

**Planning Commission  
Staff Report**

December 1, 2016



<b>Case No.</b>	16ZONE1054
<b>Request</b>	Change in zoning from C-1 to C-2
<b>Project Name</b>	JATC Training Facility
<b>Location</b>	1206 Durrett Lane
<b>Owner</b>	Trustees for the IBEW Local 369
<b>Applicant</b>	Steve Willinghurst, Trustee
<b>Representative</b>	Ashley Bartley, Qk4
<b>Jurisdiction</b>	Louisville Metro
<b>Council District</b>	21 – Dan Johnson
<b>Case Manager</b>	Beth Jones, AICP, Planner II

**REQUEST**

- Change in zoning from C-1 Commercial to C-2 Commercial on 0.34 acres
- Approval of Detailed District Development Plan

**CASE SUMMARY/BACKGROUND/SITE CONTEXT**

The applicant is requesting a zone change from C-1 to C-2 within the Suburban Marketplace Corridor Form District (SMCFD). An existing vacant single-family house and detached garage will be demolished to construct a 3,500 sq.ft. training facility for apprentice electricians. The building will house a large classroom for safety training and open shop areas; the zone change is necessary due to the open shop areas. Adjacent properties to the west and south of the site are currently owned by and in use for similar training by the same owner/applicant and are zoned C-2 for the same reason. Existing C-1 uses in place across Durrett Lane to the north are small-scale office in nature.

As a Small Site with an increase in impervious area of less than 20%, landscape (LDC 10.2.2.C.1) and tree canopy (LDC 10.1.2.B) provisions do not apply.

Thirteen (13) parking spaces for students and employees, including one accessible space, will be located at the front and rear of the building.

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

	Land Use	Zoning	Form District
<b>Subject Property</b>			
<b>Existing</b>	Single-family residential; vacant	C-1	SMC
<b>Proposed</b>	Electrician Apprentice Training Facility	C-2	
<b>Surrounding Properties</b>			
<b>North</b>	Office	C-1	SMC
<b>South</b>	Office 3,500	C-2	
<b>East</b>	Office	C-1	
<b>West</b>	Electrician Apprentice Training Facility	C-2	

## PREVIOUS CASES ON SITE

There are no related cases on record.

## INTERESTED PARTY COMMENTS

No comments have been received.

## APPLICABLE PLANS AND POLICIES

Cornerstone 2020  
Land Development Code

## STANDARD OF REVIEW FOR REZONING AND FORM 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 REZONING

The site is located within the Suburban Marketplace Corridor District (SMCFD)

Cornerstone 2020 characterizes the SMCFD by linear commercial development along major roadways. The SMCFD is a medium to high density district with a mixture of highway commercial uses, shopping centers and office development. Buildings along the corridor are typically set back from the roadway with parking lots in front. Examples of Suburban Marketplace Corridors include Hurstbourne Parkway, Dixie Highway and Preston Highway. SMCFD standards do not address permitted land uses and density or intensity of development.

SMCFD provisions are intended to promote high quality design and a more visually attractive environment, accommodating relatively large volumes of traffic while providing for alternative travel modes. Standards are intended to promote:

1. Development that enhances the corridor's visual character, function and identity;
2. Alternative modes of travel;
3. Linkages between commercial and residential uses;
4. Compatibility with adjacent neighborhoods; and
5. High quality design of individual sites.

The parcel is within the Preston Highway Marketplace Corridor but does not have frontage on Preston Highway. Although it is separated from R-1 uses by just one parcel to the east and south, all parcels between it and Preston Highway, as well as adjoining parcels across the street are developed for non-residential uses. In the other direction, Durrett Lane leads from the site further into single-family residential areas and thus is not

likely to be used as a through-street by visitors to the site, which mitigates potential negative traffic impacts on nearby residential areas.

The plan provides pedestrian and vehicular access to the adjacent properties to the west and south, which is under the same ownership as the subject parcel, and is designed to be linkable to the adjacent property to the north if and when it is redeveloped in the future.

The attached checklist (Attachment 3) provides a more detailed analysis.

The Louisville Metro Planning Commission is charged with making a recommendation to the Louisville Metro Council regarding the appropriateness of this zoning map amendment. The Louisville Metro Council has zoning authority over the property in question.

### STANDARD OF REVIEW AND STAFF ANALYSIS FOR DDDP

- 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: LOJIC shows no environmental constraints within the property.

- b. The provision of safe and efficient vehicular and pedestrian transportation both on the subject site and the community;

STAFF: The proposed development includes bike and pedestrian facilities, both connecting to existing and potential development to the east and west.

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

STAFF: No scenic or recreational open space is required.

- d. The provision of adequate drainage facilities to prevent drainage problems from occurring on the subject site and within the community;

STAFF: MSD has reviewed and approved the proposed development.

- e. The compatibility of the land use(s) and the overall site design (location of buildings, parking lots, screening, landscaping) with existing and projected future development of the area;

STAFF: The development of the site is nearly identical to the site adjoining to the west, which is used for the same purposes by the same owner.

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

STAFF: The proposal conforms to all applicable Comprehensive Plan and LDC requirements.

### TECHNICAL REVIEW

All agency comments have been addressed.

## STAFF CONCLUSIONS

The zone change from C-1 to C-2 is necessary only because the proposed structure includes some open shop area, to be used for training purposes only. The proposed use and the development of the subject site are very similar to an existing facility on adjoining property to the west. Both are expansions of an existing training facility adjoining them to the south.

The proposal meets the guidelines of the Comprehensive Plan and the requirements of the LDC. Based upon the information in the staff report and 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. Action must be taken on the development plan and the change in zoning.

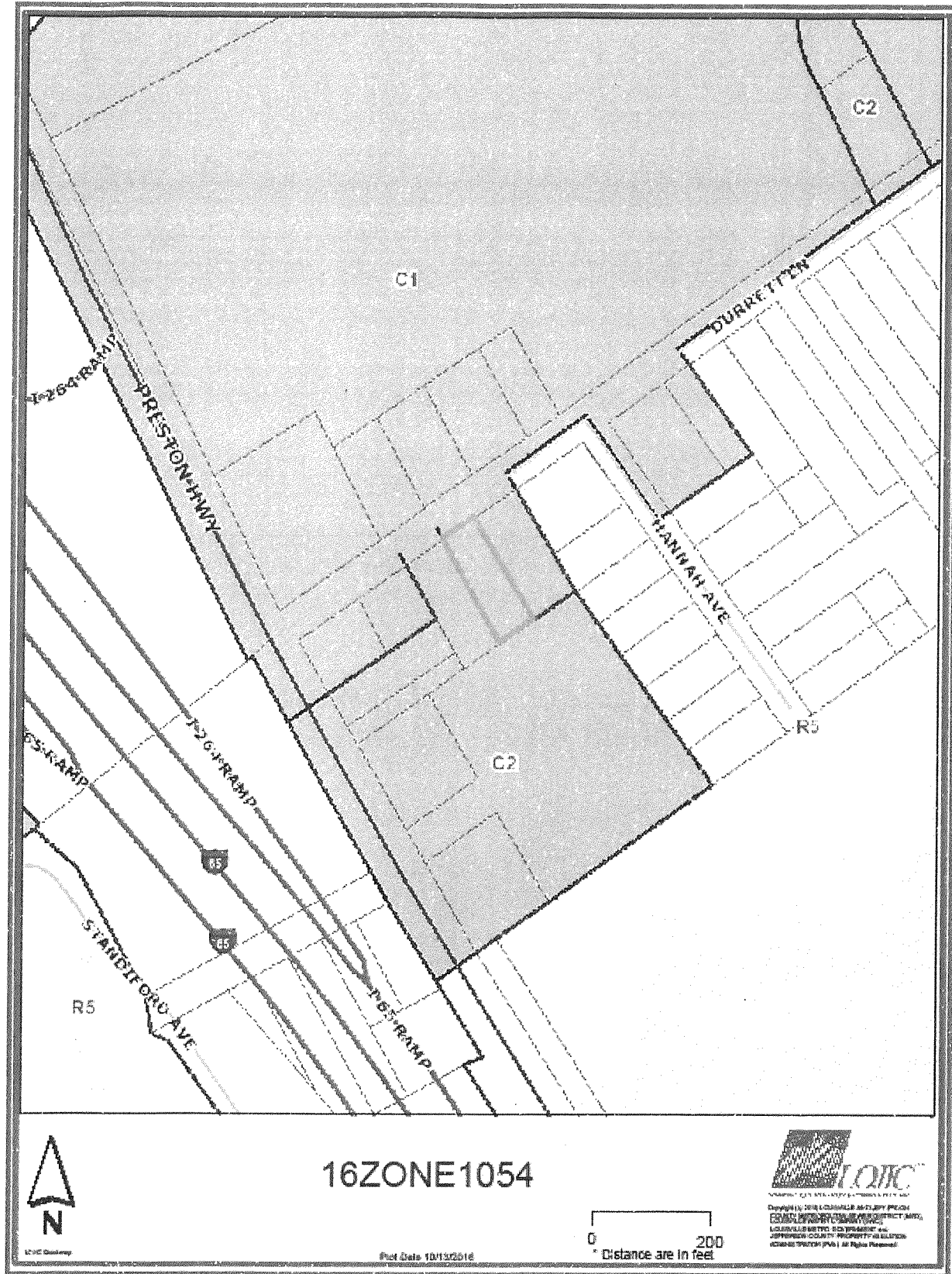
## NOTIFICATION

Date	Purpose of Notice	Recipients
9/6/16	Neighborhood Notice	1 <sup>st</sup> and 2 <sup>nd</sup> tier adjoining property owners Registered neighborhood groups, Council District 21
10/13/16	Hearing before LD&T	1 <sup>st</sup> and 2 <sup>nd</sup> tier adjoining property owners Registered neighborhood groups, Council District 21
11/17/16	Hearing before Planning Commission	1 <sup>st</sup> and 2 <sup>nd</sup> tier adjoining property owners Registered neighborhood groups, Council District 21
11/16/16	Hearing before Planning Commission	Sign posting on property
11/16/16	Hearing before Planning Commission	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

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

#### Suburban Marketplace Corridor

#	Comprehensive Plan 2020 Plan Element	Staff Finding	Staff Comments
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#### Community Form/Land Use Guideline 1: Community Form

1	B.8: The proposal integrates into the existing pattern of development, which includes a mixture of medium- to high-density uses.	✓	Identical building to west; commercial uses to north, south and east
2	B.8: The proposal provides accommodations for transit users, pedestrians and bicyclists and provides connectivity to adjacent developments.	✓	Proposal includes bike parking and sidewalks. Pedestrian and vehicular connections are made to the existing property to the west and potential future development to the east.
3	B.8: The proposal 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.	NA	Proposed development includes only one structure. Site is directly adjacent to properties under the same use and same owner at west and south.
4	B.8: The proposal is of a 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.	✓	The proposal is of medium density and compatible with nearby development, both commercial and residential.
5	B.8: The proposal is located within the boundaries of the existing form district. If the proposal is to expand an existing corridor, the justification for doing so addresses the use/reuse of land within the existing corridor, the potential for disruption of established residential neighborhoods and compliance with the site and community design standards of the Land Development Code.	✓	Proposal does not expand the existing Preston Highway Marketplace Corridor.

#### Community Form/Land Use Guideline 2: Centers

6	A.1/7: The proposal, which will create 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	Proposal does not create a new center.
7	A.3: The proposed retail commercial development is located in an area that has a sufficient population to support it.	NA	Proposal is not a commercial operation.
8	A.4: The proposed development is compact and results in an efficient land use pattern and cost-effective infrastructure investment.	✓	Proposal is compact and requires no infrastructure investment.

#	Comprehensive Plan 2020 Plan Element	Staff Finding	Staff Comments
9	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.	NA	Proposal is not located within a center.
10	A.6: The proposal incorporates residential and office uses above retail and/or includes other mixed-use, multi-story retail buildings.	-	Proposal does not include mixed-use development.
11	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	Proposal is not located within a center.
12	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.	✓	Proposal does not share curb cuts but does provide connections to existing and future parking on adjoining parcels.
13	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.	NA	Proposal uses existing utility services.
14	A.16: The proposal is designed to support easy access by bicycle, car and transit and by pedestrians and persons with disabilities.	✓	Proposal includes ADA-compliant pedestrian, bike and vehicular connectivity.

**Community Form/Land Use Guideline 3: Compatibility**

15	A.2: The proposed building materials increase the new development's compatibility.	✓	Proposed structure will match structure on neighboring site.
16	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.	✓	Proposal does not expand into an existing residential form district.
17	A.5: The proposal mitigates any potential odor or emissions associated with the development.	NA	No potential odor or significant emissions changes are anticipated.
18	A.6: The proposal mitigates any adverse impacts of its associated traffic on nearby existing communities.	NA	Minimal traffic changes are expected due to existing roadway pattern and access.
19	A.8: The proposal mitigates adverse impacts of its lighting on nearby properties, and on the night sky.	✓	Site lighting will comply with LDC requirements.
20	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.	NA	Proposed use is identical to adjoining property to the west and south and less intense than existing uses to the north.



#	Comprehensive Plan 2020 Plan Element	Staff Finding	Staff Comments
21	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.	NA	No conflicts with adjoining uses requiring mitigation.
22	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.	NA	No conflicts with adjoining uses requiring mitigation.
23	A.23: Setbacks, lot dimensions and building heights are compatible with those of nearby developments that meet form district standards.	✓	Proposed development will be nearly identical to adjoining property to the west.
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.	NA	Proposal is not adjacent to residential areas.
25	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.	-	Parking area is located at the front of the property and is not screened. It is, however, directly compatible with the adjoining property to the west.
26	A.25: Parking garages are integrated into their surroundings and provide an active, inviting street-level appearance.	NA	The parking garage is proposed.
27	A.28: Signs are compatible with the form district pattern and contribute to the visual quality of their surroundings.		Signs will meet LDC requirements and match signage on adjoining property to the west.

**Community Form/Land Use Guideline 4: Open Space**

28	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 its continued maintenance.	NA	Site plan includes no open space.
29	A.4: Open space design is consistent with the pattern of development in the Suburban Marketplace Corridor form district.	✓	Site design is compatible with adjoining property to the west and complies with form district standards.
30	A.5: The proposal integrates natural features into the pattern of development.	NA	Site includes no significant existing natural features.

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

31	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	Site includes no significant existing natural features.
32	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	Site does not include and is not located near historic features.
33	A.6: Encourage development to avoid wet or highly permeable soils, severe, steep or unstable slopes with the potential for severe erosion.	✓	These conditions do not exist on the site.

**Marketplace Guideline 6: Economic Growth and Sustainability**

34	A.3: Encourage redevelopment, reinvestment and rehabilitation in the downtown where it is consistent with the form district pattern.	NA	Site is not located within a downtown area.
35	A.4: Encourage industries to locate in industrial subdivisions or adjacent to existing industry to take advantage of special infrastructure needs.	NA	Proposed use is not industrial.
36	A.6: Locate retail commercial development in activity centers. Locate uses generating large amounts of traffic on a major arterial, at the intersection of two minor arterials or at locations with good access to a major arterial and where the proposed use will not adversely affect adjacent areas.	NA	Proposed use is not retail.
37	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	Proposed use is not industrial.

**Mobility/Transportation Guideline 7: Circulation**

38	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.	NA	Proposal does not require improvements to existing public facilities.
39	A.3/4: The proposal promotes mass transit, bicycle and pedestrian use and provides amenities to support these modes of transportation.	✓	Proposal includes bike and pedestrian facilities and provides access to nearest mass transit.

40	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.	✓	Proposal includes bike and pedestrian facilities and provides access to nearest mass transit.
41	A.9: The proposal includes the dedication of rights-of-way for street, transit corridors, bikeway and walkway facilities within or abutting the development.	✓	Proposal includes bike and pedestrian facilities and provides access to nearest mass transit.
42	A.10: The proposal includes adequate parking spaces to support the use.	✓	Proposal includes adequate parking
43	A.13/16: The proposal provides for joint and cross access through the development and to connect to adjacent development sites.	✓	Proposal provides access to parking on adjoining property to the west.

**Mobility/Transportation Guideline 8: Transportation Facility Design**

44	A.8: Adequate stub streets are provided for future roadway connections that support and contribute to appropriate development of adjacent land.	NA	Proposal is single-parcel development.
45	A.9: Avoid access to development through areas of significantly lower intensity or density if such access would create a significant nuisance.	✓	No significant traffic effects expected due to existing roadway patterns.
46	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.	✓	Proposal links sidewalks and parking areas with adjoining properties.

**Mobility/Transportation Guideline 9: Bicycle, Pedestrian and Transit**

47	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.	✓	Proposal links sidewalks with adjoining properties.
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**Livability/Environment Guideline 10: Flooding and Stormwater**

48	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 stream bank restoration or preservation is necessary, the proposal uses best management practices.	✓	Proposal has received MSD approval.
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**Livability/Environment Guideline 12: Air Quality**

49	The proposal has been reviewed by APCD and found to not have a negative impact on air quality.	✓	APCD has reviewed the proposal.
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**Livability/Environment Guideline 13: Landscape Character**

50	A.3: The proposal includes additions and connections to a system of natural corridors that can provide habitat areas and allow for migration.	NA	Site does not include these conditions.
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**Community Facilities Guideline 14: Infrastructure**

51	A.2: The proposal is located in an area served by existing utilities or planned for utilities.	✓	Proposal has been review by utility providers.
52	A.3: The proposal has access to an adequate supply of potable water and water for fire-fighting purposes.	✓	Proposal has been reviewed by the Louisville Fire District.

**Community Facilities Guideline 14: Infrastructure**

53	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.	✓	Proposal has received MSD approval.
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#### **4. Proposed Binding Elements**

1. All development on the site shall be in accordance with the approved district development plan, all applicable sections of the Land Development Code (LDC) and agreed-upon binding element(s) unless amended pursuant to the LDC. Any changes/additions/alterations of any binding element(s) shall be submitted to the Planning Commission or its designee for review and approval; any changes/additions/alterations not so referred shall not be valid.
2. No outdoor advertising signs, small free-standing 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 is requested, including but not limited to building, parking lot, change of use and/or site disturbance:
  - 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(s)/developer(s) must obtain approval of a detailed plan for screening, buffering and landscaping as described in LDC Chapter 10. Such plan shall be implemented prior to occupancy of the site and continually maintained thereafter.
4. If a building permit, parking lot permit or site disturbance permit is not issued within two years of the date of approval of the plan, the proposed expansion shall not be used in any manner unless a revised district development plan is approved or an extension is granted by the Planning Commission.
5. No live, piped, radio or amplified outdoor music, outdoor entertainment or outdoor PA system shall be permitted on the site.
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 their content. These binding elements shall run with the land and the owner(s) and occupant(s) of the property shall at all times be responsible for compliance with them. 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.

**Land Development & Transportation  
Staff Report**  
October 27, 2016



<b>Case No:</b>	<b>16ZONE1054</b>
<b>Request:</b>	<b>Change in zoning from C-1 to C-2 on approximately 0.34 acres</b>
<b>Project Name:</b>	<b>JATC Training Facility</b>
<b>Location:</b>	<b>1206 Durrett Lane</b>
<b>Owner:</b>	<b>Louisville Electrician JATC Training Facility</b>
<b>Applicant:</b>	<b>Steve Willinghurst, Trustee</b>
<b>Representative:</b>	<b>Qk4 – Ashley Bartley</b>
<b>Jurisdiction:</b>	<b>Louisville Metro</b>
<b>Council District:</b>	<b>21 – Dan Johnson</b>
<b>Case Manager:</b>	<b>Beth Jones, AICP, Planner II</b>

**REQUEST**

- Change in zoning from C-1 Commercial to C-2 Commercial on 0.34 acres
- Detailed District Development Plan

**CASE SUMMARY / BACKGROUND / SITE CONTEXT**

The applicant is requesting a zone change from C-1 to C-2 within the Suburban Marketplace Corridor Form District (SMCFD). An existing vacant single-family house and detached garage will be demolished to construct a 3,500 sq.ft. training facility for electrician apprentices. The building will house a large classroom for safety training and open shop areas; the zone change is necessary due to the open shop areas. The adjacent property to the west of the site is currently owned and in use for similar training by the same owner/applicant.

Thirteen (13) parking spaces for students and employees, including one accessible space, will be located at the front and rear of the building.

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

	<b>Land Use</b>	<b>Zoning</b>	<b>Form District</b>
<b><i>Subject Property</i></b>			
<b>Existing</b>	Single-family residential; vacant	C-1	SMC
<b>Proposed</b>	Electrician Training Facility	C-2	SMC
<b><i>Surrounding Properties</i></b>			
<b>North</b>	Office	C-1	SMC
<b>South</b>	Commercial	C-2	SMC
<b>East</b>	Office	C-1	SMC
<b>West</b>	Electrician Training Facility	C-2	SMC

## PREVIOUS CASES ON SITE

There are no related cases on record.

## INTERESTED PARTY COMMENTS

No comments have been received.

## APPLICABLE PLANS AND POLICIES

Cornerstone 2020  
Land Development Code (September 2016)

## STANDARD OF REVIEW FOR ZONE CHANGE REQUEST

***KRS Chapter 100.213*** criteria for granting a change in zoning:

1. The proposed zone change complies with the applicable guidelines and policies of Cornerstone 2020; **OR**
2. The existing zone classification is inappropriate and the proposed classification is appropriate; **OR**
3. Major changes of an economic, physical, or social nature have occurred within the area which were not anticipated by Cornerstone 2020 and which have substantially altered the basic character of the area.

## STAFF ANALYSIS OF ZONE CHANGE REQUEST

The site is located within the Suburban Marketplace Corridor District (SMCFD)

Cornerstone 2020 characterizes the SMCFD by linear commercial development along major roadways. The SMCFD is a medium to high density district with a mixture of highway commercial uses, shopping centers and office development. Buildings along the corridor are typically set back from the roadway with parking lots in front. Examples of Suburban Marketplace Corridors include Hurstbourne Parkway, Dixie Highway and Preston Highway. SMCFD standards do not address permitted land uses and density or intensity of development.

SMCFD provisions are intended to promote high quality design and a more visually attractive environment, accommodating relatively large volumes of traffic while providing for alternative travel modes. Standards are intended to promote:

1. Development that enhances the corridor's visual character, function and identity;
2. Alternative modes of travel;
3. Linkages between commercial and residential uses;
4. Compatibility with adjacent neighborhoods; and
5. High quality design of individual sites.

The parcel is within the Preston Highway Marketplace Corridor but does not have frontage on Preston Highway. Although it is separated from R-1 uses by just one parcel to the east and south, all parcels between it and Preston Highway are developed for commercial uses, which mitigates potential negative traffic impacts on nearby residential areas.

The plan provides pedestrian and vehicular access to the adjacent property to the south, which is under the same ownership as the subject parcel, and is designed to be linkable to the adjacent property to the north if and when it is redeveloped in the future.

The attached checklist (Attachment 3) provides a more detailed analysis.

The Land Development and Transportation Committee is charged with making a recommendation to the Louisville Metro Planning Commission regarding the appropriateness of this zoning map amendment. The Louisville Metro Council has zoning authority over the property in question.

### TECHNICAL REVIEW

All agency comments have been addressed.

### STAFF CONCLUSIONS

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

### NOTIFICATION

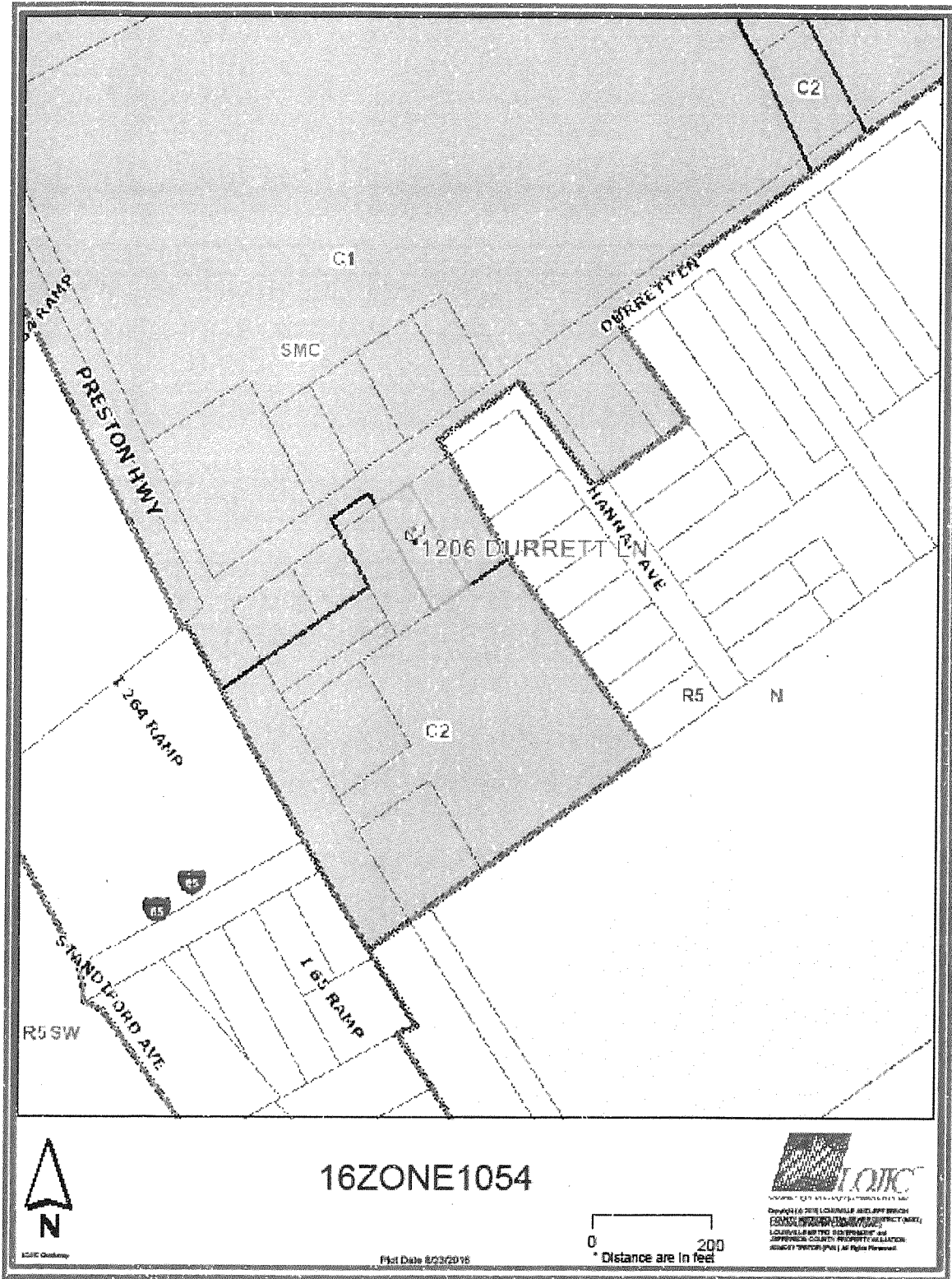
Date	Purpose of Notice	Recipients
10/14/16	Hearing before LD&T	1st and 2nd Tier adjoining property owners Speakers at Planning Commission public hearing Subscribers of Council District 21 Notification of Development Proposals
	Hearing before PC / BOZA	1st and 2nd Tier adjoining property owners Speakers at Planning Commission public hearing Subscribers of Council District 21 Notification of Development Proposals
	Hearing before PC / BOZA	Sign Posting on property
	Hearing before PC / BOZA	Legal Advertisement in the Courier-Journal

### ATTACHMENTS

1. Zoning Map
2. Aerial View
3. Proposed Binding Elements



**1. Zoning Map**



2. Aerial Photograph



**4. Proposed Binding Elements**

1. The development shall be in accordance with the approved district development plan, all applicable sections of the Land Development Code (LDC) and agreed upon binding elements unless amended pursuant to the Land Development Code. Any changes/additions/alterations of any binding element(s) shall be submitted to the Planning Commission or the Planning Commission's designee for review and approval; any changes/additions/alterations not so referred shall not be valid.
2. No outdoor advertising signs, small free-standing signs, pennants, balloons, or banner 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) 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.
5. If a building permit, parking lot permit, or site disturbance permit is not issued within two years of the date of approval of the plan, the proposed expansion shall not be used in any manner unless a revised district development plan is approved or an extension is granted by the Planning Commission.
6. There shall be no outdoor music (live, piped, radio or amplified) or outdoor entertainment or outdoor PA system permitted on the site.
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 materials and design of proposed structures shall be substantially the same as depicted in the rendering as presented at the \_\_\_\_\_ Planning Commission public hearing.
9. No overnight idling of trucks shall be permitted on site.