

**Planning Commission
Staff Report**
May 23, 2019



Case No:	18ZONE1087
Project Name:	1330 & 1332 Tile Factory Lane
Location:	1330 & 1332 Tile Factory Lane
Owner(s):	Roark Realty LLC
Applicant:	Roark Realty LLC
Representative(s):	Frost Brown Todd, LLC
Jurisdiction:	Louisville Metro
Council District:	21 – Nicole George
Case Manager:	Joel P. Dock, AICP, Planner II

REQUEST(S)

- **Change-in-Zoning** from C-1 to M-2
- **Waiver** of Land Development Code, section 10.2.4 to omit the required buffer and plantings along east and south property lines
- **Revised Detailed District Development Plan**

CASE SUMMARY

A change in zoning is requested to resolve the property's current non-compliance with the zoning district regulations. Heavy truck parking and storage is occurring within the C-1 zoning district. An M-2 zoning district is required to allow the continued use of this property for heavy-truck parking/storage. Landscape plantings and buffer are proposed to be omitted. Screening will be provided by an 8' privacy-style fence.

Associated Cases:

9-78-78: CIZ from C-1 to M-2 (approved 11/2/78).

Binding Element Final Order upheld by the Planning Commission on May 10, 2018 for violations of binding elements 1, 2, & 3.

STAFF FINDING

The proposal conforms to the land use and development policies of Plan 2040. It is located within a workplace form district that concentrates industrial and employment centers in order to reduce negative impacts of industrial uses elsewhere in the community.

STANDARD OF REVIEW FOR ZONING DISTRICT CHANGES

Criteria for granting the proposed form district change/rezoning: KRS Chapter 100.213

1. The proposed form district/rezoning change complies with the applicable guidelines and policies Cornerstone 2020; OR
2. The existing form district/zoning classification is inappropriate and the proposed classification is appropriate; OR

3. There have been major changes of an economic, physical, or social nature within the area involved which were not anticipated in Cornerstone 2020 which have substantially altered the basic character of the area.

STAFF ANALYSIS FOR CHANGE IN ZONING

At the time of formal application, Plan 2040 will be applicable. The following is staff's analysis based on the checklist available at the time of pre-application:

The site is located in the Suburban Workplace Form District

Suburban Workplace is a form characterized by predominately industrial and office uses where the buildings are set back from the street in a landscaped setting. Suburban workplaces often contain a single large-scale use or a cluster of uses within a master planned development. New larger proposed industrial uses are encouraged to apply for a planned development district.

In order to provide adequate transportation access in suburban workplaces connected roads, public transportation and pedestrian facilities should be encouraged. Walkways to workplace-serving uses are encouraged for workplace employees. Development within suburban workplace form districts may need significant buffering from abutting uses.

The proposed district is located adjacent to existing high intensity uses and major transportation infrastructure that provides interstate connectivity. It is also within a workplace district that covers roughly 2,000 acres of land between Poplar Level and Newburg Roads. The proposed district does not immediately abut residential uses and its location at the subject site enables an operator to use existing space within a workplace district in-lieu-of relocating to an area which might result in a disproportionate impact on disadvantaged populations.

The proposal is located within a district that is intended to concentrate industrial and employment centers in order to reduce the negative impacts of industrial uses elsewhere in the community. The workplace form concentrates potentially noxious uses to limit impacts on human health, quality of life and the environment, as well as adverse impacts of noise from proposed development on existing communities.

The proposal utilizes exiting industrial land and promotes the utilization of existing infrastructure. There do not appear to be any natural or cultural features on the subject property. The subject property does not appear to contain wet or highly permeable soils, severe, steep or unstable slopes and it is not located within the 100-yr floodplain and does not appear to contain features vulnerable to natural disasters.

STANDARD OF REVIEW AND STAFF ANALYSIS FOR WAIVER

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

STAFF: The waiver will not adversely affect adjacent property owners as no significant changes are being proposed to the subject site in areas of the greatest impact to residential owners that increase the need for buffering. Existing vegetation to the rear of the exiting M-2 site are to be retained and the conditions of the surface in the proposed area of zoning change are unchanged. A 6-8' tall privacy fence is proposed.

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

STAFF: The waiver will not violate specific guidelines of Cornerstone 2020 as Guideline 3, Policy 21 calls for 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. Guideline 3, Policy 22 calls for mitigation of 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 will not violate these guidelines as the proposed relief is the result of right-zoning the parcel for the proposed use and minimal changes are being made that might negatively impact adjacent owners. A 6-8' tall privacy fence is proposed.

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

STAFF: The extent of the waiver of the regulation is the minimum necessary to afford relief to the applicant as the conditions of the surface in the proposed area of zoning change are relatively unchanged.

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

STAFF: The strict application of the provisions of the regulation would deprive the applicant of the reasonable use of the land as no significant changes are being made to the existing conditions or use of the subject property.

STANDARD OF REVIEW AND STAFF ANALYSIS FOR DETAILED DISTRICT DEVELOPMENT PLAN

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

STAFF: The subject property does not appear to contain any significant natural resources.

- 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 both within the development and the community have been provided as the proposal does necessitate significant improvements to public infrastructure and Poplar Level Road provides for multi-modal public transportation.

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

STAFF: The proposal does not require open or public space for the community.

- 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 is consistent with conditions found throughout the workplace form district that encompasses the subject property.

- f. Conformance of the development plan with the Comprehensive Plan and Land Development Code. Revised plan certain development plans shall be evaluated for conformance with the non-residential and mixed-use intent of the form districts and comprehensive plan.

STAFF: The proposed plan conforms to the Comprehensive Plan and Land Development Code. The proposal utilizes exiting industrial land and promotes the utilization of existing infrastructure. There do not appear to be any natural or cultural features on the subject property. The subject property does not appear to contain wet or highly permeable soils, severe, steep or unstable slopes and it is not located within the 100-yr floodplain and does not appear to contain features vulnerable to natural disasters. The proposal is located within a district that is intended to concentrate industrial and employment centers in order to reduce the negative impacts of industrial uses elsewhere in the community. The workplace form concentrates potentially noxious uses to limit impacts on human health, quality of life and the environment, as well as adverse impacts of noise from proposed development on existing communities.

REQUIRED ACTIONS

- **RECOMMEND** to the Louisville Metro Council that the change in zoning from C-1, Commercial to M-2, Industrial on property described in the attached legal description be **APPROVED** or **DENIED**
- **APPROVE** or **DENY** the **Waiver** of Land Development Code, section 10.2.4 to omit the required buffer and plantings along east and south property lines
- **APPROVE** or **DENY** the **Revised Detailed District Development Plan** subject to the abandonment of existing binding elements and adoption of proposed binding elements

NOTIFICATION

Date	Purpose of Notice	Recipients
3/27/19	Hearing before LD&T	1 st and 2 nd tier adjoining property owners Registered Neighborhood Groups in Council District 21
4/24/19	Hearing before Planning Commission	1 st and 2 nd tier adjoining property owners Registered Neighborhood Groups in Council District 21
5/1/19	Hearing before PC	Sign Posting on property
5/3/19	Hearing before PC	Legal Advertisement in the Courier-Journal

ATTACHMENTS

1. Zoning Map
2. Aerial Photograph
3. Plan 2040 Staff Analysis
4. Existing Binding Elements (9-78-78) as modified at LD&T 4/14/1983
5. Proposed Binding Elements for 9-78-78 (revised) and 18ZONE1087

1. Zoning Map



2. Aerial Photograph



3. Plan 2040 Staff Analysis

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

Suburban Workplace: Non-Residential

#	Plan 2040 Plan Element	Land Use & Development Policy	Staff Finding	Staff Analysis
1	Community Form: Goal 1	6. Discourage non-residential expansion into existing residential areas unless applicant can demonstrate that any adverse impact on residential uses will be mitigated. Evaluation of impacts may include, but not be limited to, displacement of residents, loss of affordable housing units, traffic, parking, signs, lighting, noise, odor, and stormwater. Appropriate transitions from non-residential to residential uses should depend on the pattern of development of the Form District and may include natural vegetative buffers, landscaping or the use of higher density residential between lower density residential and/or non-residential.	✓	The proposal does not result in an expansion into a residential area as it is located with the workplace form.
2	Community Form: Goal 1	7. Locate higher density and intensity uses near major transportation facilities and transit corridors, employment centers, in or near activity centers and other areas where demand and adequate infrastructure exists or is planned.	✓	The proposed district is located adjacent to existing high intensity uses and major transportation infrastructure. It is also with a workplace district that covers roughly 2,000 acres of land between Poplar Level and Newburg Roads.
3	Community Form: Goal 1	8. Encourage industries to locate in workplace Form Districts or in areas readily served by infrastructure and transportation facilities, including transit, rather than isolated industrial sites.	✓	The proposal is located within with a workplace district that covers roughly 2,000 acres of land between Poplar Level and Newburg Roads.
4	Community Form: Goal 1	15. When reviewing proposals for siting hazardous uses and uses with air, noise and light emissions, ensure disadvantaged populations are not disproportionately impacted.	✓	The proposed district does not immediately abut residential uses and its location at the subject site enables an operator to use existing space within a workplace district in-lieu-of relocating to an area which might result in a disproportionate impact on disadvantaged populations.

#	Plan 2040 Plan Element	Land Use & Development Policy	Staff Finding	Staff Analysis
5	CommunityForm: Goal 1	16. Consider impacts on human health, quality of life and the environment including prevailing meteorological conditions and the potential to transport noxious odors, particulates and emissions when reviewing new developments and redevelopments. Special attention should be paid to air and water quality when residences, schools, parks or vulnerable populations will be impacted. Mitigate impacts to areas that are disproportionately affected.	✓	The proposal is located in area that concentrates potentially noxious uses to limit impacts on human health, quality of life and the environment.
6	CommunityForm: Goal 1	17. Mitigate adverse impacts of traffic from proposed development on nearby existing communities.	✓	Adequate transportation networks are in place to provide for the appropriate movement of traffic.
7	CommunityForm: Goal 1	18. Mitigate adverse impacts of noise from proposed development on existing communities.	✓	The proposal is located in area that concentrates potentially noxious uses to limit adverse impacts of noise from proposed development on existing communities.
8	CommunityForm: Goal 1	21. Require that industries which handle hazardous or flammable materials or are potentially offensive such as junkyards, landfills and quarries are sited to protect public health, safety and welfare and are located away from residential areas and population centers.	✓	The storage, transport, and production of hazardous uses are not permitted with the proposed district.
9	CommunityForm: Goal 2	1. Locate activity centers in appropriate areas in all Form Districts. Design and density should be compatible with desired form, adjacent uses, and existing and planned infrastructure.	✓	The proposal is compatible with uses located within the form district of its location.
10	CommunityForm: Goal 2	5. Locate retail commercial development in activity centers where it can be demonstrated that sufficient population exists or is anticipated to support it.	NA	Industrial use
11	CommunityForm: Goal 2	6. Encourage a more compact development pattern in activity centers that result in efficient land use and cost-effective infrastructure investment.	✓	The proposed district puts to use, and zones appropriately, land within a workplace district resulting result in efficient land use and cost-effective infrastructure investment.
12	CommunityForm: Goal 2	7. Encourage activity centers to include a mixture of compatible land uses in order to reduce traffic congestion by requiring fewer trips, support and enhance alternative modes of travel, and encourage vitality and a sense of place.	✓	The proposal is located within a district that is intended to concentrate industrial and employment centers in order to reduce the negative impacts of industrial uses elsewhere in the community.

#	Plan 2040 Plan Element	Land Use & Development Policy	Staff Finding	Staff Analysis
13	Land Use & Development Goal 2: Community Form	8. Encourage residential land uses in designated centers. Encourage residential and office uses above retail and other mixed-use multi-story retail buildings.	NA	Industrial use
14	Community Form: Goal 2	9. Encourage new developments and rehabilitation of buildings that provide commercial, office and/or residential uses.	✓	The proposal utilizes exiting industrial land.
15	Community Form: Goal 2	10. Encourage outlot development in underutilized parking lots of existing development to promote utilization of existing infrastructure provided specific criteria for elements such as location, scale, signs, parking, lighting, and landscaping are met. Outlot development shall encourage street-level retail with residential units above.	✓	The proposal promotes the utilization of existing infrastructure.
16	Community Form: Goal 3	9. Encourage development that respects the natural features of the site through sensitive site design, avoids substantial changes to the topography, and minimizes property damage and environmental degradation resulting from disturbance of natural systems.	✓	There do not appear to be any natural features on the subject property.
17	Community Form: Goal 3	10. Encourage development to avoid wet or highly permeable soils, severe, steep or unstable slopes where the potential for severe erosion problems exists in order to prevent property damage and public costs associated with soil slippage and foundation failure and to minimize environmental degradation.	✓	The subject property does not appear to contain wet or highly permeable soils, severe, steep or unstable slopes.

#	Plan 2040 Plan Element	Land Use & Development Policy	Staff Finding	Staff Analysis
18	Community Form: Goal 3	11. Encourage land uses within the Ohio River Corridor that are appropriate for and related to river corridor activities and that are consistent with the goals and objectives of the Ohio River Corridor Master Plan. Reserve appropriate riverfront sites such as the Upper River Road industrial area for river-related development. Allow development of commercial leisure businesses related to the river, such as boating services and restaurants in appropriate locations. Encourage new development in the Ohio River corridor and along key greenway and street connections to provide for public access in new riverfront development and to maintain views of the river from public rights-of-way.	NA	Not near Ohio River
19	Community Form: Goal 3	12. When reviewing proposed developments consider changes to flood-prone areas and other features vulnerable to natural disasters such as sinkholes and landslides. Ensure appropriate measures to protect health, safety and welfare of future users of the development.	✓	The subject property is not located within the 100-yr floodplain and does not appear to contain features vulnerable to natural disasters.
20	Community Form: Goal 4	1. Preserve buildings, sites, districts and landscapes that are recognized as having historic or architectural value and ensure that new land uses are compatible in height, massing, scale, architecture style and placement when located within the impact area of such resources.	✓	No structures are present on site which requires preservation, reuse, or rehabilitation.
21	Community Form: Goal 4	2. Encourage preservation of distinctive cultural features including landscapes, natural elements and built features.	✓	No cultural features are present on site.
22	Mobility: Goal 1	4. Encourage higher densities and intensities within or near existing marketplace corridors, existing and future activity centers, and employment centers to support transit-oriented development and an efficient public transportation system.	✓	The proposed higher intensity is located within the appropriate form district to serve the use.

#	Plan 2040 Plan Element	Land Use & Development Policy	Staff Finding	Staff Analysis
23	Mobility: Goal 3	2. To improve mobility, and reduce vehicle miles traveled and congestion, encourage a mixture of compatible land uses that are easily accessible by bicycle, car, transit, pedestrians and people with disabilities. Housing should be encouraged near employment centers.	✓	The proposal does not significantly impact mobility within the area as it is an existing industrial area and consumer interaction is limited.
24	Mobility: Goal 3	3. Evaluate developments for their ability to promote public transit and pedestrian use. Encourage higher density mixed-use developments that reduce the need for multiple automobile trips as a means of achieving air quality standards and providing transportation and housing choices.	✓	Poplar Level Road provides for public transit and pedestrian uses.
25	Mobility: Goal 3	4. Encourage development of walkable centers to connect different modes of travel. Siting of these multi-modal centers shall consider the effects of the following: 4.1. nodal connections identified by Move Louisville; 4.2. impact on freight routes; 4.3. time of operation of facilities; 4.4. safety; 4.5. appropriate linkages between neighborhoods and employment; and 4.6. the potential for reducing travel times and vehicle miles traveled.	✓	The existing workplace form provides limited means of walkability within its current extend, except that Poplar Level Road provides for multi-modal transport.
26	Mobility: Goal 3	5. Evaluate developments for their impact on the transportation network (including the street, pedestrian, transit, freight movement and bike facilities and services) and air quality.	✓	The proposal does not significantly impact the transportation network in the area as the form is intended to serve industrial uses similar to the proposal.
27	Mobility: Goal 3	6. Ensure that those who propose new developments bear or share in rough proportionality the costs of transportation facilities and services made necessary by development.	✓	Significant improvements to the public transportation network are not required.

#	Plan 2040 Plan Element	Land Use & Development Policy	Staff Finding	Staff Analysis
28	Mobility: Goal 3	9. When existing transportation facilities and services are inadequate and public funds are not available to rectify the situation, the developer may be asked to make improvements, roughly proportional to the projected impact of the proposed development, to eliminate present inadequacies if such improvements would be the only means by which the development would be considered appropriate at the proposed location.	✓	Significant improvements to the public transportation network are not required.
29	Mobility: Goal 3	10. Ensure that necessary improvements occur in accordance with long-range transportation plans and level of mobility criteria for all modes of travel.	✓	Significant improvements to the public transportation network are not required.
30	Community Facilities: Goal 2	1. Locate development in areas served by existing utilities or capable of being served by public or private utility extensions.	✓	The site is served by existing utilities or capable of being served by public or private utility extensions
31	Community Facilities: Goal 2	2. Ensure that all development has an adequate supply of potable water and water for fire-fighting purposes. Locate only very low-density land uses on sites that use on-lot sewage disposal systems or on a private supply of potable water.	✓	The site has an adequate supply of potable water and water for fire-fighting purposes
32	Community Facilities: Goal 2	3. Ensure that all development has adequate means of sewage treatment and disposal to protect public health and to protect water quality in lakes and streams as determined by the Metropolitan Sewer District (MSD).	✓	The site will meet necessary requirements for sewage treatment and disposal to protect public health and to protect water quality
33	Economic Development: Goal 1	1. Limit land uses in workplace Form Districts to compatible uses that meet the needs of the industrial subdivision or workplace district and their employees.	✓	The proposed district is appropriately located within a workplace form district and is compatible with nearby uses.
34	Economic Development: Goal 1	2. Encourage industries, to the extent possible, to locate in industrial subdivisions or adjacent to an existing industry to take advantage of special infrastructure needs.	✓	The proposed district is appropriately located within a workplace form district to take advantage of special infrastructure needs.

#	Plan 2040 Plan Element	Land Use & Development Policy	Staff Finding	Staff Analysis
35	Economic Development: Goal 1	3. Locate commercial uses generating high volumes of traffic on a major arterial street, at the intersection of two minor arterials, or at a location with adequate access to a major arterial and at locations where nuisances and activities of the proposed use will not adversely affect adjacent areas.	✓	The proposal is located within close proximity to a major arterial roadway with access to the interstate.
36	Economic Development: Goal 1	4. Utilize industrial sites near the airport and the Ohio River to support the growth and development of uses whose infrastructure and production needs require such a location or for land uses that support airport-oriented or river-oriented industrial uses.	NA	Not near the Ohio.
37	Economic Development: Goal 1	5. Require industrial developments to locate with the appropriate transportation connectivity, near an arterial street or within existing industrial subdivisions.	✓	The proposal is located with appropriate transportation connectivity within close proximity to a major arterial roadway with access to the interstate.
38	Livability: Goal 1	17. Determine site susceptibility to erosion; identify the presence of on-site carbonate conditions and features that are vulnerable to site disturbance; identify the extent of existing groundwater use and the impacts of the project on groundwater resources, flow patterns, and existing and proposed surface drainage. Then mitigate potential hazards to such systems resulting from the project.	✓	The site does not appear to be susceptibility to erosion or karst disturbance.
39	Livability: Goal 1	21. Mitigate negative development impacts to the integrity of the regulatory floodplain by encouraging development patterns that minimize disturbance and consider the increased risk of more frequent flooding events.	✓	The subject site is not located within the 100-yr floodplain and does not appear to contain other conditions that impact increase disturbance.

#	Plan 2040 Plan Element	Land Use & Development Policy	Staff Finding	Staff Analysis
40	Livability: Goal 1	24. Ensure, to the extent feasible, that critical facilities and those that store or use hazardous wastes are located outside the regulatory floodplain. Where essential community facilities must be located within a floodplain (e.g., pumping stations), ensure that these facilities are designed, located and operated in a manner that minimizes loss of services during flood events as well as limits, to the extent possible, floodplain disturbance.	✓	The storage, transport, and production of hazardous uses are not permitted with the proposed district.

4. Existing Binding Elements (9-78-78) as modified at LD&T 4/14/1983

- ~~1. Screening or buffering to protect adjacent residences will be provided in the form of trees and other plantings in the north, west and south yards. Dense screening will be provided between the building and the edge of the parking lot along the north and south property lines. Plantings along the southeasterly property line shall be a minimum of 6 feet at the time of planting. A detailed planting plan will be submitted for approval by the Planning Commission staff prior to construction.~~
- ~~2. Drainage improvements required by the Water Management Section of the Jefferson County Works Department will be provided by the developer.~~
- ~~3. Outside storage of materials and finished products is permitted but shall not exceed a height of 8 feet. No fabrication of materials shall occur outside of the building.~~
- ~~4. The plan must be reapproved by the Water Management Section of the Jefferson County Works Department and the Traffic Engineering Department before building permits are issued.~~
- ~~5. Unless use in accordance with the approved plan and binding elements has been substantially established within two years from the date of approval of the plan or rezoning whichever is later, the property may not be used in any manner until such time as a district development plan has been approved by the Planning Commission.~~

5. Proposed Binding Elements for 9-78-78 (revised) and 18ZONE1087

1. The development shall be in accordance with the approved district development plan, all applicable sections of the Land Development Code (LDC) and agreed upon binding elements unless amended pursuant to the Land Development Code. Any changes/additions/alterations of any binding element(s) shall be submitted to the Planning Commission or the Planning Commission's designee for review and approval; any changes/additions/alterations not so referred shall not be valid.
2. No outdoor advertising signs, small freestanding signs, pennants, balloons, or banners shall be permitted on the site.

3. Construction fencing shall be erected when off-site trees or tree canopy exists within 3' of a common property line. Fencing shall be in place prior to any grading or construction to protect the existing root systems from compaction. The fencing shall enclose the entire area beneath the tree canopy and shall remain in place until all construction is completed. No parking, material storage or construction activities are permitted within the protected area.
4. Before any permit (including but not limited to building, parking lot, change of use, site disturbance, alteration permit or demolition permit) is requested:
 - a. The development plan must receive full construction approval from Louisville Metro Department of Codes and Regulations Construction Permits and Transportation Planning Review and the Metropolitan Sewer District.
 - e. The property owner/developer must obtain approval of a detailed plan for screening (buffering/landscaping) as described in Chapter 10 prior to requesting a building permit. Such plan shall be implemented prior to occupancy of the site and shall be maintained thereafter
5. 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.
6. No idling of trucks shall take place within 200 feet of single-family residences. No overnight idling of trucks shall be permitted on-site.

**Land Development & Transportation
Staff Report
April 11, 2019**



Case No:	18ZONE1087
Project Name:	1330 & 1332 Tile Factory Lane
Location:	1330 & 1332 Tile Factory Lane
Owner(s):	Roark Realty LLC
Applicant:	Roark Realty LLC
Representative(s):	Frost Brown Todd, LLC
Jurisdiction:	Louisville Metro
Council District:	21 – Nicole George
Case Manager:	Joel P. Dock, AICP, Planner II

BES
for M-2

REQUEST(S)

- **Change-in-Zoning** from C-1 to M-2
- **Waiver** of Land Development Code, section 10.2.4 to omit the required buffer and plantings along east and south property lines
- **Revised Detailed District Development Plan**

CASE SUMMARY

A change in zoning is requested to resolve the property's current non-compliance with the zoning district regulations. Heavy truck parking and storage is occurring within the C-1 zoning district. An M-2 zoning district is required to allow the continued use of this property for heavy-truck parking/storage. Landscape plantings and buffer are proposed to be omitted. Screening will be provided by an 8' privacy-style fence.

Associated Cases:

9-78-78: CIZ from C-1 to M-2 (approved 11/2/78).

Binding Element Final Order upheld by the Planning Commission on May 10, 2018 for violations of binding elements 1, 2, & 3.

STAFF FINDING

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

TECHNICAL REVIEW

- Zoning map amendment is subject to review under *Plan 2040*
- Plan will serve as revised plan for existing M-2 district rezoned under docket 9-78-78. All existing binding elements will be abandoned.
- Landscaping compliance in accordance with binding elements of case 9-78-78 or amendment is required.
- Landscape compliance with Chapter 10, Part 2 is required for property subject to change in zoning classification (LBA - property perimeter).

STANDARD OF REVIEW FOR ZONING DISTRICT CHANGES

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.

NOTIFICATION

Date	Purpose of Notice	Recipients
3/27/19	Hearing before LD&T	1 st and 2 nd tier adjoining property owners Registered Neighborhood Groups in Council District 21
	Hearing before Planning Commission	1 st and 2 nd tier adjoining property owners Registered Neighborhood Groups in Council District 21
	Hearing before PC	Sign Posting on property
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ATTACHMENTS

1. Zoning Map
2. Aerial Photograph
3. Existing Binding Elements (9-78-78) as modified at LD&T 4/14/1983
4. Proposed Binding Elements for 9-78-78 (revised) and 18ZONE1087

1. Zoning Map



2. Aerial Photograph



3. Existing Binding Elements (9-78-78) as modified at LD&T 4/14/1983

- ~~1. Screening or buffering to protect adjacent residences will be provided in the form of trees and other plantings in the north, west and south yards. Dense screening will be provided between the building and the edge of the parking lot along the north and south property lines. Plantings along the southeasterly property line shall be a minimum of 6 feet at the time of planting. A detailed planting plan will be submitted for approval by the Planning Commission staff prior to construction.~~
- ~~2. Drainage improvements required by the Water Management Section of the Jefferson County Works Department will be provided by the developer.~~
- ~~3. Outside storage of materials and finished products is permitted but shall not exceed a height of 8 feet. No fabrication of materials shall occur outside of the building.~~
- ~~4. The plan must be reapproved by the Water Management Section of the Jefferson County Works Department and the Traffic Engineering Department before building permits are issued.~~
- ~~5. Unless use in accordance with the approved plan and binding elements has been substantially established within two years from the date of approval of the plan or rezoning whichever is later, the property may not be used in any manner until such time as a district development plan has been approved by the Planning Commission.~~

3. Proposed Binding Elements for 9-78-78 (revised) and 18ZONE1087

1. The development shall be in accordance with the approved district development plan, all applicable sections of the Land Development Code (LDC) and agreed upon binding elements unless amended pursuant to the Land Development Code. Any changes/additions/alterations of any binding element(s) shall be submitted to the Planning Commission or the Planning Commission's designee for review and approval; any changes/additions/alterations not so referred shall not be valid.
2. No outdoor advertising signs, small freestanding signs, pennants, balloons, or banners shall be permitted on the site.
3. Construction fencing shall be erected when off-site trees or tree canopy exists within 3' of a common property line. Fencing shall be in place prior to any grading or construction to protect the existing root systems from compaction. The fencing shall enclose the entire area beneath the tree canopy and shall remain in place until all construction is completed. No parking, material storage or construction activities are permitted within the protected area.
4. Before any permit (including but not limited to building, parking lot, change of use, site disturbance, alteration permit or demolition permit) is requested:
 - a. The development plan must receive full construction approval from Louisville Metro Department of Codes and Regulations Construction Permits and Transportation Planning Review and the Metropolitan Sewer District.
 - e. 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

6. 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.
7. No idling of trucks shall take place within 200 feet of single-family residences. No overnight idling of trucks shall be permitted on-site.

Change in Zoning Pre-Application Staff Report



Case No:	18ZONE1087
Project Name:	1330 & 1332 Tile Factory Lane
Location:	1330 & 1332 Tile Factory Lane
Owner(s):	Roark Realty LLC
Applicant:	Roark Realty LLC
Representative(s):	Frost Brown Todd, LLC
Jurisdiction:	Louisville Metro
Council District:	21 – Nicole George
Case Manager:	Joel P. Dock, AICP, Planner II

REQUEST(S)

- **Change-in-Zoning** from C-1 to M-2
- **Revised Detailed District Development Plan**

CASE SUMMARY

A change in zoning is requested to resolve the property's current non-compliance with the zoning district regulations. Heavy truck parking and storage is occurring within the C-1 zoning district. An M-2 zoning district is required to allow the continued use of this property.

Associated Cases:

9-78-78: CIZ from C-1 to M-2 (approved 11/2/78). Binding Element Final Order upheld by the Planning Commission on May 10, 2018 for violations of binding elements 1, 2, & 3.

STAFF FINDING

At the time of formal application, Plan 2040 will be applicable. Staff's Analysis was based on the available checklist at the time of this staff report and submittal date of the pre-application.

A neighborhood meeting shall be held.

TECHNICAL REVIEW

The site contains existing conditions that may have been present prior to the adoption of the form district regulations. Confirmation of existing conditions may be required to determine application of form district standards. In the event that conditions of the site were modified after the adoption or in violation of the form district regulations, waivers, variances, or compliance with those regulations may be required.

Landscaping compliance in accordance with binding elements of case 9-78-78 or amendment is required. Landscape compliance with Chapter 10, Part 2 required for change in zoning classification (property perimeter and VUA LBA). Tree canopy compliance may be required in the event impervious pavement was added in violation of the Chapter 10, Part 1 in effect at the time of construction.

STANDARD OF REVIEW FOR ZONING DISTRICT CHANGES

Criteria for granting the proposed form district change/rezoning: KRS Chapter 100.213

- 1. The proposed form district/rezoning change complies with the applicable guidelines and policies Cornerstone 2020; OR
- 2. The existing form district/zoning classification is inappropriate and the proposed classification is appropriate; OR
- 3. There have been major changes of an economic, physical, or social nature within the area involved which were not anticipated in Cornerstone 2020 which have substantially altered the basic character of the area.

STAFF ANALYSIS FOR CHANGE IN ZONING

At the time of formal application, Plan 2040 will be applicable. The following is staff’s analysis based on the checklist available at the time of pre-application:

The site is located in the Suburban Workplace Form District

Suburban Workplace is a form characterized by predominately industrial and office uses where the buildings are set back from the street in a landscaped setting. Suburban workplaces often contain a single large-scale use or a cluster of uses within a master planned development. New larger proposed industrial uses are encouraged to apply for a planned development district.

In order to provide adequate transportation access in suburban workplaces connected roads, public transportation and pedestrian facilities should be encouraged. Walkways to workplace-serving uses are encouraged for workplace employees. Development within suburban workplace form districts may need significant buffering from abutting uses.

The proposal is consistent with abutting districts and uses. It does not constitute a non-residential expansion into an existing residential area as the proposal is consistent with abutting districts and uses. Immediate access to an arterial roadway providing access to the interstate and industrial facilities is readily available. Access to the development site is from areas of similar intensity.

Several questions to aid staff in assessing the impact of the operation have been included in the Cornerstone 2020 Staff Checklist.

Landscaping and transition should be provided to screen and eliminate nuisances that may be created by the proposal upon abutting uses.

NOTIFICATION

Date	Purpose of Notice	Recipients
	Hearing before LD&T	1 st and 2 nd tier adjoining property owners Registered Neighborhood Groups in Council District 21
	Hearing before Planning Commission	1 st and 2 nd tier adjoining property owners Registered Neighborhood Groups in Council District 21
	Hearing before PC	Sign Posting on property
	Hearing before PC	Legal Advertisement in the Courier-Journal

ATTACHMENTS

1. Zoning Map
2. Aerial Photograph
3. Cornerstone 2020 Staff Analysis
4. Existing Binding Elements (9-78-78) as modified at LD&T 4/14/1983

1. **Zoning Map**



2. Aerial Photograph



3. Cornerstone 2020 Staff Checklist

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

Suburban Workplace: Non-Residential

#	Cornerstone 2020 Plan Element	Plan Element or Portion of Plan Element	Staff Finding	Staff Analysis
1	Community Form/Land Use Guideline 1: Community Form	B.10: The proposal integrates into the pattern of development, which features buildings set back from the street in a landscaped setting.	+/-	The existing conditions along the street frontage are in disrepair according to Google Street View imagery from December, 2015. Attention should be given to these repair to repair, replace, or add new fencing and/or landscaping to improve the appearance and visual impact along the roadway as this roadway provides access to a residential area.
2	Community Form/Land Use Guideline 1: Community Form	B.10: The proposal integrates into a planned development that features a mixture of related uses, and that may contain either a single major use or a cluster of uses.	✓	The proposal is consistent with abutting districts and uses.
3	Community Form/Land Use Guideline 1: Community Form	B.10: The proposal incorporates connected roads, encourages access to public transportation, and provides for pedestrians.	+/-	No roadways are proposed and the development is served by an existing network. Thresholds may not necessitate roadway or pedestrian improvements. Sidewalks are not present on the roadway serving the development or adjacent areas.
4	Community Form/Land Use Guideline 3: Compatibility	A.2: The proposed building materials increase the new development's compatibility.	✓	No buildings are proposed
5	Community Form/Land Use Guideline 3: Compatibility	A.4/5/6/7: The proposal does not constitute a non-residential expansion into an existing residential area, or demonstrates that despite such an expansion, impacts on existing residences (including traffic, parking, signs, lighting, noise, odor and stormwater) are appropriately mitigated.	✓	The proposal does not constitute a non-residential expansion into an existing residential area as the proposal is consistent with abutting districts and uses.
6	Community Form/Land Use Guideline 3: Compatibility	A.5: The proposal mitigates any potential odor or emissions associated with the development.	+/-	<u>Will repair or overnight idling be a component of the heavy-truck usage?</u>

Repair (Indoors)
Trailer Transfer

#	Cornerstone 2020 Plan Element	Plan Element or Portion of Plan Element	Staff Finding	Staff Analysis
7	Community Form/Land Use Guideline 3: Compatibility	A.6: The proposal mitigates any adverse impacts of its associated traffic on nearby existing communities.	+/-	<u>How many trips are expected daily from heavy-trucks?</u> The direction of travel would appear to be away from sensitive land uses and towards the interstate or other major roadways.
8	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.	+/-	<u>Is lighting provided or will lighting be provided in the evening for security?</u>
9	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 a high intensity use and is located to be consistent with abutting districts and uses and within close proximity of an arterial roadway.
10	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.	+/-	Landscape compliance with Chapter 10, Part 2 required for change in zoning classification (property perimeter and VUA LBA). Tree canopy compliance may be required in the event impervious pavement was added in violation of the Chapter 10, Part 1 in effect at the time of construction.
11	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.	+/-	Landscape compliance with Chapter 10, Part 2 required for change in zoning classification (property perimeter and VUA LBA). Tree canopy compliance may be required in the event impervious pavement was added in violation of the Chapter 10, Part 1 in effect at the time of construction.
12	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.	+/-	Landscape compliance with Chapter 10, Part 2 required for change in zoning classification (property perimeter and VUA LBA). Tree canopy compliance may be required in the event impervious pavement was added in violation of the Chapter 10, Part 1 in effect at the time of construction.
13	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.	+/-	Existing portions of the industrially zoned site abut residentially used property. Sufficient transition in the form of 35' LBA has been provided. Screening and landscaping should be provided on the subject property to mitigate any negative impact of the industrial use.

#	Cornerstone 2020 Plan Element	Plan Element or Portion of Plan Element	Staff Finding	Staff Analysis
14	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 conditions along the street frontage are in disrepair according to Google Street View imagery from December, 2015. Attention should be given to these repair to repair, replace, or add new fencing and/or landscaping to improve the appearance and visual impact along the roadway as this roadway provides access to a residential area.
15	Community Form/Land Use Guideline 3: Compatibility	A.25: Parking garages are integrated into their surroundings and provide an active, inviting street-level appearance.	NA	No parking structures have been proposed.
16	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.	+/-	<u>Is any signage proposed?</u>
17	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.	✓	Open space is not necessary to meet the needs of the community as the use should be secured at all times from the public for safety and security.
18	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.	✓	Open space is not necessary to meet the needs of the community as the use should be secured at all times from the public for safety and security.
19	Community Form/Land Use Guideline 4: Open Space	A.5: The proposal integrates natural features into the pattern of development.	✓	The site does not appear to contain natural features.
20	Community Form/Land Use Guideline 5: Natural Areas and Scenic and Historic Resources	A.1: The proposal respects the natural features of the site through sensitive site design, avoids substantial changes to the topography and minimizes property damage and environmental degradation resulting from disturbance of natural systems.	✓	The site does not appear to contain natural features.
21	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 does not contain any features of historic significance.

#	Cornerstone 2020 Plan Element	Plan Element or Portion of Plan Element	Staff Finding	Staff Analysis
22	Community Form/Land Use Guideline 5: Natural Areas and Scenic and Historic Resources	A.6: Encourage development to avoid wet or highly permeable soils, severe, steep or unstable slopes with the potential for severe erosion.	✓	The development site does not appear to contain wet or highly permeable soils, or contain significant portions of erodible soils. No steep slopes are present.
23	Marketplace Guideline 6: Economic Growth and Sustainability	A.1: Limit land uses in workplace districts to those land uses necessary to meet the needs of the industrial subdivision or workplace district and their employees.	✓	The proposal is consistent with abutting districts and uses.
24	Marketplace Guideline 6: Economic Growth and Sustainability	A.3: Encourage redevelopment, reinvestment and rehabilitation in the downtown where it is consistent with the form district pattern.	NA	Not downtown
25	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 proposal is consistent with abutting districts and uses. Immediate access to an arterial roadway providing access to the interstate and industrial facilities is readily available.
26	Marketplace Guideline 6: Economic Growth and Sustainability	A.6: Locate retail commercial development in activity centers. Locate uses generating large amounts of traffic on a major arterial, at the intersection of two minor arterials or at locations with good access to a major arterial and where the proposed use will not adversely affect adjacent areas.	✓	The proposal is consistent with abutting districts and uses. Immediate access to an arterial roadway providing access to the interstate and industrial facilities is readily available.
27	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.	+/-	<u>What are the employment needs of the proposed use?</u>
28	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.	+/-	Contribution shall be made as required by DPW or other public agencies.

#	Cornerstone 2020 Plan Element	Plan Element or Portion of Plan Element	Staff Finding	Staff Analysis
29	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 proposed truck storage, transfer, etc. area should be secured from the public. Sidewalks are not present along the road frontage. Pedestrian improvements may not be required at this time. <u>What are the employment needs of the development?</u>
30	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's transportation facilities are compatible with and support access to surrounding land uses, and contribute to the appropriate development of adjacent lands. The proposal is served by existing roadway network.
31	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.	+/-	Dedications shall be made as required.
32	Mobility/Transportation Guideline 7: Circulation	A.10: The proposal includes adequate parking spaces to support the use.	+/-	<u>What are the parking needs of the proposed use?</u>
33	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.	✓	Joint and cross access should not be provided for to ensure the safety and security of the facility and the public.
34	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.	✓	No stub roadways are needed to facilitate this or adjacent development
35	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 development site is from areas of similar intensity from an arterial roadway with interstate access.
36	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 development provides for an appropriate functional hierarchy of streets and appropriate linkages between activity areas in and adjacent to the development site as the existing network appears sufficient.

#	Cornerstone 2020 Plan Element	Plan Element or Portion of Plan Element	Staff Finding	Staff Analysis
37	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.	+/-	No roadways are proposed and the development is served by an existing network. Thresholds may not necessitate roadway or pedestrian improvements. Sidewalks are not present on the roadway serving the development or adjacent areas.
38	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 review and approval required.
39	Livability/Environment Guideline 12: Air Quality	The proposal has been reviewed by APCD and found to not have a negative impact on air quality.	+/-	APCD is reviewing the plan
40	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 development site does not appear to contain any natural corridors that can provide habitat areas and allow for migration.
41	Community Facilities Guideline 14: Infrastructure	A.2: The proposal is located in an area served by existing utilities or planned for utilities.	✓	The proposal is located in an area served by existing utilities or planned for utilities
42	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 will have access to an adequate supply of potable water and water for fire-fighting purposes.
43	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.	+/-	The proposal will have adequate means of sewage treatment and disposal to protect public health and to protect water quality in lakes and streams, if necessary

4. Existing Binding Elements (9-78-78) as modified at LD&T 4/14/1983

1. Screening or buffering to protect adjacent residences will be provided in the form of trees and other plantings in the north, west and south yards. Dense screening will be provided between the building and the edge of the parking lot along the north and south property lines. Plantings along the southeasterly property line shall be a minimum of 6 feet at the time of planting. A detailed planting plan will be submitted for approval by the Planning Commission staff prior to construction.
2. Drainage improvements required by the Water Management Section of the Jefferson County Works Department will be provided by the developer.
3. Outside storage of materials and finished products is permitted but shall not exceed a height of 8 feet. No fabrication of materials shall occur outside of the building.
4. The plan must be reapproved by the Water Management Section of the Jefferson County Works Department and the Traffic Engineering Department before building permits are issued.
5. Unless use in accordance with the approved plan and binding elements has been substantially established within two years from the date of approval of the plan or rezoning whichever is later, the property may not be used in any manner until such time as a district development plan has been approved by the Planning Commission.