed.
16	A.4/5/6/7: Does not constitute a non-residential expansion into an existing residential area, or appropriately mitigates impacts on existing residences (including traffic, parking, signs, lighting, noise, odor and stormwater).	+/-	Current use is mixed-use office/residential. Proposed zoning would be increase in intensity to commercial. Measures could be taken to mitigate impact on adjacent R-4 residential.
17	A.5: Mitigates any potential odor or emissions associated with the development.	✓	No additional odor or emissions are expected.
18	A.6: Mitigates any adverse impacts of its associated traffic on nearby existing communities.	+/-	See DPW and KYTC comments.
19	A.8: Mitigates adverse impacts of its lighting on nearby properties, and on the night sky.	+/-	More information need.
20	A.11: If a higher density or intensity use, is located along a transit corridor AND in or near an activity center.	+/-	Proposal is located adjacent to an existing activity center. No information yet received on nearest transit stop.
21	A.21: Provides appropriate transitions between uses 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.	+/-	Retention of existing tree canopy and site design could mitigate negative effects on adjoining residential property.
22	A.22: 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.	+/-	Retention of existing tree canopy and site design could mitigate negative effects on adjoining residential property.

#	Plan Element	Staff Finding	Staff Comments
23	A.23: Setbacks, lot dimensions and building heights are compatible with those of nearby developments that meet form district standards.	+/-	More information needed.
24	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.	✓	Majority of parking is located along shared property line with residential uses.
25	A.24: 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.	✓	Retention of existing tree canopy and site design could mitigate negative effects on adjoining residential property. Majority of parking is located along shared property line with residential uses.
26	A.25: Parking garages are integrated into their surroundings and provide an active, inviting street-level appearance.	NA	No parking garages are proposed.
27	A.28: Signs are compatible with the form district pattern and contribute to the visual quality of their surroundings.	+/-	One freestanding sign with size limitations is permitted by existing binding elements. Proposed sign is located on furthest away from residential development. More information needed on any further proposed signage.

Community Form/Land Use Guideline 4: Open Space

28	A.2/3/7: 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	Proposal does not include open space.
29	A.4: Open space design is consistent with the pattern of development in the Neighborhood Form District.	NA	Proposal does not include open space.
30	A.5: Integrates natural features into the pattern of development.	✓	Some of existing tree canopy is proposed to remain.

Community Form/Land Use Guideline 5: Natural Areas and Scenic and Historic Resources

31	A.1: 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.	✓	Proposal will not result in significant topographical changes.
32	A.2/4: Preserves, use/adaptive reuse of buildings, sites, districts and landscapes with historic or architectural value and, if located within the impact area of these resources, is compatible in height, bulk, scale, architecture and placement.	NA	These conditions do not apply.
33	A.6: Encourages development to avoid wet or highly permeable soils, severe, steep or unstable slopes with the potential for severe erosion.	NA	These conditions do not apply.

Marketplace Guideline 6: Economic Growth and Sustainability

34	A.3: Encourages redevelopment, reinvestment and rehabilitation in the downtown where it is consistent with the form district pattern.	NA	Site is not located downtown.
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#	Plan Element	Staff Finding	Staff Comments
35	A.4: Encourages industries to locate in industrial subdivisions or adjacent to existing industry to take advantage of special infrastructure needs.	NA	Proposal does not include and would not permit industrial uses.
36	A.6: Locates retail commercial development in activity centers. Locates 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.	✓	Retail uses would be possible in the future under this zoning. Taylorsville Road is a major arterial.
37	A.8: Industrial development with more than 100 employees is located on or near an arterial street, preferably in close proximity to an expressway interchange. Industrial development with less than 100 employees located on or near an arterial street.	NA	Proposal does not include and would not permit industrial uses.

Mobility/Transportation Guideline 7: Circulation

38	A.1/2: Contributes a 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.	-	See DPW and KYTC comments.
39	A.3/4: Promotes mass transit, bicycle and pedestrian use and provides amenities to support these modes of transportation.	+/-	Sidewalks needed.
40	A.6: 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.	✓	Proposal involves a single parcel and no changes to access or new roadways.
41	A.9: Includes the dedication of rights-of-way for street, transit corridors, bikeway and walkway facilities within or abutting the development.	-	Sidewalks needed.
42	A.10: Includes adequate parking spaces to support the use.	-	Review parking calculations.
43	A.13/16: Provides for joint and cross access through the development and to connect to adjacent development sites.	-	Sidewalks needed.

Mobility/Transportation Guideline 8: Transportation Facility Design

44	A.8: Provides adequate stub streets for future roadway connections that support and contribute to appropriate development of adjacent land.	NA	Does not apply to this development proposal.
45	A.9: Avoids access to development through areas of significantly lower intensity or density if such access would create a significant nuisance.	✓	Site has shared access via Taylorsville Road.
46	A.11: Provides for an appropriate functional hierarchy of streets and appropriate linkages between activity areas in and adjacent to the development site.	NA	Does not apply to this development proposal.

Mobility/Transportation Guideline 9: Bicycle, Pedestrian and Transit

#	Plan Element	Staff Finding	Staff Comments
47	A.1/2: 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.	-	Bike and pedestrian facilities are needed.

Livability/Environment Guideline 10: Flooding and Stormwater

48	Drainage plans have been approved by MSD and mitigate negative impacts to the floodplain and minimizes impervious area. Solid blue-line streams are protected through a vegetative buffer and drainage designs accommodate upstream runoff assuming a fully-developed watershed. Uses best management practices for streambank restoration or preservation if necessary.	+/-	See MSD comments.
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Livability/Environment Guideline 12: Air Quality

49	Reviewed by APCD and found not to have a negative impact on air quality.	+/-	See APCD comments.
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Livability/Environment Guideline 13: Landscape Character

50	A.3: Includes additions and connections to a system of natural corridors to provide habitat areas and allow for migration.	+/-	Does not appear to apply to this site.
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Community Facilities Guideline 14: Infrastructure

51	A.2: Located in an area served by existing utilities or planned for utilities.	✓	No new utility infrastructure will be required.
52	A.3: Has access to an adequate supply of potable water and water for fire-fighting purposes.	✓	Jeffersontown Fire and Louisville Water have approved the proposal.
53	A.4: Has adequate means of sewage treatment and disposal to protect public health and to protect water quality in lakes and streams.	+/-	See MSD comments.