

**Planning Commission**  
**Staff Report**  
February 6, 2014



<b>Case No:</b>	13ZONE1013
<b>Project Name:</b>	Honest-1 Autocare
<b>Location:</b>	2801 N Hurstbourne Pkwy
<b>Owner(s):</b>	Louisville/Jefferson County Metro Government
<b>Applicant:</b>	S&L Ventures, LLC
<b>Representative(s):</b>	Bill Bardenwerper Mindel, Scott & Associates, Inc.
<b>Project Area/Size:</b>	1.43 Acres
<b>Jurisdiction:</b>	Louisville Metro
<b>Council District:</b>	17 – Glen Stuckel
<b>Case Manager:</b>	Joseph Reverman, AICP, Planning Supervisor

**REQUEST**

- Change in Zoning from R-4, Single Family Residential, to C-2, Commercial
- Detailed District Development Plan
  - A Variance of table 5.3.2 of the Land Development Code to allow the proposed buildings to exceed the maximum 80 ft setback along N Hurstbourne Pkwy as shown on the development plan.

**CASE SUMMARY/BACKGROUND/SITE CONTEXT**

The site is located on the east side of N Hurstbourne Pkwy, approximately 775 feet south of Westport Rd. The site is adjacent to E.P. Tom Sawyer Park to the south, a commercial development to the north, and a church to the east.

Existing Zoning District: R-4, Single Family Residential  
Proposed Zoning District: C-2, Commercial  
Existing Form District: N, Neighborhood  
Existing Use: Vacant  
Proposed Use: Auto Repair, Day Care  
Minimum Parking Spaces Required: 54  
Maximum Parking Spaces Allowed: 96  
Parking Spaces Proposed: 55

The proposal is to change the zoning from R-4 to C-2 and construct a 4,240 sf auto repair shop and a 8,450 sf retail building. Access is proposed from the location of an existing curb cut on N Hurstbourne Pkwy.

Since the Land Development & Transportation Committee meeting, the applicant has provided access easements to the property to the north (existing commercial development) and to the property to the east (church), eliminating the waiver request.

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

	<b>Land Use</b>	<b>Zoning</b>	<b>Form District</b>
<b>Subject Property</b>			
<b>Existing</b>	Vacant	R-4	Neighborhood
<b>Proposed</b>	Auto Repair Shop, Day Care	C-2	Neighborhood
<b>Surrounding Properties</b>			
<b>North</b>	Commercial	C-1	Suburban Marketplace Corridor
<b>South</b>	E.P Tom Sawyer Park	R-4	Campus
<b>East</b>	Church	R-4	Neighborhood
<b>West</b>	Single Family Residential	R-5	Neighborhood

**PREVIOUS CASES ON SITE**

No previous cases were found on the subject site.

**APPLICABLE PLANS AND POLICIES**

Cornerstone 2020  
Land Development Code

Hurstbourne Parkway Corridor Study, June, 1992

This study was conducted prior to the construction of Hurstbourne Pkwy adjacent to the subject site. The study identified the lots north of E.P. Tom Sawyer Park to Westport Rd and recommended them for redevelopment since construction of the parkway would substantially alter the character of those lots. It was recommended that these lots be developed with a unified plan with neighborhood commercial, low rise offices, or medium to high density residential.

**STANDARD OF REVIEW FOR PREZONINGS**

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 of 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 PROPOSED REZONING**

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 located on the east side of N Hurstbourne Pkwy, approximately 775 feet south of Westport Rd. The site is adjacent to E.P. Tom Sawyer Park to the south, a commercial development to the north, single family residential uses to the west across N Hurstbourne Pkwy, and a church to the east. The site is vacant, but has an existing curb cut on N Hurstbourne Pkwy that appears to have once provided access to a single family residence on an adjacent property. The Hurstbourne Parkway Corridor Study of 1992 identified this lot in conjunction with the lots to the north to Westport Rd and recommended them for redevelopment since construction of the parkway would substantially alter the character of those lots. It was recommended that these lots be developed with a unified plan with neighborhood commercial, low rise offices, or medium to high density residential.

The proposal to change the zoning on the property from R-4, single family residential, to C-2, Commercial, which would constitute an expansion of an existing commercial activity center into a residential area complies with **Guideline 1, Community Form**. While a C-2 zoning district could permit some intrusive uses into a neighborhood that does not already contain many C-2 uses, the subject site appears to be adequately buffered from nearby residential uses by the church to the east, the park to the south, and N Hurstbourne Pkwy to the west. Use of this site for a non-residential use would seem like a logical progression of the adjacent commercial activity center, as well as a natural stopping point, adjacent to the park.

The proposal complies with **Guideline 3, Compatibility**. The proposed C-2 zoning district would be adequately buffered from nearby residential uses with the adjacent church property and the right-of-way of N Hurstbourne Pkwy to mitigate the impacts caused when incompatible developments occur adjacent to one another, such as traffic, parking, signs, lighting, noise, odor and stormwater.

The proposal does not comply with certain parts of **Guidelines 2, Centers; 7, Circulation; 8, Transportation Facility Design; and 9, Bicycle, Pedestrian and Transit**.

**Guideline 2, Policy 5** calls for activity centers to include a mixture of compatible land uses (in order to reduce traffic congestion by requiring fewer trips), and to allow alternative modes of travel. **Guideline 2, Policy 16** calls for activity centers to be easily accessible by bicycles, cars, transits riders, and for pedestrians and people with disabilities. Dedication of right-of-way for an extension of Spring Bark Dr to the east would allow for a vehicle and pedestrian connection from Westport Rd to N Hurstbourne Pkwy to relieve congestion on the main thoroughfares.

**Guideline 7, Policy 3 and 4** encourage developments to promote mass transit, pedestrian and bicycle use, and to reduce the need for multiple automobile trips. **Guideline 7, Policies 6, 9, 13 and 16** and **Guideline 8, Policy 8** states that the Planning Commission may require the developer to dedicate rights-of-way for streets to ensure appropriate connections to adjacent lands to tie all local access roads to the arterial street system, and to reduce traffic on major thoroughfares. Dedication of right-of-way for an extension of Spring Bark Dr to the east would allow for a vehicle and pedestrian connection from Westport Rd to N Hurstbourne Pkwy to relieve congestion on the main thoroughfares, encourage walking and bicycling, and contribute to the appropriate development of adjacent lands.

**Guideline 9, Policies 1 and 2** states that new developments should provide for the appropriate movement of pedestrians, transit users and bicyclists. Dedication of right-of-way for a future extension of Spring Bark Dr would contribute toward a complete road network in the neighborhood, to the appropriate development of adjacent lands, and encourage walking and bicycling.

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 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: There does not appear to be any environmental constraints or historic resources on the subject site. Tree canopy requirements of the Land Development Code will be provided on the subject site.

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

STAFF: Dedication of right-of-way for a future extension of Spring Bark Dr should be provided to enhance safe and efficient vehicular and pedestrian transportation within and around the development and the community.

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

STAFF: There are no open space requirements with the current proposal. Future multi-family developments proposed on the subject site will be required to meet Land Development Code requirements.

- 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: Dedication of right-of-way for a future extension of Spring Bark Dr would enhance vehicular and pedestrian connectivity in the area.

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

STAFF: Dedication of right-of-way for a future extension of Spring Bark Dr should be provided to address conformance with Guidelines 2, 7, 8 and 9 of the Comprehensive Plan as detailed in staff's analysis for the rezoning.

**STANDARD OF REVIEW AND STAFF ANALYSIS FOR VARIANCE of table 5.3.2 of the Land Development Code to allow the proposed buildings to exceed the maximum 80 ft setback along N Hurstbourne Pkwy as shown on the development plan:**

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

STAFF: The requested variance will not adversely affect public health safety or welfare since the proposal provides the required 30 ft parkway buffer along N Hurstbourne Pkwy, which is compatible with current and future development in the area, while providing for safe access to the site for motorists and pedestrians.

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

STAFF: The requested variance will not alter the essential character of the general vicinity since the proposal provides the required 30 ft parkway buffer along N Hurstbourne Pkwy, which is compatible with current and future development in the area.

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

STAFF: The requested variance will not cause a hazard or nuisance to the public since the proposal provides the required 30 ft parkway buffer along N Hurstbourne Pkwy, which is compatible with current and future development in the area, while providing for safe access to the site for motorists and pedestrians.

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

STAFF: The requested variance will not allow an unreasonable circumvention of the zoning regulations since the proposal provides the required 30 ft parkway buffer along N Hurstbourne Pkwy, which is compatible with current and future development in the area, while providing for safe access to the site for motorists and pedestrians.

**ADDITIONAL CONSIDERATIONS:**

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

STAFF: The requested variance arises from special circumstances which do not generally apply to land in the general vicinity or the same zone since the site is located on a designated parkway with a required 30 ft buffer and setback.

2. The strict application of the provisions of the regulation would deprive the applicant of the reasonable use of the land or create an unnecessary hardship on the applicant.

STAFF: The strict application of the provisions of the regulation would deprive the applicant of reasonable use of the land since the site is located on a designated parkway with a required 30 ft buffer and setback, making compliance with the maximum setback requirement difficult.

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

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

### TECHNICAL REVIEW

The development plan has received preliminary approval from Metro Transportation Planning and the Metropolitan Sewer District.

The site is located directly on the path of Spring Bark Dr to the east, which appear to have been constructed so as to one day connect to N Hurstbourne Pkwy. A development was recently proposed to the east of the subject site that connected another portion of Spring Bark Dr. If this property was to dedicate right-of-way for Spring Bark Dr, the adjacent church property would be the last section needed to make a full connection from N Hurstbourne Pkwy, east to Westport Rd. Planning and Design staff has asked for right-of-way to be dedicated on the subject site for a future extension of Spring Bark Dr to complete the road network in the neighborhood. The applicant has proposed an access easement to connect to the church property if it were ever to be redeveloped.

#### Freestanding Signs

On premises sign regulations for non-residential uses

N Hurstbourne Pkwy adjacent to the subject site is a designated parkway with the following restrictions for freestanding signs.

Table 8 3.3 Freestanding Signs on Designated Parkway		
Land Use	Street Frontage	Area(S.F.)/Height(ft.)
Institutional, Office, Commercial and Industrial	<450 ft.	60/6
	>450 ft.	72/9
	>600 ft.	81/12
Multi-family Residential	NA	6/6

Internally illuminated business signs within the Neighborhood, Traditional Neighborhood and Village Form Districts, and within transition zones adjacent to the aforementioned form districts where signs are visible from these form districts shall have opaque backgrounds with translucent letters, symbols and logos. Reader Boards/Changeable Copy Signs, Temporary On-premises Signs are exempt from the previous restriction. Opaque means that the material must not transmit light from an internal illumination source. Outdoor exterior illuminated on-premises signs shall be lighted in accordance with Chapter 4, Part 1, Lighting. Sign lighting shall be subject to the light trespass standards as outlined under Chapter 4, Part 1, Lighting. Changing image signs are subject to the provisions of chapter 8.2.1.D ,E & F of the Land Development Code.

**Property Perimeter Landscape Buffer Areas – Chapter 10.2.4 of the LDC**

- C-1 (Class 4) to R-4 (Church) - Private schools and churches are to be considered the same as Intensity Class 3 for the purposes of screening in accordance with this part.

LBA Type	Width (feet)	Planting Density Multiplier <sup>2</sup>	Planting Density Requirement (per 100 linear feet)
B.4	10 <sup>1</sup> ft	1.5	3 Large or Medium trees Plus 8 foot screen
	15 ft	1.5	
	20 ft	1	

- C-2 (Class 4) to R-4 (Class 1)

LBA Type	Width (feet)	Planting Density Multiplier <sup>2</sup>	Planting Density Requirement (per 100 linear feet)
C.4	15 <sup>1</sup> ft	1.5	3 Large or Medium trees Plus 8 foot screen
	25 ft	1.5	
	35 ft	1	

<sup>1</sup> This option is only available in the Traditional Neighborhood, Traditional Workplace and Traditional Marketplace Corridor Form Districts.

<sup>2</sup> The Planting Density Multiplier allows for a reduction in the size of Landscape Buffer Areas with a provision of an increased number of trees to offset the reduction in buffer width. (A “2” multiplier requires twice the number of trees to be planted as required in Table 10.2.4.)

Screens specified in Table 10.2.4 shall consist of shrubs, fences, berms or walls, individually or in combination, that meet the requirements outlined in Part 4, Implementation Standards. Evergreen tree plantings can be substituted for landscape material specified in Table 10.2.4, placement and species to be approved by Planning Commission staff to ensure an effective screen. The planting density multiplier (Table 10.2.3) does not apply to the minimum screen height established in Table 10.2.4.

**STAFF CONCLUSIONS**

**Rezoning**

Staff analysis shows that proposed rezoning from R-4 to C-2 does not comply with certain parts of Guidelines 2, 7, 8 and 9 of Cornerstone 2020. All noncompliance identified in staff’s analysis pertains to completing the road network in the area. The subject site lies on the direct path with an extension of Spring Bark Dr to the east. Two single family residential subdivisions were recently connected by Spring Bark Dr with a rezoning case approved last year by the Planning Commission and Louisville Metro Council. If right-of-way were dedicated on this site, the adjacent church property would be the last property needed to complete this road connection from Westport Rd to N Hurstbourne Pkwy. Per Cornerstone 2020, this connection would contribute toward a complete road network in the neighborhood, contribute to the appropriate development of adjacent lands, encourage walking and bicycling, and reduce traffic on major thoroughfares.

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 Cornerstone 2020; 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.

**Variance**

Staff analysis shows that the proposed variance to allow the proposed buildings to exceed the maximum 80 ft setback along N Hurstbourne Pkwy meets the standards for granting a variance established in Kentucky Revised Statutes and the Land Development Code.

### Development Plan

Staff analysis shows that the proposed Detailed District Development Plan (DDDP) should dedicate right-of-way for a future extension of Spring Bark Dr in order to comply with the standards established in the Land Development Code.

### Required Actions

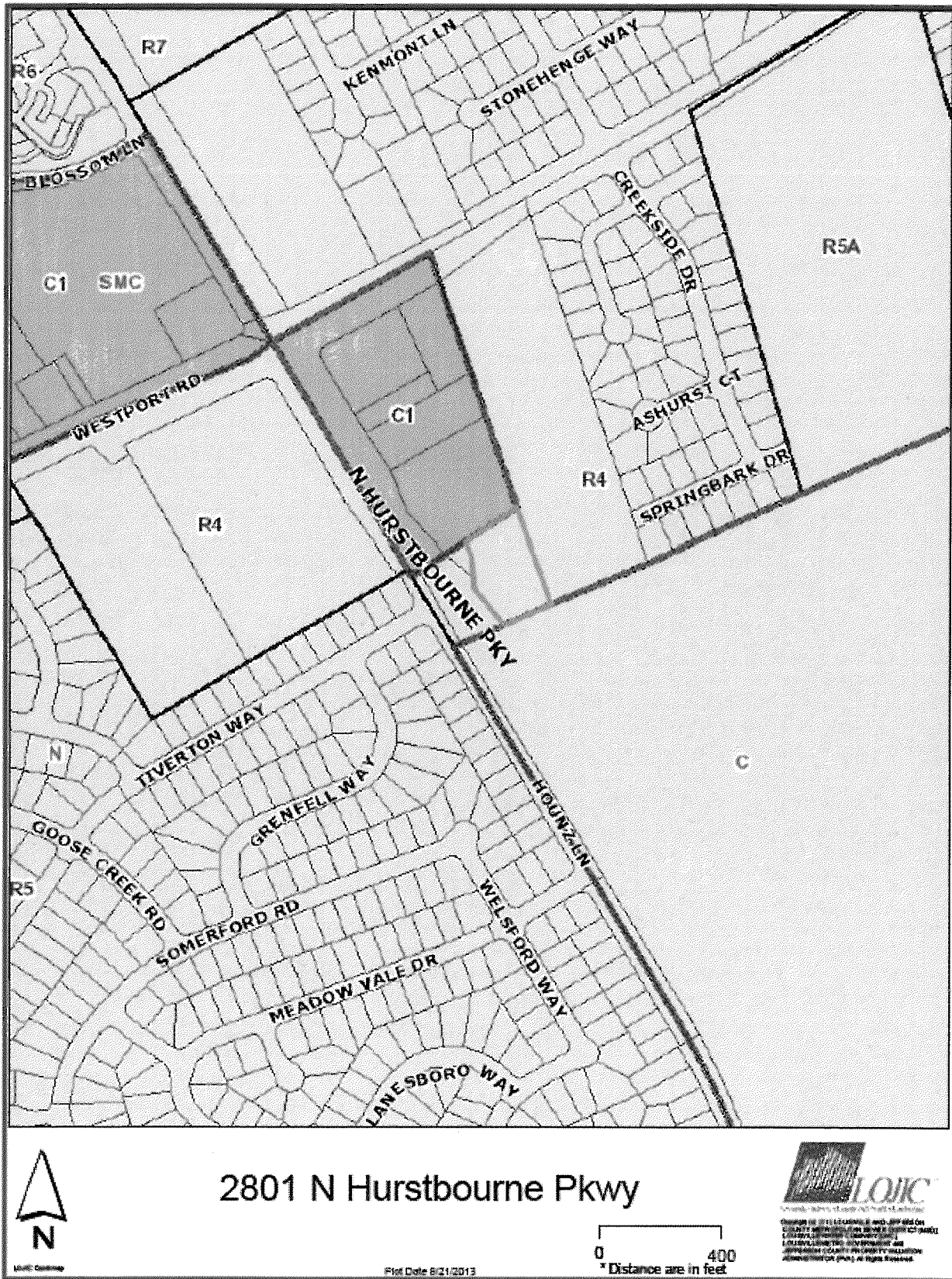
- **RECOMMEND** to the legislative council of Louisville Metro government that the change in zoning from R-4, Single Family Residential, to C-2, Commercial, on property described in the attached legal description, be **APPROVED** or **DENIED**.
- **GRANT** or **DENY** the **VARIANCE** of table 5.3.2 of the Land Development Code to allow the proposed buildings to exceed the maximum 80 ft setback along N Hurstbourne Pkwy as shown on the development plan.
- **APPROVE** or **DENY** the **Detailed District Development Plan** and adopt the binding elements listed in the staff report.

### **ATTACHMENTS**

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



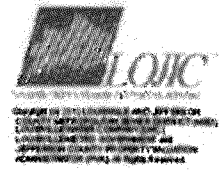
1. Zoning Map



2. Aerial Photograph



2801 N Hurstbourne Pkwy



0 200  
\* Distance are in feet

Plot Date 8/21/2013

3. Street Network



#### **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 (and to the City of Lyndon, St. Matthews, Hurstbourne, or Middletown) 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 and site disturbance) is requested:
  - a. The development plan must receive full construction approval from Louisville Metro Department of Inspections, Permits and Licenses, 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. 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.
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. The materials and design of proposed structures shall be substantially the same as depicted in the rendering as presented at the February 6, 2014 Planning Commission meeting.

**5. Cornerstone 2020 Staff Checklist**

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

#	Cornerstone 2020 Plan Element	Plan Element or Portion of Plan Element	Staff Finding	Staff Comments
1	Community Form/Land Use Guideline 1: Community Form	B.3: The proposal is a neighborhood center with a mixture of uses such as offices, retail shops, restaurants and services at a scale that is appropriate for nearby neighborhoods.	√	The subject site is adjacent to an activity center along N Hurstbourne Pkwy and Westport Rd. The site is directly adjacent to a commercial use to the north, a park to the south and a church to the east. The proposed C-2 zoning district would be adequately buffered from nearby residential uses.
2	Community Form/Land Use Guideline 1: Community Form	B.3: If the proposal is high intensity, it is located on a major or minor arterial or an area with limited impact on low to moderate intensity residential uses.	√	The proposal is for a higher density and intensity use located on a major arterial roadway. The proposed C-2 zoning district would be adequately buffered from nearby residential uses.
3	Community Form/Land Use Guideline 2: Centers	A.1/7: The proposal, which will create a new center, is located in the Neighborhood Form District, and includes new construction or the reuse of existing buildings to provide commercial, office and/or residential use.	√	The proposed rezoning would constitute an expansion of an existing activity center along N Hurstbourne Pkwy. However, the proposed C-2 zoning district would be adequately buffered from nearby residential uses.
4	Community Form/Land Use Guideline 2: Centers	A.3: The proposed retail commercial development is located in an area that has a sufficient population to support it.	√	The proposed commercial zoning district is located in an area with sufficient population to support it.
5	Community Form/Land Use Guideline 2: Centers	A.4: The proposed development is compact and results in an efficient land use pattern and cost-effective infrastructure investment.	-	Development of the subject site should include a dedication of right-of-way for an extension of Spring Bark Dr to the east, which would result in an efficient land use pattern.
6	Community Form/Land Use Guideline 2: Centers	A.5: The proposed center includes a mix of compatible land uses that will reduce trips, support the use of alternative forms of transportation and encourage vitality and sense of place.	-	The proposed rezoning would constitute an expansion of an existing activity center along N Hurstbourne Pkwy. Dedication of right-of-way for an extension of Spring Bark Dr to the east would allow for a vehicle and pedestrian connection from Westport Rd to N Hurstbourne Pkwy to relieve congestion on the main thoroughfares.
7	Community Form/Land Use Guideline 2: Centers	A.6: The proposal incorporates residential and office uses above retail and/or includes other mixed-use, multi-story retail buildings.	NA	This policy references residential uses in traditionally non-residential areas. This property is located in a traditionally residential area.
8	Community Form/Land Use Guideline 2: Centers	A.12: If the proposal is a large development in a center, it is designed to be compact and multi-purpose, and is oriented around a central feature such as a public square or plaza or landscape element.	NA	The proposal is not a large development.

#	Cornerstone 2020 Plan Element	Plan Element or Portion of Plan Element	Staff Finding	Staff Comments
9	Community Form/Land Use Guideline 2: Centers	A.13/15: The proposal shares entrance and parking facilities with adjacent uses to reduce curb cuts and surface parking, and locates parking to balance safety, traffic, transit, pedestrian, environmental and aesthetic concerns.	√	The proposal provides an access easement to the adjacent commercial development to the north.
10	Community Form/Land Use Guideline 2: Centers	A.14: The proposal is designed to share utility hookups and service entrances with adjacent developments, and utility lines are placed underground in common easements.	√	Existing and proposed utility easements allow for appropriate connections to adjacent properties.
11	Community Form/Land Use Guideline 2: Centers	A.16: The proposal is designed to support easy access by bicycle, car and transit and by pedestrians and persons with disabilities.	-	Dedication of right-of-way for an extension of Spring Bark Dr to the east would allow for a vehicle and pedestrian connection from Westport Rd to N Hurstbourne Pkwy to relieve congestion on the main thoroughfares.
12	Community Form/Land Use Guideline 3: Compatibility	A.2: The proposed building materials increase the new development's compatibility.	√	Proposed building designs are compatible with nearby residential uses and at a scale appropriate for nearby residential uses.
13	Community Form/Land Use Guideline 3: Compatibility	A.4/5/6/7: The proposal does not constitute a non-residential expansion into an existing residential area, or demonstrates that despite such an expansion, impacts on existing residences (including traffic, parking, signs, lighting, noise, odor and stormwater) are appropriately mitigated.	√	The proposed rezoning would constitute an expansion of an existing activity center along N Hurstbourne Pkwy. However, the proposed C-2 zoning district would be adequately buffered from nearby residential uses with the adjacent church property and the right-of-way of N Hurstbourne Pkwy.
14	Community Form/Land Use Guideline 3: Compatibility	A.5: The proposal mitigates any potential odor or emissions associated with the development.	√	The Air Pollution Control District has approved the preliminary development plan indicating the proposal mitigates any potential odor or emissions associated with the development.
15	Community Form/Land Use Guideline 3: Compatibility	A.6: The proposal mitigates any adverse impacts of its associated traffic on nearby existing communities.	√	The proposal has received preliminary approval from Transportation Planning. The site is located on an arterial roadway where there will be no adverse traffic impacts on nearby existing communities.
16	Community Form/Land Use Guideline 3: Compatibility	A.8: The proposal mitigates adverse impacts of its lighting on nearby properties, and on the night sky.	√	Light trespass requirements of the Land Development Code will adequately mitigate adverse impacts of lighting.
17	Community Form/Land Use Guideline 3: Compatibility	A.11: If the proposal is a higher density or intensity use, it is located along a transit corridor AND in or near an activity center.	√	The proposal for a higher density and intensity use is located adjacent to an existing activity center.
18	Community Form/Land Use Guideline 3: Compatibility	A.21: The proposal provides appropriate transitions between uses that are substantially different in scale and intensity or density of development such as landscaped buffer yards, vegetative berms, compatible building design and materials, height restrictions, or setback requirements.	√	The proposed rezoning would constitute an expansion of an existing activity center along N Hurstbourne Pkwy. However, the proposed C-2 zoning district would be adequately buffered from nearby residential uses with the adjacent church property and the right-of-way of N Hurstbourne Pkwy.

#	Cornerstone 2020 Plan Element	Plan Element or Portion of Plan Element	Staff Finding	Staff Comments
19	Community Form/Land Use Guideline 3: Compatibility	A.22: The proposal mitigates the impacts caused when incompatible developments unavoidably occur adjacent to one another by using buffers that are of varying designs such as landscaping, vegetative berms and/or walls, and that address those aspects of the development that have the potential to adversely impact existing area developments.	√	The proposed rezoning would constitute an expansion of an existing activity center along N Hurstbourne Pkwy. However, the proposed C-2 zoning district would be adequately buffered from nearby residential uses with the adjacent church property and the right-of-way of N Hurstbourne Pkwy.
20	Community Form/Land Use Guideline 3: Compatibility	A.23: Setbacks, lot dimensions and building heights are compatible with those of nearby developments that meet form district standards.	√	Setbacks, lot dimensions and building heights of the C-2 zoning district will be compatible with nearby residential and non-residential developments.
21	Community Form/Land Use Guideline 3: Compatibility	A.24: Parking, loading and delivery areas located adjacent to residential areas are designed to minimize adverse impacts of lighting, noise and other potential impacts, and that these areas are located to avoid negatively impacting motorists, residents and pedestrians.	√	The proposed rezoning would constitute an expansion of an existing activity center along N Hurstbourne Pkwy. However, the proposed C-2 zoning district would be adequately buffered from nearby residential uses with the adjacent church property and the right-of-way of N Hurstbourne Pkwy.
22	Community Form/Land Use Guideline 3: Compatibility	A.24: The proposal includes screening and buffering of parking and circulation areas adjacent to the street, and uses design features or landscaping to fill gaps created by surface parking lots. Parking areas and garage doors are oriented to the side or back of buildings rather than to the street.	√	The required parkway buffer and screening along N Hurstbourne Pkwy will be compatible with existing and future developments along the parkway corridor.
23	Community Form/Land Use Guideline 3: Compatibility	A.25: Parking garages are integrated into their surroundings and provide an active, inviting street-level appearance.	NA	No parking garages are proposed.
24	Community Form/Land Use Guideline 3: Compatibility	A.28: Signs are compatible with the form district pattern and contribute to the visual quality of their surroundings.	√	Signs will be required to comply with requirements of the Land Development Code and parkway standards, which would be compatible with nearby properties.
25	Community Form/Land Use Guideline 4: Open Space	A.2/3/7: The proposal provides open space that helps meet the needs of the community as a component of the development and provides for the continued maintenance of that open space.	√	Future multi-family developments proposed on the subject site will be required to comply with open space requirements of the Land Development Code.
26	Community Form/Land Use Guideline 4: Open Space	A.4: Open space design is consistent with the pattern of development in the Neighborhood Form District.	√	Future multi-family developments proposed on the subject site will be required to comply with open space requirements of the Land Development Code.
27	Community Form/Land Use Guideline 4: Open Space	A.5: The proposal integrates natural features into the pattern of development.	√	There do not appear to be any natural features on the site that would be adversely affected by development of the property.

#	Cornerstone 2020 Plan Element	Plan Element or Portion of Plan Element	Staff Finding	Staff Comments
28	Community Form/Land Use Guideline 5: Natural Areas and Scenic and Historic Resources	A.1: The proposal respects the natural features of the site through sensitive site design, avoids substantial changes to the topography and minimizes property damage and environmental degradation resulting from disturbance of natural systems.	√	There do not appear to be any natural features on the site that would be adversely affected by development of the property.
29	Community Form/Land Use Guideline 5: Natural Areas and Scenic and Historic Resources	A.2/4: The proposal includes the preservation, use or adaptive reuse of buildings, sites, districts and landscapes that are recognized as having historical or architectural value, and, if located within the impact area of these resources, is compatible in height, bulk, scale, architecture and placement.	√	Staff of Historic Preservation has reviewed the preliminary development plan and found that the proposed zoning change will not affect any known cultural or historic resources.
30	Community Form/Land Use Guideline 5: Natural Areas and Scenic and Historic Resources	A.6: Encourage development to avoid wet or highly permeable soils, severe, steep or unstable slopes with the potential for severe erosion.	√	The Metropolitan Sewer has approved the proposed development plan, indicating that the development avoids steep or unstable slopes or soils with the potential for severe erosion.
31	Marketplace Guideline 6: Economic Growth and Sustainability	A.3: Encourage redevelopment, reinvestment and rehabilitation in the downtown where it is consistent with the form district pattern.	NA	The site is not located in the downtown form district.
32	Marketplace Guideline 6: Economic Growth and Sustainability	A.4: Encourage industries to locate in industrial subdivisions or adjacent to existing industry to take advantage of special infrastructure needs.	NA	The proposal is not for an industrial zoning district.
33	Marketplace Guideline 6: Economic Growth and Sustainability	A.6: Locate retail commercial development in activity centers. Locate uses generating large amounts of traffic on a major arterial, at the intersection of two minor arterials or at locations with good access to a major arterial and where the proposed use will not adversely affect adjacent areas.	√	The proposed commercial zoning district is located along a major arterial roadway where access to the site will not adversely affect nearby residential uses.
34	Marketplace Guideline 6: Economic Growth and Sustainability	A.8: Require industrial development with more than 100 employees to locate on or near an arterial street, preferably in close proximity to an expressway interchange. Require industrial development with less than 100 employees to locate on or near an arterial street.	NA	The proposal is not for an industrial zoning district.
35	Mobility/Transportation Guideline 7: Circulation	A.1/2: The proposal will contribute its proportional share of the cost of roadway improvements and other services and public facilities made necessary by the development through physical improvements to these facilities, contribution of money, or other means.	√	The proposal has received preliminary approvals from Metro Transportation Planning and the Metropolitan Sewer District, indicating that all necessary improvements to public facilities have been made and will be provided with development of the property.



#	Cornerstone 2020 Plan Element	Plan Element or Portion of Plan Element	Staff Finding	Staff Comments
36	Mobility/Transportation Guideline 7: Circulation	A.3/4: The proposal promotes mass transit, bicycle and pedestrian use and provides amenities to support these modes of transportation.	-	Dedication of right-of-way for an extension of Spring Bark Dr to the east would allow for a vehicle and pedestrian connection from Westport Rd to N Hurstbourne Pkwy to relieve congestion on the main thoroughfares and encourage walking and bicycling.
37	Mobility/Transportation Guideline 7: Circulation	A.6: The proposal's transportation facilities are compatible with and support access to surrounding land uses, and contribute to the appropriate development of adjacent lands. The proposal includes at least one continuous roadway through the development, adequate street stubs, and relies on cul-de-sacs only as short side streets or where natural features limit development of "through" roads.	-	Right-of-way should be dedicated for a future extension of Spring Bark Dr to complete the road network in the neighborhood and contribute to the appropriate development of adjacent lands, and to encourage walking and bicycling.
38	Mobility/Transportation Guideline 7: Circulation	A.9: The proposal includes the dedication of rights-of-way for street, transit corridors, bikeway and walkway facilities within or abutting the development.	-	Right-of-way should be dedicated for a future extension of Spring Bark Dr to complete the road network in the neighborhood and contribute to the appropriate development of adjacent lands, and to encourage walking and bicycling.
39	Mobility/Transportation Guideline 7: Circulation	A.10: The proposal includes adequate parking spaces to support the use.	√	Proposed development on the site will be required to comply with parking requirements of the Land Development Code.
40	Mobility/Transportation Guideline 7: Circulation	A.13/16: The proposal provides for joint and cross access through the development and to connect to adjacent development sites.	-	Right-of-way should be dedicated for a future extension of Spring Bark Dr to complete the road network in the neighborhood and contribute to the appropriate development of adjacent lands, and to encourage walking and bicycling.
41	Mobility/Transportation Guideline 8: Transportation Facility Design	A.8: Adequate stub streets are provided for future roadway connections that support and contribute to appropriate development of adjacent land.	-	Right-of-way should be dedicated for a future extension of Spring Bark Dr to complete the road network in the neighborhood and contribute to the appropriate development of adjacent lands, and to encourage walking and bicycling.
42	Mobility/Transportation Guideline 8: Transportation Facility Design	A.9: Avoid access to development through areas of significantly lower intensity or density if such access would create a significant nuisance.	√	The proposed commercial zoning district is located along a major arterial roadway where access to the site will not adversely affect nearby residential uses.
43	Mobility/Transportation Guideline 8: Transportation Facility Design	A.11: The development provides for an appropriate functional hierarchy of streets and appropriate linkages between activity areas in and adjacent to the development site.	√	The proposed commercial zoning district is located along a major arterial roadway where access to the site will not adversely affect nearby residential uses.
44	Mobility/Transportation Guideline 9: Bicycle, Pedestrian and Transit	A.1/2: The proposal provides, where appropriate, for the movement of pedestrians, bicyclists and transit users around and through the development, provides bicycle and pedestrian connections to adjacent developments and to transit stops, and is appropriately located for its density and intensity.	-	Right-of-way should be dedicated for a future extension of Spring Bark Dr to complete the road network in the neighborhood and contribute to the appropriate development of adjacent lands, and to encourage walking and bicycling.

#	Cornerstone 2020 Plan Element	Plan Element or Portion of Plan Element	Staff Finding	Staff Comments
45	Livability/Environment Guideline 10: Flooding and Stormwater	The proposal's drainage plans have been approved by MSD, and the proposal mitigates negative impacts to the floodplain and minimizes impervious area. Solid blue line streams are protected through a vegetative buffer, and drainage designs are capable of accommodating upstream runoff assuming a fully-developed watershed. If streambank restoration or preservation is necessary, the proposal uses best management practices.	√	The Metropolitan Sewer District has approved the proposed development plan, indicating that the development will not have negative impacts to the floodplain, or have negative impacts to nearby properties.
46	Livability/Environment Guideline 12: Air Quality	The proposal has been reviewed by APCD and found to not have a negative impact on air quality.	√	Comments from the Air Pollution Control District need to be addressed to demonstrate that the proposal will not have a negative impact on air quality.
47	Livability/Environment Guideline 13: Landscape Character	A.3: The proposal includes additions and connections to a system of natural corridors that can provide habitat areas and allow for migration.	√	There do not appear to be any natural corridors for habitat or migration on the site.
48	Community Facilities Guideline 14: Infrastructure	A.2: The proposal is located in an area served by existing utilities or planned for utilities.	√	Existing and proposed utility easements allow for appropriate connections to adjacent properties.
49	Community Facilities Guideline 14: Infrastructure	A.3: The proposal has access to an adequate supply of potable water and water for fire-fighting purposes.	√	The site has existing access to an adequate supply of potable water and water for fire-fighting purposes.
50	Community Facilities Guideline 14: Infrastructure	A.4: The proposal has adequate means of sewage treatment and disposal to protect public health and to protect water quality in lakes and streams.	√	The Metropolitan Sewer District has approved the preliminary development plan indicating the proposal provides for adequate means of sewage treatment and disposal to protect public health and water quality.

**Land Development & Transportation Committee**  
**Staff Report**  
January 9, 2014



<b>Case No:</b>	13ZONE1013
<b>Project Name:</b>	Honest-1 Autocare
<b>Location:</b>	2801 N Hurstbourne Pkwy
<b>Owner(s):</b>	S&L Ventures, LLC
<b>Applicant:</b>	S&L Ventures, LLC
<b>Representative(s):</b>	Bill Bardenwerper Mindel, Scott & Associates, Inc.
<b>Jurisdiction:</b>	Louisville Metro
<b>Council District:</b>	17 – Glen Stuckel
<b>Case Manager:</b>	Joseph Reverman, AICP, Planning Supervisor

**REQUEST**

- Change in Zoning from R-4, Single Family Residential, to C-2, Commercial
- Detailed District Development Plan
  - A Variance of table 5.3.2 of the Land Development Code to allow the proposed buildings to exceed the maximum 80 ft setback along N Hurstbourne Pkwy as shown on the development plan.
  - A Land Development Code Waiver of section 5.5.2.B.1 and 5.9.2.A to waive the vehicular and pedestrian connection to the adjacent commercially zoned lot to the north.

**CASE SUMMARY/BACKGROUND/SITE CONTEXT**

The site is located on the east side of N Hurstbourne Pkwy, approximately 775 feet south of Westport Rd. The site is adjacent to E.P. Tom Sawyer Park to the south, a commercial development to the north, and a church to the east.

Existing Zoning District: R-4, Single Family Residential  
Proposed Zoning District: C-2, Commercial  
Existing Form District: N, Neighborhood  
Existing Use: Vacant  
Proposed Use: Auto Repair, Day Care  
Minimum Parking Spaces Required: 54  
Maximum Parking Spaces Allowed: 96  
Parking Spaces Proposed: 55

The proposal is to change the zoning from R-4 to C-2 and construct a 4,240 sf auto repair shop and a 8,450 sf retail building. Access is proposed from the location of an existing curb cut on N Hurstbourne Pkwy.

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

	<b>Land Use</b>	<b>Zoning</b>	<b>Form District</b>
<b>Subject Property</b>			
<b>Existing</b>	Vacant	R-4	Neighborhood
<b>Proposed</b>	Auto Repair Shop, Day Care	C-2	Neighborhood
<b>Surrounding Properties</b>			
<b>North</b>	Commercial	C-1	Suburban Marketplace Corridor
<b>South</b>	E.P Tom Sawyer Park	R-4	Campus
<b>East</b>	Church	R-4	Neighborhood
<b>West</b>	Single Family Residential	R-5	Neighborhood

**PREVIOUS CASES ON SITE**

No previous cases were found on the subject site.

**APPLICABLE PLANS AND POLICIES**

Cornerstone 2020  
Land Development Code

Hurstbourne Parkway Corridor Study, June, 1992

This study was conducted prior to the construction of Hurstbourne Pkwy adjacent to the subject site. The study identified the lots north of E.P. Tom Sawyer Park to Westport Rd and recommended them for redevelopment since construction of the parkway would substantially alter the character of those lots. It was recommended that these lots be developed with a unified plan with neighborhood commercial, low rise offices, or medium to high density residential.

**TECHNICAL REVIEW**

The development plan has received preliminary approval from Metro Transportation Planning and the Metropolitan Sewer District.

The site is located directly on the path of Spring Bark Dr to the east, which appear to have been constructed so as to one day connect to N Hurstbourne Pkwy. A development was recently proposed to the east of the subject site that connected another portion of Spring Bark Dr. If this property was to dedicate right-of-way for Spring Bark Dr, the adjacent church property would be the last section needed to make a full connection from N Hurstbourne Pkwy, east to Westport Rd. Planning and Design staff has asked for right-of-way to be dedicated on the subject site for a future extension of Spring Bark Dr to complete the road network in the neighborhood.

Section 5.5.2.B.1 of the LDC

Vehicular and pedestrian connections between parking lots of abutting developments are required in order to reduce traffic on main thoroughfares and to allow customers to visit multiple establishments without moving their vehicles.

**Freestanding Signs**

On premises sign regulations for non-residential uses

N Hurstbourne Pkwy adjacent to the subject site is a designated parkway with the following restrictions for freestanding signs.

Land Use	Street Frontage	Area(S.F.)/Height(ft.)
Institutional, Office, Commercial and Industrial	<450 ft.	60/6
	>450 ft.	72/9
	>600 ft.	81/12
Multi-family Residential	NA	6/6

Internally illuminated business signs within the Neighborhood, Traditional Neighborhood and Village Form Districts, and within transition zones adjacent to the aforementioned form districts where signs are visible from these form districts shall have opaque backgrounds with translucent letters, symbols and logos. Reader Boards/Changeable Copy Signs, Temporary On-premises Signs are exempt from the previous restriction. Opaque means that the material must not transmit light from an internal illumination source. Outdoor exterior illuminated on-premises signs shall be lighted in accordance with Chapter 4, Part 1, Lighting. Sign lighting shall be subject to the light trespass standards as outlined under Chapter 4, Part 1, Lighting. Changing image signs are subject to the provisions of chapter 8.2.1.D ,E & F of the Land Development Code.

**Property Perimeter Landscape Buffer Areas – Chapter 10.2.4 of the LDC**

- C-1 (Class 4) to R-4 (Church) - Private schools and churches are to be considered the same as Intensity Class 3 for the purposes of screening in accordance with this part.

LBA Type	Width (feet)	Planting Density Multiplier <sup>2</sup>	Planting Density Requirement (per 100 linear feet)
B.4	10 <sup>1</sup> ft	1.5	3 Large or Medium trees Plus 8 foot screen
	15 ft	1.5	
	20 ft	1	

- C-2 (Class 4) to R-4 (Class 1)

LBA Type	Width (feet)	Planting Density Multiplier <sup>2</sup>	Planting Density Requirement (per 100 linear feet)
C.4	15 <sup>1</sup> ft	1.5	3 Large or Medium trees Plus 8 foot screen
	25 ft	1.5	
	35 ft	1	

<sup>1</sup>This option is only available in the Traditional Neighborhood, Traditional Workplace and Traditional Marketplace Corridor Form Districts.

<sup>2</sup>The Planting Density Multiplier allows for a reduction in the size of Landscape Buffer Areas with a provision of an increased number of trees to offset the reduction in buffer width. (A “2” multiplier requires twice the number of trees to be planted as required in Table 10.2.4.)

Screens specified in Table 10.2.4 shall consist of shrubs, fences, berms or walls, individually or in combination, that meet the requirements outlined in Part 4, Implementation Standards. Evergreen tree plantings can be substituted for landscape material specified in Table 10.2.4, placement and species to be approved by Planning Commission staff to ensure an effective screen. The planting density multiplier (Table 10.2.3) does not apply to the minimum screen height established in Table 10.2.4.

**NOTIFICATION**

Date	Purpose of Notice	Recipients
12/19/13	Hearing before LD&T	1 <sup>st</sup> and 2 <sup>nd</sup> tier adjoining property owners Subscribers of Council District 17 Notification of Development Proposals

**ATTACHMENTS**

1. Zoning Map
2. Aerial Photograph
3. Street Network
4. Proposed Binding Elements



2. Aerial Photograph



LOIC DRAWING

2801 N Hurstbourne Pkwy

Plot Date 8/21/2013





3. **Street Network**



#### 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 (and to the City of Lyndon, St. Matthews, Hurstbourne, or Middletown) 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 and site disturbance) is requested:
  - a. The development plan must receive full construction approval from Louisville Metro Department of Inspections, Permits and Licenses, 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. 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.
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. The materials and design of proposed structures shall be substantially the same as depicted in the rendering as presented at the \_\_\_\_\_ Planning Commission meeting.

## Change in Zoning Pre-Application Staff Report

August 22, 2013



<b>Case No:</b>	13ZONE1013
<b>Project Name:</b>	Honest-1 Autocare
<b>Location:</b>	2801 N Hurstbourne Pkwy
<b>Owner(s):</b>	Louisville/Jefferson County Metro Government
<b>Applicant:</b>	S&L Ventures, LLC
<b>Representative(s):</b>	Bill Bardenwerper Mindel, Scott & Associates, Inc.
<b>Project Area/Size:</b>	1.43 Acres
<b>Jurisdiction:</b>	Louisville Metro
<b>Council District:</b>	17 – Glen Stuckel
<b>Case Manager:</b>	Joseph Reverman, AICP, Planning Supervisor

### REQUEST

- Change in Zoning from R-4, Single Family Residential, to C-2, Commercial
- Detailed District Development Plan

### CASE SUMMARY/BACKGROUND/SITE CONTEXT

The site is located on the east side of N Hurstbourne Pkwy, approximately 775 feet south of Westport Rd. The site is adjacent to E.P. Tom Sawyer Park to the south, a commercial development to the north, and a church to the east.

Existing Zoning District: R-4, Single Family Residential  
 Proposed Zoning District: C-2, Commercial  
 Existing Form District: N, Neighborhood  
 Existing Use: Vacant  
 Proposed Use: Auto Repair, Day Care  
 Minimum Parking Spaces Required:  
 Maximum Parking Spaces Allowed:  
 Parking Spaces Proposed:

The proposal is to change the zoning from R-4 to C-2 and construct an auto repair shop and day care center. Access is proposed from the location of an existing curb cut on N Hurstbourne Pkwy.

### LAND USE/ZONING DISTRICT/FORM DISTRICT TABLE

	Land Use	Zoning	Form District
<b>Subject Property</b>			
<b>Existing</b>	Vacant	R-4	Neighborhood
<b>Proposed</b>	Auto Repair Shop, Day Care	C-2	Neighborhood
<b>Surrounding Properties</b>			
<b>North</b>	Commercial	C-1	Suburban Marketplace Corridor
<b>South</b>	E.P Tom Sawyer Park	R-4	Campus
<b>East</b>	Church	R-4	Neighborhood
<b>West</b>	Single Family Residential	R-5	Neighborhood

## PREVIOUS CASES ON SITE

No previous cases were found on the subject site.

## APPLICABLE PLANS AND POLICIES

Cornerstone 2020  
Land Development Code

### Hurstbourne Parkway Corridor Study, June, 1992

This study was conducted prior to the construction of Hurstbourne Pkwy adjacent to the subject site. The study identified the lots north of E.P. Tom Sawyer Park to Westport Rd and recommended them for redevelopment since construction of the parkway would substantially alter the character of those lots. It was recommended that these lots be developed with a unified plan with neighborhood commercial, low rise offices, or medium to high density residential.

## STANDARD OF REVIEW FOR PREZONINGS

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 of 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 PROPOSED REZONING

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 located on the east side of N Hurstbourne Pkwy, approximately 775 feet south of Westport Rd. The site is adjacent to E.P. Tom Sawyer Park to the south, a commercial development to the north, single family residential uses to the west across N Hurstbourne Pkwy, and a church to the east. The site is vacant, but has an existing curb cut on N Hurstbourne Pkwy that appears to have once provided access to a single family residence on an adjacent property. The Hurstbourne Parkway Corridor Study of 1992 identified this lot in conjunction with the lots to the north to Westport Rd and recommended them for redevelopment since construction of the parkway would substantially alter the character of those lots. It was recommended that these lots be developed with a unified plan with neighborhood commercial, low rise offices, or medium to high density residential.

The proposal is to change the zoning on the property from R-4, single family residential, to C-2, Commercial. In the Neighborhood form district, non-residential uses are encouraged in activity centers. The adjacent site to the north is commercially zoned all the way to Westport Rd. The adjacent site to the south is E.P. Tom Sawyer Park and will likely be used as such in the foreseeable future. Use of this site for a non-residential use would seem like a logical progression of the adjacent commercial activity center, as well as a natural stopping point, adjacent to the park.

However, a C-2 zoning district could permit some intrusive uses into a neighborhood that does not already contain many C-2 uses. Commercial development in the Neighborhood form district is encouraged to be at a scale appropriate for nearby neighborhoods. The single family residential uses across N Hurstbourne Pkwy, and the church adjacent to the subject site to the east would be most affected by development of this property and impacts to these properties should be considered, especially in terms of noise, odor and visual intrusions.

The intent of **Guideline 3, Compatibility**, is to allow a mixture of land uses and densities near each other as long as they are designed to be compatible with each other, to mitigate adverse impacts of new development on existing development, and to preserve the character of existing neighborhoods. Building design on the subject site should be compatible with, and at a scale appropriate for, nearby residential uses. And as stated above, adverse impacts to residential uses across N Hurstbourne Pkwy and to the adjacent church to the east should be appropriately mitigated. In addition, the Planning Commission will need to consider if mitigation is possible, especially in terms of noise, odor and visual intrusions.

The site is also located directly on the path of Spring Bark Dr to the east, which appear to have been constructed so as to one day connect to N Hurstbourne Pkwy. A development was recently proposed to the east of the subject site that connected another portion of Spring Bark Dr. If this property was to dedicate right-of-way for Spring Bark Dr, the adjacent church property would be the last section needed to make a full connection from N Hurstbourne Pkwy, east to Westport Rd. For these reasons, right-of-way should be dedicated for a future extension of Spring Bark Dr to complete the road network in the neighborhood. Future connections to the adjacent commercial property to the north should be planned. And sidewalks should be provided along N Hurstbourne Pkwy and on both sides of ROW dedicated for an extension of Spring Bark Dr. This would further the goals and objectives of **Guideline 7, Circulation, Guideline 8, Transportation Facility Design, and Guideline 9, Bicycle, Pedestrian and Transit**.

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.

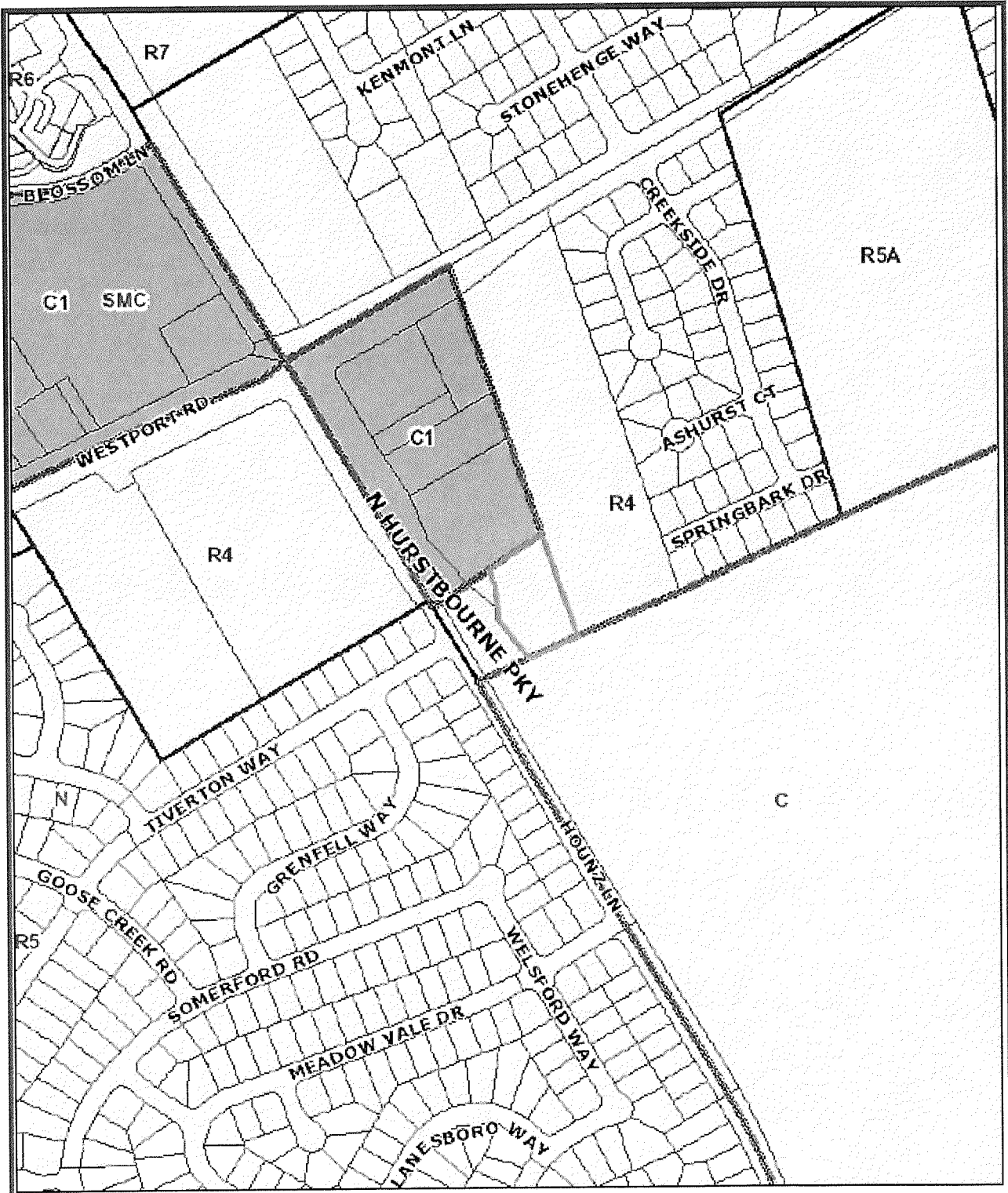
### **TECHNICAL REVIEW**

Please refer to agency comments for development plan review comments and requirements of the Land Development Code specific to the Detailed District Development Plan proposed with this change in zoning.

### **ATTACHMENTS**

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

1. **Zoning Map**



2801 N Hurstbourne Pkwy



Plot Date 8/21/2013

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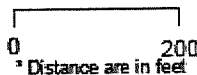
2. Aerial Photograph



2801 N Hurstbourne Pkwy



Created by the Louisiana State University System  
Louisiana State University System  
Louisiana State University System  
Louisiana State University System  
Louisiana State University System  
Louisiana State University System



Plot Date: 8/21/2013



### 3. Cornerstone 2020 Staff Checklist

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

#	Cornerstone 2020 Plan Element	Plan Element or Portion of Plan Element	Staff Finding	Staff Comments
1	Community Form/Land Use Guideline 1: Community Form	B.3: The proposal is a neighborhood center with a mixture of uses such as offices, retail shops, restaurants and services at a scale that is appropriate for nearby neighborhoods.	+/-	The subject site is adjacent to an activity around N Hurstbourne Pkwy and Westport Rd. The proposed C-2 zoning district would permit a mix of uses that could be intrusive to nearby residential uses.
2	Community Form/Land Use Guideline 1: Community Form	B.3: If the proposal is high intensity, it is located on a major or minor arterial or an area with limited impact on low to moderate intensity residential uses.	+/-	The proposal is for a higher density and intensity use. The site is located on a major arterial roadway. However, impacts to residential uses across N Hurstbourne Pkwy, and the adjacent church in a residential zoning district should be considered.
3	Community Form/Land Use Guideline 2: Centers	A.1/7: The proposal, which will create a new center, is located in the Neighborhood Form District, and includes new construction or the reuse of existing buildings to provide commercial, office and/or residential use.	+/-	The proposed rezoning would constitute an expansion of an existing activity center along N Hurstbourne Pkwy. However, the C-2 zoning district should be considered in terms of its impact on existing residences across N Hurstbourne Pkwy, and the adjacent church in a residential zoning district.
4	Community Form/Land Use Guideline 2: Centers	A.3: The proposed retail commercial development is located in an area that has a sufficient population to support it.	√	The proposed commercial zoning district is located in an area with sufficient population to support it.
5	Community Form/Land Use Guideline 2: Centers	A.4: The proposed development is compact and results in an efficient land use pattern and cost-effective infrastructure investment.	+/-	Development of the subject site should include a dedication of right-of-way for an extension of Spring Bark Dr to the east, which would result in an efficient land use pattern and cost-effective infrastructure investment.
6	Community Form/Land Use Guideline 2: Centers	A.5: The proposed center includes a mix of compatible land uses that will reduce trips, support the use of alternative forms of transportation and encourage vitality and sense of place.	+/-	The proposed rezoning would constitute an expansion of an existing activity center along N Hurstbourne Pkwy. However, there are no other C-2 uses in the near vicinity. Compatibility with residences and the church will need to be considered.
7	Community Form/Land Use Guideline 2: Centers	A.6: The proposal incorporates residential and office uses above retail and/or includes other mixed-use, multi-story retail buildings.	NA	This policy references residential uses in traditionally non-residential areas. This property is located in a traditionally residential area.
8	Community Form/Land Use Guideline 2: Centers	A.12: If the proposal is a large development in a center, it is designed to be compact and multi-purpose, and is oriented around a central feature such as a public square or plaza or landscape element.	NA	The proposal is not a large development.

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9	Community Form/Land Use Guideline 2: Centers	A.13/15: The proposal shares entrance and parking facilities with adjacent uses to reduce curb cuts and surface parking, and locates parking to balance safety, traffic, transit, pedestrian, environmental and aesthetic concerns.	+/-	Right-of-way should be dedicated for an extension of Spring Bark Dr to the east. Future connections to the adjacent commercial property to the north should be planned.
10	Community Form/Land Use Guideline 2: Centers	A.14: The proposal is designed to share utility hookups and service entrances with adjacent developments, and utility lines are placed underground in common easements.	+/-	Existing and proposed utility easement should be shown on the plan that allow for appropriate connections to adjacent properties.
11	Community Form/Land Use Guideline 2: Centers	A.16: The proposal is designed to support easy access by bicycle, car and transit and by pedestrians and persons with disabilities.	+/-	Sidewalks should be provided along N Hurstbourne Pkwy and on both sides of ROW dedicated for an extension of Spring Bark Dr.
12	Community Form/Land Use Guideline 3: Compatibility	A.2: The proposed building materials increase the new development's compatibility.	+/-	Building design should be compatible with nearby residential uses at a scale appropriate for nearby residential uses.
13	Community Form/Land Use Guideline 3: Compatibility	A.4/5/6/7: The proposal does not constitute a non-residential expansion into an existing residential area, or demonstrates that despite such an expansion, impacts on existing residences (including traffic, parking, signs, lighting, noise, odor and stormwater) are appropriately mitigated.	+/-	The proposed rezoning would constitute an expansion of an existing activity center along N Hurstbourne Pkwy. However, the C-2 zoning district should be considered in terms of its impact on existing residences across N Hurstbourne Pkwy, and the adjacent church in a residential zoning district.
14	Community Form/Land Use Guideline 3: Compatibility	A.5: The proposal mitigates any potential odor or emissions associated with the development.	+/-	Odor mitigation should be addressed with potential uses in the C-2 zoning district.
15	Community Form/Land Use Guideline 3: Compatibility	A.6: The proposal mitigates any adverse impacts of its associated traffic on nearby existing communities.	+/-	Right-of-way should be dedicated for a future extension of Spring Bark Dr to complete the road network in the neighborhood. Future connections to the adjacent commercial property to the north should be planned.
16	Community Form/Land Use Guideline 3: Compatibility	A.8: The proposal mitigates adverse impacts of its lighting on nearby properties, and on the night sky.	√	Light trespass requirements of the Land Development Code will adequately mitigate adverse impacts of lighting.
17	Community Form/Land Use Guideline 3: Compatibility	A.11: If the proposal is a higher density or intensity use, it is located along a transit corridor AND in or near an activity center.	√	The proposal for a higher density and intensity use is located adjacent to an existing activity center.
18	Community Form/Land Use Guideline 3: Compatibility	A.21: The proposal provides appropriate transitions between uses that are substantially different in scale and intensity or density of development such as landscaped buffer yards, vegetative berms, compatible building design and materials, height restrictions, or setback requirements.	+/-	Adverse impacts to residential uses across N Hurstbourne Pkwy and to the adjacent church to the east should be appropriately mitigated. The Planning Commission will need to consider if mitigation is possible, especially in terms of noise, odor and visual intrusions.

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19	Community Form/Land Use Guideline 3: Compatibility	A.22: The proposal mitigates the impacts caused when incompatible developments unavoidably occur adjacent to one another by using buffers that are of varying designs such as landscaping, vegetative berms and/or walls, and that address those aspects of the development that have the potential to adversely impact existing area developments.	+/-	Adverse impacts to residential uses across N Hurstbourne Pkwy and to the adjacent church to the east should be appropriately mitigated. The Planning Commission will need to consider if mitigation is possible, especially in terms of noise, odor and visual intrusions.
20	Community Form/Land Use Guideline 3: Compatibility	A.23: Setbacks, lot dimensions and building heights are compatible with those of nearby developments that meet form district standards.	√	Setbacks, lot dimensions and building heights of the C-2 zoning district will be compatible with nearby residential and non-residential developments.
21	Community Form/Land Use Guideline 3: Compatibility	A.24: Parking, loading and delivery areas located adjacent to residential areas are designed to minimize adverse impacts of lighting, noise and other potential impacts, and that these areas are located to avoid negatively impacting motorists, residents and pedestrians.	+/-	Adverse impacts to residential uses across N Hurstbourne Pkwy and to the adjacent church to the east should be appropriately mitigated. The Planning Commission will need to consider if mitigation is possible, especially in terms of noise, odor and visual intrusions.
22	Community Form/Land Use Guideline 3: Compatibility	A.24: The proposal includes screening and buffering of parking and circulation areas adjacent to the street, and uses design features or landscaping to fill gaps created by surface parking lots. Parking areas and garage doors are oriented to the side or back of buildings rather than to the street.	+/-	Adverse impacts to residential uses across N Hurstbourne Pkwy and to the adjacent church to the east should be appropriately mitigated. The Planning Commission will need to consider if mitigation is possible, especially in terms of noise, odor and visual intrusions.
23	Community Form/Land Use Guideline 3: Compatibility	A.25: Parking garages are integrated into their surroundings and provide an active, inviting street-level appearance.	NA	No parking garages are proposed.
24	Community Form/Land Use Guideline 3: Compatibility	A.28: Signs are compatible with the form district pattern and contribute to the visual quality of their surroundings.	√	Signs will be required to comply with requirements of the Land Development Code and parkway standards, which would be compatible with nearby properties.
25	Community Form/Land Use Guideline 4: Open Space	A.2/3/7: The proposal provides open space that helps meet the needs of the community as a component of the development and provides for the continued maintenance of that open space.	√	Future multi-family developments proposed on the subject site will be required to comply with open space requirements of the Land Development Code.
26	Community Form/Land Use Guideline 4: Open Space	A.4: Open space design is consistent with the pattern of development in the Neighborhood Form District.	√	Future multi-family developments proposed on the subject site will be required to comply with open space requirements of the Land Development Code.
27	Community Form/Land Use Guideline 4: Open Space	A.5: The proposal integrates natural features into the pattern of development.	√	There do not appear to be any natural features on the site that would be adversely affected by development of the property.

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28	Community Form/Land Use Guideline 5: Natural Areas and Scenic and Historic Resources	A.1: The proposal respects the natural features of the site through sensitive site design, avoids substantial changes to the topography and minimizes property damage and environmental degradation resulting from disturbance of natural systems.	√	There do not appear to be any natural features on the site that would be adversely affected by development of the property.
29	Community Form/Land Use Guideline 5: Natural Areas and Scenic and Historic Resources	A.2/4: The proposal includes the preservation, use or adaptive reuse of buildings, sites, districts and landscapes that are recognized as having historical or architectural value, and, if located within the impact area of these resources, is compatible in height, bulk, scale, architecture and placement.	√	Staff of Historic Preservation has reviewed the preliminary development plan and found that the proposed zoning change will not affect any known cultural or historic resources.
30	Community Form/Land Use Guideline 5: Natural Areas and Scenic and Historic Resources	A.6: Encourage development to avoid wet or highly permeable soils, severe, steep or unstable slopes with the potential for severe erosion.	+/-	Comments from the Metropolitan Sewer District need to be addressed to demonstrate that development will avoid unstable soils with the potential for severe erosion.
31	Marketplace Guideline 6: Economic Growth and Sustainability	A.3: Encourage redevelopment, reinvestment and rehabilitation in the downtown where it is consistent with the form district pattern.	NA	The site is not located in the downtown form district.
32	Marketplace Guideline 6: Economic Growth and Sustainability	A.4: Encourage industries to locate in industrial subdivisions or adjacent to existing industry to take advantage of special infrastructure needs.	NA	The proposal is not for an industrial zoning district.
33	Marketplace Guideline 6: Economic Growth and Sustainability	A.6: Locate retail commercial development in activity centers. Locate uses generating large amounts of traffic on a major arterial, at the intersection of two minor arterials or at locations with good access to a major arterial and where the proposed use will not adversely affect adjacent areas.	√	The proposed commercial zoning district is located along a major arterial roadway where access to the site will not adversely affect nearby residential uses.
34	Marketplace Guideline 6: Economic Growth and Sustainability	A.8: Require industrial development with more than 100 employees to locate on or near an arterial street, preferably in close proximity to an expressway interchange. Require industrial development with less than 100 employees to locate on or near an arterial street.	NA	The proposal is not for an industrial zoning district.
35	Mobility/Transportation Guideline 7: Circulation	A.1/2: The proposal will contribute its proportional share of the cost of roadway improvements and other services and public facilities made necessary by the development through physical improvements to these facilities, contribution of money, or other means.	+/-	Comments from Metro Transportation Planning and the Metropolitan Sewer District need to be addressed to demonstrate that all necessary improvements to public facilities have been made and will be provided with development of the property.

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36	Mobility/Transportation Guideline 7: Circulation	A.3/4: The proposal promotes mass transit, bicycle and pedestrian use and provides amenities to support these modes of transportation.	+/-	Sidewalks should be provided along N Hurstbourne Pkwy and on both sides of ROW dedicated for an extension of Spring Bark Dr.
37	Mobility/Transportation Guideline 7: Circulation	A.6: The proposal's transportation facilities are compatible with and support access to surrounding land uses, and contribute to the appropriate development of adjacent lands. The proposal includes at least one continuous roadway through the development, adequate street stubs, and relies on cul-de-sacs only as short side streets or where natural features limit development of "through" roads.	+/-	Right-of-way should be dedicated for a future extension of Spring Bark Dr to complete the road network in the neighborhood. Future connections to the adjacent commercial property to the north should be planned.
38	Mobility/Transportation Guideline 7: Circulation	A.9: The proposal includes the dedication of rights-of-way for street, transit corridors, bikeway and walkway facilities within or abutting the development.	+/-	Comments from Metro Transportation Planning and the Metropolitan Sewer District need to be addressed to demonstrate that all necessary improvements to public facilities have been made and will be provided with development of the property.
39	Mobility/Transportation Guideline 7: Circulation	A.10: The proposal includes adequate parking spaces to support the use.	√	Proposed development on the site will be required to comply with parking requirements of the Land Development Code.
40	Mobility/Transportation Guideline 7: Circulation	A.13/16: The proposal provides for joint and cross access through the development and to connect to adjacent development sites.	+/-	Right-of-way should be dedicated for a future extension of Spring Bark Dr to complete the road network in the neighborhood. Future connections to the adjacent commercial property to the north should be planned.
41	Mobility/Transportation Guideline 8: Transportation Facility Design	A.8: Adequate stub streets are provided for future roadway connections that support and contribute to appropriate development of adjacent land.	+/-	Right-of-way should be dedicated for a future extension of Spring Bark Dr to complete the road network in the neighborhood. Future connections to the adjacent commercial property to the north should be planned.
42	Mobility/Transportation Guideline 8: Transportation Facility Design	A.9: Avoid access to development through areas of significantly lower intensity or density if such access would create a significant nuisance.	√	The proposed commercial zoning district is located along a major arterial roadway where access to the site will not adversely affect nearby residential uses.
43	Mobility/Transportation Guideline 8: Transportation Facility Design	A.11: The development provides for an appropriate functional hierarchy of streets and appropriate linkages between activity areas in and adjacent to the development site.	√	The proposed commercial zoning district is located along a major arterial roadway where access to the site will not adversely affect nearby residential uses.
44	Mobility/Transportation Guideline 9: Bicycle, Pedestrian and Transit	A.1/2: The proposal provides, where appropriate, for the movement of pedestrians, bicyclists and transit users around and through the development, provides bicycle and pedestrian connections to adjacent developments and to transit stops, and is appropriately located for its density and intensity.	+/-	Sidewalks should be provided along N Hurstbourne Pkwy and on both sides of ROW dedicated for an extension of Spring Bark Dr.

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45	Livability/Environment Guideline 10: Flooding and Stormwater	The proposal's drainage plans have been approved by MSD, and the proposal mitigates negative impacts to the floodplain and minimizes impervious area. Solid blue line streams are protected through a vegetative buffer, and drainage designs are capable of accommodating upstream runoff assuming a fully-developed watershed. If streambank restoration or preservation is necessary, the proposal uses best management practices.	+/-	Comments from the Metropolitan Sewer need to be addressed to demonstrate that development of the site will not negatively impact the floodplain.
46	Livability/Environment Guideline 12: Air Quality	The proposal has been reviewed by APCD and found to not have a negative impact on air quality.	√	Comments from the Air Pollution Control District need to be addressed to demonstrate that the proposal will not have a negative impact on air quality.
47	Livability/Environment Guideline 13: Landscape Character	A.3: The proposal includes additions and connections to a system of natural corridors that can provide habitat areas and allow for migration.	√	There do not appear to be any natural corridors for habitat or migration on the site.
48	Community Facilities Guideline 14: Infrastructure	A.2: The proposal is located in an area served by existing utilities or planned for utilities.	+/-	Existing and proposed utility easement should be shown on the plan that allow for appropriate connections to adjacent properties.
49	Community Facilities Guideline 14: Infrastructure	A.3: The proposal has access to an adequate supply of potable water and water for fire-fighting purposes.	√	The site has existing access to an adequate supply of potable water and water for fire-fighting purposes.
50	Community Facilities Guideline 14: Infrastructure	A.4: The proposal has adequate means of sewage treatment and disposal to protect public health and to protect water quality in lakes and streams.	+/-	Comments from the Metropolitan Sewer need to be addressed to demonstrate that there is an adequate means of sewage treatment and disposal to protect public health and to protect water quality.