

Planning Commission

Staff Report

March 1, 2017



Case No:	15ZONE1036
Request:	Change in Form District from Neighborhood to Regional Center, a change in zoning from R-4 to C-1 on approximately 26.3 acres and to C-2 on approximately 2.3 acres with CUPs for outdoor dining and alcohol consumption.
Project Name:	Bardstown Pavilion
Location:	9505, 9509, 9507, 9511, 9515, 9513, 9517, 9601, 9608, 9610, 9700, & 9703 Bartley Drive, 7500, 7600, & 7602 Bardstown Road, & 7512 Cedar Creek Road
Owner:	Chester Dwight & Sheil Logsdon, Stephen & Betsy Clark, Dwight & Jane Stewart, Madge & Etal Chalmers, Mark Minton & Nancy Richardson, WM & Marietta Harkness, Gary & Susanne Jenkins Revocable Trust, Susanne Jenkins Revocable Trust & Craig Jack & Patricia Whitney
Applicant:	Devonshire/Reit
Representative:	Land Design and Development; Bardenwerper Talbott and Roberts PLLC.
Jurisdiction:	Louisville Metro
Council District:	22-Robin Engel
Case Manager:	Julia Williams, RLA, AICP, Planning Supervisor

REQUEST

- Change in form district from Neighborhood to Regional Center
- Change in zoning from R-4 to C-1 on approximately 26.3 acres
- Change in zoning from R-4 to C-2 on approximately 2.3 acres
- Conditional Use Permit for Outdoor Alcohol Sales and Consumption
- General/Detailed District Development Plan/Preliminary Subdivision Plan

CASE SUMMARY/BACKGROUND/SITE CONTEXT

The applicant is proposing a retail center at the southwest intersection of the Gene Snyder Expressway and Bardstown Road. The site involves 15 individual lots that will be re-subdivided into 7 Tracts for development. The site is heavily treed where 0% of the existing canopy will be preserved. Tract 1 is the only parcel proposed to be developed at this time. A portion of the existing Bartley Drive is proposed to be closed and realigned to allow continued access to the private portion of Bartley Drive. A gate is proposed to allow for only neighborhood access to Bartley Drive. Another access road is being created from Tract 1 down to Cedar Creek Road and Old Cedar Creek Road. A traffic light is proposed at the main entrance.

This case was previously heard at the July 28, 2017 Land Development and Transportation Committee meeting. There are no changes to the plans since that meeting. The proposal was also heard at the September

15, 2016 Planning Commission hearing where a night hearing date was set for November 9, 2016. That meeting was cancelled.

LAND USE/ZONING DISTRICT/FORM DISTRICT TABLE

	Land Use	Zoning	Form District
<i>Subject Property</i>			
Existing	Vacant and Single Family Residential	R-4	Neighborhood
Proposed	Commercial	C-1 and C-2	Regional Center
<i>Surrounding Properties</i>			
North	ROW	ROW	ROW
South	Single Family Residential	R-4	Neighborhood
East	Single Family Residential/School	C-2/R-4	Regional Center
West	Single Family Residential	R-4	Neighborhood

PREVIOUS CASES ON SITE

16STREETS1014- Street closure for the Bartley Drive right of way (in progress).

INTERESTED PARTY COMMENTS

Please see attachments.

APPLICABLE PLANS AND POLICIES

Cornerstone 2020

Land Development Code

Fern Creek Small Area Plan (May 8, 2001)

The property is located in Quadrant III: Southwestern Quadrant of the plan and is also part of the Bardstown Road Corridor. The plan looked at the southwestern quadrant of the Gene Snyder interchange as a possible location for commercial but that location did not ultimately get recommended for commercial. However, the Plan further recommends commercial on “vacant land between and adjacent to existing commercial buildings.” The subject site is mainly vacant and located between the Wal-Mart development site and other vacant commercially zoned property at the corner of Cedar Creek and Bardstown Road where the Plan further indicates that the existing commercial is sufficient and should not be expanded. Continuous commercial development along Bardstown Road is discouraged.

The Plan indicates that the subject site should serve as a “gateway” to and from the “town center” from residential. The Plan recommends that the area remain single family but if development were to happen, that it follow the gateway concept for entrances and setbacks and not adversely affect Bates Elementary and the Bartley Drive neighborhood.

The Plan’s design requirements involve signage, landscaping, parking, and lighting. The site is in compliance with the parkway requirements, signs will meet LDC requirements and the Gene Snyder Ordinance, parking on the site is reduced, and lighting will be as per the LDC and submitted pattern book.

Louisville Retail Market Study (April 2008)

The Executive Summary of the Retail Market Study has been adopted by the Planning Commission and Metro Council. This study indicates conceptual development of a super community center at the southwest quadrant of the Bardstown Road and Gene Snyder interchange with approximately 240,000

SF of retail space. The study assumes project intensity allowable in a Town Center Form District. The subject site proposes 221,022 sf of building area (this does not include outlot development).

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 AND FORM DISTRICT CHANGES

Following is staff's analysis of the proposed rezoning against the Guidelines and Policies of Cornerstone 2020.

The site is located in the Neighborhood Form District

The Neighborhood Form is characterized by predominantly residential uses that vary from low to high density and that blend compatibly into the existing landscape and neighborhood areas. High-density uses will be limited in scope to minor or major arterials and to areas that have limited impact on the low to moderate density residential areas.

The Neighborhood Form will contain diverse housing types in order to provide housing choice for differing ages and incomes. New neighborhoods are encouraged to incorporate these different housing types within a neighborhood as long as the different types are designed to be compatible with nearby land uses. These types may include, but not be limited to large lot single family developments with cul-de-sacs, neo-traditional neighborhoods with short blocks or walkways in the middle of long blocks to connect with other streets, villages and zero lot line neighborhoods with open space, and high density multi-family condominium-style or rental housing.

The Neighborhood Form may contain open space and, at appropriate locations, civic uses and neighborhood centers with a mixture of uses such as offices, retail shops, restaurants and services. These neighborhood centers should be at a scale that is appropriate for nearby neighborhoods. The Neighborhood Form should provide for accessibility and connectivity between adjacent uses and neighborhoods by automobile, pedestrian, bicycles and transit.

Neighborhood streets may be either curvilinear, rectilinear or in a grid pattern and should be designed to invite human interaction. Streets are connected and easily accessible to each other, using design elements such as short blocks or bike/walkways in the middle of long blocks to connect with other streets. Examples of design elements that encourage this interaction include narrow street widths, street trees, sidewalks, shaded seating/gathering areas and bus stops. Placement of utilities should permit the planting of shade trees along both sides of the streets.

The site is proposed to be located in the Regional Center Form District

A Regional Center is a development form that typically contains a mixture of high intensity uses including regional shopping, office, services, entertainment facilities and medium to high-density residential uses. Such Regional Centers may include a variety of stores under one roof, or may consist of freestanding structures. The amount of floor space in regional centers usually exceeds 400,000 square feet, reflecting a market area designed to serve a population of at least 100,000. Redevelopment and infill development are encouraged.

Integration of civic uses such as branch libraries, community centers or government offices is encouraged, and can strengthen the identity and success of the center. Regional Centers are most appropriately located on or near major arterials, state or interstate highways. Development in Regional Centers should be compact and provide for site accessibility through all means of transportation. A high level of transit access is desirable and regional centers should serve as focal points for transit from homes and workplaces. Connectivity and the capacity to handle traffic should be addressed through unified access and circulation. The site plan should encourage pedestrian activity within the Regional Center with human-scale design and by providing pedestrian amenities and pedestrian connectivity among buildings.

Landscaping, building design and unified signs in the Regional Center give character to the development, defines and reinforces identity and provides a human scale. A center may include several internal focal points. Several uses sharing a building may have separate entrances and the design of the building facades may mimic a traditional market place corridor or “main street.” Parking in Regional Centers is provided on a shared basis to avoid excessive impervious areas, and the center is designed to encourage customers to visit several establishments without moving their vehicles.

Regional Center site design should provide screening of the parking lot and outbuildings as the site is viewed from the arterial roadway. The rear or loading area of buildings should be well screened from arterials, freeways and adjacent residential areas. Human safety or “crime prevention through environmental design” should be a factor in the design of regional centers.

The proposed zoning district permits high density residential but otherwise permits high intensity commercial uses. The proposals form district change from Neighborhood to Regional Center is more in keeping with the scale of the development and other existing Regional Center form located east of the site and Town Center form located north of the site (north of the Gene Snyder). While the Fern Creek Small Area Plan recommends this site to remain single family residential there have been other studies and changes to the area that suggest this area be developed commercially. Specific users are not identified with the proposal. The C-1 and C-2 proposed, permits most non-residential uses (except industrial) which includes civic uses. The proposal creates a center on the west side of Bardstown Road. Commercial south of the Gene Snyder in this area is largely undeveloped and therefore has no established character outside of the residential uses. Transit serves the site where pedestrian facilities will be enhanced. Amenity areas within the site are being created. The proposal is compact as most of the uses are centrally located and within walking distance of each other. A sidewalk is being provided along Bardstown Road and there are interior sidewalks for pedestrian movement and access to transit. Interior roadways are proposed for the movement of bicycles and other vehicles. A pattern book accompanies the proposal which addresses signage, landscaping, building design, etc. The proposal shares parking with the other uses as well as provides 20 park and ride spaces for transit users. The pedestrian connectivity on the site encourages walking to the different uses. The proposal is also utilizing the transit credit to reduce the required minimum parking on the site. The proposal will create a new individual center in the Regional Center form on the west side of Bardstown Road. Development within this portion of the Gene Snyder/Bardstown Road interchange will complete the non-residential node created by the existing zoning north, south, and east of the site. The proposed development is located to serve the regional population south of the Gene Snyder as well as travelers from both the east and west sides of the Gene Snyder. The proposal also results in an efficient land use pattern by locating commercial in a node around the Bardstown Road/Gene Snyder interchange and providing a commercial buffer from the interchange and Gene Snyder into lower intensity/density uses. The development will result in infrastructure investment in the area that will increase long term connectivity. The proposal allows for a mix of commercial uses that are compatible with each other and could reduce trips.

The site is 100% covered in tree canopy where none of the existing canopy will be preserved but 30% will be replaced. The proposal is for single story commercial uses.

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

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

STANDARD OF REVIEW AND STAFF ANALYSIS FOR CONDITIONAL USE PERMIT

1. Is the proposal consistent with the applicable policies of the Comprehensive Plan?

STAFF: The proposal is for commercial use on a mixed commercial use site which will reduce trips and will support alternate transportation with sidewalks around the site. The areas for the CUPs are located away from existing residential uses.

2. Is the proposal compatible with surrounding land uses and the general character of the area including such factors as height, bulk, scale, intensity, traffic, noise, odor, drainage, dust, lighting, appearance, etc?

STAFF: The areas for the CUPs are located away from existing residential uses and are located internal to the overall commercial development or in the area of Bardstown Road. There is other C-1 zoning located south of the site and C-2 located across Bardstown Road.

3. Are necessary public facilities (both on-site and off-site), such as transportation, sanitation, water, sewer, drainage, emergency services, education, recreation, etc. adequate to serve the proposed use?

STAFF: Public facilities are available to serve the use.

4. Does the proposal comply with the following specific standards required to obtain the conditional use permit requested?

Outdoor alcohol sales and consumption and/or indoor live entertainment for a restaurant may be permitted in the C-1 zoning district upon the granting of conditional use permit and compliance with the listed requirements:

- A. All outdoor areas for the sale and consumption of alcohol must have designated boundaries.
- B. Outdoor dining areas within the public right-of-way must receive approval from the agency responsible for transportation engineering and shall be designed in accordance with agency standards.
- C. Outdoor dining areas adjacent to the public right-of-way shall contain a physical barrier that is at least three feet in height. The barrier should be designed to permit existing legal access from building to the adjacent public right-of-way.
- D. Outdoor dining areas that include the sale and consumption of alcohol within 50 feet of a residentially zoned or used property shall provide a six foot continuous screen as part of the designated boundary for the areas of the outdoor area within 50 feet of residentially used or zoned property. The continuous screen shall be in conformance with the Chapter 10, Part 4 (Implementation Standards).
- E. This conditional use permit shall be limited to restaurant uses in the C-1 that hold the following types of ABC licenses: 1. Restaurant liquor and wine license by the drink for 100 plus seats 2. Restaurant wine license by the drink for restaurants with seating for 100 and receives at least 70 percent gross receipts from food sales
- F. The use of outdoor dining areas for the sale and consumption of alcohol shall cease by 1 A.M.
- G. The entertainment activity shall be in compliance with the Metro Noise Ordinance (LMCO Chapter 99).
- H. The Board may require additional and more restrictive requirements than those listed above based on the conditions of the specific location and the characteristics of the specific restaurant.

STAFF: The CUP areas are identified on the plan and more specifically with the descriptions in the zoning case file. The areas are not located within the public ROW. The CUP areas are more than 50'

away from any residential uses. The proposal will be in compliance with applicable licenses and hours of operation.

STANDARD OF REVIEW AND STAFF ANALYSIS FOR GDDDP

- 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 site is 100% covered in tree canopy where none of the existing canopy will be preserved. Tree canopy requirements of the Land Development Code will be provided on the subject site. The site has no historic or cultural value.

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

STAFF: Provisions for safe and efficient vehicular and pedestrian transportation within and around the development and the community has been provided, and Transportation Planning has approved the preliminary development plan.

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

STAFF: Open space on the site is provided in the form of amenity areas, landscape buffer areas, and drainage facilities which serve both the development and the surrounding 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 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.

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

STAFF: The overall site design and land uses are compatible with the existing and future development of the area. Appropriate landscape buffering and screening will be provided to screen adjacent properties and roadways. Buildings and parking lots will meet all required setbacks.

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

STAFF: The development plan conforms to applicable guidelines and policies of the Comprehensive Plan and to requirements of the Land Development Code.

TECHNICAL REVIEW

- Agency review comments have been addressed.

STAFF CONCLUSIONS

The proposal for a commercial center in this location is largely supported by the Retail Market Study that was done in 2008. The Fern Creek Small Area Plan does not directly support commercial in the proposed location as it did not support other commercial rezoning in the area to the east and south of the site. There have been

significant changes to the area outside of the Area Plan that were not considered as part of the plan when it was adopted in 2001 (Retail Market Study). The proposal does take into consideration aspects of the Area Plan such as compliance with the setbacks, building heights, and design guidelines.

Transportation Planning has not indicated any adverse effects of the site on traffic and the site will be over compensating the drainage of the site with the two detention basins proposed. The site will be required to be developed according to the design pattern book.

The proposal conforms to applicable guidelines and policies of the Comprehensive Plan and to requirements of the Land Development Code.

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

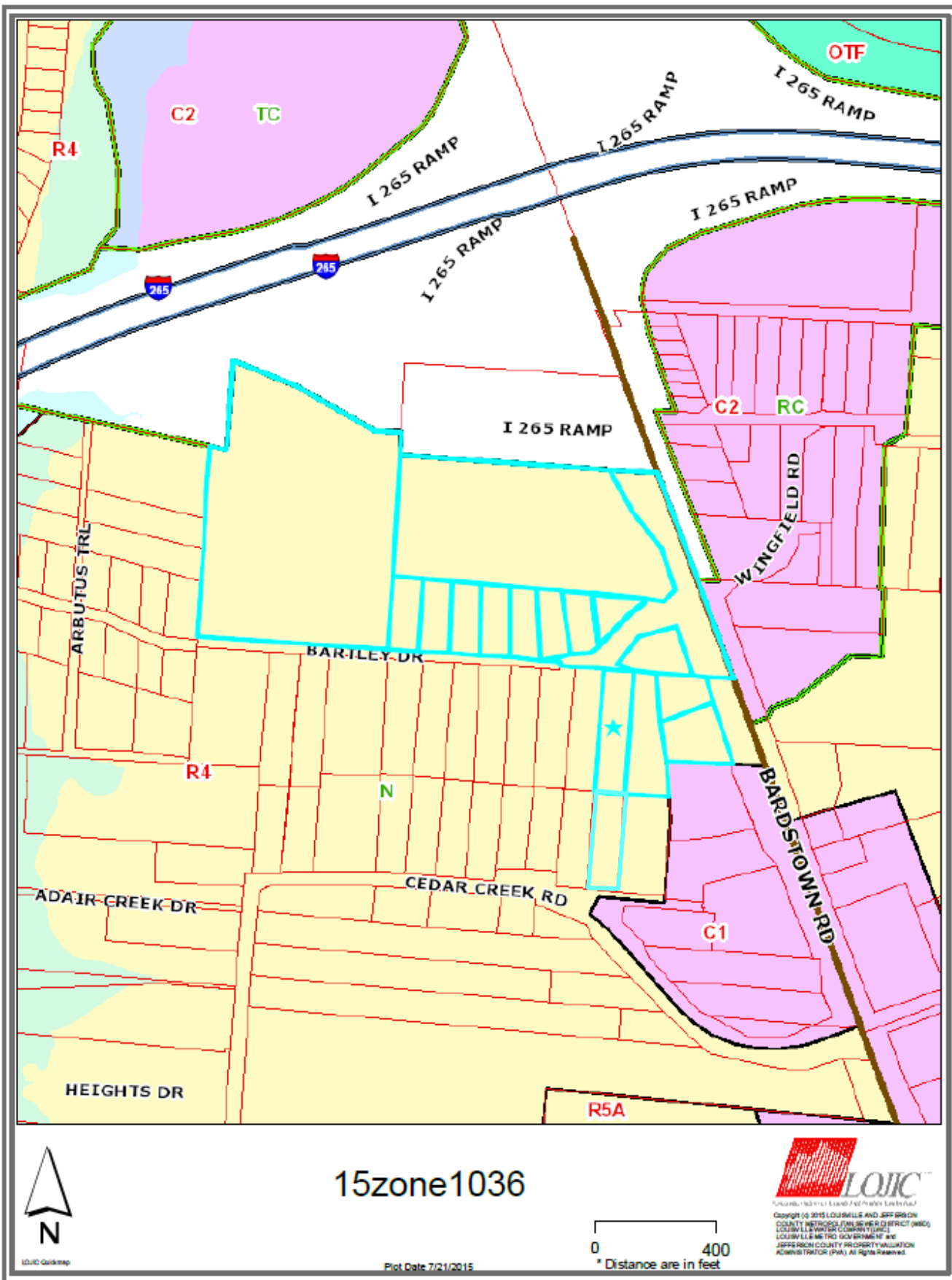
NOTIFICATION

Date	Purpose of Notice	Recipients
7/13/16	Hearing before LD&T on 7/28/16	1 st and 2 nd tier adjoining property owners Subscribers of Council District 22 Notification of Development Proposals
10/20/16	Cancelling PC hearing on 11/9/16	1 st and 2 nd tier adjoining property owners Subscribers of Council District 22 Notification of Development Proposals
1/12/16	Hearing before LD&T on 1/26/17	1 st and 2 nd tier adjoining property owners Subscribers of Council District 22 Notification of Development Proposals
1/30/17	Hearing before PC on 3/1/17	1 st and 2 nd tier adjoining property owners Subscribers of Council District 22 Notification of Development Proposals
1/27/17	Hearing before PC on 3/1/17	Sign Posting on property
2/18/17	Hearing before PC	Legal Advertisement in the Courier-Journal

ATTACHMENTS

1. Zoning Map
2. Aerial Photograph
3. Cornerstone 2020 Staff Checklist
4. Proposed Binding Elements

1. Zoning Map



2. Aerial Photograph



3. Cornerstone 2020 Staff Checklist

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

Regional Center: Non-Residential

#	Cornerstone 2020 Plan Element	Plan Element or Portion of Plan Element	Staff Finding	Staff Comments
1	Community Form/Land Use Guideline 1: Community Form	B.6: The proposal is of a moderate to high density consistent with the high intensity uses found in the Regional Center Form District.	✓	The proposed zoning district permits high density residential but otherwise permits high intensity commercial uses. The proposals form district change from Neighborhood to Regional Center is more in keeping with the scale of the development and other existing Regional Center form located east of the site and Town Center form located north of the site (north of the Gene Snyder). While the Fern Creek Small Area Plan recommends this site to remain single family residential there have been other studies and changes to the area that suggest this area be developed commercially.
2	Community Form/Land Use Guideline 1: Community Form	B.6: The proposal integrates civic uses such as branch libraries, community centers or government offices.	✓	Specific users are not identified with the proposal. The C-1 and C-2 proposed, permits most non-residential uses (except industrial) which includes civic uses.
3	Community Form/Land Use Guideline 1: Community Form	B.6: The proposal contributes to the identity of the regional center as a focal point for transit from homes and workplaces.	✓	The proposal creates a center on the west side of Bardstown Road. Commercial south of the Gene Snyder in this area is largely undeveloped and therefore has no established character outside of the residential uses. Transit serves the site where pedestrian facilities will be enhanced. Amenity areas within the site are being created.
4	Community Form/Land Use Guideline 1: Community Form	B.6: The proposal is compact and provides for efficient movement of pedestrians, vehicles, transit and bicycles through and around the site.	✓	The proposal is compact as most of the uses are centrally located and within walking distance of each other. A sidewalk is being provided along Bardstown Road and there are interior sidewalks for pedestrian movement and access to transit. Interior roadways are proposed for the movement of bicycles and other vehicles.
5	Community Form/Land Use Guideline 1: Community Form	B.6: The proposal supports a high level of transit access and connectivity.	✓	A sidewalk is being provided along Bardstown Road and there are interior sidewalks for pedestrian movement and access to transit. Interior roadways are proposed for the movement of bicycles and other vehicles.
6	Community Form/Land Use Guideline 1: Community Form	B.6: The proposal includes unified signs, and landscaping and building design that gives identity to the center and that provides a human scale, and includes an internal focal point.	✓	A pattern book accompanies the proposal which addresses signage, landscaping, building design, etc. Several outdoor amenity areas are being proposed throughout the development.

#	Cornerstone 2020 Plan Element	Plan Element or Portion of Plan Element	Staff Finding	Staff Comments
7	Community Form/Land Use Guideline 1: Community Form	B.6: The proposal provides shared parking to avoid excessive impervious surface and to encourage customers to visit several establishments without moving their vehicles.	✓	The proposal shares parking with the other uses as well as provides 20 park and ride spaces for transit users. The pedestrian connectivity on the site encourages walking to the different uses. The proposal is also utilizing the transit credit to reduce the required minimum parking on the site.
8	Community Form/Land Use Guideline 2: Centers	A.1/7: The proposal, which will create a new center, is located in the Regional Center Form District, and includes new construction or the reuse of existing buildings to provide commercial, office and/or residential use.	✓	The proposal will create a new individual center in the Regional Center form on the west side of Bardstown Road. Development within this portion of the Gene Snyder/Bardstown Road interchange will complete the non-residential node created by the existing zoning north, south, and east of the site.
9	Community Form/Land Use Guideline 2: Centers	A.3: The proposed retail commercial development is located in an area that has a sufficient population to support it.	✓	The proposed development is located to serve the regional population south of the Gene Snyder as well as travelers from both the east and west sides of the Gene Snyder.
10	Community Form/Land Use Guideline 2: Centers	A.4: The proposed development is compact and results in an efficient land use pattern and cost-effective infrastructure investment.	✓	The proposal is compact as most of the uses are centrally located and within walking distance of each other. The proposal also results in an efficient land use pattern by locating commercial in a node around the Bardstown Road/Gene Snyder interchange and providing a commercial buffer from the interchange and Gene Snyder into lower intensity/density uses. The development will result in infrastructure investment in the area that will increase long term connectivity.
11	Community Form/Land Use Guideline 2: Centers	A.5: The proposed center includes a mix of compatible land uses that will reduce trips, support the use of alternative forms of transportation and encourage vitality and sense of place.	✓	The proposal allows for a mix of commercial uses that are compatible with each other and could reduce trips. Transit serves the site and there is pedestrian connectivity throughout that connects all the land uses. The coordination of design within the pattern book helps to create a sense of place.
12	Community Form/Land Use Guideline 2: Centers	A.6: The proposal incorporates residential and office uses above retail and/or includes other mixed-use, multi-story retail buildings.	-	The proposal is for single story commercial uses.
13	Community Form/Land Use Guideline 2: Centers	A.12: If the proposal is a large development in a center, it is designed to be compact and multi-purpose, and is oriented around a central feature such as a public square or plaza or landscape element.	✓	The proposal is for a large development in a new center that is compact as most of the uses are centrally located and within walking distance of each other. Amenity areas within the site are being created as multiple features.
14	Community Form/Land Use Guideline 2: Centers	A.13/15: The proposal shares entrance and parking facilities with adjacent uses to reduce curb cuts and surface parking, and locates parking to balance safety, traffic, transit, pedestrian, environmental and aesthetic concerns.	✓	The entrances and parking will be shared within the site. 2 curb cuts (1 full cut) are proposed off of Bardstown Road and 1 cut onto Cedar Creek. Surface parking is reduced by utilizing the transit credit. Pedestrian connectivity from the transit and to all uses is provided on the site.

#	Cornerstone 2020 Plan Element	Plan Element or Portion of Plan Element	Staff Finding	Staff Comments
15	Community Form/Land Use Guideline 2: Centers	A.14: The proposal is designed to share utility hookups and service entrances with adjacent developments, and utility lines are placed underground in common easements.	✓	The proposal shares entrances and is being designed to share utilities with the existing C-1 zoned sites to the south.
16	Community Form/Land Use Guideline 2: Centers	A.16: The proposal is designed to support easy access by bicycle, car and transit and by pedestrians and persons with disabilities.	✓	A sidewalk is being provided along Bardstown Road and there are interior sidewalks for pedestrian movement and access to transit. Interior roadways are proposed for the movement of bicycles and other vehicles.
17	Community Form/Land Use Guideline 3: Compatibility	A.2: The proposed building materials increase the new development's compatibility.	✓	The building materials for the proposal are bound by the pattern book describing the proposed architecture.
18	Community Form/Land Use Guideline 3: Compatibility	A.4/5/6/7: The proposal does not constitute a non-residential expansion into an existing residential area, or demonstrates that despite such an expansion, impacts on existing residences (including traffic, parking, signs, lighting, noise, odor and stormwater) are appropriately mitigated.	✓	The proposal is a non-residential expansion into an existing residential area however the expansion is being mitigated through landscaping and screening buffering the site from the adjacent residences along Bartley Drive. Bartley Drive is being redirected and gated to discourage non-residents from utilizing the private road. Two detention basins are proposed to help slow the run-off from the site. Traffic to and from the site will have two options at intersections with traffic signals, one at Bardstown Road and the re-aligned entrance to the site and the other from Cedar Creek.
19	Community Form/Land Use Guideline 3: Compatibility	A.5: The proposal mitigates any potential odor or emissions associated with the development.	✓	APCD did not indicate any issues with odor or emissions associated with the proposal.
20	Community Form/Land Use Guideline 3: Compatibility	A.6: The proposal mitigates any adverse impacts of its associated traffic on nearby existing communities.	✓	Transportation Planning has not indicated any adverse issues with traffic on the community. A right turn lane and a right in/out entrance is being proposed along Bardstown Road as well as an additional right lane that extends to Cedar Creek. A full entrance is proposed at a proposed traffic signal along Bardstown Road.
21	Community Form/Land Use Guideline 3: Compatibility	A.8: The proposal mitigates adverse impacts of its lighting on nearby properties, and on the night sky.	✓	Lighting will meet LDC requirements as well as standards indicated in the proposals pattern book.
22	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 zoning district located along a transit corridor. The site is located south of an existing activity center but also west of a proposed activity center and north of existing C-1 zoning.

#	Cornerstone 2020 Plan Element	Plan Element or Portion of Plan Element	Staff Finding	Staff Comments
23	Community Form/Land Use Guideline 3: Compatibility	A.21: The proposal provides appropriate transitions between uses that are substantially different in scale and intensity or density of development such as landscaped buffer yards, vegetative berms, compatible building design and materials, height restrictions, or setback requirements.	✓	The proposal is being mitigated through landscaping and screening buffering the site from the adjacent residences along Bartley Drive and Arbutus Trail. The Gene Snyder and Bardstown Road parkway buffers are LDC compliant. The proposal is 1 story which is in keeping with the recommendations of the Fern Creek Small Area Study. Setbacks meet LDC requirements. The proposed detention basin in the southeast corner of the project site also provides an increased buffer.
24	Community Form/Land Use Guideline 3: Compatibility	A.22: The proposal mitigates the impacts caused when incompatible developments unavoidably occur adjacent to one another by using buffers that are of varying designs such as landscaping, vegetative berms and/or walls, and that address those aspects of the development that have the potential to adversely impact existing area developments.	✓	The proposal is being mitigated through landscaping and screening buffering the site from the adjacent residences along Bartley Drive and Arbutus Trail. The Gene Snyder and Bardstown Road parkway buffers are LDC compliant. The proposal is 1 story which is in keeping with the recommendations of the Fern Creek Small Area Study. Setbacks meet LDC requirements. The proposed detention basin in the southeast corner of the project site also provides an increased buffer.
25	Community Form/Land Use Guideline 3: Compatibility	A.23: Setbacks, lot dimensions and building heights are compatible with those of nearby developments that meet form district standards.	✓	The proposal is 1 story which is in keeping with the recommendations of the Fern Creek Small Area Study. Setbacks meet LDC requirements.
26	Community Form/Land Use Guideline 3: Compatibility	A.24: Parking, loading and delivery areas located adjacent to residential areas are designed to minimize adverse impacts of lighting, noise and other potential impacts, and that these areas are located to avoid negatively impacting motorists, residents and pedestrians.	✓	The proposal is being mitigated through landscaping and screening buffering the site from the adjacent residences along Bartley Drive and Arbutus Trail. The Gene Snyder and Bardstown Road parkway buffers are LDC compliant. The proposal is 1 story which is in keeping with the recommendations of the Fern Creek Small Area Study. Setbacks meet LDC requirements. The proposed detention basin in the southeast corner of the project site also provides an increased buffer.
27	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 proposal is being mitigated through landscaping and screening buffering the site from the adjacent residences along Bartley Drive and Arbutus Trail. The Gene Snyder and Bardstown Road parkway buffers are LDC compliant. The proposal is 1 story which is in keeping with the recommendations of the Fern Creek Small Area Study. Setbacks meet LDC requirements. The proposed detention basin in the southeast corner of the project site also provides an increased buffer.
28	Community Form/Land Use Guideline 3: Compatibility	A.25: Parking garages are integrated into their surroundings and provide an active, inviting street-level appearance.	NA	A parking garage is not part of the proposal.

#	Cornerstone 2020 Plan Element	Plan Element or Portion of Plan Element	Staff Finding	Staff Comments
29	Community Form/Land Use Guideline 3: Compatibility	A.28: Signs are compatible with the form district pattern and contribute to the visual quality of their surroundings.	✓	Signs will be permitted per LDC requirements, the proposed pattern book, and the Gene Snyder Ordinance.
30	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 on the site is provided in the form of amenity areas, landscape buffer areas, and drainage facilities which serve both the development and the surrounding community.
31	Community Form/Land Use Guideline 4: Open Space	A.4: Open space design is consistent with the pattern of development in the Neighborhood Form District.	✓	The site is proposed to be located in the RC form from the existing Neighborhood form. Open space on the site is provided in the form of amenity areas, landscape buffer areas, and drainage facilities which serve both the development and the surrounding community.
32	Community Form/Land Use Guideline 4: Open Space	A.5: The proposal integrates natural features into the pattern of development.	-	The site is 100% covered in tree canopy where none of the existing canopy will be preserved but 30% will be replaced.
33	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 is 100% covered in tree canopy where none of the existing canopy will be preserved but 30% will be replaced.
34	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 site has no historical or cultural value.
35	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.	✓	Soils are not an issue with the proposal.
36	Marketplace Guideline 6: Economic Growth and Sustainability	A.3: Encourage redevelopment, reinvestment and rehabilitation in the downtown where it is consistent with the form district pattern.	NA	The proposal is not located in a downtown.
37	Marketplace Guideline 6: Economic Growth and Sustainability	A.4: Encourage industries to locate in industrial subdivisions or adjacent to existing industry to take advantage of special infrastructure needs.	NA	The proposal is not for industrial development.

#	Cornerstone 2020 Plan Element	Plan Element or Portion of Plan Element	Staff Finding	Staff Comments
38	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 proposed commercial zoning is creating an activity center but is also located in a future activity center that has been created with other commercial zoning that has been granted in the area making the area an activity center. Bardstown Road is a major arterial with adjacent access to an expressway. Cedar Creek is a secondary collector. Transportation Planning did not indicate that the proposal would have an adverse effect on the area.
39	Marketplace Guideline 6: Economic Growth and Sustainability	A.8: Require industrial development with more than 100 employees to locate on or near an arterial street, preferably in close proximity to an expressway interchange. Require industrial development with less than 100 employees to locate on or near an arterial street.	NA	The proposal is not for industrial development.
40	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.	✓	Roadway improvements are required for the proposal and will be implemented per KTC and Transportation Planning requirements.
41	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.	✓	A sidewalk is being provided along Bardstown Road and there are interior sidewalks for pedestrian movement and access to transit. Interior roadways are proposed for the movement of bicycles and other vehicles.
42	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.	✓	Bartley Drive is being redirected and gated to discourage non-residents from utilizing the private road. Traffic to and from the site will have two options at intersections with traffic signals, one at Bardstown Road and the re-aligned entrance to the site and the other from Cedar Creek. Transportation Planning has not indicated any adverse issues with traffic on the community. A right turn lane and a right in/out entrance is being proposed along Bardstown Road as well as an additional right lane that extends to Cedar Creek. A full entrance is proposed at a proposed traffic signal along Bardstown Road. Access is shared or planned for sharing throughout.
43	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.	✓	A sidewalk is being provided along Bardstown Road and there are interior sidewalks for pedestrian movement and access to transit. Interior roadways are proposed for the movement of bicycles and other vehicles. No additional ROW is required to be dedicated to accommodate facilities.

#	Cornerstone 2020 Plan Element	Plan Element or Portion of Plan Element	Staff Finding	Staff Comments
44	Mobility/Transportation Guideline 7: Circulation	A.10: The proposal includes adequate parking spaces to support the use.	✓	Adequate parking is being provided for the site.
45	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.	✓	Access is shared or planned for sharing throughout the development site.
46	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.	✓	Access is shared or planned for sharing throughout the development site but no stub streets are being proposed.
47	Mobility/Transportation Guideline 8: Transportation Facility Design	A.9: Avoid access to development through areas of significantly lower intensity or density if such access would create a significant nuisance.	✓	Access to the site will be from a major arterial (Bardstown Road) and a collector (Cedar Creek).
48	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.	✓	Bartley Drive is being redirected and gated to discourage non-residents from utilizing the private road. Traffic to and from the site will have two options at intersections with traffic signals, one at Bardstown Road and the re-aligned entrance to the site and the other from Cedar Creek. Transportation Planning has not indicated any adverse issues with traffic on the community. A right turn lane and a right in/out entrance is being proposed along Bardstown Road as well as an additional right lane that extends to Cedar Creek. A full entrance is proposed at a proposed traffic signal along Bardstown Road. Access is shared or planned for sharing throughout.
49	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.	✓	A sidewalk is being provided along Bardstown Road and there are interior sidewalks for pedestrian movement and access to transit. Interior roadways are proposed for the movement of bicycles and other vehicles.

#	Cornerstone 2020 Plan Element	Plan Element or Portion of Plan Element	Staff Finding	Staff Comments
50	Livability/Environment Guideline 10: Flooding and Stormwater	The proposal's drainage plans have been approved by MSD, and the proposal mitigates negative impacts to the floodplain and minimizes impervious area. Solid blue-line streams are protected through a vegetative buffer, and drainage designs are capable of accommodating upstream runoff assuming a fully-developed watershed. If streambank restoration or preservation is necessary, the proposal uses best management practices.	✓	MSD has not indicated any issues with the proposal.
51	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 did not indicate any issues with air quality with the proposal.
52	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.	✓	Cedar Creek is west of the site past Arbutus Trail. The parkway buffer and detention area along the Gene Snyder can provide a habitat area that would allow for migration. A new natural corridor would need to be established there.
53	Community Facilities Guideline 14: Infrastructure	A.2: The proposal is located in an area served by existing utilities or planned for utilities.	✓	The area will be served by both existing and planned utilities but also contribute to the extension of future utilities in the area.
54	Community Facilities Guideline 14: Infrastructure	A.3: The proposal has access to an adequate supply of potable water and water for fire-fighting purposes.	✓	An adequate water supply exists in the area.
55	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 health department did not indicate any issue with the proposal.

4. **Proposed General Plan 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. Prior to development (includes clearing and grading) of Tracts 2-7 (not including access road) of this project, the applicant, developer, or property owner shall obtain approval of a detailed district development plan in accordance with Chapter 11, Part 6. Each plan shall be in adequate detail and subject to additional binding elements.
3. The development on Tract 1 shall not exceed 222,000 square feet of gross floor area.
4. No outdoor advertising signs, small freestanding signs, pennants, balloons, or banners shall be permitted on the site.

5. 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.
6. Before any permit (including but not limited to building, parking lot, change of use, site disturbance, alteration permit) is requested:
 - a. The development plan must receive full construction approval from Develop Louisville, Louisville Metro Public Works and the Metropolitan Sewer District.
 - b. Encroachment permits must be obtained from the Kentucky Department of Transportation, Bureau of Highways.
 - c. A minor subdivision plat or legal instrument shall be recorded creating the lot lines as shown on the development plan. A copy of the recorded instrument shall be submitted to the Division of Planning and Design Services; transmittal of approved plans to the office responsible for permit issuance will occur only after receipt of said instrument.
 - d. 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.
 - f. A minor plat or legal instrument shall be recorded consolidating the lots involved with Tract 1 of the property into one lot. A copy of the recorded instrument shall be submitted to the Division of Planning and Design Services; transmittal of the approved plans to the office responsible for permit issuance will occur only after receipt of said instrument.
 - g. A reciprocal access and crossover easement agreement in a form acceptable to the Planning Commission legal counsel shall be created between Tract 1, Tract 2, and Tract 3 and between Tracts 5 and 6 and recorded. A copy of the recorded instrument shall be submitted to the Division of Planning and Design Services upon development of Tracts 2 and 3.
 - i. A road closure approval for a portion of Bartley Drive shall be approved prior to requesting a building permit.
 - j. A Tree Preservation Plan in accordance with Chapter 10 of the LDC shall be reviewed and approved prior to obtaining approval for site disturbance.
7. A certificate of occupancy must be received from the appropriate code enforcement department prior to occupancy of the structure or land for the proposed use. All binding elements requiring action and approval must be implemented prior to requesting issuance of the certificate of occupancy, unless specifically waived by the Planning Commission.
8. There shall be no outdoor music (live, piped, radio or amplified) or outdoor entertainment or outdoor PA system audible beyond the property line.
9. 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.
10. The property owner shall provide a cross over access easement/agreement if the property to the east of Tract 7 is ever developed for a nonresidential use. A copy of the signed easement agreement shall be provided to Planning Commission staff upon request.

11. Tracts 5 or 6 shall provide a cross over access easement/agreement to the C-1 zoned property to the south is ever developed. A copy of the signed easement agreement shall be provided to Planning Commission staff upon request.
12. The architecture, building materials, height limitations, hardscape, landscape, signage, and site lighting shall be substantially the same as depicted in the *Design Guidelines for Bardstown Pavilion* booklet as presented at the March 1, 2017 Planning Commission meeting.
13. No idling of trucks shall take place within 200 feet of single-family residences. No overnight idling of trucks shall be permitted on-site.
14. A gate shall be placed at the realigned Bartley Drive entrance off of the access easement.
15. The Owner/ Developer shall construct pedestrian facilities from the interior of the site to and along the frontage of Bardstown Road and an 8 foot wide transit boarding area from the sidewalk to the curb/ edge of pavement of Bardstown Road. The boarding area shall be located either nearside of the intersection at the end of the radius of the new street or approximately 100 feet far side of the intersection. The Owner/ Developer shall reserve or create 20 parking spaces on either Tract 6 or Tract 4 for use as a Park and TARC lot.
16. The following improvements in relation to traffic impacts along Bardstown Rd shall be constructed prior to the first certificate of occupancy: a right turn lane at the proposed right in only, a third southbound through lane along Bardstown Road from the eastbound exit ramp of the Gene Snyder Freeway through the intersection with Cedar Creek Rd and a traffic signal at the proposed main entrance to the development. The traffic signal shall be operational at the time of the first certificate of occupancy request.
17. Sidewalks shall be provided along both sides of the entrance access roads at both the Bardstown Road entrance and the Cedar Creek Road entrance.