

# Planning Commission

## Staff Report

March 21, 2019



|                           |                                       |
|---------------------------|---------------------------------------|
| <b>Case No:</b>           | 17ZONE1080                            |
| <b>Project Name:</b>      | Wood Medical Office                   |
| <b>Location:</b>          | 5805 Ashby Lane                       |
| <b>Owner(s):</b>          | Multiple Owners                       |
| <b>Applicant:</b>         | Jack D. Wood                          |
| <b>Representative(s):</b> | Milestone Design Group – Mark Madison |
| <b>Project Area/Size:</b> | 2.2 acres                             |
| <b>Jurisdiction:</b>      | Louisville Metro                      |
| <b>Council District:</b>  | 14– Cindi Fowler                      |
| <b>Case Manager:</b>      | Joel P. Dock, AICP, Planner II        |

### REQUEST(S)

- **Change-in-Zoning** from R-4, Single-Family Residential to OR, Office- Residential
- **Waiver** of Land Development Code, section 5.5.2.B.1.A & 5.9.2.A.1.B.ii to not provide cross-access to abutting development having frontage on Dixie Highway
- **Detailed District Development Plan**

### CASE SUMMARY

A two-story medical office has been proposed on 1.71 acres west of Dixie Highway at the corner of Villa Drive and Ashby lane. A change-in-zoning to OR, Office-Residential is needed to facilitate this development. The subject site contains existing single-family residential homes and is surrounded on three sides by the same. To the west of the site is a commercial development having frontage along Dixie Highway. Access is proposed to Ashby lane with no connectivity to the adjacent site, unless that site is redeveloped. 80 parking spaces to the rear of the proposed building along Villa Drive are proposed.

### STAFF FINDING

The proposed change in zoning appears to be in conformance with the Guidelines and Policies of Cornerstone 2020. The OR district is a low intensity office district. The office use provides a transition in intensity between the existing commercial corridor of Dixie Highway and a single family residential neighborhood. The land use adds to the existing mixture of uses fronting the commercial corridor along Dixie Highway and provides additional options for low intensity uses to the surrounding residential neighborhoods. This may result in reduced trips, support the use of alternative forms of transportation, and encourage vitality and sense of place.

The detailed plan and waiver also appears to be adequately justified based on staff's analysis contained in the standard of review.

## **STANDARD OF REVIEW FOR REZONING**

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

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

## **STAFF ANALYSIS FOR CHANGE IN ZONING**

The Following is a summary of 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 OR district is a low intensity office district allowing for a minimum number of office uses and residential development at a medium density. It is located within close proximity to public transit and a commercial corridor. The proposal is adjacent to and expands a neighborhood center with a mixture of uses. The office use provides a transition in intensity between the existing commercial corridor of Dixie Highway and a single family residential neighborhood. The land use adds to the existing mixture of uses fronting the commercial corridor along Dixie Highway and provides additional options for low

intensity uses for the surrounding residential neighborhoods. This may result in reduced trips, support the use of alternative forms of transportation and encourage vitality and sense of place.

The proposal is designed to support easy access by bicycle, car and transit and by pedestrians and persons with disabilities as sidewalks and pedestrian connectivity have been made in those areas of responsibility by the developer. ADA parking and bike parking is being made conveniently available. Building materials increase the new development's compatibility. Common materials are provided on all sides with entrances and windows facing public streets and residential areas. The proposal provides appropriate transitions between uses that are substantially different in scale and intensity or density of development as all requirements for landscaping have been demonstrated on the proposed development plan. For these reasons the adverse impacts of the proposed expansion of the OR district into a residential area have been mitigated.

### **STANDARD OF REVIEW AND STAFF ANALYSIS FOR WAIVER**

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

STAFF: The waiver will not adversely affect adjacent property owners as the adjacent property owner does not appear to have consented to cross connectivity at this time.

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

STAFF: The waiver will not violate specific guidelines of Cornerstone 2020 as Guideline 7, Policy 13 calls for joint and cross access through the development and to connect to adjacent development sites. The proposal was not able to secure cross connectivity with adjacent uses, but will provide such connectivity in the event of redevelopment of adjacent lands. Cross connectivity will be provided upon redevelopment.

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

STAFF: The extent of the waiver of the regulation is the minimum necessary to afford relief to the applicant as the adjacent property owner does not appear to have consented to cross connectivity at this time.

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

STAFF: The strict application of the provisions of the regulation would deprive the applicant of the reasonable use of the land as the adjacent property owner does not appear to have consented to cross connectivity at this time.

**STANDARD OF REVIEW AND STAFF ANALYSIS FOR DETAILED DISTRICT DEVELOPMENT PLAN**

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

STAFF: The 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 will be provided. The proposed development site does not appear to have any significant natural or historic features.

- 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 are provided as all accommodations required of the developer to support movement of pedestrians and vehicles will be provided.

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

STAFF: Open space is not required or necessary for the proposed development as it is located along a commercial corridor and provides supportive uses to adjacent facilities. The proposal is designed to support easy access by bicycle, car and transit and by pedestrians and persons with disabilities as sidewalks and pedestrian connectivity have been made in those areas of responsibility by the developer. ADA parking and bike parking is being made conveniently available.

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

STAFF: The Metropolitan Sewer District has approved the preliminary development plan and will ensure the provisions of adequate drainage facilities on the subject site in order to prevent drainage problems from occurring on the subject site or within the community.

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

STAFF: The development is compatible with existing and projected development of the area as Building materials increase the new development's compatibility. Common materials are provided on all sides with entrances and windows facing public streets and residential areas. The proposal provides appropriate transitions between uses that are substantially different in scale and intensity or density of development as all requirements for landscaping have been demonstrated on the proposed development plan.

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

STAFF: The proposed development plan conforms to the Comprehensive Plan as The proposal is designed to support easy access by bicycle, car and transit and by pedestrians and persons with disabilities as sidewalks and pedestrian connectivity have been made in those areas of responsibility by the developer. ADA parking and bike parking is being made conveniently available. Building materials increase the new development's compatibility. Common materials are provided on all sides with entrances and windows facing public streets and residential areas. The proposal provides appropriate transitions between uses that are substantially different in scale and intensity or density of development as all requirements for landscaping have been demonstrated on the proposed development plan. For these reasons the adverse impacts of the proposed expansion of the OR district into a residential area have been mitigated.

**REQUIRED ACTIONS**

- **RECOMMEND** to the Louisville Metro Council that the change in zoning from from R-4, Single-Family Residential to OR, Office- Residential on property described in the attached legal description be **APPROVED** or **DENIED**
- **APPROVE** or **DENY** the **Waiver** of Land Development Code, section 5.5.2.B.1.A & 5.9.2.A.1.B.ii to not provide cross-access to abutting development having frontage on Dixie Highway
- **APPROVE** or **DENY** the **Detailed District Development Plan**

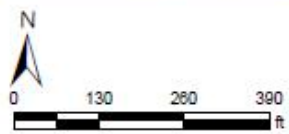
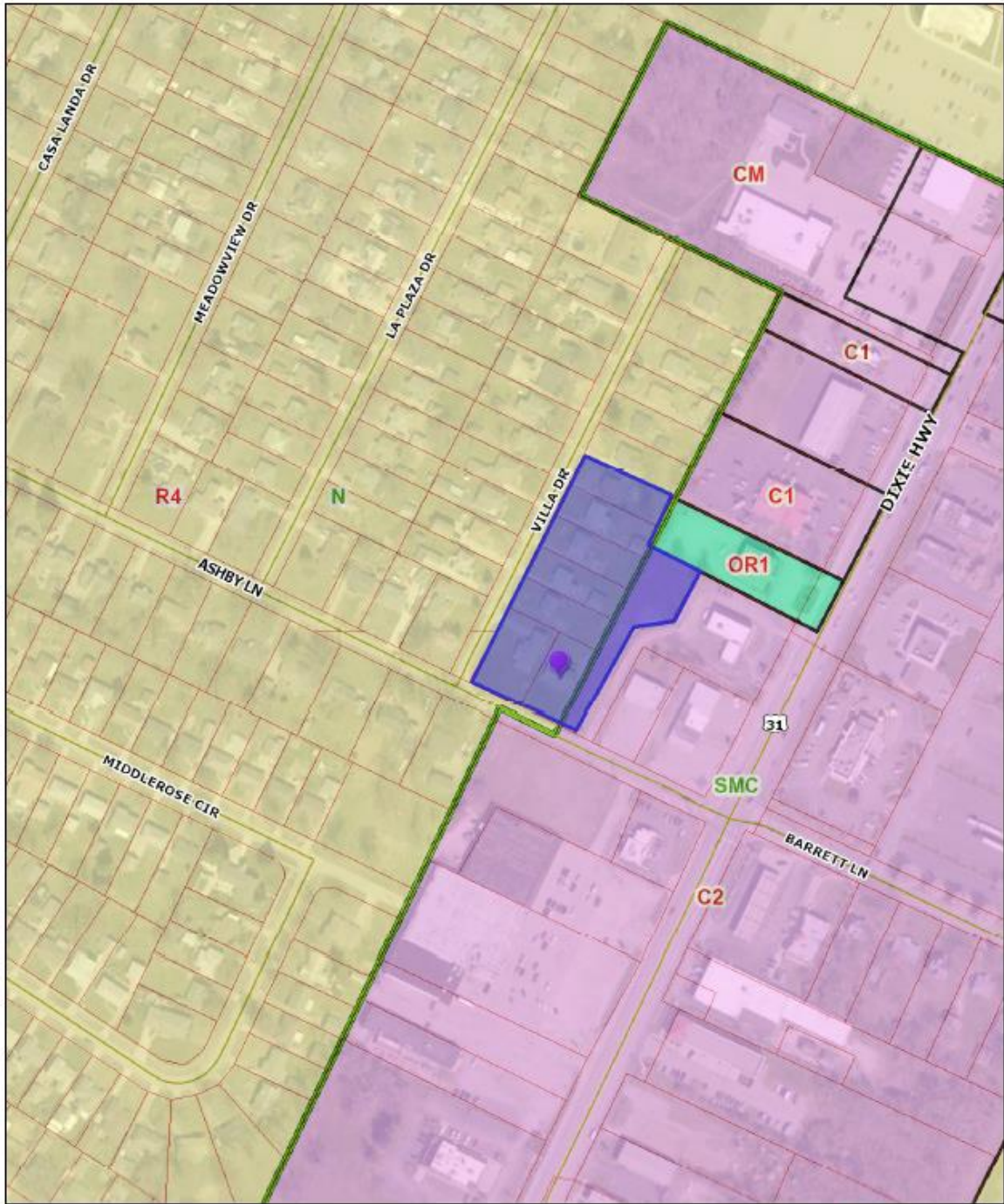
**NOTIFICATION**

| Date    | Purpose of Notice   | Recipients   |
|---------|---------------------|--|
| 2/13/19 | Hearing before LD&T | 1 <sup>st</sup> and 2 <sup>nd</sup> tier adjoining property owners<br>Subscribers of Council District 14 Notification of Development Proposals |
| 3/6/19  | Hearing before PC   | 1 <sup>st</sup> and 2 <sup>nd</sup> tier adjoining property owners<br>Subscribers of Council District 14 Notification of Development Proposals |
|         | Hearing before PC   | Sign Posting on property   |
| 3/13/19 | Hearing before PC   | Legal Advertisement in the Courier-Journal   |

**ATTACHMENTS**

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

1. **Zoning Map**



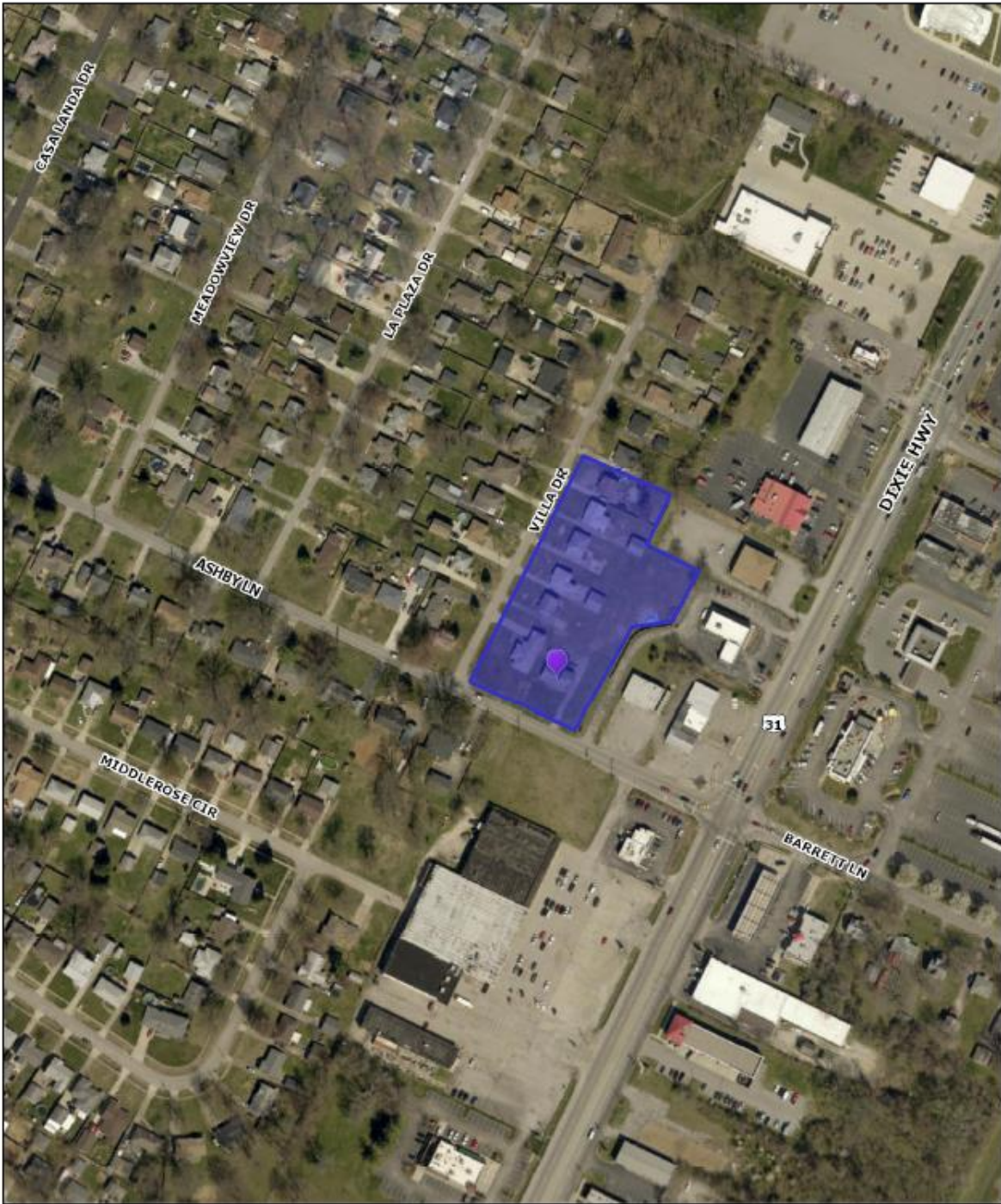
Tuesday, January 23, 2018 | 4:24:29 PM



LOJIC © 2018

This map is not a legal document and should only be used for general reference and identification.

2. Aerial Photograph



Tuesday, January 23, 2018 | 4:25:05 PM



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### 3. Cornerstone 2020 Staff Checklist

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

#### Neighborhood: Non-Residential/Mixed-use

| # | 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 proposal is adjacent to and expands a neighborhood center with a mixture of uses. The office use provides a transition in intensity between the existing commercial corridor of Dixie Highway and a single family residential neighborhood.   |
| 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 OR district is a low intensity office district allowing for a minimum number of office uses and residential development at a medium density. It is located within close proximity to public transit and a commercial corridor.  |
| 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 land use does not create a new center. The land use proposed provides a transition from a high intensity commercial area to a low density residential area. The use includes new construction.   |
| 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 proposal is for medical office and it would appear that a sufficient population is available to support the use.  |
| 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.   | ✓             | The proposed development is compact and results in an efficient land use pattern and cost-effective infrastructure investment as the minimum parking spaces and dimensions have been provided to maximize the office potential of the land.   |
| 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 land use adds to the existing mixture of uses fronting the commercial corridor along Dixie Highway and provides additional options for low intensity uses for the surrounding residential neighborhoods. This may result in reduced trips, support the use of alternative forms of transportation and encourage vitality and sense of place. |
| 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.  | ✓             | The OR district allows for residential development with no reduction in building size.  |



| #  | Cornerstone 2020 Plan Element                      | Plan Element or Portion of Plan Element  | Staff Finding | Staff Comments   |
|----|--|--|---------------|--|
| 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.  | ✓             | The proposed development is at a scale that is representative of the area.   |
| 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 was not able to secure cross connectivity with adjacent uses, but will provide such connectivity in the event of redevelopment of adjacent lands.   |
| 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.  | ✓             | Utilities will be provided as required by their respective agencies.   |
| 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.  | ✓             | The proposal is designed to support easy access by bicycle, car and transit and by pedestrians and persons with disabilities as sidewalks and pedestrian connectivity have been made in those areas of responsibility by the developer. ADA parking and bike parking is being made conveniently available. |
| 12 | Community Form/Land Use Guideline 3: Compatibility | A.2: The proposed building materials increase the new development's compatibility.   | ✓             | The proposed building materials increase the new development's compatibility. Common materials are provided on all sides with entrances and windows facing public streets and residential areas.   |
| 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 proposal encroaches upon a residential area. Despite such expansion the limited intensity of the district, as well as provided landscape buffering and screening, vehicular access, and building design mitigate any potential adverse impacts of the encroachment.                                    |
| 14 | Community Form/Land Use Guideline 3: Compatibility | A.5: The proposal mitigates any potential odor or emissions associated with the development.   | ✓             | The proposed district does not allow for uses that would result any adverse odors or emissions beyond the ordinary expectation of vehicle emission.  |
| 15 | Community Form/Land Use Guideline 3: Compatibility | A.6: The proposal mitigates any adverse impacts of its associated traffic on nearby existing communities.  | ✓             | Traffic impacts will be limited to Ashby Lane which provides direct access to a major arterial roadway.  |

| #  | Cornerstone 2020 Plan Element                      | Plan Element or Portion of Plan Element   | Staff Finding | Staff Comments  |
|----|--|---|---------------|---|
| 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.   | ✓             | Lighting will be in compliance with LDC 4.1.3.  |
| 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 is a higher density or intensity use; it is located near a transit corridor and adjacent to an 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 proposal provides appropriate transitions between uses that are substantially different in scale and intensity or density of development as all requirements for landscaping have been demonstrated on the proposed development plan.   |
| 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 proposal mitigates the impacts caused when incompatible developments unavoidably occur adjacent to one another as all requirements for landscaping have been demonstrated on the proposed development plan.   |
| 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 are compatible with those of nearby developments that meet form district standards.   |
| 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.   | ✓             | 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. Parking is being screened and buffered as required by Ch. 10 of the LDC, no loading areas are proposed, and the intensity of the district limits those uses that pose significant impacts due to noise and odors. |

| #  | Cornerstone 2020 Plan Element  | Plan Element or Portion of Plan Element  | Staff Finding | Staff Comments   |
|----|--|--|---------------|--|
| 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 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 as all requirements for landscaping have been demonstrated on the proposed development plan. |
| 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.  | ✓             | Signage will meet all requirements of the LDC.   |
| 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.  | ✓             | Detention is proposed on-site. Otherwise the proposal is not required to provide open space.   |
| 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.  | ✓             | Detention is proposed on-site. Otherwise the proposal is not required to provide open space.   |
| 27 | Community Form/Land Use Guideline 4: Open Space                                      | A.5: The proposal integrates natural features into the pattern of development.   | ✓             | The subject site contains existing development and no natural features are present.  |
| 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.   | ✓             | The subject site contains existing development and no natural features are present.  |
| 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. | ✓             | No historic resources have been identified on-site.  |

| #  | Cornerstone 2020 Plan Element  | Plan Element or Portion of Plan Element  | Staff Finding | Staff Comments   |
|----|--|--|---------------|--|
| 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 site does not appear to contain wet or highly permeable soils, severe, steep or unstable slopes 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 subject site is located in the suburban area of the Metro just North of I-265.   |
| 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 proposed development is not industrial   |
| 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. | NA            | The propose development does not allow for commercial/retail 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 proposed development is not industrial   |
| 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 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. |
| 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.   | ✓             | The proposal promotes mass transit, bicycle and pedestrian use and provides amenities to support these modes of transportation as the site provides sidewalks and bike parking, and is within close proximity to a major transit corridor.                   |

| #  | Cornerstone 2020 Plan Element  | Plan Element or Portion of Plan Element  | Staff Finding | Staff Comments  |
|----|--|--|---------------|---|
| 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. | ✓             | 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 was not able to secure cross connectivity with adjacent uses, but will provide such connectivity in the event of redevelopment of adjacent lands. |
| 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.   | ✓             | The proposal includes the dedication of rights-of-way for street, transit corridors, bikeway and walkway facilities within or abutting the development.   |
| 39 | Mobility/Transportation Guideline 7: Circulation                     | A.10: The proposal includes adequate parking spaces to support the use.  | ✓             | Parking meets the minimum needs for the proposed use per Ch. 9 of the LDC.  |
| 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.  | ✓             | The proposal provides for joint and cross access through the development and to connect to adjacent development sites at the time of redevelopment.   |
| 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.  | ✓             | Stub roadways are not necessary for this proposal.  |
| 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.   | ✓             | Primary access to the subject site is through areas of higher intensity than the proposed use   |
| 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.   | NA            | No streets are proposed or required   |
| 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.  | ✓             | 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.  |

| #  | 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 proposal's drainage plans have been approved by MSD,   |
| 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.  | ✓             | The proposal has been reviewed by APCD and found to 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.   | ✓             | No natural corridors are present   |
| 48 | Community Facilities Guideline 14: Infrastructure            | A.2: The proposal is located in an area served by existing utilities or planned for utilities.  | ✓             | The proposal is located in an area served by existing utilities or planned for utilities.  |
| 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 proposal has 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 proposal has adequate means of sewage treatment and disposal to protect public health and to protect water quality in lakes and streams. |

#### **4. Proposed Binding Elements**

1. The development shall be in accordance with the approved district development plan/alternative landscape plan, all applicable sections of the Land Development Code (LDC) and agreed upon binding elements unless amended pursuant to the Land Development Code. Any changes/additions/alterations of any binding element(s) shall be submitted to the Planning Commission or the Planning Commission's designee for review and approval; any changes/additions/alterations not so referred shall not be valid.
2. No outdoor advertising signs, small freestanding signs, pennants, balloons, or banners shall be permitted on the site.
3. Construction fencing shall be erected when off-site trees or tree canopy exists within 3' of a common property line. Fencing shall be in place prior to any grading or construction to protect the existing root systems from compaction. The fencing shall enclose the entire area beneath the tree canopy and shall remain in place until all construction is completed. No parking, material storage or construction activities are permitted within the protected area.
4. Before any permit (including but not limited to building, parking lot, change of use, site disturbance, alteration permit or demolition permit) is requested:
  - a. The development plan must receive full construction approval from Louisville Metro Department of Codes and Regulations Construction Permits, Transportation Planning Review, 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.
  - c. A minor plat or legal instrument shall be recorded consolidating the property and dedicating right-of-way as shown on the approved development plan.. A copy of the recorded instrument shall be submitted to the Division of Planning and Design Services.
  - e. The materials and design of proposed structures shall be substantially the same as depicted in the rendering as presented at the March 21, 2019 Planning Commission meeting. A copy of the approved rendering is available in the case file on record in the offices of the Louisville Metro Planning Commission.
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. Upon the redevelopment of the property located 10414 Dixie Highway, unified access shall be provided and the existing access to Ashby Lane shall be reconfigured in accordance with applicable construction standards. Construction plans shall require review and approval by Metro Public Works.